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federal register

Wednesday
June 19, 1985

Briefings on How To Use the Federal Register—
For information on briefings in Chicago, IL, New York, NY, and Washington, DC, see announcement on the inside cover of this issue.

Selected Subjects

Air Pollution Control
Environmental Protection Agency

Aviation Safety
Federal Aviation Administration

Banks, Banking
Federal Reserve System

Cotton
Agricultural Marketing Service

Flood Insurance
Federal Emergency Management Agency

Government Procurement
National Aeronautics and Space Administration

Marketing Agreements
Agricultural Marketing Service

Motor Vehicle Safety
National Highway Traffic Safety Administration

Noise Control
Environmental Protection Agency

Pensions
Veterans Administration

Radio Broadcasting
Federal Communications Commission

Surface Mining
Surface Mining Reclamation and Enforcement Office

CONTINUED INSIDE

Selected Subjects

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THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

CHICAGO, IL

WHEN: July 8 and 9; at 9 a.m. (identical sessions)

WHERE: Room 1654, Insurance Exchange Building, 175 W. Jackson Blvd., Chicago, IL.

RESERVATIONS: Call the Chicago Federal Information Center, 312-353-4242.

NEW YORK, NY

WHEN: July 9 and 10; at 9 a.m. (identical sessions)

WHERE: 2T Conference Room, Second Floor, Veterans Administration Building, 252 Seventh Avenue (between W. 24th and W. 25th Streets), New York, NY.

RESERVATIONS: Call Arlene Shapiro or Steve Colon, New York Federal Information Center, 212-264-4810.

WASHINGTON, DC

WHEN: September (two dates to be announced later).

Contents

Federal Register
Vol. 50, No. 118
Wednesday, June 19, 1985

Separate Parts in This Issue

Reader Aids

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

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
908..... 25413
Proposed Rules:
1205..... 25425

12 CFR
217..... 25413

14 CFR
Proposed Rules:
71 (2 documents)..... 25426, 25427

18 CFR
410..... 25414

30 CFR
Proposed Rules:
948..... 25428

38 CFR
3..... 25415
Proposed Rules:
21..... 25430

40 CFR
50..... 25532
52..... 25417
Proposed Rules:
202..... 25516
205..... 25516
403..... 25526

44 CFR
64..... 25419

47 CFR
73 (3 documents)..... 25421, 25422
Proposed Rules:
73 (2 documents)..... 25430-25432

48 CFR
Proposed Rules:
Ch. 18..... 25434

49 CFR
572..... 25422

Rules and Regulations

Federal Register
Vol. 50, No. 118
Wednesday, June 19, 1985

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 349]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 349 establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period June 21–June 27, 1985. The regulation is needed to provide for orderly marketing of fresh Valencia oranges for the period specified due to the marketing situation confronting the orange industry.

DATE: Regulation 349 (§ 908.649) is effective for the period June 21–June 27, 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.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

The regulation is 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 action is based upon the recommendation and information submitted by the Valencia Orange Administrative Committee (VOAC) and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The regulation is consistent with the marketing policy for 1984–85. The committee met publicly on June 11, 1985, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges for the specified week. The committee reports that demand remains slow for fruit of all sizes, and prices are likely to continue to decline in the next few weeks due to significant competition from deciduous fruit.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because there is insufficient time between the date when information upon which the regulation is 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 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 regulation and its effective date.

List of Subjects in 7 CFR Part 908

Marketing Agreements and Orders, California, Arizona, Oranges (Valencia).

1. The authority citation for 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 908.649 is added to read as follows:

§ 908.649 Valencia Orange Regulation 349.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period June 21, 1985, through June 27, 1985, are established as follows:

(a) District 1: 200,000 cartons;

(b) District 2: 300,000 cartons;

(c) District 3: Unlimited cartons.

Dated: June 13, 1985.

William J. Doyle,

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

[FR Doc. 85–14672 Filed 6–18–85; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0547]

Regulation Q, Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty

AGENCY: Federal Reserve System.

ACTION: Temporary suspension of the regulation Q early withdrawal penalty.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by tornados and storms in the designated major disaster areas of Ohio and Pennsylvania.

EFFECTIVE DATE: June 3, 1985 for the Ohio counties of Ashtabula, Columbiana, Licking, Tumball, Coshocton and Portage and for the Pennsylvania counties of Beaver, Butler, Clearfield, Crawford, Erie, Forest, Lycoming, McKean, Mercer, Northumberland, Union, Venango and Warren.

FOR FURTHER INFORMATION CONTACT: J. Harry Jorgenson, Senior Attorney (202/452–3778) or Patrick J. McDivitt, Attorney (202/452–3818), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On June 3, 1985, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the Ohio counties of Ashtabula, Columbiana, Licking, and Tumball as major disaster areas. This declaration was amended on June 7, 1985 to include Coshocton and Portgage counties. On

June 3, 1985, the President, acting through the Director of the Federal Emergency Management Agency also designated the Pennsylvania counties of Beaver, Butler, Crawford, Erie, Forest, Lycoming, McKean, Mercer, Northumberland, Union, Venango and Warren as major disaster areas. This designation was amended on June 5, 1985 to include Clearfield County, Pennsylvania. The Board regards the President's action as recognition by the Federal Government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositors has suffered property or other financial loss in the disaster areas as a result of the tornado and storm damage beginning on or about May 31, 1985. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to June 3, 1985, and will remain in effect until 12:01 a.m., December 5, 1985.

List of Subjects in 12 CFR Part 217

Advertising, Banks, banking, Federal Reserve System, Foreign banking.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the Ohio and Pennsylvania counties directly affected by the tornado and storm damage, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, June 13, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-14737 Filed 6-18-85; 8:45 am]

BILLING CODE 6210-01-M

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 410

Amendment of Comprehensive Plan and Water Code of the Delaware River Basin

AGENCY: Delaware River Basin Commission.

ACTION: Final rule.

SUMMARY: At its May 29, 1985 business meeting the Delaware River Basin Commission amended its Comprehensive Plan and Article 2 of the *Water Code of the Delaware River Basin* in relation to well registration. The amendment provides that all wells in the Basin withdrawing an average of 10,000 gallons per day (gpd) or more during any 30 day period be registered with the state where the well is located.

EFFECTIVE DATE: May 29, 1985.

ADDRESS: Copies of the Commission's *Water Code of the Delaware River Basin* are available from the Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628.

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

SUPPLEMENTARY INFORMATION: The proposed amendment was one of a number of recommendations presented to the Commission in *The Special Ground Water Study, Basinwide Report and Executive Summary.* Accepted by the Commission on December 15, 1982, the study outlined a program for integrated management of ground water quantity and quality in the Basin.

A public hearing was held to receive comments on the proposed well registration amendment on March 27, 1985 as first noticed in the February 22, 1985 **Federal Register**, Vol. 50, No. 36, pages 7350 and 7351 and corrected in the March 7, 1985 **Federal Register**, Vol. 50, No. 45, pages 9284 and 9285. On April 3, 1985, notice was given in the **Federal Register**, Vol. 50, No. 64, pages 13249 and 13250, that the comment period had been extended to April 17, 1985 for submission of written testimony on the proposed amendment. Based upon comments received and further deliberation, the Commission amended its Comprehensive Plan and Article 2 of the *Water Code of the Delaware River Basin.*

List of Subjects in 18 CFR Part 410

Water pollution control.

PART 410—[AMENDED]

1. The authority citation for 18 CFR Part 410 continues to read as follows:

Authority: Delaware River Basin Compact (75 Stat. 688).

2. The Commission's Comprehensive Plan and Article 2 of the *Water Code of the Delaware River Basin* which are referenced in 18 CFR Part 410 are amended by the addition of a new section, 2.20.7, to read as follows:

2.20.7 Basinwide Well Registration Standards and Criteria

A. *Policy.*—(1) All owners of individual wells or groups of wells operated as a system that withdraw an average of 10,000 gallons per day (gpd) or more during any 30-day period from the under-ground waters of the Basin shall register their wells with the designated agency of the state where the well is located.

(2) Registrations may be filed by agents of owners, including well drillers.

(3) Owners of existing wells that withdraw 10,000 gpd or more in any 30-day period that have not been previously registered with the respective designated state agencies pursuant to state law or the Southeastern Pennsylvania Ground Water Protected Area Regulations shall register their wells with the designated state agency by March 1, 1986. In lieu of this provision, alternative arrangements for registration of previously unregistered existing wells may be approved by the Executive Director pursuant to subsection *C. Administrative Agreements.*

(4) Any well that is replaced or redrilled, or modified in a manner such as to increase the withdrawal capacity of the well, shall be reregistered with the designated state agency.

(5) The following are the designated registration agencies for the respective states: Delaware Department of Natural Resources and Environmental Control; New Jersey Department of Environmental Protection; New York State Department of Environmental Conservation; and Pennsylvania Department of Environmental Resources.

B. *Forms, Procedures, and Information Requirements.*—(1) Registrations shall be filed on forms and in accordance with procedures established by the Commission. In lieu of such forms and procedures, the Executive Director may approve forms and procedures established by the respective state agencies which are essentially equivalent.

(2) The following data shall constitute minimum information requirements for well registration:

(Owners or their agents are responsible for items a–i; states and/or the United States Geological Survey (U.S.G.S.) are responsible for items j–m.)

a. Well identification number (owner ID).

b. Well owner's name, address, and telephone number.

c. Well location:

i. State;

ii. County;

iii. Political subdivision; and

iv. U.S.G.S. Quadrangle with location.
d. Well construction information:
i. Date of well completion;
ii. Driller's name, state license number;
iii. Diameter(s) of hole (inches);
iv. Depth drilled (ft. below land surface);
v. Depth of completed well (ft. below land surface);
vi. Drilling method;
vii. Casing(s):
—depth(s) (ft. below land surface)
—diameter(s)
—material
viii. Screen(s):
—depth(s) of top (ft. below land surface)
—depth(s) of bottom (ft. below land surface)
—diameter(s) (inches)
—material
—type
ix. Gravel pack:
—depth of top (ft. below land surface)
—depth of bottom (ft. below land surface)
x. Grout information:
—grout material
—grout top (ft. below land surface)
—grout bottom (ft. below land surface)
xi. Driller's Log.
e. Water-yielding zones (consolidated-rock aquifers):
i. Depth of top (ft. below land surface); and
ii. Depth of bottom (ft. below land surface).
f. Pump test/well yield information:
i. Date;
ii. Static water level (ft. above or below land surface);
iii. Pumping water level (ft. below land surface);
iv. Pumping time (hours and minutes);
v. Pumping rate (gpm);
vi. Pumping measurement method; and
vii. Maximum sustainable well yield.
g. Use information:
i. Use type:
—agriculture (non-irrigation)
—commercial
—domestic
—industrial
—irrigation
—mining
—dewatering
—air conditioning, geothermal heat pump
—power
—fossil-fueled power
—nuclear power
—sewage treatment
—public water supply
ii. Anticipated or estimated usage (gpd, gpm, or gpy);
iii. Meter type;
iv. Pump installation date;
v. Pump capacity (gpm);
vi. Motor capacity (hp);
vii. Pump manufacturer and type;
viii. Power source(s);
ix. Intake setting (ft. below land surface); and
x. Current pumping level (if available).
h. Manner and location of water or wastewater disposal.
i. Verification: Name, address, signature, date, and telephone number of person supplying data for items a–h.
j. Identification and location:
i. Latitude and longitude (method used) or New Jersey Grid No.;
ii. Major watershed (U.S.G.S. Hydrologic Unit);
iii. Minor watershed;
iv. Identification numbers (Registration ID); and
v. Altitude (ft. above or below mean sea level) (method used).
k. Aquifer information:
i. Aquifer and geologic formation;
ii. Lithology of aquifer;
iii. Depth to bedrock;
iv. Bedrock material;
v. Confined or unconfined aquifer; and
vi. Specific capacity.
l. Water-withdrawal permit data (if available):
i. Name of permitting agency;
ii. Permit number;
iii. Permit quantity; and
iv. Expiration date.
m. Verification: Name, agency, address, date, and telephone number of person supplying data for items j–l.

(3) The designated state agency may waive specific information requirements set forth in (2) for existing wells if the information is unavailable.

C. *Administrative Agreements.*— Recognizing the existence of ongoing well registration programs in the signatory states and recognizing the major differences among the four signatory states regarding the legal authority and enforcement capability for the conduct of well registration, the Executive Director shall effectuate independent administrative agreements with each state for the conduct of well registration. The administrative agreements shall at a minimum provide for: (1) the adoption by each state of the minimum information requirements presented in subsection B(2) for registration of *new wells* producing an average of 10,000 gpd or more during any 30-day period and automation of well records; (2) the identification and automation of well records for all *registered, existing wells* producing an average of 10,000 gpd or more during any 30-day period; and (3) the adoption of procedures for registration of *unregistered, existing wells* producing an average of 10,000 gpd or more during any 30-day period and automation of well records.

Susan M. Weisman,

Secretary.

[FR Doc. 85–14418 Filed 6–18–85; 8:45 am]

BILLING CODE 6360-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Cost-of-Living Adjustments; Pension and Parents' DIC

AGENCY: Veterans Administration.

ACTION: Final regulatory amendments.

SUMMARY: The Veterans Administration (VA) has amended its regulations setting forth the annual rates of improved pension and parents' dependency and indemnity compensation (DIC), the annual income limitations applicable to receipt of section 306 pension, old-law pension and parents' DIC, and the annual amount of a spouse's income that is excludable from a veteran's annual income under the section 306 pension program. The need for this action results from the social security cost-of-living increase. The effect of this action is to increase the rates and income limitations by the same percentage that social security benefits were increased. These increases were published as a notice in the **Federal Register** on October 31, 1984 at pages 43940–43941.

DATE: These regulation changes are effective December 1, 1984, the effective date of the social security cost-of-living increase.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Compensation and Pension Service (211B), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC, 20420, (202) 389–3005.

SUPPLEMENTARY INFORMATION: Under 38 U.S.C. 3112 the Veterans Administration is required to increase the rates of improved pension and parents' DIC, the income limitations applicable to section 306 pension, old-law pension and parents' DIC, and the amount of a spouse's income that is excludable from the amount of a veteran's annual income under the section 306 pension program whenever there is a social security cost-of-living increase. The benefits are to be increased by the same percentage as social security benefits and at the same time.

The Social Security Administration has reported a cost-of-living increase of 3.5 percent in social security benefits effective December 1, 1984. Accordingly, we are amending 38 CFR 3.23 through 3.26 and 3.262(b)(2) to implement corresponding VA benefit increases.

Pursuant to 38 CFR 1.12 the Veterans Administration finds that prior publication of these changes for public notice and comment is not required and is unnecessary. The Veterans Administration has no discretion in this matter. The law requires that we increase these benefits by the percentage amount determined by the Social Security Administration. Consequently, a proposed notice will not be published. For this reason, these changes are also not subject to the Regulatory Flexibility Act, 5 U.S.C. 601–612, since they do not come within the term "rule" as defined in that Act.

In accordance with Executive Order 12291, Federal Regulation, we have determined that these regulation

changes are non-major for the following reasons:

(1) They will not have an effect on the economy of $100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Catalog of Federal Domestic Assistance Programs numbers are 64.104, 64.105, and 64.110.

Approved: April 26, 1985.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 3—[AMENDED]

38 CFR Part 3, Adjudication, is amended as follows:

1. In § 3.23, paragraphs (a) and (c) are revised to read as follows:

§ 3.23 Improved pension rates.

(a) *Maximum annual rates of improved pension—*

(1) *Veterans permanently and totally disabled (38 U.S.C. 521).*

(i) Veteran with no dependents, $5,709.

(ii) Veteran with one dependent, $7,478.

(iii) For each additional dependent, $968.

(2) *Veterans in need of aid and attendance.*

(i) Veteran with no dependents, $9,132.

(ii) Veteran with one dependent, $10,902.

(iii) For each additional dependent, $968.

(3) *Veterans who are housebound.*

(i) Veteran with no dependents, $6,977.

(ii) Veteran with one dependent, $8,747.

(iii) For each additional dependent, $968.

(4) *Two veterans married to one another—combined rates.*

(i) Neither veteran in need of aid and attendance or housebound, $7,478.

(ii) Either veteran in need of aid and attendance, $10,902.

(iii) Both veterans in need of aid and attendance, $14,324.

(iv) Either veteran housebound, $8,747.

(v) Both veterans housebound; $10,017.

(vi) One veteran housebound and one veteran in need of aid and attendance, $12,170.

(vii) For each dependent child, $968.

(5) *Surviving spouse alone and with a child or children of the deceased veteran in custody of the surviving spouse (38 U.S.C. 541).*

(i) Surviving spouse alone, $3,825.

(ii) Surviving spouse and one child in his or her custody, $5,011.

(iii) For each additional child in his or her custody, $968.

(6) *Surviving spouses in need of aid and attendance.*

(i) Surviving spouse alone, $6,119.

(ii) Surviving spouse with one child in his or her custody, $7,303.

(iii) For each additional child in his or her custody, $968.

(7) *Surviving spouses who are housebound.*

(i) Surviving spouse alone, $4,677.

(ii) Surviving spouse and one child in his or her custody, $5,860.

(iii) For each additional child in his or her custody, $968.

(See § 3.24 for entitlement criteria and rate applicable to a child of a deceased veteran not in custody of a surviving spouse who has basic eligibility to receive improved pension. The term "basic eligibility to receive improved pension" is defined in § 3.24)

* * * * *

(c) *Mexico border period and World War I veterans.* The applicable maximum annual rate payable to a Mexican border period or World War I veteran under this section shall be increased by $1,289. (38 U.S.C. 521(g)).

* * * * *

2. In § 3.24, paragraphs (b) and (c) are revised to read as follows:

§ 3.24 Improved pension rates—surviving children.

* * * * *

(b) *Child with no personal custodian or in the custody of an institution.* In cases in which there is no personal custodian, i.e., there is no person who has the legal right to exercise parental control and responsibility for the child's welfare (See § 3.57(d)), or the child is in the custody of an institution, pension shall be paid to the child at the annual rate of $968 reduced by the amount of the child's countable annual income.

(c) *Child in the custody of person legally responsible for support.*—(1) *Single child.* Pension shall be paid to a child in the custody of a person legally responsible for the child's support at an annual rate equal to the difference between the rate for a surviving spouse and one child under §3.23(a)(5)(ii), and the sum of the annual income of such child and the annual income of such person. The amount payable, however, may not exceed the amount by which $968 exceeds the child's countable annual income.

(2) *More than one child.* Pension shall be paid to children in custody of a person legally responsible for the children's support at an annual rate equal to the difference between the rate for a surviving spouse and an equivalent number of children (but not including any child who has countable annual income equal to or greater than $968) and the sum of the countable annual income of the person legally responsible for support and the combined countable annual income of the children (but not including the income of any child whose countable annual income is equal to or greater than $968). The combined amount payable, however, may not exceed the amount by which $968 times the number of eligible children exceeds the sum of the children countable annual income.

(38 U.S.C. 542)

* * * * *

3. In § 3.25, paragraphs (a), (c), (d)(1), and (e) are revised to read as follows:

§ 3.25 Parent's dependence and indemnity compensation rates.

* * * * *

(a) *One parent.* Except as provided in paragraph (b) of this section, if there is only one parent the monthly rate of DIC paid to such parent shall be $266 reduced on the basis of the parent's annual income according to the following formula:

For each $1 of annual income		
The $266 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	0	$800
.08	$800	6,493

No DIC is payable under this paragraph if annual income exceeds $6,493.

* * * * *

(c) *Two parents not living together.* The rates in this paragraph apply to: (1) Two parents who are not living together, or (2) an unremarried parent when both parents are living and the other parent has remarried. The monthly rate of DIC paid to each such parent shall be $190, reduced on the basis of each parent's annual income, according to the following formula:

For each $1 of annual income of each parent		
The $190 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	0	$800
.05	800	1,000
.07	1,000	1,200

For each $1 of annual income of each parent		
The $190 monthly rate shall be reduced by	Which is more than	But not more than
.08	1,200	6,493

No DIC is payable under this paragraph if annual income exceeds $6,493.

(d) *Two parents living together or remarried parents living with spouses.* (1) The rates in this paragraph apply to:

(i) Each parent living with another parent; and

(ii) Each remarried parent, when both parents are alive. The monthly rate of DIC paid to such parents will be $179, reduced on the basis of the combined annual income of the two parents living together or the remarried parent or parents and spouse or spouses, as computed under the following formula:

For each $1 of combined annual income		
The $179 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	0	$1,000
.03	1,000	1,800
.04	1,800	2,300
.05	2,300	2,800
.06	2,800	3,300
.07	3,300	3,800
.08	3,800	8,731

No DIC is payable under this paragraph if combined annual income exceeds $8,731.

* * * * *

(e) *Aid and attendance.* The monthly rate of DIC payable to a parent under this section shall be increased by $140 if such parent is: (1) A patient in a nursing home, or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

* * * * *

4. Section 3.26 is revised to read as follows:

§ 3.26 Section 306 and old-law pension annual income limitations.

(a) *Section 306 pension income limitations.* (1) Veteran or surviving spouse with no dependents, $6,493.

(2) Veteran with no dependents in need of aid and attendance (38 U.S.C. 521(d), as in effect on December 31, 1978), $6,993.

(3) Veteran or surviving spouse with one or more dependents, $8,731.

(4) Veteran with one or more dependents in need of aid and attendance (38 U.S.C. 521(d), as in effect on December 31, 1978), $8,231.

(5) Child (no entitled veteran or surviving spouse), $5,306.

(b) *Old-law pension income limitations.* (1) Veteran or surviving spouse without dependents or an entitled child, $5,883.

(2) Veteran or surviving spouse with one or more dependents, $8,197.

5. In § 3.262, paragraph (b)(2) is revised to read as follows:

§ 3.262 Evaluation of income.

* * * * *

(b) *Income of spouse.*

(2) *Veterans.* The separate income of the spouse of a disabled veteran who is entitled to pension under laws in effect on June 30, 1960, will not be considered. Where pension is payable under section 306(a) of Pub. L. 95–588, to a veteran who is living with a spouse there will be included as income of the veteran all income of the spouse in excess of whichever is the greater, $2,068 ($1,998 after November 30, 1983 and before December 1, 1984) or the total earned income of the spouse, which is reasonably available to or for the veteran, unless hardship to the veteran would result. The presumption that inclusion of such income is available to the veteran and would not work a hardship on him or her may be rebutted by evidence of unavailability or of expenses beyond the usual family requirements. (38 U.S.C. 521(f); sec. 306(a)(2)(B) of Pub. L. 95–588)

* * * * *

[FR Doc. 85–14700 Filed 6–18–85; 8:45 am]
BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–9–FRL 2846–6]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: This notice approves Rule 202 of the Sacramento County Air Pollution Control District, a New Source Review Rule. Sacramento County adopted the Rule to satisfy conditions on the approval of its previous NSR Rule and to obtain authority from EPA to issue permits for PSD. The Rule defines requirements for building and modifying stationary sources of air pollution. It applies to both attainment and nonattainment pollutants, so that it addresses the federal requirements for both NSR and PSD. This notice also removes a condition placed on approval of the District's NSR Rule in 1982 and rescinds EPA's PSD authority for most sources.

EFFECTIVE DATE: July 19, 1985.

Copies of the rule are available for public inspection during normal business hours at the EPA Region IX office at the address below and at the following other locations:

EPA Library, Public Information Reference Unit, 401 "M" Street, SW., Washington, D.C. 20460

Office of Federal Register, 1100 "L" Street, N.W., Room 8401, Washington, D.C.

California State Air Resources Board, Technical Support Division, 1131 "S" Street, Sacramento, CA 95814

Sacramento County Air Pollution Control District, 3701 Branch Center Road, Sacramento, CA 95827

FOR FURTHER INFORMATION CONTACT: Mark Brucker, Air Management Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, (415) 974–7657/(FTS 454–7657).

SUPPLEMENTARY INFORMATION: This portion of the notice has four sections: Background, Supplementary Revisions (which discusses new submittals from the District), EPA Actions, and the Regulatory Process. There is no Public Comments section because there were no comments on the proposed action.

Background

On July 1, 1982, (47 FR 28617), EPA approved the Nonattainment Area Plan and NSR Rule for Sacramento County, subject to certain conditions. EPA required the District to revise its NSR Rule to meet EPA's regulations of August 7, 1980 (40 CFR 51.18).

EPA requires NSR Rules for pollutants which are designated as not meeting the National Ambient Air Quality Standards. PSD rules apply to pollutants for which an area is designated attainment. The County is designated attainment by EPA for sulfur dioxide and nitrogen dioxide. Ozone and particulates are designated nonattainment throughout the area. Carbon monoxide is designated nonattainment only in the Sacramento Metropolitan area.

Sacramento adopted a new Rule 56 in 1982 to satisfy the NSR condition and to secure full authority from EPA for issuing PSD permits. The Rule was based on the NSR/PSD Rule developed by the California Air Pollution Control Officers' Association (CAPCOA) and the California Air Resources Board. It combines NSR and PSD in a single

program and was written to satisfy EPA's regulations.

In a notice dated June 21, 1983, EPA proposed to approve Rule 56 (48 FR 28288). It also proposed to remove the NSR condition and to rescind EPA's PSD authority in the Sacramento area.

This was done because though the rule did not fully and completely satisfy EPA's regulations it was very close to doing so. In addition, EPA had received commitments from the District to remedy the remaining problems. The problems EPA reported are described below and the actions taken since then to remedy the problems are described in the Supplementary Revisions section.

EPA's review of the Rule found minor deviations from EPA requirements. The problems were:

(1) The Rule failed to conform to EPA's restrictions on crediting shutdowns.

(2) The Rule allowed credits for transportation offsets without adequate assurance of consistency with RFP.

(3) The District did not have an approved method of analyzing increment consumption.

Supplementary Revisions

Sacramento revised its Rule on November 20, 1984, and ARB submitted the revisions on February 6, 1985. The rule has been renumbered from 56 to 202. However, the content of the rule is still extremely similar to the rule that EPA proposed to approve. Some changes have been made to satisfy EPA requirements and to clarify the Rule. EPA has prepared a detailed Evaluation Report which assesses the Rule. It describes how problems have been corrected or been shown by new evidence not to be problems. The Evaluation Report is available at the EPA Region IX office listed above.

With respect to the three major problems cited in the 1983 notice and described above, the following actions were taken:

(1) The District revised the rule to restrict credit for shutdowns.

(2) The District revised the rule to require EPA approval for use of any transportation offsets.

(3) The District revised the Rule to require analysis of increment consumption using EPA models.

The actions taken by the District on these three issues satisfy EPA's requirements.

One additional issue arose after the 1983 notice. Two court decisions concerning stack heights led EPA to impose new restrictions on PSD rules. In response to EPA's resulting policy the District has cooperated by revising their Rule to prohibit credit for stacks from exceeding that allowed by "good engineering practice." EPA and the District have also agreed that EPA will retain PSD permitting authority for sources which are major under EPA's regulation and which would either have stacks higher than 65 meters or which plan to use dispersion techniques, as defined by EPA. When EPA issues its final stack height regulations the District can adopt requirements to satisfy the regulations and EPA would then be able to drop its permitting of those sources and leave sole authority for permitting with the District.

EPA finds that Rule 202 meets the applicable requirements of the Clean Air Act and EPA regulations and policy, with a few exceptions. In those cases EPA is either retaining authority over the sources itself or is excluding the sections of the rule which present problems from this approval.

1. State law requires the District to issue permits for cogeneration and resource recovery sources even if their emissions would cause PSD increment violations. In order to protect the increments, EPA will retain authority for permitting such projects. EPA will have the authority to disapprove the projects or to require sufficient mitigation to prevent increment violations.

2. For sources subject to stack height restrictions the District has no way to remedy the problem. EPA is therefore maintaining its authority to require permits for those sources under PSD. EPA is also deferring action on the stack height restrictions in the rule under NSR. EPA cannot take any action until its final stack height regulations are published, at which time it will address stack heights in Sacramento.

3. Rule 202 partially exempts cogeneration and resource recovery sources from offset requirements. EPA is taking no action on those exemptions as they apply to volatile organic compounds (VOC) and nitrogen oxides (NO_x). The exemptions cannot be approved because they weaken the SIP and because they violate Clean Air Act requirements for NSR. They cannot be disapproved in this notice, however, because EPA has not proposed disapproval. EPA had not realized at the time of proposing action on the NSR/PSD Rule that the 1982 Plan would fail to demonstrate attainment of the ozone standard. EPA will propose action on those exemptions in a separate rulemaking within the next several months.

The exemptions would weaken the SIP by removing the protection for standards that is included currently. They also violate the Act's requirement that NSR rules be consistent with RFP. The 1982 NAP failed to demonstrate attainment of the ozone standard by the deadline of 1987. EPA cannot approve exemptions for pollutants which contribute to standards violations which cannot be remedied by 1987. VOC and NO_x are both precursors to ozone and are both implicated in Sacramento's ozone pollution problem.

4. EPA is taking no action on Sections 109 and 229 of the rule. These sections would provide offset exemptions to food processors. Those provisions were not included in the rule on which EPA proposed action in 1983, so EPA will have to prepare a separate notice which does propose action. That notice will be issued within the next several months. EPA cannot approve the exemption because it weakens the existing SIP.

EPA Actions

In this notice, EPA is taking three actions:

1. EPA is approving Rule 202 under Section 110 of the Clean Air Act and Parts C, Subpart 1 (PSD) and D (NSR) and is incorporating it into the California State Implementation Plan (SIP), with the following exceptions:

a. Sections 104 and 105 as they pertain to VOC and NO_x,

b. Sections 109 and 229, and

c. the portion of Section 405 which addresses stack heights, as it pertains to NSR.

EPA will address the stack height issue when it has issued final stack height regulations and will propose action on the other items within the next several months.

2. EPA is removing the condition placed on Sacramento's NSR Rule on July 1, 1982, requiring conformance with 40 CFR 51.18. The condition has been satisfied by Rule 202.

3. EPA is rescinding 40 CFR 52.270, except for a) major cogeneration sources and modifications which would cause increment violations, b) sources subject to stack height credit restrictions, and (c) those sources which have EPA-issued PSD permits, which EPA will continue to enforce. Rescinding 52.270 eliminates EPA's PSD permitting authority in the Sacramento area except for those sources.

Regulatory Process

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291. Under 5 U.S.C. Section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709). Incorporation by reference of the State

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

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

List of Subjects in 40 CFR Part 52

Air pollution control agency, Incorporation by reference, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Dated: May 24, 1985.

Lee M. Thomas,

Administrator.

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

Subpart F—California

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.220 is amended by adding paragraph (c)(159) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(159) Revised regulations for the following APCD's were submitted on February 6, 1985 by the Governor's designee.

(i) Sacramento County APCD.

(A) Amended Rule 202 (except for a) sections 104 and 105 as they apply to volatile organic compounds and nitrogen oxides, b) sections 109 and 229, and c) the portion of section 405 which concerns stack heights [under NSR]).

* * * * *

3. Section 52.232 is amended by revising the introductory text of (a)(11) and the introductory text of (a)(11)(i) to read as follows:

§ 52.232 Part D conditional approval.

(a) * * *

(11) Fresno County and Ventura County nonattainment areas.

(i) For ozone, CO (for Fresno County), and PM:

* * * * *

4. Section 52.270 is revised to read as follows:

§ 52.270 Significant deterioration of air quality.

(a) With the exception of the areas listed in paragraph (b) of this section:

(1) The requirements of Sections 160 through 165 of the Clean Air Act are not met in California.

(2) The plan does not include approvable procedures for preventing the significant deterioration of air quality.

(3) The provisions of § 52.21(b) through (w) are hereby incorporated and made a part of the applicable state plan for the State of California.

(b) *District PSD Plans.* (1) The PSD rules for the Sacramento County Air Pollution Control District are approved under Part C, Subpart 1, of the Clean Air Act. However, EPA is retaining authority to apply § 52.21 in certain cases. The provisions of § 52.21 (b) through (w) are therefore incorporated and made a part of the state plan for California for the Sacramento County Air Pollution Control District for:

(i) Those cogeneration and resource recovery projects which are major stationary sources or major modifications under § 52.21 and which would cause violations of PSD increments.

(ii) Those projects which are major stationary sources or major modifications under § 52.21 and which would either have stacks taller than 65 meters or would use "dispersion techniques" as defined in § 51.1.

(iii) Sources for which EPA has issued permits under § 52.21, including the following permit and any others for which applications are received by June 19, 1985.

Procter & Gamble, SAC 83–01, 5/6/83.

[FR Doc. 85–14716 Filed 6–18–85; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6663]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646–2717, 500 C Street, Southwest, FEMA—Room 416, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register**.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood

insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended.) This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood Insurance, Floodplains.

The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Region I					
Maine:					
Cumberland	Cape Elizabeth, town of	230043C	Dec. 2, 1974, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	Mar. 6, 1974, June, 11, 1976 and Oct. 1, 1983.	June 19, 1985.
Do	Scarborough, town of	230052C	July 8, 1975, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	May 17, 1974, Apr. 18, 1975, May 10, 1977 and Oct. 1, 1983.	Do.
Androscoggin	Turner, town of	230010B	July 29, 1975, Emerg; June 19, 1985, Reg.; June 19, 1985, Susp.	July 26, 1974 and Mar. 11, 1977.	Do.
Massachusetts:					
Barnstable	Brewster, town of	250003D	July 21, 1975, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	Mar. 15, 1974, Oct. 15, 1976, Dec. 6, 1977 and Oct. 1, 1983.	Do.
Do	Provincetown, town of	255218	Nov. 26, 1971, Emerg.; Mar. 2, 1973, Reg.; June 19, 1985, Susp.	Mar. 2, 1973, July 1, 1974 and Apr. 9, 1976.	Do.
Essex	Rockport, town of	250100B	July 28, 1975, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	Aug. 9, 1974 and Oct. 8, 1976	Do.
Barnstable	Wellfleet, town of	250014B	Feb. 5, 1974, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	May 31, 1974 and July 9, 1976	Do.
Region II					
New Jersey:					
Middlesex	Plainsboro, township of	340275B	Apr. 14, 1975, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	May 31, 1974 and July 9, 1976	Do.
Morris	Rockaway, borough of	345315B	Oct. 16, 1970, Emerg.; Sept. 3, 1971, Reg.; June 19, 1985, Susp.	Sept. 3, 1971, July 1, 1974 and Aug. 29, 1975.	Do.
Region IV					
Georgia:					
Glynn	Brunswick, city of	130093B	Mar. 6, 1974, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	May 24, 1974 and Jan. 9, 1976	Do.
Rabun	Unincorporated areas	130156B	July 15, 1975, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	Apr. 28, 1978	Do.
Region V					
Ohio: Crawford	Galion, city of	390092C	July 17, 1975, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	Mar. 15, 1974, Aug. 27, 1976 and July 20, 1979.	Do.
Wisconsin: Grant	Unincorporated areas	555557B	Mar. 26, 1971, Emerg.; May 25, 1973, Reg.; June 19, 1985, Susp.	May 25, 1973, July 1, 1974 and Aug. 20, 1976.	Do.
Region VI					
Texas: Jackson	do.	480379B	June 25, 1971, Emerg.; Aug. 15, 1978, Reg.; June 19, 1985, Susp.	Oct. 15, 1974 and Aug. 15, 1978.	Do.
Region X					
Idaho: Shoshone	Wardner, city of	160130B	June 25, 1975, Emerg.; June 19, 1985, Reg.; June 19, 1985 Susp.	Sept. 6, 1974 and Jan. 30, 1976.	Do.
MINIMAL CONVERSIONS					
Region II					
New York:					
Jefferson	Adams, village of	360325C	May 21, 1975, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	Apr. 5, 1974, Nov. 28, 1975 and Apr. 16, 1976.	Do.
Do	Ellisburg, village of	360337B	Nov. 17, 1975, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	Aug. 30, 1974 and Nov. 28, 1975.	Do.
Columbia	Hudson, city of	361512B	Aug. 1, 1975, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	Nov. 15, 1974 and May 28, 1976.	Do.
Lewis	Leyden, town of	360369B	July 7, 1975, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	July 19, 1974 and Mar. 26, 1976.	Do.
Do	Lyonsdale, town of	360371B	Oct. 19, 1979, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	Aug. 16, 1974 and July 16, 1976.	Do.

State and county	Location	Community No.,	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Do.	Lyons Fall, village of	361065B	Sept. 16, 1975, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	Nov. 1, 1974 and May 28, 1976	June 19, 1985.
Do.	Martinsburg, town of	360372B	Sept. 17, 1975, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	June 28, 1974 and Apr. 23, 1976.	Do.
Cayuga	Moravia, town of	360117B	May 27, 1977, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	June 14, 1974 and June 18, 1976.	Do.
Lewis	New Bremen, town of	360373B	Jan. 2, 1976, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	Nov. 1, 1974 and May 14, 1976	Do.
Do.	Port Leyden, village of	361064A	May 26, 1976, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	July 11, 1975	Do.
Region III					
Pennsylvania: Crawford	Pine, township of	422392B	Jan. 29, 1976, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	Apr. 11, 1975 and Oct. 12, 1979.	Do.
West Virginia: Hardy	Unincorporated areas	540051B	May 16, 1978, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	Apr. 25, 1975 and Nov. 27, 1981.	Do.
Region X					
Oregon: Douglas	Oakland, city of	410271A	Nov., 1, 1976 Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	Nov. 22, 1974	Do.
Washington: Grays Harbor	Oakville, town of	530064B	Nov. 11, 1975, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.	Dec. 13, 1974 and Dec. 19, 1975.	Do.

[1] Certain Federal assistance no longer available in special flood hazard areas.
Code for reading 5th column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Issued: June 13, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85-14546 Filed 6-18-85; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84-278; RM-4551, RM-4728]

FM Broadcast Stations, Apalachicola, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 265A and 288A to Apalachicola, Florida, in response to separate petitions filed by Richard L. Plessinger and B.F.J. Timm. The assignments will prove a first and second FM service to that community.

EFFECTIVE DATE: July 12, 1985.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

The authority citation for Part 73 continues to read:

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

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Apalachicola, Florida) MM Docket No. 84-278, RM-4551, RM-4728.

Adopted: May 22, 1985.

Released: June 5, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 49 FR 11857, published March 28, 1984, proposing the allotment of FM Channels 265A and 288A to Apalachicola, Florida, as that community's first and second FM channels. The *Notice* was adopted in response to separate petitions filed by Richard L. Plessinger (RM-4551) seeking Channel 265A and B.F.J. Timm (RM-4728) seeking Channel 288A. Supporting comments were filed by each petitioner reaffirming its intention to apply for their respective channels.

2. Both channels can be allotted to Apalachicola in compliance with the minimum distance separation requirements of § 73.207 of the Rules.

3. We believe the public interest would be served by alloting FM Channels 265A and 288A to Apalachicola, Florida, since it could provide a first and second FM service to that community. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, It is ordered, That effective July 12, 1985, the Table of FM Allotments § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No.
Apalachicola, FL	265A, and 288A.

4. The window period for filing applications will open June 13, 1985, and close July 12, 1985.

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning this proceeding, contact D. David Weston, Mass Media Bueau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-14704 Filed 6-18-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-518; RM-4645]

FM Broadcast Stations in Deer River, MN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action allots FM Channel 288A to Deer River, Minnesota, as its first FM allocation, at the request of Evangelistic Alaska Missionary Fellowship.

EFFECTIVE DATE: July 12, 1985.

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

FOR FURTHER INFORMATION CONTACT: Montrose Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

The authority citation in Part 73 continues to read:

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

Report and Order (Proceeding Terminated)

In the matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Deer River, Minnesota) MM Dkt. No. 84-518, RM-4645.

Adopted: May 22, 1985.
Released: June 5, 1985.

By the Chief, Policy and Rules Divisions.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 49 FR 24398, published June 13, 1984, proposing the allotment of Channel 288A to Deer River, Minnesota, as its first FM allocation. The *Notice* was issued in response to a petition filed by the Evangelistic Alaska Missionary Fellowship ("petitioner"). Supporting comments were filed by the petitioner, and by Don Nelson, both stating their intention to apply for Channel 288A at Deer River.

2. We believe that the public interest would be served by the provision of a first FM assignment to Deer River. Channel 288A can be alloted in compliance with the minimum distance separation requirements of § 73.207 of the Rules.

3. Canadian concurrence has been obtained in the assignment of Channel 288A to Deer River, Minnesota.

4. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective July 12, 1984, the FM Table of Allotments § 73.202(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Deer River, MN	288A

5. The window period for filing applications will open June 13, 1985, and close July 12, 1985.

6. It is further ordered, That this proceeding IS TERMINATED.

7. For further information concerning the above, contact: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-14701 Filed 6-18-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-523; RM-4656]

FM Broadcast Stations in Gorham, NH

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein allots FM Channel 296A to Gorham, New Hampshire, as that community's first FM allotment in response to a petition filed by Metrocomco, Inc.

EFFECTIVE DATE: July 12, 1985.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

The authority citation for Part 73 continues to read:

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

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Gorham, New Hampshire) MM Docket No. 84-523, RM-4656.

Adopted: May 31, 1985.
Released: June 5, 1985.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 49 FR 24413 published June 13, 1984, proposing the allotment of Channel 296A to Gorham, New Hampshire, as that community's first FM channel. The *Notice* was adopted in response to a petition submitted by Metrocomco, Inc. ("petitioner"). Petitioner submitted late comments reaffirming its intention to apply for the channel, if assigned.[1]

[1] Petitioner's late comments were not accompanied by a request for their acceptance nor was a reason given for the untimely filing. However, they will be accepted herein to permit the statement of continuing interest in the Gorham, New Hampshire, allotment.

2. The allotment can be made in compliance with the minimum distance separation requirements of § 73.207 of the rules. Concurrence of the Canadian government has been obtained since Gorham, New Hampshire, is located within 320 kilometers (200 miles) of the U.S.-Canada border.

3. We believe the public interest would be served by the allotment of Channel 296A to Gorham, New Hampshire, since it could provide a first FM channel to the community. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Communications Rules, it is ordered, That effective July 12, 1985, the Table of FM Allotments, § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No.
Gorham, NH	296A

4. It is further ordered, that this proceeding is terminated.

5. The window period for filing applications will open June 13, 1985, and close July 12, 1985.

6. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-14702 Filed 6-18-85; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 572

[Docket No. 85-05; Notice 1]

Anthropomorphic Test Dummies

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

ACTION: Final rule.

SUMMARY: This document amends the regulation concerning the National Highway Traffic Safety Administration's specifications for anthropomorphic test dummies by revising sections that state where copies of the test dummy drawings may be obtained. It also amends the regulation to indicate the

Director of the Federal Register has approved the incorporations by reference included in Part 572.

EFFECTIVE DATE: The amendments are effective on June 19, 1985. The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of June 19, 1985.

FOR FURTHER INFORMATION CONTACT: Stanley Backaitis, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, Washington, D.C., 20590 (202–426–2264).

SUPPLEMENTARY INFORMATION: The purpose of this notice is to amend Part 572, *Anthropomorphic Test Dummies*, (49 CFR Part 572) to change the source where copies of the drawings and manuals for the agency's anthropomorphic test dummies may be obtained. The amendment changes the supply source for the drawings and manuals from Keuffel and Esser Company to Rowley-Scher Reprographics, Incorporated. This revision is required because of the sale of the Keuffel and Esser Company reproduction facilities to Rowley-Scher Reprographics, Incorporated. In addition, this notice amends Part 572 to indicate that the Director of the Federal Register has approved the incorporations by reference included in this Part.

The amendments to Part 572 set forth below are technical in nature and do not alter existing obligations. This notice simply provides the correct address for obtaining copies of drawings and the manuals and indicates that the Director of the Federal Register has approved all of the incorporations by reference contained in Part 572. The National Highway Traffic Safety Administration therefore finds for good cause that this amendment may be made effective without notice and opportunity for comment, may be made effective within 30 days after publication in the **Federal Register**, and is not subject to the requirements of Executive Order 12291.

List of Subjects in 49 CFR Part 572

Motor vehicle safety.

PART 572—[AMENDED]

In consideration of the foregoing, 49 CFR Part 572 is amended as follows:

1. The authority citation for Part 572 is revised to read as follows:

Authority: 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.50.

2. Section 572.5 is revised to read as follows:

§ 572.5 General description.

(a) The dummy consists of the component assemblies specified in Figure 1, which are described in their entirety by means of approximately 250 drawings and specifications that are grouped by component assemblies under the following nine headings:

SA 150 M070—Right arm assembly
SA 150 M071—Left arm assembly
SA 150 M050—Lumbar spine assembly
SA 150 M060—Pelvis and abdomen assembly
SA 150 M080—Right leg assembly
SA 150 M081—Left leg assembly
SA 150 M010—Head assembly
SA 150 M020—Neck assembly
SA 150 M030—Shoulder-thorax assembly.

(b) The drawings and specifications referred to in this regulation that are not set forth in full are hereby incorporated in this part by reference. These materials are thereby made part of this regulation. The Director of the Federal Register has approved the materials incorporated by reference. For materials subject to change, only the specific version approved by the Director of the Federal Register and specified in the regulation are incorporated. A notice of any change will be published in the **Federal Register**. As a convenience to the reader, the materials incorporated by reference are listed in the Finding Aid Table found at the end of this volume of the Code of Federal Regulations.

(c) The materials incorporated by reference are available for examination in Docket 73–08, Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC, 20590. Copies may be obtained from Rowley-Scher Reprographics, Inc., 1216 K Street NW., Washington, DC 20005 ((202) 628–6667). The drawings and specifications are also on file in the reference library of the Office of the Federal Register, National Archives and Records Administration, Washington, DC.

(d) Adjacent segments are joined in a manner such that throughout the range of motion and also under crash impact conditions there is no contact between metallic elements except for contacts that exist under static conditions.

(e) The structural properties of the dummy are such that the dummy conforms to this Part in every respect both before and after being used in vehicle tests specified in Standard No. 208 of this Chapter (571.208).

(f) A specimen of the dummy is available for surface measurements and access can be arranged by contacting: Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

3. Section 572.15 is revised to read as follows:

§ 572.15 General description.

(a) The dummy consists of the component assemblies specified in drawing SA 103C 001, which are described in their entirety by means of approximately 122 drawings and specifications and an Operation and Maintenance Manual, dated May 28, 1976. The drawings and specifications are grouped by component assemblies under the following thirteen headings:

SA 103C 010 Head Assembly
SA 103C 020 Neck Assembly
SA 103C 030 Torso Assembly
SA 103C 041 Upper Arm Assembly Left
SA 103C 042 Upper Arm Assembly Right
SA 103C 051 Forearm Hand Assembly Left
SA 103C 052 Forearm Hand Assembly Right
SA 103C 061Upper Leg Assembly Left
SA 103C 062 Upper Leg Assembly Right
SA 103C 071 Lower Leg Assembly Left
SA 103C 072 Lower Leg Assembly Right
SA 103C 081 Foot Assembly left
SA 103C 082 Foot Assembly Right.

(b) The drawings, specifications, and operation and maintenance manual referred to in this regulation that are not set forth in full are hereby incorporated in this Part by reference. These materials are thereby made part of this regulation. The Director of the Federal Register has approved the materials incorporated by reference. For materials subject to change, only the specific version approved by the Director of the Federal Register and specified in the regulation are incorporated. A notice of any change will be published in the **Federal Register.** As a convenience to the reader, the materials incorporated by reference are listed in the Finding Aid Table found at the end of this volume of the Code of Federal Regulations.

(c) The materials incorporated by reference are available for examination in Docket 78–09, Room 5109, Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. Copies may be obtained from Rowley-Scher Reprographics, Inc., 1216 K Street NW., Washington, DC 20005 ((202) 628–6667). The materials are also on file in the reference library of the Office of the Federal Register, National Archives and Records Administration, Washington, DC.

(d) Adjacent segments are joined in a manner such that throughout the range of motion and also under simulated crash-impact conditions there is no contact between matallic elements except for contacts that exist under static conditions.

(e) The structural properties of the dummy are such that the dummy conforms to this Part in every respect both before and after being used in vehicle tests specified in Standard No. 213 of this Chapter (571.213).

(f) The patterns of all cast and molded parts for reproduction of the molds needed in manufacturing of the dummies can be obtained on a loan basis by manufacturers of the testes dummies, or others if need is shown, from: Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

3. Section 572.25 is revised to read as follows:

§ 572.25 General description.

(a) The infant dummy is specified in its entirety by means of 5 drawings (No. SA 1001) and a construction manual, dated July 2, 1974, which describe in detail the materials and the procedures involved in the manufacturing of this dummy.

(b) The drawings, specifications, and construction manual referred to in this regulation that are not set forth in full are hereby incorporated in this Part by reference. These materials are thereby made part of this regulation. The Director of the Federal Register has approved the materials incorporated by reference. For materials subject to change, only the specific version approved by the Director of the Federal Register and specified in the regulation are incorporated. A notice of any change will be published in the Federal Register. As a convenience to the reader, the materials incorporated by reference are listed in the Finding Aid Table found at the end of this volume of the Code of Federal Regulations.

(c) The materials incorporated by reference are available for examination in Docket 78–09, Room 5109, Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC, 20590. Copies may be obtained from Rowley-Scher Reprographics, Inc., 1216 K Street NW., Washington, DC 20005 ((202) 628–6667). The materials are also on file in the reference library of the Office of the Federal Register, National Archives and Records Administration, Washington, DC.

(d) The structural properties of the dummy are such that the dummy conforms to this Part in every respect both before and after being used in vehicle tests specified in Standard No. 213 of this Chapter (571.213).

Issued on June 10, 1965.

Diane K. Steed,

Administrator.

[FR Doc. 85–14528 Filed 6–18–85; 8:45 am]

BILLING CODE 4910–59–M

Proposed Rules

Federal Register
Vol. 50, No. 118
Wednesday, June 19, 1985

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

Supplemental Cotton Research and Promotion Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would amend the Cotton Board Rules and Regulations to increase the supplemental assessment levied on upland cotton to finance a cotton research and promotion program. The Cotton Board has recommended to the Secretary of Agriculture that the supplemental per bale assessment be increased to six-tenths of one percent of the value of the cotton from the present rate of four-tenths of one percent. Additional funds are needed to offset the effects of increased costs and competition from synthetic fibers and foreign produced cotton, and to sustain the effectiveness of the research and promotion program.

DATE: Comments must be received on or before July 9, 1985.

ADDRESS: Written comments may be sent to Naomi Hacker, Chief, Research and Promotion Staff, Cotton Division, AMS, USDA, Washington, DC 20250, 202/447-2259.

FOR FURTHER INFORMATION CONTACT: Naomi Hacker (202) 447-2259.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been determined not to be a "major rule" since it does not meet the criteria for a major regulatory action as stated in the Order.

William T. Manley, Deputy Administrator, AMS has certified that this action would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*) because: (i) Contributions to the support of the cotton research and promotion program are voluntary since cotton producers are entitled to a complete refund of assessments collected; (ii) the proposed assessment would not affect the competitive position or market access of small entities in the cotton industry; (iii) the benefits of the cotton research and promotion program (stimulation of consumer demand for cotton, increased market share for cotton products) accrue to all U.S. cotton producers regardless of size or degree of support for the program; and (iv) the supplemental assessment is directly related to the current market value of the bale of cotton.

A 20-day comment period is deemed adequate because the harvesting of the 1985 cotton crop will begin in July and it is preferable to have a uniform rate of assessment levied on all of the cotton handled throughout the 1985 cotton season. Additionally, cotton industry organizations have been informed that the changes proposed herein, if adopted, would become effective in July.

Background

The Cotton Research and Promotion Act of 1966 (7 U.S.C. 2101 *et. seq.*) and the implementing Order provide for the operation and funding of a producer financed cotton research and promotion program designed to maintain and expand markets for U.S. cotton. The program is administered by a 19-member Cotton Board, appointed by the Secretary of Agriculture, which represents cotton producers in each cotton-producing state. The Cotton Board reviews research, advertising, sales, promotion and development projects and related budgets developed by Cotton Incorporated, a contracting organization established to carry out such projects (7 CFR 1205.328). The Board makes recommendations concerning these projects and budgets to the Secretary of Agriculture who has final budget approval authority.

A per-bale assessment is collected from the producer by the first buyer of the cotton and transmitted to the Cotton Board to be used to finance research and promotion projects. Cotton producers are entitled to a full refund of assessments collected from them (7 CFR 1205.520). Initially, the Cotton Research and Promotion Act of 1966 (Act) authorized a flat $1 per bale assessment. On July 14, 1976, the Act was amended (7 U.S.C. 2106(e)) to authorize a supplemental assessment to be collected in additional to the existing levy of $1 per bale that was not to exceed one percent of the value of the cotton. The Cotton Board recommended that the supplemental assessment rate be fixed at four-tenths of one percent of the value of the cotton starting with the 1977 crop (41 FR 50270). It also recommended that the Order be amended to enable the Cotton Board, with the approval of the Secretary, to increase or decrease the rate of the supplemental assessment for subsequent crops. Any such adjustment would be within the one percent limit.

These recommendations were subject to approval in a producer referendum as described in Section 8 of the Act (7 U.S.C. 2107). The referendum was conducted during the period December 13-17, 1976. The proposed amendments to the Order were approved and published in the **Federal Register** January 26, 1977 (42 FR 4813). The Cotton Board Rules and Regulations were susequently amended to implement the supplemental assessment of four-tenths of one percent of the value of cotton effective July 15, 1977 (42 FR 35974).

Request for Increased Assessment

The Cotton Board has now recommended that the Secretary approve an increase in the supplemental assessment to six-tenths of one percent of the value of each bale of cotton, up from four-tenths of one percent. The basic assessment of $1 per bale of cotton handled would remain unchanged. This proposal would amend the Cotton Board rules and regulations pursuant to the enabling provision in the Order (7 CFR 1205.331(b)) and would be the first change in the supplemental assessment since it was first implemented in 1977.

The Cotton Board's basis for recommending the increase is that additional funding for program activities as carried out by Cotton Incorporated is necessary to strengthen cotton's competitive position and to maintain and expand markets and uses for United States upland cotton. Even though the supplemental assessment is directly related to the current value of a bale of cotton, the ratio between the value of cotton and increased program costs has reduced available funds in real terms to pay for advertising, sales, research, promotion and development activities. For example, the purchasing power of

the advertising dollar dropped from $1 in 1978 to 46 cents in 1984 and an estimated 41 cents in 1985. This reduced purchasing power has diminished the Cotton Board's ability to effectively fund, maintain, or expand program activities that are needed more than ever in view of increased competition from foreign growths and synthetics.

The net effect of the proposed increase in the supplemental assessment would be to raise the average per-bale collection from approximately $2.15 to $2.75. With the increase, the 1986 budget would be approximately $19.5 million, representing an approximate eight percent more than the present budget of $18.1 million. Without the increase, the 1986 budget would be reduced to approximately $16 million, a drop that would necessitate severe program cutbacks.

The projected additional revenue generated by the increase would provide for a reasonable reserve and contribute to greater program funding stability from year to year.

Further, the increasing costs which need to be matched with increased funding are costs attributed to the projects carried out by Cotton Incorporated, and are not reflective of the Cotton Board's costs of administration.

The National Cotton Council of America, representing all segments of the cotton industry, adopted a resolution on January 29, 1985 recognizing the need to expand funding for research and promotion and supporting the increased assessment.

This proposal will not alter or limit a producer's right to obtain a refund of any assessment levied against his or her cotton.

Proposed Changes

It is proposed to amend paragaph (b) of § 1205.510, Levy of assessment, to state that the supplemental assessment shall be levied at the rate of six-tenths of one percent of the value of cotton, instead of four-tenths of one percent. This change would be made in the narrative text of paragraph (b) and in the footnote to the assessment chart set forth in the same paragraph.

In addition, the assessment chart would be amended by changing the figures in the column headed "Supplemental assessment dollars per bale". The changes would reflect the proposed increase in the supplemental assessment. the assessment chart is used to calculate the per bale assessment levied on the current value of cotton converted to a fixed amount per bale. Use of this chart provides a simple and orderly procedure for calculating the assessment by collecting handlers who do not have computerized accounting systems.

List of Subjects in 7 CFR Part 1205

Cotton, Administrative Practice and Procedure, Research and Promotion, Cotton Board, Producer Assessments, Producer Refunds.

PART 1205—[AMENDED]

Accordingly, it is proposed to amend Part 1205 of Chapter II, title 7 of the Code of Federal Regulations as shown.

1. The authority citation for Part 1205 continues to read as follows:

Authority: Sec. 15, 80 Stat. 285, 7 U.S.C. 2114; Sec. 7, 80 Stat. 281, 7 U.S.C. 2106.

2. Section 1205.510 would be amended by revising paragraph (b) to read as follows:

§ 1205.510 Levy of assessment.

* * * * *

(b) A supplemental assessment for cotton research and promotion in addition to the $1 per bale assessment provided in paragraph (a) of this section, is hereby levied on each bale of upland cotton harvested and ginned on and after July 1, 1985 except cotton consumed by any governmental agency from its own production. The supplemental assessment shall be levied at the rate of six-tenths of one percent of the current value of cotton multiplied by the number of pounds of lint cotton or the current value of cotton converted to a fixed amount per bale as reflected in the following assessement chart:

ASSESSMENT CHART [1]

Current value (cents per pound)	Supplemental assessment dollars per bale
.00 to 9.99	.15
10.00 to 19.99	.45
20.00 to 29.99	.75
30.00 to 39.99	1.05
40.00 to 49.99	1.35
50.00 to 59.99	1.65
60.00 to 69.99	1.95
70.00 to 79.99	2.25
80.00 to 89.99	2.55
90.00 to 99.99	2.85
100.00 to 109.99	3.15
110.00 to 119.99	3.45

[1] Assessment if calculated on 6/10 of 1 percent of the midpoint of each 10¢ increment, based on a 500 lb bale and converted to a fixed amount per bale.

* * * * *

Dated: June 12, 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85-14671 Filed 6-18-85; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85-ANM-21]

Proposed Alteration of Great Falls, MT, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to redefine the current geographical boundaries of the Great Falls, Montana, transition area. This action is necessary to ensure aircraft operating under Instrument Flight Rules (IFR) would have exclusive use of that airspace when visibility is less than 3 miles, thereby, enhancing the safety of such operations.

DATE: Comments must be received on or before August 16, 1985.

ADDRESSES: Send comments on the proposal to: Manager, Airspace Procedures Branch, ANM-530, Federal Aviation Administration, Docket No. 85-ANM-21, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

The official docket may be examined in the Regional Councel's Office at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Katherine Paul, Airspace Technical Specialist, ANM-535, Federal Aviation Administration, Docket No. 85-ANM-21, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The telephone number is (206) 431-2530.

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-ANM-21." 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 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, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168. 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 additional controlled airspace to ensure that aircraft conducting IFR operations at recently revised minimum vectoring altitudes are separated from aircraft conducting VFR operations when the visibility is less than 3 miles, thereby enhancing the safety of such operations. 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 Subjects in CFR Part 71

Transition areas, Aviation safety.

The Proposed Amendment

PART 71—[AMENDED]

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

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983; 14 CFR 11.69; 49 CFR 1.47.

2. By amending § 71.181 as follows:

Great Falls, Montana—(Revised)

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Malmstrom AFB (lat 47° 30' 05"N/long. 111° 11' 20"W) within 3 miles each side of the Great Falls VORTAC 157 radial extending from the 17-miles radius area to 21.5 miles southeast of the VORTAC, and within 9 miles northwest of and 13 miles southeast of the Great Falls VORTAC 225 radial, extending from the 17-mile radius area to 15 miles southwest of the VORTAC. That airspace extending upward from 1,200 feet above the surface within a 60-miles radius of the Great Falls VORTAC; and that airspace beginning 60 miles southeast of the Great Falls VORTAC from the south edge of V-113, east to the west edge of V-187, southeast to the intersect of the east edge of V-257, northwest to the intersect of the 60-mile radius of Great Falls VORTAC; excluding that portion overlying the Billings, Montana, and Helena, Montana, 1,200-foot transition areas.

Issued in Seattle, Washington, on June 6, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-14652 Filed 6-18-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 85-ASO-2]

Proposed Alteration of VOR Federal Airways; Charlotte, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign several Federal Airways located in the vicinity of Charlotte, NC. Traffic in the Charlotte area has increased to the level where existing airways are inefficient and should be realigned in order to improve the flow within the Charlotte terminal area. This action would aid flight planning, and reduce en route and terminal area delays.

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

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Southern Region, Attention: Manager, Air Traffic Division, Docket No. 85-ASO-2, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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) 426-8626.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85-ASO-2." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date

for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. 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 § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign several VOR Federal Airways located in the vicinity of Charlotte, NC, Airport. Within the past few years, traffic in the Charlotte area has shown steady and continuing growth. To support the increasing traffic flow requirements and improve the flow of traffic in the Charlotte area, the FAA proposes to realign certain airway segments. This action would aid flight planning, enhance traffic flow and reduce delays and controller workload. Section 71.123 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 Subjects in 14 CFR Part 71

VOR Federal airways, Aviation safety.

The Proposed Amendment

PART 71—[AMENDED]

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

1. The authority citation for Part 71 is revised to read 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); and 14 CFR 11.69.)

2. Section 71.123 is amended as follows:

V-37—[Amended]

By removing the words "Fort Mill, SC;" and substituting the words "Charlotte, NC;"

V-54—[Amended]

By removing the words "Spartanburg, SC, Fort Mill, SC." and substituting the words "Spartanburg, SC; charlotte, NC; Sandhills, NC; INT Sandhills 146°T(149°M) and Fayetteville, NC, 267°T(271°M) radials; to Fayetteville."

V-66—[Amended]

By removing the words "Fort Mill, SC;" and substituting the words "Greenwood, SC; Sandhills, NC;"

V-103—[Amended]

By removing the words "From Greensboro, NC," and substituting the words "From Chesterfield, SC; Greensboro, NC;"

V-133—[Amended]

By removing the words "From Fort Mill, SC, Barretts Mountain, NC;" and substituting the words "From INT Charlotte, NC, 304°T(309°M) and Barretts Mountain, NC, 197°T(199°M) radials; Barretts Mountain;"

V-143—[Amended]

By removing the words "From Fort Mill, SC, Greensboro, NC;" and substituting the words "From INT Charlotte, NC 043°T(048°M) and Greensboro, NC, 224°T(227°M) radials; Greensboro;"

V-259—[Amended]

By removing the words "Fort Mill, SC; to Holston Mountain, TN." and substituting the words "to INT Chesterfield 316°T(319°M) and Fayetteville, NC, 267°T(271°M) radials. From INT Charlotte, NC, 006°T(011°M) and Barretts Mountain, NC, 138°T(140°M) radials; Barretts Mountain; to Holston Mountain, TN."

V-296—[Revised]

From INT Chesterfield, SC, 316°T(319°M) and Fayetteville, NC, 267°T(271°M) radials; Fayetteville; to Wilmington, NC.

V-364—[Amended]

By removing the words "From Sugarloaf Mountain, NC," and substituting the words "From INT Charlotte, NC, 304°T(309°M) and Sugarloaf Mountain, NC, 087°T(089°M) radials; Sugarloaf Mountain;"

V-409—[Revised]

From Charlotte, NC; INT Charlotte 089°T(094°M) and Raleigh-Durham, NC, 244°T(248°M) radials; to Raleigh-Durham.

V-415—[Amended]

By removing the words "to Spartanburg, SC." and substituting the words "Spartanburg, SC; to INT Spartanburg 102°T(104°M) and Charlotte, NC, 229°T(234°M) radials."

V-454—[Amended]

By removing the words "Fort Mill, SC; Liberty, NC;" and substituting the words "to INT Greenwood 045°T(048°M) and Charlotte, NC, 229°T(234°M) radials. From INT Charlotte 043°T(048°M) and Liberty, NC, 250°T(253°M) radials; Liberty."

Issued in Washington, D.C., on June 12, 1985.

James Burns, Jr.,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 85-14853 Filed 6-18-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

West Virginia Permanent Regulatory Program; Review of State Program Amendment

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

ACTION: Reopening and extension of public comment period.

SUMMARY: OSM is reopening the period for review and comment on an amendment submitted by the State of West Virginia to its permanent regulatory program which was conditionally approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Specifically, OSM is reopening the comment period to allow the public sufficient time to consider and comment on modifications submitted by West Virginia on June 13, 1985, to an amendment which was originally submitted by the State on March 30, 1984, and revised on October 30, 1984. Also, the public is invited to comment on the proposal to make the decision on the proposed program amendments retroactive to August 27, 1984, to coincide with the promulgation of the State's surface mining reclamation and coal refuse disposal regulations. The proposed amendment contains final surface mining reclamation and coal

refuse disposal regulations which were approved by the State Legislature on April 13, 1985, and filed with the Secretary of State on June 13, 1985, in accordance with Chapter 29A–3–13 of the Code of West Virginia.

This notice sets forth the times and locations that the West Virginia program and the proposed amendments are available for public inspection and the comment period during which interested persons may submit written comments on the proposed amendment.

DATE: Written comments must be recieved on or before 4:00 p.m. on July 5, 1985 to be considered.

ADDRESSES: Written comments should be mailed or hand delivered to: Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, Attention: West Virginia Administrative Record, 603 Morris Street, Charleston, West Virginia 25301.

See "**SUPPLEMENTARY INFORMATION:** for addresses where copies of the West Virginia program amendments and the administrative record on the West Virginia program are available. Each requestor may receive, free of charge, one single copy of the proposed program amendment by contacting the OSM Charleston Field Office listed above.

FOR FURTHER INFORMATION CONTACT: James C. Blankenship, Jr., Acting Director, Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347–7158.

SUPPLEMENTARY INFORMATION: Copies of the proposed program amendments, the West Virginia program and the administrative record on the West Virginia program are available for public review and copying at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, 603 Morris Street, Telephone: (304) 347–7158

Office of Surface Mining Reclamation and Enforcement, 1100 L Street NW., Room 5124, Washington, D.C. 20240, Telephone: (202) 343–7896.

West Virginia Department of Natural Resources, Room 302, Building 3, 1800 Washington Street, East, Charleston, West Virginia 25305, Telephone: (304) 348–3267.

In addition, copies of the amendment are available for inspection and copying during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Morgantown Area Office, 75 High Street, Room 229, Morgantown, West Virginia 26505, Telephone: (304) 291–4004

Office of Surface Mining Reclamation and Enforcement, Beckley Area Office, 119 Appalachian Drive, Beckley, West Virginia 25801, Telephone: (304) 255–5265.

The West Virginia program was conditionally approved by the Secretary of the Interior on January 21, 1981 (46 Fr 5915–5956).

On March 30, 1984, West Virginia submitted an amendment to OSM which was intended to satisfy the remaining fifteen conditions of approval concerning auger mining, coal refuse disposal, blasting, transfer of wells, permit approval, revegetation, suspension or revocation of permits, stabilization of rills and gullies, subsidence, Mine Safety and Health Administration (MSHA) approval of permit applications and exemption for coal extraction incident to government-financed highway or other construction (Administrative Record No. WV 567).

On May 8, 1984, OSM announced in the **Federal Register** receipt of the proposed amendment, procedures for public comment and an opportunity for a public hearing (49 FR 19525–19527).

Following the public comment period, on August 21, 1984, OSM provided the State a list of deficiencies found in the amendment. West Virginia was given an opportunity to submit proposed emergency rule changes, policy statements, clarifying legal opinions or other evidence proving that the State's proposed modifications were no less effective than the Federal requirements (Administrative Record No. WV 593).

On October 30, 1984, West Virginia submitted modifications to its initial amendment of March 30, 1984. The proposed amendment consists of revisions to the State's surface mining reclamation and coal refuse disposal regulations and modifications to its permit addendum form and its approval letter for coal exploration involving the removal of more than 250 tons. In addition, the State provided OSM a copy of its revised civil penalty procedures, which included a Code of Violations to be used in determining assessable and non-assessable violations (Administrative Record No. WV 601).

On November 23, 1984, OSM announced in the **Federal Register** receipt of the proposed modifications to the initial amendment on March 30, 1984, procedures for public comment, and an opportunity for a public hearing (49 FR 46168–46169).

On June 13, 1985, West Virginia submitted final surface mining reclamation and coal refuse disposal regulations (Administrative Record No. WV 647). The regulations were also filed with the Secretary of State on June 13, 1985, in accordance with Chapter 29A–3–13 of the Code of West Virginia. The legislation authorizing promulgation of the regulations was adopted by the State Legislature on April 13, 1985, and signed by the Governor on May 2, 1985 (Administrative Record No. WV 646).

According to the State, the proposed regulations are not significantly different from those submitted to OSM for review and approval on October 30, 1984. OSM has identified two differences between the proposed final regulations and the emergency regulations submitted to OSM on October 30, 1984. At Section 4C.05(f) of the final surface mining reclamation regulations, MSHA's approval is required prior to blasting within 500 feet of an underground mine not totally abandoned, whereas before the opportuntiy for denial by MSHA was limited to thirty days. Also, the proposed amendment contains final National Pollutant Discharge Elimination System (NPDES) requirements with revisions at Section 10 of the surface mining reclamation regulations, which were recently approved by the U.S. Environmental Protection Agency (EPA). OSM is not soliciting comments on Section 10 of the final surface mining reclamation regulations, because EPA has already provided the public an opportunity to comment on the State's NPDES requirements.

In accordance with the provisions of 30 CFR 732.17, OSM is now seeking comments from the public on the adequacy of the proposed modifications to West Virginia's initial amendment of March 30, 1984, as revised on October 30, 1984, and the proposal to make the decisions on the proposed program amendments retroactive to August 27, 1984, to coincide with the promulgation of the State's surface mining reclamation and coal refuse disposal regulations. Retroactive approval is necessary to ensure no adverse effect on State enforcement actions taken since that date, and to ensure that no one will be unreasonably injured as a result of detrimental reliance on a later effective date because the State has been enforcing these regulations since August 27, 1984. If approved, the proposed amendments will become part of West Virginia's permanent regulatory program.

List of Subjects in 30 CFR Part 948

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

Dated: June 14, 1985.

C.B. Kenahan,

Acting Assistant Director, Program Operations and Inspection.

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

[FR Doc. 85-14740 Filed 6-18-85; 8:45 am]

BILLING CODE 4310-05-M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Veterans Education; Suspension of Participation in VEAP

AGENCY: Veterans Administration and Department of Defense.

ACTION: Proposed regulations.

SUMMARY: This proposed regulation implements a provision of the Department of Defense Authorization Act, 1985 which affects VEAP (Post-Vietnam Era Veterans' Educational Assistance Program). This proposal prohibits a member of the Armed Forces from initially enrolling in VEAP during the period beginning on July 1, 1985 and ending on June 30, 1988. This proposal will acquaint the public with the way in which the VA (Veterans Administration) will implement this provision of the law.

DATE: Comments must be received on or before July 19, 1985.

ADDRESSES: Send written comments to: Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132 of the above address between the hours of 8 a.m. to 4:30 p.m., Monday through Friday (except holidays) until August 2, 1985.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, (202) 389-2092.

SUPPLEMENTARY INFORMATION: The VA and the Department of Defense are amending 38 CFR 21.5054 to provide that no member of the Armed Forces may initially enroll in VEAP during the period beginning on July 1, 1985 and ending on June 30, 1988. The proposal also states what constitutes an initial enrollment in VEAP. This concept is not defined elsewhere in the United States Code or the Code of Federal Regulations.

Upon final publication the VA and the Department of Defense propose to make this regulation retroactively effective on October 19, 1984. Retraoctive effect is justified, because this regulation construes the meaning of one of the provisions of Public Law 98-525.

Moreover, the VA and the Department of Defense find that good cause exists for proposing that this regulation, like the section of the statute it implements, shall be made retroactively effective on October 19, 1984. This legislation is designed to prevent some servicepersons from participating in VEAP. A delayed effective date for this regulation would be contrary to statutory design; would complicate administration of a provision of law; and might result in some people receiving benefits to which they would not be entitled.

The VA and the Department of Defense have determined that this proposed regulation is not a major rule as that term is defined by E.O. 12291, entitled, Federal Regulation. The proposal will not cause a major increase in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Secretary of Defense and Administrator of Veterans' Affairs have certified that the proposed regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b) this regulation, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because this regulation affects only individuals who may wish to participate in VEAP. It will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.120.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: May 10, 1985.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

W.J. Gost,

Captain, USN, Acting, Deputy Assistant Secretary of Defense (Military Personnel & Force Management).

PART 21—[AMENDED]

38 CFR Part 21, Vocational Rehabilitation and Education is amended by revising § 21.5054 to read as follows:

§ 21.5054 Dates of participation.

(a) *General.* An individual may participate after December 31, 1976. An individual was not eligible for benefits before July 1, 1977, unless discharged after January 1, 1977, for a service-connected condition. The first date on which an individual on active duty enrolled in a course, courses or a program of education leading to a secondary school diploma or equivalency certificate may receive benefits is subject to the eligibility requirements of § 21.5040(b) (4) and (5). (38 U.S.C. 1631 (a) and (b); Pub. L. 94-502; Pub. L. 96-466)

(b) *Suspension of right to participate.* (1) No individual on active duty in the Armed Forces may initially enroll during the period beginning on July 1, 1985 and ending on June 30, 1988.

(2) An initial enrollment occurs when a service person who has never contributed to the fund—

(i) First makes a lump sum payment to the fund, or

(ii) First authorizes an allotment to the VA for deposit in the fund. See 32 CFR 59.3(b)(10). (Pub. L. 98-525, sec. 704)

[FR Doc. 85-14698 Filed 6-18-85; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85-175; RM-4908]

FM Broadcast Stations in Sioux Falls, SD

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the allotment of FM Channel 261A to Sioux Falls, South Dakota, and its

reservation for noncommercial educational use, at the request of Sioux Falls College. The Commission also proposes to modify the license of Station KCFS to specify Channel 261A in lieu of its present Channel 211A. The allocation could provide Sioux Falls with its fifth noncommercial educational service.

DATES: Comments must be filed on or before August 5, 1985, and reply comments on or before August 20, 1985.

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

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

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

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Sioux Falls, South Dakota) (MM Docket No. 85-175, RM-4908).

Adopted: May 22, 1985.
Released: June 14, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the petition for rule making filed by Sioux Falls College, licensee of noncommercial educational Station KCFS, Channel 21A, Sioux Falls, South Dakota ("KCFS"). KCFS seeks the allocation of Channel 261A to Sioux Falls with the concomitant modification of its license to specify operation on the new frequency. The allotment could provide the community with its fifth noncommercial educational service.

2. KCFS filed an application to modify its Channel 211A operation to Channel 214A at Sioux Falls, for which it was granted a construction permit (BPED-830804AA). Prior to KCFS actually going on the air on its new channel, it filed another modification application to specify operation on Channel 215A (BPED-840110AO) rather than 214A.[1] With the receipt of the second modification application, the Commission sought clarification from KCFS as to its actual intentions. It was then discovered that the Commission had misinterpreted the desire of KCFS which was to provide Sioux Falls with an additional noncommercial educational service on Channel 215A, not to relinquish its Channel 211A operation. This misinterpretation was compounded by the inadvertent amendment of the Commission's data base records to reflect the deletion of Station KCFS on Channel 211A. By this time however, Great Plains Educational Trust ("Great Plains") had filed an application for a new station on Channel 211A which was granted cut-off status on September 24, 1984 (BPED-840416IL).

3. KCFS states in its petition that it intends to provide a second noncommercial educational service in order to provide the community with National Public Radio programming. To this end, KCFS has obtained an NTIA grant which would provide funding for the construction of the second station on Channel 215A. This NTIA grant is due to expire shortly. Neither application has been granted by the Commission as KCFS and Great Trails have each filed mutual objections against each other's Channel 211A and Channel 215A applications. In an effort to resolve the dispute KCFS and Great Trails have entered into an agreement whereby KCFS would seek the allocation of an additional noncommercial channel and the modification of its Channel 211A license. Each would also withdraw their mutual objections, thus permitting eventual grant of the applications for Channels 211A and 215A.

4. Generally, noncommercial educational stations operate only on channels within the educationally reserved portion of the spectrum (Channels 201-220). Exceptions to this policy have fallen into one of two categories, either (1) channels in the noncommercial band are not available because of Canadian or Mexican allocations; or, (2) the use of the channels in the noncommercial educational band may result in potential interference to television operations on VHF Channel 6. See, *Comobabi, Arizona*, 47 Fed. Reg. 32717, published July 29, 1982, and *Burlington and Newport, Vermont*, 45 R.R. 2d 786 (1979). In this instance, neither of the usual exceptions apply. KCFS has furnished us with an engineering study showing that with the four currently operating or proposed educational stations at Sioux Falls, as well as Station KDCR, Sioux Falls, Iowa, and Station KRSW, Worthington, Minnesota, there are no other channels available within the noncommercial educational band which can be used in conformance with our technical requirements. However, since Sioux Falls already has a number of noncommercial educational radio services, we request comments on whether Channel 261A should be allocated as a commercial service, thus permitting its use by both commercial and noncommercial entities, or whether it should be reserved solely for noncommercial educational use. We note that there are additional channels available in the commercial band should another party express an interest in providing Sioux Falls with another commercial service.

5. We believe the public interest would be served by proposing to allot Channel 261A to Sioux Falls, as requested, and its reservation for noncommercial educational use. Our engineering review shows that the channel can be used by Station KCFS, at its Channel 211A transmitter site, in compliance with our minimum distance separation and other technical requirements. We also propose to modify the license for Station KCFS to specify Channel 261A, since the channels are of an equivalent class.

PART—[AMENDED]

§ 73.202 [Amended]

6. Accordingly, we propose to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules, for the community listed below, to read as follows:

City	Channel No.	
	Present	Proposed
Sioux Falls, SD	223, 228A, 243, 247, and 264.	223, 228A, 243, 247, *261A, and 264.

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required before a channel will be allocated.

8. Interested parties may file comments on or before August 5, 1985, and reply comments on or before August 20, 1985, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: Lauren A. Colby, Esq., 532 Pearl Street, Frederick, Maryland 21701 (Counsel to petitioner).

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do*

[1] The application for Channel 215A, which has been accepted as a request for a new station, was given cut-off status on June 29, 1984. Additionally, KCFS has withdrawn its application for Channel 214A.

Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, §73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 85–14710 Filed 6–18–85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-97; RM-4235, RM-4428, RM-4881]

FM Broadcast Stations in Moscow, ID, Othello and Pullman, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute Channel 248 for Channel 285A at Pullman, Washington, and to modify the license for Station KQQQ–FM in response to a counterproposal filed by the licensee, Radio Palouse, Inc.

DATES: Comments must be filed on or before August 5, 1985, and reply comments on or before August 20, 1985.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation For Part 73 continues to read:

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

The original comment and reply comment periods have expired. However, since this Notice was not previously published in the Federal Register, we have provided new comment and reply comment periods. Only new parties may participate during this comment period. Reply comments will be accepted from all parties.

Second Further Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments FM Broadcast Stations. (Moscow, Idaho, *Othello*[1] and *Pullman, Washington*) (MM Docket No. 83–97, RM–4235, RM–4428, *RM–4881*).

Adopted: February 11, 1985.

Released: February 28, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Further Notice of Proposed Rule Making*, 49 FR 11858, published March 28, 1984, proposing the substitution of Class C FM Channel 291 for Channel 280A at Moscow, Idaho.[2]

[1] The community has been added to the caption.

[2] The proceeding was initiated by the *Notice of Proposed Rule Making*, 48 FR 8503, published March 1, 1983, proposing the assignment of Channel 258 to Pullman, Washington. Comments in response to the *Notice* were filed by KRPL, Inc. ("KRPL") counterproposing that Channel 258 be substituted

Continued

Comments in response to the *Further Notice* were filed by Radio Palouse, Inc. ("Radio Palouse") requesting the substitution of Channel 291 for Channel 285A at Pullman, Washington, to permit it to upgrade its facilities for Station KQQQ–FM, Pullman.[3] Since Channel 291 cannot be assigned to both communities due to the mileage separation requirements, the Commission staff determined that Channel 248 could be assigned to Pullman, Washington, to resolve the conflict. This channel assignment will require a substitution of channels at Othello, Washington.

2. In conformity with Commission precedent, it is necessary to issue this *Second Further Notice* to allow interested parties, including Radio Palouse an opportunity to express an interest in Channel 248 at Pullman, Washington, and also to permit the proposed substitution of channels at Othello. The *Further Notice* did not provide this opportunity because it only pertained to Channel 291, Moscow, Idaho. In a separate action,[4] the Commission has assigned Channel 291 to Moscow, Idaho, as a substitution for Channel 280A and modified the license for Station KRPL–FM, accordingly.

3. Channel 248 can be assigned to Pullman, Washington, in conformity with the minimum distance separation requirements of § 73.207 with a site restriction 6.4 miles south to avoid short spacing to Station KHQ–FM, Channel 251, Spokane, Washington. As mentioned previously, the assignment of Channel 248 to Pullman, Washington, must also be accompanied by the substitution of Channel 242A for unused Channel 249A at Othello, Washington.[5]

Both the assignment of Channel 248 to Pullman, Washington, and the substitution of Channel 242A at Othello, Washington, require the concurrence of the Canadian government since both communities are within 320 kilometers (200 miles) of the U.S.-Canada border.

4. In accordance with our established policy, we shall also propose to modify the license of Station KOQO–FM to specify operation on Channel 248, Pullman, Washington. In the past, modification could not be implemented if another party expressed an interest in the proposed assignment. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976) and *Modification of FM Station Licenses*, 48 FR 55585, published December 14, 1983. However, the Commission's recent action in MM Docket 83–1148[6] provides for the modification of an existing station's license in rule making if an additional channel of equal class is available to satisfy the stated interests of other parties. Class C FM Channel 258 is assigned to Pullman, Washington, and is currently unoccupied and available for application by other interested parties.[7] We shall, therefore, in accordance with this new policy, propose to assign Channel 248 and to modify the license of Station KOQO–FM to specify operation on that channel since there is now an opportunity for other interested parties to apply for an equivalent class of channel in this community.

PART 73—[AMENDED]

§ 73.202 [Amended]

5. In view of the above and the stated need for a second widecoverage area FM station at Pullman, Washington, the Commission proposes to amend the Table of FM Allotments, § 73.202(b) of the Rules, with respect to the following communities.

City	Present	Proposed
Othello, WA	249A	242A
Pullman, WA	258, and 285A	248, and 258.

The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before August 5, 1985, and reply comments on or before August 20, 1985, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: John E. Fiorini III, Esq., Pepper & Corazzini, 700 Montgomery Building, Washington, D.C. 20554 (Counsel to Radio Palouse, Inc.)

8. The Commisson has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the Table of FM Allotments, § 73.202(b) of the Commission's Rules. See *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

for Channel 280A at Moscow, Idaho, to permit it to upgrade its facilities for Station KRPL–FM Moscow. The Commission determined that Channel 291 could be assigned to Moscow and issued the *Further Notice* proposing the assignment and modification of KRPL's license. In a separate action, it issued the *First Report and Order*, 49 FR 11639, published March 27, 1984, assigning Channel 258 to Pullman, Washington.

[3] Radio Palouse suggested, in order to avoid conflict with Moscow, Idaho, proposal, that Channel 262 could be substituted at Pullman, Washington. However, that channel would be short-spaced to Channel 282, Wallace, Idaho, for which an application is pending.

[4] See *Second Report and Order*, 50 FR 4220, published January 30, 1985.

[5] The substitution of Channel 242A at Othello, Washington, does not provide for the 16 kilometer (10 mile) buffer zone permitted to Station KOZE–FM, Lewiston, Idaho. However, since this proceeding was begun before March 1, 1984, this protection need not be afforded. See *Memorandum Opinion and Order*, BC Docket No. 80–90, 49 FR 10290, March 20, 1984.

[6] *Report and Order*, MM Docket 83–1148, 49 FR 34007, published August 28, 1984.

[7] One application is currently on file by P–N–P Broadcasting, File No. BPH 841009IC. The deadline for filing application for Channel 258, Pullman, Washington, is February 28, 1985.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channeal if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date of filing initial comments herein. If they are filed later than that, they will not considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 85-14711 Filed 6-18-85; 8:45 am]
BILLING CODE 6712-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 18

NASA Implementation of the Federal Acquisition Regulation (FAR); NASA Federal Acquisition Regulation Supplement (NASA/FAR Supplement)

AGENCY: NASA Office of Procurement, Procurement Policy Division.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on a NASA proposal to amend the NASA Federal Acquisition Regulation Supplement, Ch. 18 of the Federal Acquisition Regulations System in Title 48 of the Code of Federal Regulations. These changes consist of a number of miscellaneous revisions. The proposed changes are available for review and comment.

DATE: Comments are due not later than July 19, 1985.

ADDRESS: Requests for copies of the proposal and comments should be addressed to NASA Headquarters, Office of Procurement, Procurement Policy Division (Code HP), Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: W.A. Greene, Procurement Policy Division (Code HP), Office of Procurement, NASA Headquarters, Washington, D.C. 20546, Telephone: 202-453-2119.

SUPPLEMENTARY INFORMATION:

Background

In summary, the proposed changes are (1) prescribing the Approval of Contract clause; (2) delegating authority to exclude a particular source; (3) clarifying use of Cost of Money clauses; (4) awarding multiyear service contracts within the United States; (5) restoring previous NASA Procurement Regulation coverage on construction IFB's, inadvertantly omitted from the NASA FAR Supplement; (6) expanding use of value engineering to cover certain production-type contracts; (7) establishing procedures for use of government discount passenger airfares by certain cost reimbursement contractors; (8) revising progress payments in conformity with the Prompt Payment Act; (9) providing for optional application of Source Evaluation Board procedures to procurements subject to the Federal Information Resources Management Regulation (FIRMR); (10) implementing the FIRMR by referencing it in the NASA FAR Supplement.

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. Items 1-7, above, fall in this category. NASA certifies that these regulations will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

Items 8-10 above, were forwarded to OMB for review on May 9, 1985, May 29, 1985, and May 31, 1985, respectively, in accordance with OMB Bulletin 85-7, December 14, 1984 and Executive Order 12291. The reviews have been concluded. NASA has determined that these rules are not major rules for the purposes of Executive Order 12291, dated February 17, 1981, because they are not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. NASA has based all administrative decisions underlying these rules on adequate information concerning the need for, and consequences of, these rules; has determined that the potential benefits to society from the rules outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

The above rules provide uniformity with other Federal agencies and reduce the administrative impact on bidders as set forth in OFPP Policy Letter 83-2.

List of Subjects in 48 CFR Ch. 18

NASA Federal Acquisition Regulation Supplement, Government procurement.

S.J. Evans,
Assistant Administrator for Procurement.

[FR Doc. 85-14619 Filed 6-18-85; 8:45 am]
BILLING CODE 7510-01-M

Notices

Federal Register
Vol. 50, No. 118
Wednesday, June 19, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Citizens' Advisory Committee on Equal Opportunity; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name: Citizens' Advisory Committee on Equal Opportunity.

Date: August 5–8, 1985.

Place: Delaware State College, Dover, Delaware.

Time: 9:00 am—5:00 pm.

Purpose:

–Advise the Secretary on the effectiveness of compliance program directives;

–Review all aspects of the Department's policies, practices and procedures on equal opportunity;

–Recommend changes in Department rules, regulations and orders to assure USDA activities are free from discrimination;

Additionally, will specifically focus on:

–USDA and 1890 land grant institutions' responsibilities to each other;

–The Secretary's Five Point Management Plan;

–Budget issues affecting USDA/equal opportunity;

–Outreach/visibility efforts in equal opportunity that can be initiated by the Committee members.

The meeting is open to the public. Persons may participate in the meeting as time and space permit. Persons who wish to address the Committee at the meeting or who wish to file written comments before or after the meeting should contact: Lawrence Bembry, Associate Director, Equal Opportunity, Office of Advocacy and Enterprise, U.S. Department of Argiculture, 201 14th Street, SW., Room 2305 Auditors Bldg., Washington, D.C. 20250, (202) 447–5681.

Written statements may be submitted until Ausust 23, 1985.

Lawrence Bembry,

Associate Director, Federal Opportunity Office of Advocacy and Enterprise.

[FR Doc. 85–14670 Filed 6–18–85; 8:45 am]

BILLING CODE 3410–95–M

CIVIL RIGHTS COMMISSION

Minnesota Advisory Committee; Agenda for Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Minnesota Advisory Committee to the Commission will convene at 6:00 p.m. and adjourn at 9:00 p.m. on July 8, 1985, in the Mount Zion Temple, 1300 Summit Avenue, Board Room, Saint Paul, Minnesota. The purpose of the meeting is to discuss current activities, schedules future meetings and plan Committee projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Talmadge L. Bartelle or Clark G. Roberts, Director of the Midwestern Regional Office at (312) 353–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 13, 1985.

Bert Silver;

Assistant Staff Director for Regional Programs.

[FR Doc. 85–14758 Filed 6–18–85; 8:45 am]

BILLING CODE 6335–01–M

Missouri Advisory Committee; Agenda for Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Missouri Advisory Committee to the Commission will convene at 6:00 p.m. and adjourn at 10:00 p.m. on July 18, 1985, and convene at 9:00 a.m. and adjourn at 1:00 p.m. on July 19, 1985, at the Cleveland Apartments Community Room, 801 N. Oates—P.O. Box 503, Hayti, Missouri. The purpose of the meeting is to develop program plans and conduct a community forum on civil rights issues in Hayti and Hayti Heights area.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin Jenkins, Director of the Central States Regional Office at (816) 374–5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 13, 1985.

Bert Silver;

Assistant Staff Director for Regional Programs.

[FR Doc. 85–14759 Filed 6–18–85; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Management-Labor Textile Advisory Committee; Partially Closed Meeting

A meeting of the Management-Labor Textile Advisory Committee will be held on July 11, 1985, 1:00 p.m., Herbert C. Hoover Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. (The Committee was established by the Secretary of Commerce on October 18, 1961 to advise Department officials of the effects on import markets of cotton, wool and man-made fiber textile and apparel agreements).

General Session: 1:00 p.m. Review of import trends, international activities, report on conditions in the market, and other business.

Executive Session: 2:00 p.m. Discussion of matters properly classified under Executive Order 12356 (3 CFR Part 166 (1982) and listed in the 5 U.S.C. 552b(c) (1) and (9).

The general session will be open to the public with a limited number of seats available. A notice of Determination to close meetings or portions of meetings to the public on the basis of 5 U.S.C. 552b (c)(1) and (c)(9) has been approved in accordance with the Federal Advisory Committee Act. A copy of the notice is available for public inspection and copying in the Central Reference and Records Inspection Facility Room 6626, U.S. Department of Commerce (202) 377–3031.

For further information or copies of the minutes contact Helen L. LeGrande (202) 377–4217.

Dated: June 13, 1985.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 85-14662 Filed 6-18-85; 8:45 am]

BILLING CODE 3510-DR-M

The MCTL Implementation Technical Advisory Committee; Partially Closed Meeting

A meeting of the MCTL Implementation Technical Advisory Committee will be held July 10, 1985, 9:30 a.m., Herbert C. Hoover Building, Room 5230, 14th Street and Constitution Avenue, NW., Washington, D.C. The Committee advises and assists the Office of Export Administration in the implementation of the Military Critical Technologies List (MCTL) into the Export Administration Regulations and provide for continuing review to update the Regulations as needed.

Agenda

1. Introduction of members and guests.
2. Opening remarks by the Acting Chairman.
3. Comments on Part 379.3 (GTDA/Scientific Communications) of the Export Administration Regulations.
4. New Business.

Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 19, 1985, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: (202) 377-4217. For further information or copies of the minutes contact Jesse M. Bratton 202-377-2583.

Dated: June 13, 1985.

Margaret A. Cornejo,

Acting Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85-14658 Filed 6-18-85; 8:45 am]

BILLING CODE 3510-DT-M

Foreign Availability Subcommittee of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Open Meeting

A meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee will be held July 9, 1985, 9:30 a.m., the Federal Building, Room 2007, 450 Golden Gate Avenue, San Francisco, CA. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

Agenda

1. Opening remarks by the Committee Chairman.
2. Additional remarks by the Subcommittee Chairman.
3. Remarks relating to the Foreign Availability Assessment Division of the Department of Commerce.
4. Input from the public on equipment that may qualify for foreign availability claims.
5. Selection of an equipment area by the Computer Peripherals TAC to provide information regarding foreign availability.
6. General discussion period.
7. Action items underway.
8. Action items due at next meeting.

The meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

For further information or copies of the minutes telephone 202-377-2583.

Dated: June 13, 1985.

Margaret A. Cornejo,

Acting Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85-14659 Filed 6-18-85; 8:45 am]

BILLING CODE 3510-DT-M

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee will be held July 10, 1985, at 1:00 p.m., the Federal Building, Room 2007, 450 Golden Gate Avenue, San Francisco, CA. The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to computer peripherals, components and related test equipment or technology.

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Report on membership by the Chairman and a request for nominations for committee membership.
4. Develop a plan for collecting industry input for items that need changing on the Commodity Control List.
5. Report of the meeting of the TAC Chairmen.
6. Discussion of the impact of the latest changes in the Distribution License.
7. Report of the Foreign Availability Subcommittee meeting held on July 10, 1985.
8. Develop an agenda for the September meeting.

Executive Session

9. Discussions of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session will be open to the public with a limited number of seats available. A Notice of Determination to close meetings or portions of meeting of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on February 6, 1984, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, (202) 377-4217.

For further information or copies of the minutes call (202) 377–2583.

Dated: June 3, 1985.

Margaret A. Cornejo,

Acting Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85–14660 Filed 6–18–85; 8:45 am]

BILLING CODE 3510-DT-M

Telecommunications Equipment Technical Advisory Committee; Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held July 9, 1985, at 9:30 a.m., Herbert C. Hoover Building, Room B841, 14th Street and Constitution Avenue, NW., Washington, D.C. The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to telecommunications equipment or technology.

The Committee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

A Notice of Determination to close meetings or portions of meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on February 6, 1984, in accordance with the Federal Advisory Committee Act.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: (202) 377–4217.

For further information call Jess M. Bratton (202) 377–2583.

Dated: June 13, 1985.

Margaret A. Cornejo,

Acting Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85–14661 Filed 6–18–85; 8:45 am]

BILLING CODE 3510-DT-M

Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973, and rechartered on January 5, 1984, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

Time and place: July 11, 1985 at 9:30 a.m., Herbert C. Hoover Building, Room B841, 14th and Constitution Avenue NW., Washington, D.C. The meeting will continue to its conclusion on July 12, 1985, in Room 3407, the Herbert C. Hoover Building.

Agenda

1. Introduction of members and guests.
2. Opening remarks by the Chairman.
3. Presentation of papers or comments by the public.
4. Discussion of the new Distribution License regulations as published in the **Federal Register** May 24, 1985.
5. Discussion of embeded computers/microprocessors (CCL 1565).
6. Discussion of issues related to foreign availability.
7. Plan for achieving membership recruitment goals (especially in ATE and laser areas).
8. Plan for achieving decontrols of low-end technology.

Executive Session

9. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 6, 1984, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the executive sessions should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the executive session will be concerned with matters listed in 5 U.S.C. 552(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202–377–4117. For further information or copies of the minutes contact Jess M. Bratton 202–377–2583.

Dated: June 14, 1985.

Margaret A. Cornejo,

Acting Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85–14731 Filed 6–18–85; 8:45 am]

BILLING CODE 3510-DT-M

[C-351-021]

Certain Carbon Steel Products From Brazil; Intention To Review and Preliminary Results of Changed Circumstances Administrative Review and Tentative Determination To Revoke Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of intention to review and preliminary results of changed circumstances administrative review and tentative determination to revoke countervailing duty order.

SUMMARY: The Department of Commerce has received information which shows changed circumstances sufficient to warrant an administrative review, under section 751(b)(1) of the Tariff Act, of the countervailing duty order on certain carbon steel products from Brazil. The review covers the period from October 1, 1984. The petitioners and the other domestic interested party to this proceeding have notified the Department that they are no longer interested in the countervailing duty order. These affirmative statements of no interest provide a reasonable basis for the Department to revoke the order. Therefore, we intend to revoke the order. In accordance with the petitioners' notifications, the revocation will apply to all certain carbon steel products entered, or withdrawn from warehouse, for consumption on or after October 1, 1984. Interested parties are invited to comment on these preliminary results and tentative determination to revoke.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Peggy Clarke or Al Jemmott, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington D.C. 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On June 22, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 25655) a countervailing duty order on certain carbon steel products from Brazil.

In letters dated May 1, 1985 and May 21, 1985, the United States Steel Corporation, Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Incorporated, National Steel Corporation, and Cyclops Corporation, the petitioners in this proceeding, informed the Department that they were no longer interested in the order and stated their support of revocation of the order. The Department received a similar letter from the other domestic interested party to the proceeding, Bethlehem Steel Corporation. Under section 751 of the Tariff Act of 1930 ("The Tariff Act"), the Department may revoke a countervailing duty order that is no longer of interest to domestic interested parties.

Scope of the Review

Imports covered by the review are shipments of Brazilian hot-rolled carbon steel plate in coil, hot-rolled carbon steel sheet, and cold-rolled carbon steel sheet. Such merchandise is currently classifiable under items 607.6610, 607.6710, 607.6720, 607.6730, 607.6740, 607.8320, 607.8342, 607.8350, 607.8355, and 607.8360 of the Tariff Schedules of the United States Annotated. The review covers the period from October 1, 1984.

Preliminary Results of the Review and Tentative Determination

As a result of our review, we preliminarily determine that the domestic interested parties' affirmative statements of no interest in continuation of the countervailing duty order on certain carbon steel products from Brazil provide a reasonable basis for revocation of the order. In light of the October 1, 1984, effective date for revocation requested by the petitioners, there is good cause (as required by section 751(b)(2) of the Tariff Act) to conduct this review at this time.

Therefore, we tentatively determine to revoke the order on this product effective October 1, 1984. We intend to instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after October 1, 1984, without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to those entries. The current requirement for a cash deposit of estimated countervailing duties will continue until publication of the final results of this review.

This notice does not cover unliquidated entries of certain carbon steel products from Brazil which were entered, or withdrawn from warehouse, for consumption prior to October 1, 1984, and which were not covered in a prior administrative review. The Department will cover any such entries in a separate review, if one is requested.

Interested parties may submit written comments on these premilinary results and tentative determination to revoke within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within five days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final results of the review and its decision on revocation, including its analysis of issues raised in any such written comments or at a hearing.

This intention to review, preliminary results of administrative review, tentative determination to revoke, and notice are in accordance with sections 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675(b), (c)) and §§355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

Dated: June 13, 1985.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 85-14729 Filed 6-18-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-351-403]

Oil Country Tubular Goods From Brazil; Intention To Review and Preliminary Results of Changed Circumstances Administrative Review and Tentative Determination To Revoke Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Intention to review and preliminary results of changed circumstances administrative review and tentative determination to revoke countervailing duty order.

SUMMARY: The Department of Commerce has received information which shows changed circumstances sufficient to warrant an administrative review, under section 751(b)(1) of the Tariff Act, of the countervailing duty order on oil country tubular goods from Brazil. The review covers the period from October 1, 1984. The petitioners and other domestic interested parties to this proceeding have notified the Department that they are no longer interested in the countervailing duty order. These affirmative statements of no interest from domestic interested parties provide a reasonable basis for the Department to revoke the order. Therefore, we tentatively determine to revoke the order. In accordance with the petitioners' notifications, the revocation will apply to all oil country tubular goods entered, or withdrawn from warehouse, for consumption on or after October 1, 1984.

Interested parties are invited to comment on these preliminary results and tentative determination to revoke.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Peggy Clarke or Al Jemmott, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On February 7, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 5286) a countervailing duty order on oil country tubular goods from Brazil.

The petitioners, Lone Star Steel Company, CF&I Steel Corporation, and LTV Corporation, and other domestic interested parties, U.S. Steel Corporation, Babcock & Wilcox, and Armco, informed the Department that they were no longer interested in the order and stated their support of revocation of the order. Under section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department may revoke a countervailing duty order that is no longer of interest to domestic interested parties.

Scope of the Review

Imports covered by the review are shipments of oil country tubular goods currently classifiable under items 610.3216, 610.3219, 610.3233, 610.3242, 610.3243, 610.3249, 610.3252, 610.3254, 610.3256, 610.3258, 610.3262, 610.3264, 610.3721, 610.3722, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4225, 610.4235, 610.4325, 610.4335, 610.4942, 610.4944, 610.4954, 610.4955, 610.4956, 610.4957, 610.4966, 610.4967, 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5234, 610.5240, 610.5242, 610.5243, and 610.5244 of the Tariff Schedules of the United States Annotated. The review covers the period from October 1, 1984.

Preliminary Results of the Review and Tentative Determination

As a result of our review, we

preliminary determine that the domestic interested parties' affirmative statements of no interest in continuation of the countervailing duty order on oil country tubular goods from Brazil provide a reasonable basis for revocation of the order. In light of the October 1, 1984 effective date for revocation requested by the domestic parties, there is good cause (as required by section 751(b)(2) of the Tariff Act) to conduct this review at this time.

Therefore, we tentatively determine to revoke the order on oil country tubular goods from Brazil effective October 1, 1984. We intend to instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after October 1, 1984, without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to those entries. The current requirement for a cash deposit of estimated countervailing duties will continue until publication of the final results of this review.

This notice does not cover unliquidated entries of oil country tubular goods from Brazil which were entered, or withdrawn from warehouse, for consumption prior to October 1, 1984, and which were not covered in a prior administrative review. The Department will cover any such entries in a separate review, if one is requested.

Interested parties may submit written comments on these preliminary results and tentative determination to revoke within 30 days of the date of publication of this notice, and may request a hearing within five days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final results of the review and its decision on revocation, including its analysis of issues raised in any such written comments or at a hearing.

This intention to review, administrative review, tentative determination to revoke, and notice are in accordance with sections 751(b) and (c) of the Tariff Act (19 U.S.C. 1675(b), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42)

Dated: June 13, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-14727 Filed 6-18-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-469-006]

Oil Country Tubular Goods From Spain; Intention To Review and Preliminary Results of Changed Circumstances Administrative Review and Tentative Determination To Revoke Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Intention To Review and Preliminary Results of Changed Circumstances Administrative Review and Tentative Determination To Revoke Countervailing Duty Order.

SUMMARY: The Department of Commerce has received information which shows changed circumstances sufficient to warrant an administrative review, under section 751(b)(1) of the Tariff Act, of the countervailing duty order on oil country tubular goods from Spain. The review covers the period from October 1, 1984. The petitioners and other domestic interested parties to this proceeding have notified the Department that they are no longer interested in the countervailing duty order. These affirmative statements of no interest from domestic interested parties provide a reasonable basis for the Department to revoke the order. Therefore, we tentatively determine to revoke the order. In accordance with the petitioners' notifications, the revocation will apply to all oil country tubular goods entered, or withdrawn from warehouse, for consumption on or after October 1, 1984.

Interested parties are invited to comment on these preliminary results and tentative determination to revoke.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Alan Long or Barbara Williams, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On February 7, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 5287) a countervailing duty order on oil country tubular goods from Spain.

The petitioners, Lone Star Company, CF&I Steel Corporation, and LTV Corporation, and other domestic interested parties, U.S. Steel Corporation, Babcock and Wilcox, and Armco informed the Department that they were no longer interested in the order and stated their support of revocation of the order. Under section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department may revoke a countervailing duty order that is no longer of interest to domestic interested parties.

Scope of the Review

Imports covered by the review are shipments of oil country tubular goods currently classifiable under items 610.3216, 610.3219, 610.3233, 610.3242, 610.3243, 610.3249, 610.3252, 610.3254, 610.3256, 610.3258, 610.3262, 610.3264, 610.3721, 610.3722, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4225, 610.4235, 610.4325, 610.4335, 610.4942, 610.4944, 610.4954, 610.4955, 610.4958, 610.4957, 610.4966, 610.4967, 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5234, 610.5240, 610.5242, 610.5243, and 610.5244 of the Tariff Schedules of the United States Annotated. The review covers the period from October 1, 1984.

Preliminary Results of the Review and Tentative Determination

As a result of our review, we preliminarily determine that the domestic interested parties' affirmative statements of no interest in continuation of the countervailing duty order on oil country tubular goods from Spain provide a reasonable basis for revocation of the order. In light of the October 1, 1984, effective date for revocation requested by the domestic parties, there is good cause (as required by section 751(b)(2) of the Tariff Act) to conduct this review at this time.

Therefore, we tentatively determine to revoke the order on oil country tubular goods from Spain effective October 1, 1984. We intend to instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after October 1, 1984, without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to those entries. The current requirement for a cash deposit of estimated countervailing duties will continue until publication of the final results of this review.

This notice does not cover unliquidated entries of oil country tubular goods from Spain which were entered, or withdrawn from warehouse, for consumption prior to October 1, 1984, and which were not covered in a prior administrative review. The Department will cover any such entries in a separate review, if one is requested.

Interested parties may submit written comments on these preliminary results and tentative determination to revoke

within 30 days of the date of publication of this notice, and may request a hearing within five days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final results of the review and its decision on revocation, including its analysis of issues raised in any such written comments or at a hearing.

This intention to review, administrative review, tentative determination to revoke, and notice are in accordance with sections 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675 (b), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

Dated: June 13, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-14728 Filed 6-18-85; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

National Voluntary Laboratory Accreditation program

AGENCY: National Bureau of Standards, Commerce.

ACTION: Request for comments on need for establishing a laboratory accreditation program.

SUMMARY: The National Bureau of Standards (NBS) has received a request to establish a laboratory accreditation program (LAP) under the procedures of the National Voluntary Laboratory Accreditation Program (NVLAP) (15 CFR Part 7). In a letter dated May 6, 1985, the U.S. Army Environmental Hygiene Agency requests NBS to establish a LAP for food preparation equipment in accordance with National Sanitation Foundation standards. A copy of the request letter is appended to this notice. Announcement of this letter and of the NBS request for comments with respect to the need for this LAP is being made under section 7.11(d) of the referenced procedures.

ADDRESS: Persons desiring to comment on the need for such a LAP are invited to submit their comments in writing on or before August 19, 1985, to the director, Office of Product Standards Policy, National Bureau of Standards, ADMIN A 603, Gaithersburg, MD 20899.

FOR FURTHER INFORMATION CONTACT: Peter S. Unger, Associate Manager, Laboratory Accreditation, National Bureau of Standards, ADMIN A 531, Gaithersburg, MD 20899; phone (301) 921-3431.

SUPPLEMENTARY INFORMATION:

Procedure Following Receipt of Comments

After the 60 day comment period, NBS will evaluate all comments pertaining to the need for the proposed LAP. Upon completion of that evaluation and further consultation with the requestor, interested persons (those who submit comments or request to be placed on the NVLAP mailing list) will be notified of the decision by the Director of NBS whether NBS will proceed with the development of this LAP. NBS plans to coordinate this matter with the U.S. Army Environmental Hygiene Agency.

Documents in Public Record

All comments in response to this notice will be made part of the public record and will be available for inspection and copying at the NBS Records Inspection Facility, Administration Building, Room E106, Gaithersburg, Maryland.

Dated: June 13, 1985.

Ernest Ambler,

Director, National Bureau of Standards.

Appendix

May 6, 1985.

Director,

National Bureau of Standards, ADMIN/A1134, Gaithersburg, MD

Dear Sir: As discussed with Major Schmidt on March 18, 1985, Army regulations require that all food service equipment used on Army facilities comply with the applicable National Sanitation Foundation (NSF) Standard. Usually manufacturers providing the equipment go directly to the NSF laboratory which tests the equipment and certifies compliance. Occasionally contractors have requested that other laboratories evaluate their equipment against the NSF Standards. The Army legal office has indicated that use of laboratories not associated with NSF is an option that must be permitted; however, these laboratories must be fully capable of performing the evaluation. Currently, the Army cannot identify these laboratories because a multidiscipline laboratory accreditation program dealing with the NSF Standards does not exist.

We request the National Bureau of Standards through the National Voluntary Laboratory Accreditation Program (NVLAP) review and add NSF Standards 1 through 54 and C-2 through C-10 to the certification program in the biological, chemical, and mechanical disciplines.

As required in NBS Special Publication 687, the following additional information is provided:

a. *Scope.* All food preparation equipment used in Army dining facilities is required to comply with the applicable NSF Standard.

b. *Standards and Test Methods.* Specific standards and tests vary according to the type of equipment, but chemical, microbiological and mechanical assessments are always required.

c. *Statement of Need.* The number and types of laboratories seeking accreditation under this program cannot be forecasted; however establishing a program is dictated by Federal Statute.

d. Monetary support for the development of this LAP is not available; however, technical advice or assistance is available upon request.

Please notify Major Robert Schmidt (301-671-2488) of your decision or if there are any further questions.

Sincerely,

Joel C. Gaydos,

Colonel, Medical Corps., Director, Occupational and Environmental Health, Department of the Army, U.S. Army Environmental Hygiene Agency, Aberdeen Proving Grounds, Maryland 21010-5422.

[FR Doc. 85-14669 Filed 6-18-85; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The New England Fishery Management Council will convene a public meeting, June 25, 1985, from 10 a.m. to 4:30 p.m., at the King's Grant Inn, Danvers, MA, to discuss reports of the lobster, swordfish, foreign fishing, and enforcement committees, as well as to discuss other fishery management and administrative matters. For further information, contact Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route One); Saugus, MA 01906; telephone: (617) 231-0422.

Dated: June 13, 1985.

Richard B. Roe,

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

[FR Doc. 85-14621 Filed 6-18-85; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of the Import Level for Certain Wool Textile Products Produced or Manufactured in Uruguay

June 13, 1985

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority

contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on June 20, 1985. For further information contact William Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

The Bilateral Wool Textile Agreement effected by exchange of notes dated December 30, 1983 and January 23, 1984, as amended, between the Governments of the United States and Uruguay established, among other things, a specific limit of 1,717,000 square yards for wool textile products in Category 410 (woolen and worsted fabric), produced or manufactured in Uruguay and exported during the period which began on February 1, 1985 and extends through January 31, 1986. The agreement provides for the borrowing of yardage from the succeeding year's level (carryforward) with the amount used to be deducted from the category level in the succeeding year. The letter to the Commissioner of Customs which follows this notice amends the directive of January 30, 1985 to reduce the level for Category 410 by 119,000 square yards to account for carryforward used during the agreement period which began on February 1, 1985. The adjusted level will be 1,598,000 square yards.

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

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

June 13, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On January 30, 1985, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of certain wool textile products exported during the twelve-month period beginning on February 1, 1985 and extending through January 31, 1986, produced or manufactured in Uruguay, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Effective on June 20, 1985, paragraph 1 of the directive of January 30, 1985 is hereby amended to include an adjusted restraint limit of 1,598,000 square yards [2] for Category 410.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-14665 Filed 6-18-85; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Limits for Certain Cotton and Man-Made Fiber Apparel Products Exported From the Dominican Republic

June 14, 1985

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on June 21, 1985. For further information contact Ann Fields, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1983 between the Governments of the United States and the Dominican Republic establishes specific limits for Categories 340 (men's and boys' woven cotton shirts), 351 (cotton nightwear), 639 (women's, girls' and infants' knit shirts and blouses of man-made fibers), 644 (mens's and boys' suits of man-made fibers), and 649 (brassieres of man-made fibers) exported during the agreement year which began on June 1, 1985 and extends through May 31, 1986. The following letter directs the Commissioner of Customs to prohibit entry for consumption and withdrawal from warehouse for consumption of textile products of the foregoing categories in excess of the designated restraint limits.

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

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

June 43, 1985

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1983, between the Governments of the United States and the Dominican Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on June 21, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 340, 351, 639, 644, and 649, produced or manufactured in the Dominican Republic and exported during the twelve-month period beginning on June 1, 1985 and extending through May 31, 1986, in excess of the following restraint limits:

Category	12-mo. limit (dozen) [1]
340	183,184
351	425,903
639	413,309
644	46,010
649	2,116,085

[1] The restraint limits have not been adjusted to reflect any imports exported after May 31, 1985.

In carrying out this directive, entries of textile products in the foregoing categories; produced or manufactured in the Dominican Republic, which have been exported to the United States during the period which began on June 1, 1984 and extended through May 31,

[1] The term "adjustment" refers to those provisions of the Bilateral Wool Textile Agreement of December 30, 1983 and January 23, 1984, as amended and extended, between the Governments of the United States and Uruguay, which provide, in part, that: (1) the specific limit for Category 410 may be adjusted for carryover and carryforward; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The limit has not been adjusted to reflect any imports exported after January 31, 1985.

1985, shall, to the extent of any unfilled balances, be charged against the restraint limits established for such goods during that twelve-month period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the limits set forth in this letter.

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

The limits set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 30, 1983, between the Governments of the United States and the Dominican Republic which provide, in part, that: (1) specific limits may be exceeded by designated percentages to account for swing, provided that an equal amount in equivalent square yards is deduted from another specific limit; and (2) specific limits may also be increased for carryover and carryforward. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

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

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

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

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-14664 Filed 6-18-85; 8:45 am]

BILLING CODE 3510-DR-M

Bilateral Textile Consultations With the Government of the Federative Republic of Brazil Concerning Categories 335 and 648

June 13, 1985.

On May 30, 1985, the Government of the United States, pursuant to Article 3 and Annex B of the Arrangement Regarding International Trade in Textiles, requested the Government of the Federative Republic of Brazil to enter into consultations concerning exports to the United States of women's, girls' and infants' cotton coats in Category 335 and women's, girls' and infants' trousers, slacks and shorts in Category 648, produced or manufactured in Brazil and exported during the twelve-month period which began on May 30, 1985.

The purpose of this notice is to announce that a solution was agreed upon in recent consultations between the two governments. The agreed levels will be announced after diplomatic notes have been exchanged.

Summary market statements for these categories follow this notice.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Brazil—Market Statement

Category 335—Women's, Girls', and Infants' Cotton Coats, etc.

May 1985.

Summary and Conclusions

United States imports of Category 335 from Brazil were 23,890 dozens during the year-ending March 1984, nearly 18 times the imports a year earlier. Imports increased from 1,233 dozens in 1983 to 16,099 dozens in 1984. These increases were sharp and substantial and the imports were entering a market which was disrupted by imports. These increases and the low import values of Category 335 from Brazil disrupt and add materially to the disruption of the U.S. market for Category 335.

Production

U.S. domestic production of Category 335 coats averaged 1.5 million dozens during the first half of the seventies; 905,000 dozens during the second half; and, 686,000 dozens from 1980 through 1983. Production in 1983 amounted to 742,000 dozens, down 5.1 percent from the 782,000 dozens produced in 1983. U.S. Bureau of Census "cuttings" data for women's coats of all fibers indicated a decline in production of 10.2 percent in 1984. If the decline in "cuttings" is indicative of the change in production of Category 335, the 1984 production would be only 666,000 dozens.

Imports

U.S. imports of Category 335 from all sources was at a record level 2,177,000 dozens in 1984, up 33.4 percent percent from the 1,642,000 dozens imported in 1983. Imports for the first quarter of 1985 were at an annual rate 2,184,000 dozens. Imports in March 1985 were 186,915 dozens compared with 149,371 in March 1984.

Import Pentration

During the first half of the seventies, the ratio of imports to domestic production of Category 335 averaged 30 percent. This almost tripled to 88 percent during the last half and rapidly escaluated to 238 percent during the first four years of the eighties. The 1984 ratip, based on the range which production is estimated to have fallen, is estimated to have been between 293 to 327 percent.

The domestic producers' share of the market for domestically produced and imported Category 335 declined precipitously during the seventies and continued downward in the early eighties. They accounted for only 25 percent of the market in 1984.

Imports Values

Approximately 24 percent of the January-March 1985 Category 335 imports from Brazil entered a women's, girls' and infants' other suit-type coats, not ornamented, valued over 4 dollars each. Another 57 percent entered as women's other coats, not ornamented, valued over 4 dollars each. These coats were entered at duty-paid values well below the U.S. producer price of comparable coats.

Summary and Conclusions

Category 648 imports—MMF WGI trousers—from Brazil increased from 256 dozens in 1983 to 170,000 dozens in 1984. Imports were up to 249,000 during the twelve months ending March 1985. In fact, imports for the 1st quarter of 1985, at 161,000 dozens, were nearly equal to the total amount of MMF WGI trousers imported from Brazil in all of 1984. January–March data annualized would indicate an import level of 645,000 dozens for calendar year 1985.

This is a sharp and substantial increase in imports which has contributed to the disruption of this market. Removal of restraint on imports from Brazil would intensify the market disruption.

Imports and Import-to-Production Ratio

In the latest five year period, Category 648 imports have increased by 60 percent, from 5,947,000 dozens in 1980, to 9,503,000 dozens in 1984. Coinciding was a rise in the import-to-production ratio, from 32 percent in 1980 to between 45 percent and 46 percent in 1984.

Imports are up an additional 8 percent during the 1st quarter of 1985 to 3,367,000 dozens compared with 3,119,000 dozens in January–March 1984.

U.S. Production

Domestic production was 21,641,000 dozens in 1983. Trade sources estimate that Category 648 production declined between two and four percent in 1984. This contrasts with the one and a half million dozens increase for improts. Other indicators of a decline in domestic output is the cuttings data which shows an eleven percent drop in women's trouser cuttings in 1984.

Further, cuttings of women's trousers has continued to decline into 1985. During the 1st quarter of this year, cuttings of women's trousers were off by 7 percent, compared with January–March 1984.

U.S. Market Share

Since 1980, the U.S. makret for MMF WGI trousers has grown by about 6 million dozens. This market was at least 30,200,000 dozens in 1984, based on current estimates. Despite the growing market, U.S. producers are losing market share as imports increase. The domestic producers' share of the Category 648 market has declined from 76 percent in 1980 to an estimated 69 in percent 1984.

Import Values and Domestic Producer Price

Thirty-one percent of the Category 648 imports from Brazil are entered under TSUSA No. 383.90709—women's woven non-ornamented trousers; twenty eight percent under 383.9069—women's and girls' woven non-ornamented shorts. These items are entering at land, duty paid values below U.S. producers price for comparable garments.

[FR Doc. 85-14667 Filed 6-18-85; 8:45 am]

BILLING CODE 3510-DR-M

Change in Officials of the Government of Pakistan Authorized To Issue Export Visas for Certain Cotton Textile Products From Pakistan

June 13, 1985.

The Government of Pakistan has notified the United States Government under the terms of the Bilateral Cotton Textile Agreement of March 9 and 11, 1982 that M. Akhtar Alam and M. Adil Siddiqui are now authorized to issue export visas for cotton textile products exported to the United States in place of M.Y. Bhutta and Mirza Sadiq Hussain, who will no longer sign these documents. The purpose of this notice is to advise the public of this change.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-14663 Filed 6-18-85; 8:45 am]

BILLING CODE 3510-DR-M

Request for Public Comment on Bilateral Textile Consultations With the Government of Japan To Review Trade in Category 648 (Women's, Girls', and Infants' Trousers, Slacks and Shorts)

June 13, 1985.

On May 31, 1985, the Government of the United States requested consultations with the Government of Japan with respect to Category 648. This request was made on the basis of the Agreement of August 17, 1979, as amended and extended, between the Governments of the United States and Japan relating to trade in cotton, wool and man-made fiber textiles and textile products.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations between the two governments, the Committee for the Implementation of Textile Agreements may request the Government of Japan to limit exports in Category 648, produced or manufactured in Japan and exported to the United States during the twelve-month period which began on January 1, 1985 and extends through December 31, 1985 at a level of 422,549 dozens.

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

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

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

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

JAPAN—MARKET STATEMENT

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

May 1985.

Summary and Conclusions

U.S. imports of Category 648—MMF WGI trousers—from Japan more than tripled to 429,000 dozens in the year-ending March 1985 from 120,000 dozens during the previous twelve months. In the 1st quarter of 1985, these imports were up to 269,000 dozens, making Japan the fifth largest major supplier of these imports to the U.S. First quarter 1984 imports were 34,000 dozens. January–March 1985 import data, if annualized, would indicate an import level of over a million dozen for this calendar year.

This is a sharp and substantial increase in imports which creates a real risk of market disruption.

Imports and Import-to-Production Ratio

In the latest five year period, Category 648 imports have increased by 60 percent, from 5,947,000 dozens in 1980 to 9,503,000 dozens in 1984. Coinciding was a rise in the import-to-production ratio, from 32 percent in 1980 to between 45 percent and 46 percent in 1984.

Imports are up an additional 8 percent during the 1st quarter of 1985 to 3,367,000 dozens compared with 3,119,000 dozens in January–March 1984.

U.S. Production

Domestic production was 21,641,000 dozens in 1983. Trade sources estimate that Category 648 production declined between two and four percent in 1984. This contrasts with the one and a half million dozens increase in imports. Other indicators of a decline in domestic output is the cuttings data which shows an eleven percent drop in women's trouser cuttings in 1984.

Further, cuttings of women's trousers has continued to decline into 1985. During the 1st quarter of this year, cuttings of women's trousers were off by 7 percent, compared with January–March 1984.

U.S. Market Share

Since 1980, the U.S. market for MMF WGI trousers has grown by about 6 million dozens. This market was at least 30,200,000 dozens in 1984, based on current estimates. Despite the growing market, U.S. producers are losing market share as imports increase. The domestic producers' share of the Category 648 market has declined from 76 percent in 1980 to an estimated 69 percent in 1984.

Import Values and Domestic Producer Price

Sixty-five percent of Category 648 imports from Japan are entered under TSUSA No. 383.9069—women's and girls' woven non-ornamented shorts; and twelve percent under 383.9070—women's woven non-ornamented trousers. These garments are entering at duty-paid values below the domestic producers' price for comparable items.

[FR Doc. 85-14666 Filed 6-18-85; 8:45 am]

BILLING CODE 3510-DR-M

Request for Public Comment on Bilateral Textile Consultations With the Government of the Republic of Indonesia To Review Trade in Categories 336 and 337

June 14, 1985.

On May 31, 1985, the Government of the United States requested consultations with the Government of the Republic of Indonesia with respect to women's, girls' and infants' cotton dresses in Category 336 and cotton playsuits in Category 337. This request was made on the basis of the agreement, as amended, between the Governments of the United States and the Republic of Indonesia relating to trade in Cotton, Wool and Man-Made Fiber Textiles and Textile Products of October 13 and November 9, 1982.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations between the two

governments, CITA, pursuant to the agreement, as amended, may establish prorated specific limits for textile products in Category 336 and Category 337, produced or manufactured in Indonesia and exported to the United States during the period which began on May 31, 1985 and extends through the end of the agreement year, June 30, 1985. The limits may be adjusted to include prorated swing.

The Government of the United States has decided, pending agreement on a mutually satisfactory solution, to control imports in this category during the prorated 90-day consultation period which began on May 31, 1985 at level-of 3,540 dozen for Category 336 and 5,040 dozen for Category 337. In the event these limits are exceeded, such excess amounts, if allowed to enter, may be charged to the prorated twelve-month specific limit, if established, and to any restraint period established subsequent to that, pending negotiations for renewal of the bilateral agreement.

Summary market statements for these categories follow this notice.

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

Anyone wishing to comment or provide data or information regarding the treatment of Categories 336 and 337 under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement with the Government of the Republic of Indonesia, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

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

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

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Indonesia—Market Statement

Category 336—Cotton Dresses

May 1985.

Summary and Conclusions

Category 336 imports from Indonesia were 45,865 dozens during the year-ending March 1985. This is a ten fold increase over the 4,515 dozens imported during the previous twelve month period. In first quarter of 1985 alone, cotton dress imports from Indonesia reached 33,378 dozens, which is 73 percent of the total number imported from Indonesia in the last twelve months. In 1984, Indonesia was the ninteenth largest supplier of cotton dresses, but as of first quarter 1985, it moved up to become the sixth largest supplier. Approximately 90 percent of these dresses are knits. The sharp and substantial increase in imports, if continued, creates a real risk for market disruption.

U.S. Imports

Imports of cotton dresses have increased substantially over the last five years, from 699,000 dozen in 1980 to 1,399,000 dozens in 1984. Year-ending March 1985 imports were 12 percent higher than in the previous twelve months. Indonesia accounted for 28 percent of the growth during the year-ending March 1985 in Category 336 imports from all sources.

About one fourth of Category 336 imports are knit dresses. These knits accounted for over half of the growth in 1984 Category 336 imports. Cotton knit dress imports more than doubled in 1984 reaching 357,000 dozens. These knit imports were up an additional 19 percent during January-March 1985 to 158,700 dozens.

U.S. Production

Estimates, based on trade sources, place 1984 production of woven and knit dresses at 4,400,000 dozens to 4,500,000 dozens, or 8 percent above 1980 levels. However, cotton dress production remains well below the levels of the mid 1970's.

Approximately 90 percent of the cotton dresses imported from Indonesia are knits. The domestic cotton knit dress industry has been hard hit by increased imports. Production has been declining rapidly in this sector since the late 1970's and in 1983 alone it dropped 15 percent. We estimate that 1984 production will decline further to between 400,000 dozens and 425,000 dozens.

Import-to-Production Ratio

The import-to-production ratio (I/P) for cotton dresses has steadly increased since 1980 with the exception of 1982 when it declined slightly. As imports doubled between the years 1980–1984, the I/P ratio rose from 17.2 pecent in 1980 to between 31.1 and 31.8 percent in 1984. The I/P ratio for cotton knit dresses has risen dramatically, from 19.4 percent in 1980 to between 84.0 and 89.3 percent in 1984.

U.S. Market

The U.S. producer's share of the market for domestically produced and imported cotton dresses declined from 85 percent in 1980 to about 76 percent in 1984. Compared to previous years, the market reached a four year high of 4,927,000 dozen in 1983. However, it is estimated between 5,799,000 dozens and 5,899,000 dozens in 1984. Imports supplied about two-thirds of the growth in the market during this period.

The U.S producer's share of the market for domestically produced and imported cotton knit dresses declined substantially, from 84 pecent of the market in 1980, to 73 percent in 1983. It is expected to drop to about half in 1984.

Employment

Employment in the dress industry was down 1.5 percent in 1984. January–March 1985 employment was down 10 percent compared to the first three months of 1984.

Import Value vs Domestic Producer Price

Approximately 74 percent of the cotton dresses imported from Indonesia enter under TSUSA No. 383.2920—girls' or infants' knit dresses, not ornamented. These cotton dresses enter at landed, duty paid values below prices for comparable U.S. garments. Manhours worked were off 1.8 percent and 9.9 percent respectively.

Indonesia—Market Statement

May 1985.

Category 337—Cotton Playsuits, Sunsuits and Washsuits.

Summary and Conclusions

United States imports of Category 337 from Indonesia were 94,000 dozens for the year-ending March 1985. These compare with 129 dozens for the same period one year earlier. Eighty-seven percent or 82,000 dozens of the year ending March 1985 imports entered during the first three months of 1985. This would be an annual rate of 328,000 dozens. Indonesia was the fifth largest supplier of Category 337 in the first three months of 1985.

Import growth of Category 337 from Indonesia has been sharp and substantial and has contributed to the market disruption in a market already adversely affected by imports.

Imports

U.S. imports of Category 337 from all sources increased 60 percent between 1979 and 1981 and then slowed to a 6.5 percent increase between 1981 and 1983. In 1984 imports rose 51.3 percent to reach a record of 2,768,000 dozens. In the twelve month period ending March 1985, imports of this category were 3,096,000 dozens, 41 percent higher than the same period one year earlier.

U.S. Production and Import-to-Production Ratio

Despite a growing market, U.S. cotton playsuit production remained relatively static in recent years. Estimated 1984 production of Category 337 was approximately 3,400,000 dozens. Production averaged 3,300,000 dozens annually during 1979–1984. The import-to-production ratio for Category 337 has grown substantially since 1979. From a level of 33.1 percent in 1979, the ratio grew to 54.4 percent in 1983. With the large increase in imports, the ratio increased at record levels reaching approximately 81 percent to 82 percent in 1984.

Domestic Producers' Market Share

Domestic producers' share of this market declined from 75.1 percent in 1979 to 64.8 in 1983. In 1984 the share dropped to an estimated 55.1 percent due to the large increase in imports and flat production.

Import Value vs Domestic Producer's Price

The majority (75 percent) of Indonesia's exports to the U.S. of Category 337 have been concentrated in three areas: women's and girls' other cotton playsuits not ornamented, not knit; girls' other cotton playsuits not ornamented, not knit; girls' and infants' cotton coveralls, overalls, etc., not ornamented, not knit; and women's, girls' and infants other cotton knit playsuits, sunsuits, etc., not ornamented. The duty paid value for these products are below the U.S. producer price for comparable items.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 13 and November 9, 1982, as amended and extended, between the Governments of the United States and the Republic of Indonesia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on June 20, 1985 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 336 and 337, produced or manufactured in Indonesia and exported during the prorated 90-day period which began on May 31, 1985, and extends through June 30, 1985, in excess of the following levels.

Category	Restraint level [1]
336	3,540 dozen
337	5,040 dozen

[1] The level has not been adjusted to reflect any imports exported after May 30, 1985.

Textile products in Categories 336 and 337 which have been exported to the United States prior to May 31, 1985, shall not be subject to this directive.

Textile products in Categories 336 and 337 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

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

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

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

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85–14730 Filed 6–18–85; 8:45 am]

BILLING CODE 3510-DR-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange Physical Delivery and Cash Settled European Currency Unit Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contracts.

SUMMARY: The Chicago Mercantile Exchange ("CME") has applied for designation as a contract market in both physical delivery and cash settled European Currency Units ("ECU"). The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of the proposed futures contracts are of major economic significance and that, accordingly, making available the proposed contracts for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before August 19, 1985.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW, Washington, D.C. 20581. Reference should be made to the CME ECU futures contracts.

FOR FURTHER INFORMATION CONTACT: Naomi Jaffe, Divison of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW, Washington, D.C. 20581 (202) 254–7227.

Copies of the terms and conditions of the proposed CME ECU futures contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the CME in support of its applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1984)), except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contracts, or with respect to other materials submitted by the CME in support of its applications, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 by August 19, 1985.

Issued in Washington, D.C. on June 13, 1985

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 85–14732 Filed 6–18–85; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Military Traffic Management Command Announces Emphasis Upon the Carrier Industry To Participate in the Joint Military Astray Freight Program

AGENCY: Military Traffic Management Command, Army Department, Department of Defense.

ACTION: Request for all carriers to make a thorough search of their terminals and warehouses in locating frustrated or astray freight.

SUMMARY: The Commander of the Military Traffic Management Command (MTMC) is asking the carrier industry for help. According to Maj. Gen. Harold I. Small, MTMC commander, DOD needs carriers to help find frustrated and astray freight.

MTMC officials say they are encouraging the carrier industry to cooperate in the Joint Military Astray Freight Program (JMAFP), because doing so can help both DOD and the carriers. If industry and DOD cooperate, say the officials, they will have an effective astray freight program that will save carriers many dollars in claims and recover valuable cargo for DOD.

JMAFP relies on the active participation of all government transportation offices in searching every terminal and storage area for shipments that cannot be delivered for any reason. MTMC officials stress however, that the cooperation of carriers is necessary to make the program work.

The finding of astray or frustrated freight is an important element of the DOD Freight Loss and Damage Prevention Program. Information obtained from recovery of astray cargo is used to assist DOD traffic managers in instituting preventative action programs to help reduce the number of future incidents.

Toll free lines are open for both industry and DOD to report astray freight. Carriers located in the States of North and South Dakota, Nebraska, Missouri, Arkansas, Louisiana and Western States can call 1-800-331-1822. Carriers in California should call 1-800-348-4639. Carriers in Minnsota, Iowa, Illinois, Tennessee and Mississippi and Eastern states should call 1-800-348-4639. Carriers in Minnesota, Iowa, Illinois, Tennessee and Mississippi and Eastern states should call 1-800-631-0434. Carriers in New Jersey should call 1-800-631-3414.

According to MTMC Officials, their goal is to make sure every shipment is delivered safely and on time. Should cargo go astray, MTMC's objective is to recover 100 percent of those shipments.

For further information on the Joint Military Astray Freight Program or the HOTLINE numbers, please contact Dom Scaffido or Liza Hagan at (202) 756-1680 or (202) 756-1682.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 85-14733 Filed 6-18-85; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

International Energy Program; Participation by Murphy Oil Corp. and Amoco Corp. in the Voluntary Agreement and Plan of Action To Implement the International Energy Program

Murphy Oil Corporation and Amoco Corporation recently became participants in the Voluntary Agreement and Plan of Action to Implement the International Energy Program (Voluntary Agreement). The Voluntary Agreement, which is administered by the Department of Energy, provides to U.S. oil companies which are signatories to the Voluntary Agreement, protection from U.S. antitrust laws for their participation in activities of the International Energy Program. In accordance with section 9(b)(1) of the Voluntary Agreement, the companies' membership in the Voluntary Agreement became effective upon their acceptance of the Secretary of Energy's invitation.

As required by section 9(b)(1) of the Voluntary Agreement, the Attorney General, after consultation with the Federal Trade Commission, approved the companies' participation in the Voluntary Agreement.

Issued in Washington, D.C., June 10, 1985.

J. Michael Farrell,

General Counsel.

[FR Doc. 85-14742 Filed 6-18-85; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 7107-001]

F & T Services Corp.; Surrender of Preliminary Permit

June 14, 1985.

Take notice that F and T Services Corporation, Permittee for the proposed Felsenthal Project No. 7107, requested by letter dated May 23, 1985, that its preliminary permit be terminated. The preliminary permit was issued on August 4, 1983, and would have expired on August 4, 1985. The project would have been located on the Ouachita River in Union County, Arkansas.

The Permittee filed the request on May 28, 1985, and the preliminary permit for Project No. 7107 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007 in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-14744 Filed 6-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-3-4-000 and TA85-3-4-001]

Granite State Gas Transmission, Inc.; Proposed Change in Rates

June 11, 1985.

Take notice that on June 4, 1985, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021 tendered for filing with the Commission the following revised tariff sheets pursuant to the purchased gas cost adjustment provision in its FERC Gas Tariff, First Revised Volume No. 1 containing changes in rates for effectiveness on July 1, 1985:

Eleventh Revised Sheet No. 7
Alternate Eleventh Revised Sheet No. 7
Seventh Revised Sheet No. 9

According to Granite State, the rate adjustments reflect changes in the cost of purchased gas at suppliers' rates that will be effective July 1, 1985 and the amortization of Unrecovered Purchased Gas Costs. It is stated that the filing is made pursuant to the purchased gas cost adjustment provision in Section XIX of the General Terms and Conditions of its tariff. Granite State further states that its revised rates are submitted on an alternate basis because its principal supplier, Tennessee Gas Pipe Line Company, a Division of Tenneco Inc. (Tennessee) has filed proposed alternate rates in Docket No. TA85-2-9-000 that are applicable to Granite State's purchases effective July 1, 1985.

Granite State further states that the rate changes are applicable to wholesale sales to its two affiliated distribution company customers: Bay State Gas Company (Bay State) and Northern

Utilities, Inc. (Northern Utilities). According to Granite State, the effect of the proposed rates in its filing that track the low Tennessee option is a decrease of approximately $8,039,960 annually in its rates for sales to Bay State and a decrease of $1,786,908 annually for sales to Northern Utilities. Granite State also states that the effect of the proposed rates that track the alternate Tennessee high option result in an increase of approximately $12,679,679 annually in rates for sales to Bay State and an increase of $3,221,827 for sales to Northern Utilities.

Granite State also tendered for filing the following revised tariff sheets pursuant to Section XX (Transportation Charge Adjustment) of the General Terms and Conditions of its FERC Gas Tariff:

Second Substitute Ninth Revised Sheet No. 7
Substitute Tenth Revised Sheet No. 7
Substitute First Revised Sheet No. 7-A

According to Granite State, the foregoing revised tariff sheets reflect an adjustment in a charge for a transportation service rendered by Texas Eastern Transmission Corporation (Texas Eastern) under the latter's Rate Schedule FTS. Granite State further states that the revised transportation charge reflects Texas Eastern's proposed Rate Schedule FTS rate in Docket No. RP84-108-000 and that Granite State is authorized to track changes in the transportation rate on a concurrent basis. (*Boundary Gas, Inc., et al.*, Docket Nos. CP81-107-000, *et al.*, 26 FERC ¶ 61,114 (1984)).

According to Granite State, copies of the filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 19, 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. 85-14745 Filed 6-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-132-002]

Michigan Gas Storage Co.; Tariff Filing

June 14, 1985.

Take notice that on May 29, 1985, Michigan Gas Storage Company tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Eighth Revised Sheet No. 4
Substitute Eighth Revised Sheet No. 5
Substitute Second Revised Sheet No. 24E.

The effective date of the sheets is May 15, 1985, established by a May 3, 1985 OPPR Director letter order. 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 June 6, 1985.

Michigan Gas Storage Company states that a copy of this filing has been sent to the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 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 June 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. 85-14746 Filed 6-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7751-001]

Muskingum River Hydro Associates; Surrender of Preliminary Permit

June 17, 1985.

Take notice that the Muskingum River Hydro Associates, Permittee for the Devola Lock & Dam No. 2, Project No. 7751, located on the Muskingum River in Washington County, Ohio has requested that its preliminary permit be terminated. The preliminary permit was issued on June 14, 1984, and would have expired on May 31, 1986. The Permittee states that analysis of the Devola Lock & Dam No. 2 Project did not indicate feasibility for development.

The Permittee filed the request on May 30, 1985, and the preliminary permit for Project No. 7751 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-14747 Filed 6-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-13-003]

Northwest Pipeline Corp.; Proposed Rate Change

June 14, 1985.

Take notice that on June 7, 1985, Northwest Pipeline Corporation ("Northwest") submitted for filing, to be a part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet: Substitute Alternate Nineteenth Revised Sheet No. 10.

The tendered tariff sheet lowers the Demand-1 rate for Rate Schedule ODL-1 reflecting Colorado Interstate Gas Company's (CIG) non-acceptance of Northwest's settlement proposal in Docket No. RP85-13-000. The Motion of Northwest Pipeline Corporation to Make Effective Suspended Rates and, Conditionally Settlement Rates ("Motion") was filed with the Commission on April 15, 1985, and approved by Commission order dated May 31, 1985. Northwest has requested an effective date of May 1, 1985 for the tendered tariff sheet.

A copy of this filing has been mailed to all parties of record in Docket No. RP85-13-000.

Any persons desiring to be heard or 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 or 214 of the Commission's Rules of Practice and Procedure. All such

motions or protests should be filed on or before June 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 area available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-14748 Filed 6-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-3720-000, et al.]

Texaco Producing Inc. (Successor in Interest to Getty Oil Company; Application for Certificates of Public Convenience and Necessity and for Redesignation of Related Rate Schedules

June 10, 1985.

Take notice that on May 28, 1985, Texaco Producing Inc., (Applicant) of P.O. Box 52332, Houston, Texas 77052, filed an application pursuant to the provisions of the Natural Gas Act, for Certificates of Public Convenience and Necessity as successor-in-interest to Getty Oil Company, to continue to sell gas covered by the gas purchase contracts listed in Exhibit "A" attached hereto.

On December 31, 1984, Applicant acquired by assignment the interest of Getty Oil Company, Assignor, in certain properties described in the contracts identified in the attached Exhibit "A".

Applicant requests that the Commission issue to it permanent Certificates of Public Convenience and Necessity to continue sales being made under permanent certificates issued to Getty Oil Company in each of the dockets listed in the attached Exhibit "A" by substituting Texaco Producing Inc., in lieu of Getty Oil Company, as certificate holder. Accordingly, it is requested that the gas rate schedules of Getty Oil Company listed in Exhibit "A" be redesignated as rate schedules of Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

EXHIBIT "A"

Formerly: Getty Oil Co., FERC gas rate schedule No.	Now: Texaco Producing Inc., FERC gas rate schedule No.	Certificate Docket No.	Purchaser	State	County
1	1	G-3720	National Fuel Gas Supply	TX	Colorado.
4	4	G-3735	El Paso Natural Gas	TX	Hockley.
5	5	G-3723	Natural Gas Pipeline	TX	Matagorda.
6	6	G-3732	Natural Gas Pipeline	TX	Brooks.
7	7	G-3721	Texas Eastern Trans	TX	Bee.
9	9	G-3736	Tennessee Gas Pipeline	TX	Nueces.
11	11	G-3730	Tennessee Gas Pipeline	TX	Colorado.
12	12	G-3728	Tennessee Gas Pipeline	TX	Wharton.
13	13	G-3740	Tennessee Gas Pipeline	TX	Matagorda.
14	14	G-3729	Transcontinental Gas Pipeline	TX	Newton.
15	15	G-3727	Transcontinental Gas Pipeline	TX	Brooks.
16	16	G-3742	Transcontinental Gas Pipeline	TX	Bee.
17	17	G-3722	El Paso Natural Gas	TX	Reagan.
18	18	G-3737	Natural Gas Pipeline	TX	Wharton.
19	19	G-3733	Transcontinental Gas Pipeline	TX	Wharton.
20	20	G-3736	United Gas Pipeline	TX	Goliad.
22	22	G-3718	Natural Gas Pipeline	TX	Brazoria.
23	23	G-3719	United Gas Pipeline	TX	Patricio.
26	26	G-2801	Columbia Gas Trans	LA	Vermilion.
32	32	G-4576	United Gas Pipeline	TX	Bee.
34	34	G-6267	United Gas Pipeline	LA	Terrebonne.
37	37	G-6271	Texas Gas Trans	LA	Acadia.
38	38	G-6266	El Paso Natural Gas	NM	Lea.
39	39	G-6275	El Paso Natural Gas	NM	Lea.
42	42	G-6264	El Paso Natural Gas	NM	Lea.
43	43	G-6272	El Paso Natural Gas	NM	Lea.
45	45	G-6265	Lone Star Gas	OK	Grady.
46	46	G-6263	ARKLA	OK	Grady.
51	51	G-9486	Texas Eastern Trans	TX	De Witt.
56	56	G-10146	Tennessee Gas Pipeline	LA	Off-State.
65	65	G-11891	Southern Natural Gas	LA	Jefferson.
67	67	G-11768	InterNorth, Inc.	TX	Winkler.
68	68	G-6274	Southern Natural	MS	Jefferson Davis.
70	70	G-14985	Natural Gas Pipeline	TX	Jim Wells.
72	72	G-11049	Tennessee Gas Pipeline	LA	Off-Fed.
73	73	G-15543	Panhandle Eastern	OK	Beaver.
75	75	G-16172	United Gas Pipeline	LA	Vermilion.
76	76	G-16194	InterNorth, Inc.	NM	Lea.

EXHIBIT "A"—Continued

Formerly: Getty Oil Co., FERC gas rate schedule No.	Now: Texaco Producing Inc., FERC gas rate schedule No.	Certificate Docket No.	Purchaser	State	County
79	79	G-17040	West Texas Gathering	TX	Winkler.
81	81	G-13051	Southern Natural Gas	LA	St. Martin.
86	86	G-17578	Florida Gas Trans	TX	Matagorda.
88	88	G-18376	Florida Gas Trans	TX	Matagorda.
90	90	G-17483	Texas Gas Trans	LA	Jefferson.
91	91	G-17474	Texas Gas Trans	LA	Acadia.
93	93	G-16267	Trunkline Gas	TX	Brazoria.
96	96	CI60-158	Colorado Interstate	OK	Beaver.
99	99	CI160-335	Southern Natural Gas	LA	Plaquemines.
104	104	CI61-1206	El Paso Natural Gas	NM	San Juan.
105	105	CI61-1016	Transwestern Pipeline	TX	Winkler.
106	106	CI61-1253	ARKLA	TX	Marion.
107	107	G-19719	Tennessee Gas Pipeline	OL	Off-Fed.
108	108	CI60-142	United Gas Pipeline	LA	Plaquemines.
109	109	CI61-1663	Texas Gas Trans	LA	Lincoln.
112	112	CI62-137	Tennessee Gas Pipeline	OL	Off-Fed.
113	113	CI62-185	El Paso Natural Gas	NM	San Juan.
115	115	CI-62-638	Texas Gas Trans	LA	Lafayette.
116	116	CI62-987	InterNorth, Inc	TX	Yates.
117	117	CI61-1599	Ringwood Gathering	OK	Major.
118	118	CI61-125	Michigan Wisconsin	LA	Tensas.
123	123	CI63-824	United Gas Pipeline	LA	St. Martin.
124	124	CI63-914	Michigan Wisconsin	OK	Major.
126	126	CI63-557	InterNorth, Inc	OK	Beaver.
127	127	CI83-1148	ARKLA	OK	Custer.
129	129	CI64-788	Natural Gas Pipeline	TX	Bee.
130	130	CI64-794	InterNorth, Inc	TX	Pecos.
133	133	CI64-974	Natural Gas Pipeline	OK	Custer.
134	134	CI64-1476	Northwest Pipeline	NM	San Juan.
135	135	CI64-1478	Montana-Dakota	WY	Fremont.
136	136	CI65-258	Lone Star Gas	OK	Stephens.
137	137	G-18710	United Gas Pipeline	LA	Terrebonne.
140	140	CI65-704	Michigan Wisconsin	LA	Kings Bayou.
141	141	CI65-1330	Northwest Pipeline	UT	Grant.
142	142	CI66-124	Trunkline Gas	LA	Jefferson Davis.
145	145	CI66-1310	InterNorth, Inc	OK	Ellis.
148	148	CI67-1008	Transwestern Pipeline	TX	Winkler.
149	149	CI67-1585	Southern Union	NM	San Juan.
151	151	G-6095	El Paso Natural Gas	TX	Andrews.
152	152	G-11461	El Paso Natural Gas	NM	Lea.
153	153	G-11767	InterNorth, Inc	NM	Lea.
155	155	G-18809	InterNorth, Inc	NM	Lea.
156	156	CI61-1403	El Paso Natural Gas	NM	Lea.
157	157	G-18378	Florida Gas Trans	TX	Aransas.
158	158	CI66-994	El Paso Natural Gas	NM	Lea.
160	160	CI68-880	Natural Gas Pipeline	TX	Loving.
162	162	CI67-862	Tennessee Gas Pipeline	OL	Off-Fed.
163	163	CI69-44	Tennessee Gas Pipeline	OL	Off-Fed
164	164	CI66-1278	Columbia Gas Trans	LA	Jefferson Davis.
165	165	CI69-93	Panhandle Eastern	OK	Woods.
166	166	CI68-1306	Michagan-Wisconsin	OL	Off-Fed
167	167	CI69-393	El Paso Natural Gas	TX	Glasscock.
168	168	CI69-421	Natural Gas Pipeline	TX	Brazoria.
170	170	CI64-1130	El Paso Natural Gas	TX	Pecos.
173	173	CI69-1003	Natural Gas Pipeline	TX	Aransas.
174	174	CI69-441	Michigan-Wisconsin	OL	Off-Fed.
175	175	CI69-1026	Michigan Wisconsin	OL	Off-Fed.
176	176	CI69-754	Trunkline Gas	OL	Off-Fed.
177	177	CI69-1061	Tennessee Gas Pipeline	OL	Off-Fed.
178	178	CI70-632	Tennessee Gas Pipeline	OL	Off-Fed.
179	179	CI70-604	Michigan Wisconsin	OK	Dewey.
180	180	CI70-649	Tennessee Gas Pipeline	OL	Off-Fed.
181	181	CI70-1079	Michigan Wisconsin	OL	Off-Fed.
182	182	CI71-139	Transcontinental Gas Pipeline	OT	Off-Fed.
183	183	CI70-990	Tennessee Gas Pipeline	OL	Off-Fed.
185	185	CI71-439	Tennessee Gas Pipeline	OL	Off-Fed.
186	186	CI71-528	Trunkline Gas	LA	Beauregard.
187	187	CI71-405	El Paso Natural Gas	TX	Reeves.
192	192	CI72-50	Transcontinental Gas Pipeline	LA	Vermilion.
193	193	CI72-299	Colorado Interstate	WY	Sweetwater.
194	194	CI72-309	El Paso Natural Gas	NM	Eddy.
195	195	CI72-319	El Paso Natural Gas	NM	Lea.
196	196	CI72-522	Transwestern Pipeline	NM	Roosevelt.
197	197	CI72-390	United Gas Pipeline	TX	Gregg.
199	199	CI73-2	Michigan-Wisconsin	OL	Off-Fed.
201	201	CI73-265	Texas Gas Trans	LA	Lincoln.
203	203	CI73-383	Columbia Gas Trans	OL	Off-Fed.
204	204	CI73-459	Tennessee Gas Pipeline	OL	Off-Fed.
210	210	CI75-41	El Paso Natural Gas	NM	Lea.
211	211	CI75-143	Trunkline Gas	OL	Off-Fed.
212	212	CI75-319	Texas Gas Trans	OL	Off-Fed.
213	213	CI75-769	Trunkline Gas	OL	Off-Fed.
214	214	CI75-516	Tennessee Gas Pipeline	OL	Off-Fed.
215	215	CI76-202	Tennessee Gas Pipeline	OL	Off-Fed.
216	216	CI76-602	Tennessee Gas Pipeline	OL	Off-Fed.
217	217	CI76-500	ARKLA	LA	Union.

EXHIBIT "A"—Continued

Formerly: Getty Oil Co. FERC gas rate schedule No.	Now: Texaco Producing Inc., FERC gas rate schedule No.	Certificate Docket No.	Purchaser	State	County
218	218	CI76-646	Tennessee Gas Pipeline	OL	Off-Fed.
219	219	CI76-759	Transcontinental Gas Supply	OT	Off-Fed.
220	220	CI76-668	Tennessee Gas Pipeline	OL	Off-Fed.
221	221	CI77-64	El Paso Natural Gas	TX	Wheeler.
223	223	CI77-364	Columbia Gas Trans	OL	Off-Fed.
224	224	CI77-422	Transcontinental Gas Pipeline	OT	Off-Fed.
225	225	CI77-438	United Gas Pipeline	TX	Off-Fed.
226	226	CI76-767	Transcontinental Gas Supply	OT	Off-Fed.
227	227	G-9854	Lone Star Gas	OK	Stephens.
228	228	G-5333	Texas Eastern Pipeline	TX	Lavaca.
229	229	G-5312	Tennessee Gas Pipeline	LA	DeSoto.
230	230	G-5328	ARKLA	TX	Panola.
232	232	G-5331	Tennessee Gas Pipeline	TX	Matagorda.
234	234	G-5334	Natural Gas Pipeline	TX	Matagorda.
235	235	G-5335	Texas Gas Trans	TX	Panola.
236	236	G-5336	Texas Gas Trans	TX	Panola.
237	237	G-5337	Texas Gas Trans	TX	Panola.
238	238	G-5338	Texas Gas Trans	TX	Panola.
239	239	G-5339	United Gas Pipeline	TX	Panola.
240	240	G-5340	United Gas Pipeline	TX	Panola.
242	242	G-5296	El Paso Natural Gas	NM	Lea.
245	245	G-5303	Kanšas-Nebraska Natural	KS	Finney.
246	246	G-5304	InterNorth, Inc.	KS	Finney.
247	247	G-5311	ARKLA	LA	Webster.
248	248	G-5313	United Gas Pipeline	LA	Webster.
249	249	G-5316	El Paso Natural Gas	NM	San Juan.
250	250	G-5317	El Paso Natural Gas	NM	San Juan.
251	251	G-5318	InterNorth, Inc.	NM	Lea.
252	252	G-5320	Cities Service	OK	Texas.
253	253	G-5321	Kansas-Nebraska Natual	OK	Texas.
256	256	G-5352	Mapco Production	KS	Finney.
258	258	G-5356	El Paso Natual Gas	NM	Lea
260	260	G-5362	Colorado Interstate	KS	Morton.
261	261	G-5377	El Paso Natural Gas	NM	Lea.
262	262	G-5379	El Paso Natural Gas	NM	Lea.
263	263	G-5367	El Paso Natural Gas	TX	Hockley.
264	264	G-5375	El Paso Natural Gas	NM	Lea.
265	265	G-13274	El Paso Natural Gas	TX	Howard.
267	267	G-5363	El Paso Natural Gas	TX	Glasscock.
268	268	G-11418	El Paso Natural Gas	NM	Lea.
269	269	G-8842	Texas Eastern Trans	TX	Colorado.
270	270	G-9155	Tennessee Gas Pipeline	TX	Panola.
271	271	G-9396	El Paso Natural Gas	NM	San juan.
272	272	G-9701	Texas Eastern Pipeline	TX	Harrison.
273	273	G-9698	Panhandle Eastern	TX	Hansford.
275	275	G-10028	Natural Gas Pipeline	OK	Beaver.
276	276	G-10039	Tennessee Gas Pipeline	TX	Collin.
277	277	G-10232	Mountain Fuel Supply	CO	Moffat.
278	278	G-10569	Mountain Fuel Supply	CO	Moffat.
279	279	G-10729	InterNorth, Inc	TX	Gary.
280	280	G-10995	Northwest Pipeline	NM	San Juan.
281	281	G-11240	El Paso Natural Gas	TX	Andrews.
282	282	G-11379	InterNorth, Inc	KS	Edwards.
283	283	G-11084	El Paso Natural Gas	TX	Upton.
284	284	G-12347	Texas Eastern Trans	TX	Bee.
285	285	G-13044	El Paso Natural	CO	La Plata.
286	286	G-13416	InterNorth, Inc	KS	Meade.
287	287	G-14712	Southern Natural	MS	Walthall.
290	290	G-5324	Lone Star Gas	OK	Carter.
291	291	G-15463	El Paso Natural Gas	NM	San Juan.
292	292	G-15892	Texas Gas Trans	TX	Panola.
293	293	G-15912	El Paso Natural Gas	NM	San Juan.
294	294	G-16142	El Paso Natural Gas	TX	Upton.
295	295	G-16546	El Paso Natural Gas	OK	San Juan.
297	297	G-17113	Cities Service	OK	Texas.
298	298	G-17460	El Paso Natural Gas	CO	La Plata.
299	299	G-17559	El Paso Natural Gas	NM	San Juan.
300	300	G-17864	Panhandle Eastern	KS	Finney.
301	301	G-17548	El Paso Natural Gas	NM	San Juan.
302	302	G-17962	Kansas-Nebraska	OK	Beaver.
303	303	G-18638	Valero Interstate	TX	Webb.
304	304	CI76-56	El Paso Natural Gas	TX	Pecos.
306	306	G-19374	Panhandle Eastern	KS	Reno.
307	307	G-19560	El Paso Natural Gas	NM	Rio Arriba.
308	308	G-19698	El Paso Natural Gas	NM	San Juan.
309	309	CI60-108	West Texas Gathering	OK	Winkler.
310	310	CI60-602	Panhandle Eastern	OK	Beaver.
311	311	CI60-602	Texas Gas Trans	OK	Claiborne.
312	312	CI61-601	InterNorth, Inc	NM	Lea.
313	313	CI61-819	Michigan-Wisconsin	OK	Major.
314	314	G-12257	Colorado Interstate	KS	Finney.
317	317	CI61-950	InterNorth, Inc	TX	Hansford.
318	318	G-5376	Cities Service	OK	Texas.
319	319	CI61-1419	Texas Gas Trans	LA	Lafayette.
321	321	G-5349 and G-5350	Panhandle Eastern	TX	Gray.
322	322	CI63-79	Panhandle Eastern	KS	Pratt.

EXHIBIT "A"—Continued

Former-ly Getty Oil Co., FERC gas rate sched-ule No.	Now: Texaco Produc-ing Inc., FERC gas rate sched-ule No.	Certificate Docket No.	Purchaser	State	County
323	323	CI63-426	ARKLA	LA	Ouachita.
324	324	CI63-478	Natural Gas Pipeline	OK	Beaver.
326	326	CI63-851	Kansas-Nebraska	OK	Beaver.
327	327	CI63-1201	InterNorth, Inc	OK	Beaver.
328	328	CI63-1436	El Paso Natural Gas	NM	Lea.
329	329	CI63-1503	Panhandle Eastern	OK	Texas.
330	330	CI64-2	Michigan Wisconsin	OK	Harper.
331	331	CI64-157	Kansas-Nebraska	KS	Greeley.
332	332	CI64-272	InterNorth, Inc	KS	Finney.
333	333	CI63-1499	Cities Service	OK	Texas.
334	334	CI64-793	Colorado Interstate	OK	Beaver.
335	335	CI64-884	Lone Star Gas	OK	Stephens.
337	337	CI64-1321	Natural Gas Pipeline	OK	Dewey.
338	338	CI65-8	InterNorth, Inc	OK	Lihecomb.
339	339	CI64-1225	El Paso Natural Gas	TX	Pecos.
341	341	CI65-604	West Texas Gathering	TX	Winkler.
342	342	CI65-638	InterNorth, Inc	TX	Ochiltree.
343	343	CI65-853	El Paso Natural Gas	NM	Lea.
344	344	CI65-1254	Panhandle Eastern	OK	Cimarron.
345	345	CI66-69	Natural Gas Pipeline	OK	Beaver.
346	346	CI65-924	Arksnsas Oklahoma Gas	OK	Le Flore.
347	347	CI66-176	ARKLA	OK	Sequoyah.
348	348	CI66-278	Northwest Pipeline	CO	La Plata.
350	350	CI66-571	Cities Service	KS	Harper.
351	351	CI66-693	Northwest Pipeline	CO	La Plata.
352	352	CI66-746	ARKLA	AR	Miller.
356	356	CI67-30	Cities Service	KS	Barber.
357	357	CI66-1072	El Paso Natural Gas	NM	Lea.
358	358	CI67-853	ARKLA	OK	Latimer.
359	359	CI67-854	ARKLA	OK	Latimer.
360	360	CI67-1720	Lone Star Gas	OK	Stephens.
362	362	CI68-301	Texas Eastern Trans	OL	Off-Fed.
363	363	CI68-88	ARKLA	OK	Blaine.
364	364	G-18063	El Paso Natural Gas	TX	Howard.
365	365	CI68-943	El Paso Natural Gas	NM	Lea.
366	366	CI68-1204	Kansas-Nebraska	OK	Beaver.
368	368	CI69-1026	Natural Gas Pipeline	NM	Lea.
369	369	CI69-1067	Southern Natural	MS	Walthall.
371	371	CI69-1204	Natural Gas Pipeline	TX	Cass.
372	372	CI69-1240	Texas Eastern Trans	OL	Off-Fed.
373	373	CI71-200	Transcontinental Gas Pipeline	OT	Off-Fed.
374	374	CI71-258	Texas Eastern Trans	OL	Off-Fed.
377	377	CI71-762	Natural Gas Pipeline	OL	Off-Fed.
379	379	CI72-223	Kansas-Nebraska	OK	Beaver.
381	381	CI72-289	Colorado Interstate	WY	Sweetwater.
382	382	G-5346	United Gas Pipeline	TX	Panola.
383	383	CI72-713	InterNorth, Inc	TX	Loving.
384	384	CI72-716	Natural Gas Pipeline	TX	Winkler.
385	385	CI72-719	Natural Gas Pipeline	TX	Winkler.
387	387	CI72-854	El Paso Natural Gas	TX	Howard.
388	388	G-5310	ARKLA	LA	Claiborne.
389	389	CI72-762	InterNorth, Inc	NM	Lea.
390	390	CI72-771	El Paso Natural Gas	NM	Lea.
391	391	CI73-166	El Paso Natural Gas	NM	San Juan.
393	393	CI73-329	Columbia Gas	OL	Off-Fed.
394	394	CI73-264	InterNorth, Inc	TX	Carson.
396	396	CI73-428	Columbia Gas Trans	OL	Off-Fed.
397	397	CI73-923	El Paso Natural Gas	CO	La Plata.
398	398	CI74-386	El Paso Natural Gas	NM	San Juan.
399	399	G-5316 NPC	Northwest Pipeline	NM	San Juan.
400	400	G-1759 NPC	Northwest Pipeline	NM	San Juan.
401	401	CI75-194	Transwestern Pipeline	TX	Winkler.
402	402	CI75-711	Northwest Pipeline	CO	La Plata.
405	405	CI77-17	Transcontinental Gas Supply	OT	Off-Fed.
406	406	CI76-768	Transcontinental Gas Supply	OT	Off-Fed.
407	407	CI76-766	Transcontinental Gas Supply	OL	Off-Fed.
408	408	CI76-546	Natural Gas Pipeline	NM	Eddy.
409	409	CI77-71	El Paso Natural Gas	NM	San Juan.
410	410	CI77-70	Michigan Wisconsin	KS	Kiowa.
411	411	CI77-629	InterNorth, Inc	NM	Lea.
412	412	CI76-758	Transcontinental Gas Supply	OT	Off-Fed.
413	413	CI77-15	Transcontinental Gas Supply	OT	Off-Fed.
414	414	CI77-688	Michigan Wisconsin	OT	Off-Fed.
415	415	CI78-56	El Paso Natural Gas	TX	Pecos.
417	417	CI78-256	United Gas Pipeline	OL	Off-Fed.
418	418	CI78-493	United Gas Pipeline	TX	Nueces.
419	419	CI78-579	Panhandle Eastern	OK	Custer.
420	420	CI78-796	El Paso Natural Gas	NM	Eddy.
421	421	CI78-1103	United Gas Pipeline	OL	Off-Fed.
422	422	CI78-1104	United Gas Pipeline	OL	Off-Fed.
423	423	CI78-920	Unsterd Gas Pipeline	OL	Off-Fed.
424	424	CI78-894	El Paso Natural Gas	NM	San Juan.
425	425	CI79-189	InterNorth, Inc	OK	Woods.
426	426	CI79-188	El Paso Natural Gas	NM	San Juan.
427	427	CI79-402	El Paso Natural Gas	NM	Lea.
428	428	CI79-437	Southern Natural	LA	Off-Fed.

EXHIBIT "A"—Continued

Formerly: Getty Oil Co., FERC gas rate schedule No.	Now: Texaco Producing Inc., FERC gas rate schedule No.	Certificate Docket No.	Purchaser	State	County
429	429	CI79-435	Transcontinental Gas Supply	OL	Off-Fed.
430	430	CI79-489	InterNorth, Inc.	KS	Finney.
431	431	CI68-979	Michigan Wisconsin	OL	Off-Fed.
432	432	CI72-255	Michigan Wisconsin	OL	Off-Fed.
433	433	CI72-352	Michigan Wisconsin	OI	Off-Fed.
435	435	CI73-318	Michigan Wisconsin	OL	Off-Fed.
436	436	CI73-377	Michigan Wisconsin	OL	Off-Fed.
437	437	CI75-24	Michigan Wisconsin	OL	Off-Fed.
438	438	CI75-122	Trunkline Gas	OL	Off-Fed.
439	439	CI77-280	Michigan Wisconsin	OL	Off-Fed.
441	441	CI79-679	Transcontinental Gas Pipeline	OL	Off-Fed.
442	442	CI80-68	Tennessee Gas Pipeline	OL	Off-Fed.
443	443	CI80-107	Transcontinental Gas Supply	OT	Off-Fed
445	445	CI80-326	Texas Eastern Trans	TX	Panola.
446	446	CI80-378	Tennessee Gas Pipeline	OL	Off-Fed.
447	447	CI80-366	Michigan Wisconsin	OT	Off-Fed.
448	448	CI80-481	InterNorth, Inc	KS	Finney.
449	449	CI81-24	Northwest Pipeline	NM	San Juan.
451	451	CI81-130	Texas Eastern	TX	Bee.
454	454	CI81-133	Tennessee Gas Pipeline	TX	Panola.
457	457	CI81-136	Northwest Pipeline	WY	Sweetwater.
459	459	CI81-138	InterNorth, Inc	OK	Beaver.
461	461	CI81-140	Texas Eastern Trans	TX	De Witt.
463	463	CI81-142	Colorado Interstate	WY	Sweetwater.
467	467	CI81-146	ARKLA	OK	Haskell.
468	468	CI81-147	Colorado Interstate	KS	Finney.
473	473	CI81-152	Natural Gas Pipeline	TX	Victoria.
474	474	CI81-153	Panhandle Eastern	TX	Hemphill.
476	476	CI81-155	InterNorth, Inc	OK	Dewey.
479	479	CI81-158	InterNorth, Inc	OL	Off-Fed.
480	480	CI81-226	Tennessee Gas Pipeline	OL	Off-Fed.
481	481	CI81-242	El Paso Natural Gas	NM	Lea.
482	482	CI81-243	Transcontinental Gas Pipeline	TX	Refugio.
483	483	CI81-244	Texas Gas Pipeline	TX	Jefferson.
486	486	CI81-247	El Paso Natural Gas	NM	Lea.
487	487	CI81-248	Transcontinental Gas Pipeline	LA	Terrebonne.
488	488	CI81-249	United Gas Pipeline	TX	Bee.
489	489	CI81-250	Transcontinental Gas Pipeline	OT	Off-Fed.
490	490	CI81-251	Texas Eastern Trans.	LA	Calcasieu.
491	491	CI81-252	Transcontinental Gas Pipeline	TX	Brooks.
492	492	CI81-253	Transcontinental Gas Pipeline	OT	Off-Fed.
494	494	CI81-255	El Paso Natural Gas	NM	Lea.
495	495	CI81-256	Natural Gas Pipeline	TX	Brooks.
496	496	CI81-257	United Gas Pipeline	TX	Bee.
497	497	CI81-302	El Paso Natural Gas	NM	Lea.
498	498	CI81-303	El Paso Natural Gas	NM	Lea.
499	499	CI81-304	El Paso Natural Gas	NM	Eddy.
500	500	CI81-305	El Paso Natural Gas	NM	Lea.
501	501	CI81-306	El Paso Natural Gas	NM	Lea.
502	502	CI81-307	El Paso Natural Gas	NM	Lea.
503	503	CI81-308	El Paso Natural Gas	NM	Lea.
504	504	CI81-310	El Paso Natural Gas	NM	Lea.
505	505	CI81-310	El Paso Natural Gas	NM	Lea.
506	506	CI81-311	El Paso Natural Gas	NM	Lea.
508	508	CI81-323	El Paso Natural Gas	NM	Lea.
510	510	CI81-433	United Gas Pipeline	TX	Goliad.
511	511	CI81-464	El Paso Natural Gas	NM	Lea.
513	513	CI81-466	Northwest Pipeline	WY	Sublette.
514	514	CI81-467	El Paso Natural Gas	NM	Lea.
515	515	CI81-468	El Paso Natural Gas	NM	Lea.
517	517	CI81-470	El Paso Natural Gas	NM	Lea.
518	518	CI81-471	Koch Oil Co	CO	Adams.
519	519	CI81-472	El Paso Natural Gas	NM	Lea.
521	521	CI81-505	El Paso Natural Gas	NM	Eddy.
522	522	CI82-12	Texas Gas Trans	LA	Bossier.
523	523	CI82-14	Texas Gas Trans	LA	Bossier.
524	524	CI82-145	Columbia Gas	OT	Off-Fed.
527	527	CI82-278	Transwestern Pipeline	NM	Lea.
528	528	CI82-255	Texas Gas Trans	LA	Bossier.
531	531	CI82-320	Transcontinental Gas Supply	OT	Off-Fed.
533	533	CI81-349	Cities Service	OK	Woods.
534	534	CI82-425	Texas Eastern Trans	OT	Off-Fed.
535	535	CI82-426	Colorado Interstate	WY	Sweetwater.
537	537	CI82-432	Panhandle Eastern	OK	Beckham.
538	538	CI83-166	Tennessee Gas Pipeline	OL	Off-Fed.
539	539	CI83-215	Texas Eastern Trans	OT	Off-Fed.
540	540	CI82-220	Texas Eastern Trans	OT	Off-Fed.
542	542	CI83-348	Tennessee Gas Pipeline	OL	Off-Fed.
543	543	CI83-378	Texas Eastern Trans	LA	Off.
544	544	CI84-17	El Paso Natural	TX	Glasscock.
545	545	CI84-189	United Gas Pipeline	TX	Karnes.
546	546	CI83-648	El Paso Natural Gas	NM	San Juan.
547	547	CI84-229	Transcontinental Gas Pipeline	TX	Offshore.
548	548	CI84-340	ARKLA	OK	Custer.
549	549	CI84-548	Tennessee Gas Pipeline	LA	Offshore.
550	550	CI84-598	ANR	LA	Offshore.

EXHIBIT "A"—Continued

Formerly Getty Oil Co., FERC gas rate schedule No.	Now: Texaco Producing Inc., FERC gas rate schedule No.	Certificate Docket No.	Purchaser	State	County
551	551	CI85-8	Cities Service	KS	Seward.
	(1)	CI85-179	Florida Gas Trans	OT	Off-Fed.

[1] Certificate application by Texaco Producing Inc. is currently pending. Request was made in certificate application that No. 552 be assigned to the gas rate schedule.
NOTE.—OL is Offshore Louisiana and OT is Offshore Texas.

[FR Doc. 85-14630 Filed 6-18-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP85-565-000 etc.]

Texas Gas Transmission Corp.; Notice of Applications

(June 14, 1985).

Take notice that on June 5, 1985, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed Docket Nos. CP85-565-000, CP85-566-000, CP85-567-000, CP85-568-000, CP85-569-000, CP85-570-000, CP85-571-000, CP85-572-000, CP85-573-000, CP85-574-000, CP85-575-000, CP85-576-000,, and CP85-577-000, applications pursuant to section 7(c) of the Natural Gas Act for limited-term certificates of public convenience and necessity authorizing the continued transportation of natural gas which service has previously commenced pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the orders issued by the Commission in Tenneco Oil Company, *et al.*, Docket No. CI83-269 (Tenneflex), all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

The Appendix attached hereto provides details for each of the referenced dockets under which Applicant proposes to continue transporting natural gas. Applicant states that the volumes to be transported would be received into its system at existing points of interconnection and redelivery would be at existing points of delivery with either the end-users or the representative local distribution companies or other transporters.

Applicant would receive the subject transportation volumes at existing receipt points on its system and Applicant would redeliver the subject transportation volumes ast existing points of redelivery as reflected in the applications herein, Tenneflex transactions and applicable § 157.209 prior to notice proceedings which are identified in the Appendix hereto.

Applicant is charging all of the shippers referenced herein the then effective rates and provisions as set forth in the Applicant's FERC Gas Tariff applicable as identified in the Appendix hereto.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1985, file with the Federal Energy Commission, Washington, D.C. 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Appendix

Docket No.	Distribution company	End-user	Transportation volumes (Mcf per day)	Other transporters	Prior notice certificate No.	Term	Rates
CP85-565-000	The Cincinnati Gas and Electric Co.	ARMCO Inc	[1] 42,000	ANR Pipeline Co	CP84-122-000	12/31/85	Rate Schedule T-3/Z-4 and T-1/Z-4.
CP85-566-000	Memphis Light, Gas and Water Division.	E.I. duPont de Nemours and Co.	[2] 5,000	[3] Tennessee Gas Pipe Line Co.	CP85-245-000	10/31/85	TSC 1 Rate Schedule for G Service Sales Customers.
CP85-567-000	(4)	Vulcan Chemicals, a division of Vulcan Materials Co.	5,000	ANR Pipeline Co	CP85-26-000	12/31/85	T-SL/Z-SL Rate Schedule.
CP85-568-000	Indiana Gas Co., Inc	Fairfield Manufacturing Co., Inc.	900		CP85-383-000	10/31/85	TSC 3 Rate Schedule for G Service Sales Customers.
CP85-569-000	Memphis Light, Gas and Water Division.	W.R. Grace and Co	40,000	Arkla Energy Resources, a division of Arkla, Inc.	[5] CP85-483-000	10/31/85	TSC 1 Rate Schedule for G Service Sales Customers.
CP85-570-000	Memphis Light, Gas and Water Division.	Humko Chemcial Division	5,000	Tennessee Gas Pipe Line Co.	(4)	10/31/85	TSC 1 Rate Schedule for G Service Sales Customers.
CP85-571-000	The Cincinnati Gas and Electric Co.	Franklin Box Board Corp.	1,300	ANR Pipeline Co	CP84-317-000	12/31/85	Rate Schedule T-3/Z-4 and T-1/Z-4.

Appendix—Continued

Docket No.	Distribution company	End-user	Transportation volumes (Mcf per day)	Other transporters	Prior notice certificate No.	Term	Rates
CP85-572-000	The Cincinnati Gas and Electric Co.	Georgia-Pacific Corp	1,600		CP84-584-000	12/31/85	Rate Schedule T-1/Z-4.
CP85-573-000	Memphis Light, Gas and Water Division.	QO Chemicals, Inc	1,500		[1] CP85-549-000	10/31/85	TSC 1 Rate Schedule for G Service Sales Customers.
CP85-574-000	The Cincinnati Gas and Electric Co.	Middletown Paperboard Co., a division of Newark Boxboard Co.	[2] 1,500		CP84-239-000	12/31/85	Rate Schedule T-3/Z-4, T-1/Z-4 and T-SL/Z-4.
CP85-575-000	Brownsville Utility Dept., city of Brownsville, Tenn.	Haywood Co	[3] 600	United Gas Pipe Line Co	CP85-336-000	10/31/85	TSC 1 Rate Schedule for SG Rate Schedule Sales Customers.
CP85-576-000	Memphis Light, Gas and Water Division.	Buckeye Cellulose Corp	4,500		[10] CP85-449-000	10/31/85	TSC 1 Rate Schedule for G Service Sales Customers.
CP85-577-000	Indiana Gas Co., Inc	Knauf Fiber Glass	2,300		CP85-370-000	10/31/85	TSC 3 Rate Schedule for G Service Sales Customers.

[1] Increase from 25,000 Mcf under prior notice authorization.
[2] Decrease from 7,500 Mcf under prior notice authorization.
[3] For Egan and Carthage receipt points currently used for transportation service pursuant to authorization granted to Tenneco Oil Company, *et al.*, in Docket No. CI83-289, *et al.* (Tennessee).
[4] Deliveries are made without the aid of a local distribution Company.
[5] Prior notice authorization to become effective June 27, 1985, absent protests.
[6] Transportation service is pursuant to authorization granted in Tennessee.
[7] Prior notice request was filed May 29, 1985.
[8] Increase from 1,300 Mcf under prior notice authorization.
[9] Increase from 250 Mcf under prior notice authorization.
[10] Prior notice authorization to become effective June 25, 1985, absent protests.

[FR Doc. 85-14668 Filed 6-18-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI85-239-000]

Samson Resources Co.; Notice of Quarterly Status Conference

June 14, 1985.

Take notice that a quarterly status conference has been scheduled pursuant to the Commission's order of September 26, 1984, to evaluate whether the implementation of Samson Resources' special marketing program is achieving the Commission's purposes. The conference will be held at the Commission at 825 North Capitol Street, NE., Washington, D.C. on June 21, 1985, at 2:00 p.m. All interested persons and Staff are invited to attend.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-14599 Filed 7-18-85; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-240064; FRL-2851-8]

State Registration of Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, from 18 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Administrator disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the **Federal Register.**

DATE: The last entry for each item is the date the State registration of that product became effective.

FOR FURTHER INFORMATION CONTACT:

Sandra English, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C.

Office location and telephone number: Rm. 726A, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7716).

SUPPLEMENTARY INFORMATION: All of the registrations listed below were received by the EPA in April 1985. Receipts of State registrations will be published periodically. Of the following registrations, none involve a changed-use pattern (CUP). The term "changed-use pattern" is defined in 40 CFR 162.3(k) as a significant change from a use pattern approved in connection with the registration of a pesticide product. Examples of significant changes include, but are not limited to, changes from a nonfood to food use, outdoor to indoor use, ground to aerial application, terrestrial to aquatic use, and nondomestic to domestic use.

Alabama

EPA SLN No. AL 85 0001. Y-Tex Corp. Registration is for Max-Con Insecticide Ear Tag to be used on beef cattle and nonlactating dairy cattle to control flies, spinose ear ticks, and Gulf Coast ticks. April 25, 1985.

EPA SLN No. AL 85 0002. Degesch America, Inc. Registration is for Degesch Magtoxin Pellets-Prepac to be used on bins, silos, holding tanks, food and feed processing equipment, and conveyers to control confused flour beetles and red flour beetles. April 25, 1985.

EPA SLN No. AL 85 0003. Dow Chemical Co. Registration is for Lorsban 4E Insecticide to be used on cotton to control aphids, fall armyworms, and spider mites. April 25, 1985.

California

EPA SLN No. CA 85 0035. Monterey Co. Agricultural Commissioner. Registration is for Rovral Fungicide to be used on crucifer crops grown for seed to control *alternaria* leaf and pod spot. April 3, 1985.

EPA SLN No. CA 85 0036. Sonoma Co. Agricultural Commissioner. Registration is for Rodent Bait Warfarin-P Treated Grain (0.025%) to be used on burrows, ground floors, and attics to control rats, house mice, ground squirrels, and chipmunks. April 10, 1985.

EPA SLN No. CA 85 0037. Sonoma County Agricultural Commissioner. Registration is for Methyl Bromide Rodent Fumigant to be used on burrows to control ground squirrels. April 10, 1985.

EPA SLN No. CA 85 0038. Sonoma Co. Agricultural Commissioner. Registration is for Rodent Bait Chlorophacinone treated grain (0.005%) to be used on burrows, concealed places, in corners, and along walls to control rats, house

mice, ground squirrels, and chipmunks. April 10, 1985.

EPA SLN No. CA 85 0040. Forest Pest Management-USDA Forest Service. Registration is for Baylethon 50% Wettable Powder to be used on jeffrey and ponderosa pine seedlings to control *sirococcus* tip blight. April 10, 1985.

EPA SLN No. CA 85 0041. Vector Control & Biology Branch. Registration is for Dimilin W-25 to be used on street gutters, roadside ditches, flood control channels, and underground storm drains to control mosquitoes. April 19, 1985.

Georgia

EPA SLN No. GA 85 0001. Dow Chemical Co. Registration is for Telone II Soil Fumigant to be used on cotton, soybeans, and peanuts to suppress nematodes. April 30, 1985.

Idaho

EPA SLN No. ID 85 0002. Degesch America, Inc. Registration is for Degesch Magtoxin Pellets-Prepac to be used on bins, silos, holding tanks, food and feed processing equipment, and conveyers to control confused flour beetles and red flour beetles. April 17, 1985.

EPA SLN No. ID 85 0003. E.I. Du Pont De Nemours & Co., Inc. Regristration is for Du Pont Benlate Fungicide to be used on chick peas to control seed-borne *Ascochyta tabiei.* April 19, 1985.

EPA SLN No. ID 85 0004. Orco, Inc. Registration is for Orco Gopher Grain Bait to be used on forestry, forage crops, orchards, grass seed, and noncrop areas to control gophers. April 19, 1985.

Louisiana

EPA SLN No. LA 85 0002. Chevron Chemical Co. Registration is for Ortho Bolero 8 EC to be used on preplant nonincorporated fields to control red rice. April 17, 1985.

EPA SLN No. LA 85 0003. Y-Tex Corp. Registration is for Max-Con Insecticide Ear Tag to be used on beef cattle and non-lactating dairy cattle to control horn flies, face flies, gulf coast ticks, and spinose ear ticks and to aid in control of stable flies, house flies, and lice. April 9, 1985.

EPA SLN No. LA 85 0004. Universal Cooperatives, Inc. Registration is for Paraquat + Plus to be used on soybeans to control red rice, common cocklebur, and morningglories. April 17, 1985.

Mississippi

EPA SLN No. MS 85 0001. American Cyanamid Co. Registration is for Cythion Insecticide RTU The Premium Grade Malathion (not EPA reg.) to be used on cotton to control aphids, boll weevils, grasshoppers, fleahoppers, leafhoppers, lygus bugs, and thrips. April 25, 1985.

Missouri

EPA SLN No. MO 85 0001. American Cyanamid Co. Registration is for Aastar Soil and Systemic Insecticide to be used on field corn to control cutworms, corn rootworms, wireworms, white grubs, seedcorn maggots, seedcorn bettles, flea beetles, European corn borers, corn leaf aphids, and spider mites. April 12, 1985.

Nebraska

EPA SLN No. NE 85 0002. American Cyanamid Co. Registration is for Counter Systemic Insecticide-Nematicide to be used on sugar beets at planting to surpress sugar beet cyst nematodes. April 11, 1985.

EPA SLN No. NE 85 0003. Shell Chemical Co. Registration is for Bladex 90 DF Herbicide to be used on grain sorghum (milo) to control cheatgrass, crabgrass, green foxtail, Indian lovegrass, volunteer wheat (2), yellow foxtail, and broadleaves. April 11, 1985.

EPA SLN No. NE 85 0004. Shell Chemical Co. Registration is for Bladex 80W Herbicide to be used on grain sorghum (milo) to control grasses and broadleaves. April 11, 1985.

EPA SLN No. NE 85 0005. Shell Chemical Co. Registration is for Bladex 4L Herbicide to be used on grain sorghum (milo) to be used on grasses and weeds. April 11, 1985.

EPA SLN No. NE 85 0006. Universal Cooperatives, Inc. Registration is for Paraquat + Plus to be used on no-till sunflowers to control emerged annual broadleaf weeds and grasses. April 11, 1985.

EPA SLN No. NE 85 0007. American Cyanamid Co. Registration is for Prowl Herbicide to be used on soybeans for preemergence application to control common ragweeds, jimsonweeds, smartweeds, velvetleaf (buttonweeds), and Venice mallow. April 11, 1985.

EPA SLN No. NE 85 0008. Universal Cooperatives, Inc. Registration is for Paraquat + Plus to be used on chemical fallow for desiccation of emerged annual broadleaf weeds and grasses and suppression of emerged perennial weeds during the fallow period(s) of the wheat-fallow, wheat-annual crop-fallow, wheat-annual crop, and continuous wheat cropping systems. April 11, 1985.

Nevada

EPA SLN No. NV 85 0003. Nevada Dept. of Agriculture. Registration is for Poast Herbicide to be used on onions grown for seed to control annual and perennial grass weeds. April 8, 1985.

New Jersey

EPA SLN No. NJ 85 0006. Penick Corp. Registration is for PB-NOX Insecticide With Rotenone/PBO EC 4% + 8% to be used on eggplants, potatoes, and tomatoes to control Colorado potato beetles. April 25, 1985.

North Carolina

EPA SLN No. NC 85 0002. Fairfield American Corp. Registration is for Permanone Tick Repellent to be used on outer surfaces of clothing to control ticks, chiggers, and mosquitoes. April 2, 1985.

EPA SLN No. NC 85 0003. Buckman Laboratories, Inc. Registration is for Busan 1020 to be used on peanuts to control cylindrocladium black rot (CBR). April 17, 1985.

Oregon

EPA SLN No. OR 85 0003. Orco, Inc. Registration is for Orco Patrol to be used on cropland and noncropland areas and pastures to control ground squirrels. April 3, 1985.

EPA SLN No. OR 85 0004. Oregon Rodent Control Outfitters. Registration is for Orco Barrage to be used on noncrop areas, ditchbanks, and right-of-ways to control ground squirrels. April 3, 1985.

EPA SLN No. OR 85 0005. Melridge, Inc. dba/Oregon Bulb Farms. Registration is for Milogard 90W to be used on lily bulbs to control weeds. April 10, 1985.

EPA SLN No. OR 85 0006. The Chas. H. Lilly Co. Registration is for Lilly/Miller Alphaspra to be used on apple and pear fruit trees to control thinning. April 10, 1985.

EPA SLN No. OR 85 0007. Universal Cooperatives, Inc. Registration is for Paraquat Plus to be used on wheat/fallow/wheat rotation to control emerged weeds and for preemergence control of pigweeds, mustards, cheat, downy brome, and wild sunflowers. April 17, 1985.

EPA SLN No. OR 85 0008. Universal Cooperatives, Inc. Registration is for Paraquat Plus to be used on wheat/fallow/wheat rotation to control emerged and preemerged weeds. April 17, 1985.

EPA SLN No. OR 85 0009. Universal Cooperatives, Inc., Registration is for Paraquat Plus to be used on wheat/fallow/wheat rotation to control emerged and preemerged weeds. April 17, 1985.

EPA SLN No. OR 85 0010. Universal Cooperatives, Inc. Registration is for Paraquat Plus to be used on alfalfa to control bluegrass, cheat, chickweed, downy brome, henbit, Japanese brome,

rescuegrass, and shepherdspurse weeds. April 17, 1985.

EPA SLN No. OR 85 0011. Universal Cooperatives, Inc. Registration is for Paraquat Plus to be used on dormant mint to control emerged annual broadleaf weeds and grasses. April 17, 1985.

EPA SLN No. OR 85 0012. Universal Cooperatives, Inc. Registration is for Paraquat Plus to be used on garlic (seed production only) for preplant or preemergence use to control annual broadleaf weeds and grases. April 17, 1985.

EPA SLN No. OR 85 0013. Universal Cooperatives, Inc. Registration is for Paraquat Plus to be used on winter wheat for postemergence use to supress volunteer rye and downy brome grasses. April 17, 1985.

EPA SLN No. OR 85 0014. Universal Cooperatives, Inc. Registration is for Paraquat Plus to be used on cheatgrass and volunteer grain. April 17, 1985.

EPA SLN No. OR 85 0015. Universal Cooperatives, Inc. Registration is for Paraquat Plus to be used on alfalfa to control bluegrass, cheat, chickweed, downy brome, henbit, Japanese brome, rescuegrass, and shepherdspurse weeds. April 17, 1985.

EPA SLN No. OR 85 0016. Universal Cooperatives, Inc. Registration is for Paraquat Plus to be used on alfalfa to control bluegrass, cheat chickweed, downy brome, henbit, Japanese brome, rescuegrass, and shepherdspurse weeds. April 17, 1985.

EPA SLN No. OR 85 0017. E.I. Du Pont De Nemours & Co., Inc. Registration is for Du Pont Glean Herbicide to be used on tillage fallow, preceding winter wheat to control broadleaf weeds. April 25, 1985.

EPA SLN No. OR 85 0018. FMC Corp. Registration is for Dimethoate 267 to be used on grass seed crops to control aphids, thrips, winter grain mites, and plant bugs. April 25, 1985.

EPA SLN No. OR 85 0019. Mobay Chemical Corp. Registration is for Sencor 4 Flowable Herbicide to be used on alfalfa to control grasses and boradleaf weeds. April 25, 1985.

EPA SLN No. OR 85 0020. Mobay Chemical Corp. Registration is for Sencor DF 75% Dry Flowable Herbicide to be used on alfalfa to control grasses and broadleaf weeds. April 25, 1985.

Texas

EPA SLN No. TX 85 0004. Chevron Chemical Co. Registration is for Difolatan 80 Sprills (Fungicide) to be used on oranges, grapefruits, tangerines, lemons, and limes to control plant diseases. April 2, 1985.

EPA SLN No. TX 85 0005. Tex-Ag Co. Registration is for EPN 5 Emulsifiable Insecticide to be used on cotton to control thrips, worms, and boll weevils. April 25, 1985.

EPA SLN No. TX 85 0006. Tex-Ag Co. Registration is for TA 33 to be used on cotton to control aphids, worms, red spiders, mites, lygus bugs, cabbage loopers, cotton leaf perforators, and saltmarsh caterpillars. April 25, 1985.

EPA SLN No. TX 85 0007. T-Tex Corp. Registration is for Max-Con Insecticide Ear Tag to be used on beef and dairy cattle to control flies and lice. April 25, 1985.

EPA SLN No. TX 85 0008. American Cyanamid Co. Registration is for Cygon Systemic Insecticide-Miticide to be used on celery to control carmine mites and two-spotted spider mites. April 25, 1985.

EPA SLN No. TX 85 0009. Chevron chemical Co. Registration is for Ortho Paraquate Plus to be used on sugarcane to control emerged annual broadleaf weeds and grasses. April 25, 1985.

Utah

EPA SLN No. UT 85 0001. E.I. Du Pont De Nemours & Co. Registration is for Du Pont Benlate PNW Fungicide to be used on barley to control pseudocercosporella foot rot. April 15, 1985.

Vermont

EPA SLN No. VT 85 0001. ICI Americas, Inc. Registration is for Ambush EC to be used on apples to control spotted tentiform leafminers. April 19, 1985.

Virginia

EPA SLN No. VA 85 0002. Buckman Laboratories, Inc. Registration is for Busan 1020 to be used on peanuts to control cylindrocladium black rot (CBR). April 22, 1985.

Washington

EPA SLN No. WA 85 0007. Rhone-Poulenc, Inc. Registration is for Mocap EC to be used on potatoes to suppress Columbia root-knot nematodes (*Meloidogyne chitwoodi*). April 1, 1985.

EPA SLN No. WA 85 0008. Rhone-Poulenc, Inc. Registration is for Mocap 10% Granular to be used on potatoes to suppress Columbia root-knot nematodes (*Meloidogyne chitwoodi*). April 1, 1985

EPA SLN No. WA 85 0009. Mobay Chemical Corp. Registration is for Morestan 25% Wettable Powder to be used on bearing fruit (prebloom and postharvest apples and pears) to control powdery mildew, mites, mite eggs, and pear psylla. April 9, 1985.

EPA SLN No. WA 85 0010. E.I. Du Pont De Nemours & Co., Inc. Registration is for Du Pont Benlate Fungicide to be used on Chick peas to control seed-borne *Ascochyta rabiei.* April 9, 1985.

EPA SLN No. WA 85 0011. Universal Cooperatives, Inc. Registration is for Paraquat + Plus to be used on winter wheat to suppress volunteer rye and downy brome (cheatgrass). April 12, 1985.

EPA SLN No. WA 85 0012. Universal Cooperatives, Inc. Registration is for Paraquat + Plus to be used on wheat/fallow/wheat rotation to control emerged and preemerged weeds. April 12, 1985.

EPA SLN No. WA 85 0013. Universal Cooperatives, Inc. Registration is for Paraquat + Plus to be used on alfalfa to control bluegrass, cheat, chickweed, downy brome, henbit, Japanese brome, rescuegrass, and shepherdspurse weeds. April 12, 1985.

EPA SLN No. WA 85 0014. Universal Cooperatives, Inc. Registration is for Paraquat + Plus to be used on alfalfa to control grasses and broadleaf weeds. April 12, 1985.

EPA SLN No. WA 85 0015. Universal Cooperatives, Inc. Registration is for Paraquat + Plus to be used on alfalfa to control grasses and broadleaf weeds. April 12, 1985.

EPA SLN No. WA 85 0016. Universal Cooperatives, Inc. Registration is for Paraquat + Plus to be used on wheat/fallow/wheat rotation to control emerged weeds and for preemergence control of pigweeds, mustards, cheat, downy brone, Russian thistle, kochia, field pennycress, lambsquarters, common chickweeds, henbit, volunteer wheat, and wild sunflowers. April 12, 1985.

EPA SLN No. WA 85 0017. Universal Cooperatives, Inc. Registration is for Paraquat + Plus to be used on wheat/fallow/wheat rotation for emerged and preemergence control of weeds. April 12 1985.

EPA SLN No. WA 85 0018. Universal Cooperatives, Inc. Registration is for Paraquat + Plus to be used on wheat/fallow/wheat systems to control weeds present at time of application. April 12, 1985.

EPA SLN No. WA 85 0020. E.I. Du Pont Nemours & Co. Registration is for Du Pont Benlate PNW Fungicide to be used on barley to control pseudocercosporella foot rot. April 23, 1985.

Wyoming

EPA SLN No. WY 85 0001. American Cyanamid Co. Registration is for counter systemic insecticide-nematicide to be used on sugar beets at planting to suppress sugar beet cyst nematodes. April 17, 1985.

(Sec. 24 as amended, 92 Stat. 835 (7 U.S.C. 136))

Dated: June 7, 1985.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 85-14443 Filed 6-18-85; 8:45 am]

BILLING CODE 6560-50-M

[OPP-00206; FRL-2852-1]

Open Meeting of State-FIFRA Issues Research and Evaluation Group (SFIREG)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a 2-day meeting of the State FIFRA Issues Research and Evaluation Group (SFIREG). The meeting will be open to the public.

DATES: Monday and Tuesday, July 15 and 16, 1985, beginning at 8:30 a.m. on July 15 and ending prior to 12 noon on July 16.

ADDRESS: The meeting will be held at: Hyatt Regency—Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202, (703-486-1234).

FOR FURTHER INFORMATION CONTACT:

By mail, Philip H. Gray, Jr., Office of Pesticide Programs (TS-766C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 1115, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7096).

SUPPLEMENTARY INFORMATION: This will be the twenty-first meeting of the full Group. The tentative agenda thus far includes the following topics:

1. Action items from the February 1985 meeting of the SFIREG.
2. Regional reports.
3. Working Committee reports.
4. Other topics which may arise.

Dated: June 11, 1985.

Louis P. True,

Acting Director, Office of Pesticide Programs.

[FR Doc. 85-14718 Filed 6-18-85; 8:45 am]

BILLING CODE 6560-50-M

[OPP-00204; PH-FRL 2846-5]

Open Meeting of EPA/SFIREG Applicator Certification and Training Task Force

Correction

In FR Doc. 85-13516 appearing on page 23762 in the issue of Wednesday, June 5, 1985, the phone number in the **FOR FURTHER INFORMATION CONTACT** paragraph should have read "202-382-2916."

BILLING CODE 1505-01-M

[OPP-250067; FRL-2852-4]

Recommendations for the Composition of a Subpanel of the FIFRA Scientific Advisory Panel to Conduct a Peer Review of a New Tuberculocidal Test Methodology

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Initiation of a Peer Review of a New Tuberculocidal Test Methodology; Solicitation of Recommendations for Subpanel Members.

SUMMARY: This notice announces the initiation of a comprehensive independent review process under the auspices of a subpanel of the FIFRA Scientific Advisory Panel to substantiate the validity of a new quantitative tuberculocidal test method, and solicits recommendations for the composition of the subpanel.

DATE: Recommendations must be received by July 3, 1985.

ADDRESSES: By mail submit three copies of comments identified by the document control number [OPP-250067] to:

Information Services Section (TS-757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Aram Beloian, Benefits and Use Division (TS-768C), Office of Pesticide Programs, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 705A, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7361).

SUPPLEMENTARY INFORMATION: On August 22, 1983 Surgikos, Inc., a registrant of disinfectant products, submitted to the Environmental Protection Agency a new quantitative test method for establishing tuberculocidal efficacy claims for glutaraldehyde-based disinfectant products. This new test method is under consideration by the Agency as an optional alternative or possible replacement to the AOAC Tuberculocidal Activity Test for glutaraldehyde-based products, and other disinfectant-type products intended for tuberculocidal activity.

The Agency has permitted use of this new method by other registrants of glutaraldehyde-based products to support tuberculocidal claims if (1) the existing AOAC method has already been used successfully; and (2) use of the new method results in use directions which are more protective, such as longer contact time or higher temperature. A subpanel of the FIFRA Scientific Advisory Penel reviewed the new method earlier this year and indicated that it may have scientific merit, but raised several questions which the Agency believes require further examination.

Before the new method can be accepted as scientifically valid method for generating test data that could be used alone to support a tuberculocidal use claim, it must withstand further peer review. Hence, EPA is initiating a comprehensive peer review process under the auspices of a subpanel to be chaired by a member of the FIFRA Scientific Advisory Panel. The subpanel will be requested to judge and make comparative comments on both the existing AOAC Tuberculocidal Activity Test and the new quantitative test methodology through a series of questions intended to utilize peer reviewers experience with the AOAC Tuberculocidal Activity Test and their expertise in microbiology.

This notice solicits recommendations for the composition of the subpanel. The subpanel members must be expert microbiologists, with some working knowledge of *Mycobacterium tuberculosis* and/or tuberculocidal disinfectant efficacy. Because peer review must be objective, microbiologists under the sole and direct employment of any disinfectant registrant will not be acceptable. However, microbiologists such as those employed or those that operte a commercial testing laboratory which serves the industry in general, in addition to other clients, would be acceptable.

Recommendations of names, along with a short background statement of the individual's experience or area of expertise, should be submitted in writing to Information Services Section, Program Management and Support Division at the address given above, by July 3, 1985.

As part of the peer review process, the subpanel will hold a public meeting no earlier thafn mid-September to consider additional information anyone elects to submit or hear limited oral presentations. The date and purpose of the meeting will be announced in the **Federal Register** at least 15 days prior to the meeting.

Authority: 7 U.S.C. 136w.

Dated: June 12, 1985.

Louis P. True,

Acting Director, Office of Pesticide Programs.

[FR Doc. 85-14869 Filed 6-18-85; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[FCC 85-265]

Western Union Telegraph Co., Memorandum Opinion and Order

Memorandum Opinion and Order (Proceeding Terminated)

In the Matter of the Western Union Telegraph Co., CC Docket No. 78-97, Phase II; Revisions to Tariffs F.C.C. Nos. 240 and 258 filed with Transmittal No. 7346; Revisions to Tariffs F.C.C. Nos. 268 and 269 filed with Transmittals Nos. 7347 and 7348; Revisions to Tariffs F.C.C. Nos. 229, 240, 254, 258, 260, 263 and 268 filed with Transmittal No. 7417 and Interconnection Arrangements Between and Among the Domestic and International Record Carriers; CC Docket No. 82-122.

Adopted: May 14, 1985.

Released: May 20, 1985.

By the Commission.

1. This order terminates CC Docket No. 78-97 *(Telex/TWX Investigation).*[1] As explained in *The Western Union Telegraph Co.*, FCC 84-399 (released August 10, 1984) *(August 10 Order)*, Phase I of this investigation concluded in October 1983 with our adoption of a Final Decision covering Western Union's rate levels, rate structures and cost allocation practices during the period from 1978 to April 1981.[2] In essence, the Phase I Final Decision found that Western Union's rate levels, rate structure and cost allocation procedures were not unreasonable during the Phase I period.

2. The *August 10 Order* reinstituted Phase II of CC Docket No. 78-97, but narrowed the scope of the investigation to consideration of Western Union's cost allocation practices; specifically, the question of whether Western Union experiences significant cost savings in its domestic handling of Telex and TX calls originating on the networks of interconnected international or domestic record carriers, and whether these cost savings are sufficient to warrant mandatory deaveraging of Western Union's Telex and TWX rates.[3] As noted above, the Phase I Final Decision determined that Western Union's cost allocation practices were not unreasonable, and that no significant cost savings resulted from IRC interconnection with Western Union's network during the pre-1981 period. Here we find that cost-affecting circumstances have not changed materially since the Phase I period, and that no significant cost savings now exist in Western Union's network. Absent such cost savings, we find that it would not be in the public interest to require mandatory deaveraging of Western Union's rates in favor of interconnected carriers.

I. Background

3. CC Docket No. 78-97 was instituted in 1978 to examine the reasonableness of Western Union's rates to the general public for its Telex I and Telex II (Telex and TWX) teletypewriter services. *The Western Union Telegraph Co.*, 67 FCC 2d 1420 (1978) *(Public Telex/TWX Order)*. The investigation was later expanded to encompass tariff revisions filed by Western Union that would eliminate a contractual rate discount provided to interconnected international record carriers (IRCs) and set the rates for interconnected traffic at the same levels as those applicable to the general public. *See The Western Union Telegraph Co.*, 68 FCC 2d 98 (1978)*(IRC Telex/TWX Order), recon. denied*, 69 FCC 2d 924 (1978), *appeal dismissed*, 652 F.2d 136 (D.C. Cir. 1980).

4. In 1981, during the course of trial-type hearings, Western Union filed further tariff revisions that created a "postalized" (distance insensitive) rate structure for Telex/TWX rates. At that time, the Administrative Law Judge in charge of the investigation determined that the proceeding should be bifurcated, with Phase I encompassing the period up to the April 1981 effective date of the postalized rates and Phase II covering the subsequent period. In the resulting Phase I Final Decision, *supra*, we determined that Western Union's public rates were reasonable, and that the IRCs had failed to show the existence of significant cost savings associated with Western Union's handling of IRC-interconnected traffic. Accordingly, we found that the IRCs were not entitled to a rate discount during the Phase I period. *See* 95 FCC 2d at 920-21.

5. Phase II was deferred during the pendency of Phase I. In response to a request submitted by RCA Globcom, we determined in the *August 10 Order, supra*, that proceedings should be resumed in Phase II, but with a narrower scope than that encompassed by Phase I. For example, in light of evidence tending to show that Western Union's rate levels and rates of return on various services were not unreasonable after the close of the Phase I period, and considering our decision in an earlier order that Western Union's Telex and TWX services faced substantial competition,[4] the *August 10 Order*

[1] Western Union Telegraph Co., Revisions to Tariffs F.C.C. Nos. 240 and 258 filed with Transmittal No. 7346; Revisions to Tariffs F.C.C. Nos. 268 and 269 filed with Transmittals Nos. 7347 and 7348; Revisions to Tariffs F.C.C. Nos. 229, 240, 254, 258, 260, 263 and 268 filed with Transmittal No. 7417, CC Docket No. 78-97, Phase II *(Telex/TWX Investigation)*.

[2] The Western Union Telegraph Co., 95 FCC 2d 881 (1983), *aff'd sub nom.* FTC Communications, Inc. v. FCC, No. 83-4217 (2d Cir. decided Dec. 17, 1984) (available Feb. 26, 1985, on LEXIS, Fedcom library, Courts file).

[3] The interconnected record carriers participating in this proceeding and taking positions adverse to Western Union include FTC Communications Inc. (FTC), ITT World Communications Inc. (ITT Worldcom), RCA Global Communications Inc. (RCA Globcom), TRT Telecommunications Corporation (TRT) and Western Union International, Inc. (WUI) (filing jointly as the "Interconnected Carrier Parties"). Comments were also filed by Graphnet, Inc. (Graphnet) and International Relay, Inc. (IRI). These parties argue that significant cost savings accrue to Western Union as a result of the manner in which they interconnect with Western Union. They also claim that mandatory deaveraging of Western Union's rates should result in lower rates for interconnected carrier traffic, as opposed to public traffic.

[4] *See* Policy and Rules Concerning Rates and Facilities Authorizations for Competitive Common

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determined that questions related to Western Union's rate levels and rate of return for Telex and TWX in the post-1981 period should be excluded from Phase II. *See id.* at para. 16. Questions concerning Western Union's rate structure had already been excluded from Phase II by a prior order in this proceeding. *See The Western Union Telegraph Co.*, 89 FCC 2d 538 (1982). Thus, only one issue, the question of Western Union's cost allocation and rate averaging practices, was left for consideration in Phase II.

6. In designating this issue for hearing, the *IRC Telex/TWX Order* initially found that Western Union's Telex/TWX services provided to interconnected IRCs are the same as those provided to the general public. *See* 68 FCC 2d at 114. Nevertheless, the IRCs participating in this proceeding have persistently argued that significant cost savings accrue to Western Union as a result of the manner in which the IRCs interconnect with Western Union, and that the Commission should require deaveraging of Western Union's Telex and TWX rate structures so as to create special discounted rates for interconnected carrier traffic. These claims were based on the special technical interconnection methods used by IRCs to terminate traffic on Western Union's network. The IRCs also allege that Western Union experiences cost savings such as lower marketing expenses and reduced administrative overhead.

7. As explained in the *IRC Telex/TWX Order*, it appears that most of the cost differences between public and IRC Telex/TWX service alleged by the IRCs were in the nature of noncapitalized administrative and overhead expenses. Carriers are normally permitted to average these costs among customers of a particular service, and individual customers of a service would not normally be heard to claim the right to special rate treatment on the basis that fewer administrative costs are associated with their particular service than the service provided to other customers. *See* 68 FCC 2d at 123. Notwithstanding these general assumptions, we reluctantly designated the issue of cost differences for hearing in this proceeding.

8. With the issuance of the Phase I Final Decision, it became clear that the IRCs' claims of cost savings, at least with respect to the Phase I period, were not sufficient to require mandatory deaveraging of Western Union's rates. Based on the available record, however, it was not possible to determine whether circumstances had significantly changed since the end of Phase I in some way that would currently compel deaveraging. For this reason, we determined that our investigation of this issue within CC Docket No. 78–97 should continue. It appeared, however, that the IRC claims of changed circumstances in the Phase II era were largely based on changes in the legal or regulatory environment relating to the record communications marketplace. For example, the IRCs pointed to enactment of the Record Carrier Competition Act of 1981 (RCCA), which significantly altered the competitive relationship between Western Union and other record carriers. In addition, the IRCs claimed that the number of alleged cost-saving technical interconnection arrangements between the IRCs and Western Union had increased since the close of Phase I, and that Western Union was now experiencing sufficient cost savings to warrant mandatory deaveraging of rates.

9. Although Phase I of this investigation was conducted in the form of on-the-record hearings before an administrative law judge, the *August 10 Order* determined that the IRCs' claims could be adequately addressed in the context of a hearing involving the submission of written comments. Thus, the *August 10 Order* requested parties to submit written comments on the issue of whether Western Union currently experiences significant cost savings in serving interconnected IRCs, as opposed to public customers. Moreover, because parties had been given full opportunity in Phase I to present evidence of cost savings associated with interconnected traffic, the *August 10 Order* stated that Phase II would consider only those claims that relate to changes in circumstances since the close of Phase I hearings. In addition, the *August 10 Order* required commenters to provide information on whether deaveraging of carrier-customer rates would further or hinder the development of record service competition and whether separate rates for interconnected carriers would result in higher rates for public customers, or conversely, whether a uniform rate structure would result in higher rates for public customers. *August 10 Order* at para. 14.

10. Finally, the *August 10 Order* considered a "Motion for Immediate Remedial Relief" filed by Western Union in CC Docket No. 82–122. This separate proceeding was instituted in 1982 in order to implement the RCCA. *See Interconnection Arrangements Between and Among the Domestic and International Record Carriers*, 89 FCC 2d 194 (1982). Under the RCCA, we were required to prescribe interconnection arrangements between domestic and international record carriers. In CC Docket No. 82–122, we found that a 15 percent interim discount should apply to carriers performing originating functions on outbound international Telex calls and terminating functions on interconnected domestic and international Telex calls.[5] We emphasized, however, that this discount would apply on an interim basis only, and that if it should be determined in Phase II of CC Docket No. 78–97 that no cost basis existed for the discount, it would be eliminated.

11. Western Union's "Motion for Immediate Remedial Relief" pointed out that the Final Decision's findings in Phase I of CC Docket No. 78–97 has seriously undermined the basis for our prescriptions of a 15 percent discount in CC Docket No. 82–122, and therefore requested that the prescribed discount be eliminated on an interim basis, pending resolution of the cost issue in Phase II. We agreed that there was no basis for continuing the discount, and that it would be inequitable to require carriers to continue to provide discount rates, at least until some showing could be made in Phase II that significant cost savings exist. Accordingly, the *August 10 Order* vacated the discount prescription. We emphasized, however, that this action would not limit or prejudice any determination that we may make in Phase II with respect to the existence of cost savings in Western Union's network or the IRC's networks. We further stated that the outstanding accounting order in CC Docket No. 78–97 would require Western Union to keep track of all payments made for Telex service until Phase II is resolved, and that, if it should develop that a discount was warranted, refunds could be ordered. *See August 10 Order* at paras. 20–22.

II. Discussion

A. Claims Related to Cost Savings

12. In comments submitted after the *August 10 Order*, the IRCs assert that Western Union currently experiences substantial cost savings in serving interconnected carriers. These claimed cost savings largely depend on technical factors, in particular, the use of only one "transmission train," instead of two, for serving interconnected IRCs and the use of fewer switching components and

Carrier Services (CC Docket No. 79–252), Third Report and Order, 48 FR 46,791 (Oct. 14, 1983).

[5] Interconnection Arrangements Between and Among the Domestic and International Record Carriers, 89 FCC 2d 928, 960 (1982) (*Interim Order*).

fewer inter-switch transport facilities in handling IRC calls. The IRCs also claim that their traffic is less costly because it has greater call completion ratios and shorter set-up times than public traffic; that they impose fewer administrative costs on Western Union; and that their international traffic imposes lower costs on Western Union because it has different peak loading characteristics than domestic public traffic. According to the IRCs, an aggregate of these factors yields cost savings to Western Union totalling 51.2 percent over public costs. This figure is said to apply to both originating and terminating interconnected messages. The IRCs allege that if IRC-originated messages were considered separately from total IRC interconnected traffic (*i.e.*, originating and terminating), the claimed savings would be in the range of 59 percent for IRC-originated traffic.

13. These claims are essentially the same as those presented by the IRCs in Phase I of this proceeding. *See* 95 FCC 2d at 915; 68 FCC 2d at 110. The only major change alleged by the IRCs to have occasioned further cost savings since Phase I relates to the interconnection of IRC networks with Western Union's new Digital Exchange Switch (DES) system, which was not fully operational during the Phase I period. Moreover, the IRCs were not able to provide interconnected domestic service until interconnection arrangements were prescribed by the Commission in CC Docket No. 82-122 in 1982.[6] Thus, questions relating to interconnected domestic traffic were not examined in Phase I hearings.

14. Western Union's digital switching facilities are located in New York, Chicago, Atlanta and San Francisco. These DES sites respectively serve the eastern, central, southeastern and western regions of the United States. Each Western Union subscriber is "homed" on a specific DES site via a low speed (50 baud) customer access line between the customer's premises and a concentration device. These devices, in turn, are connected to the DES site via a "transmission train" composed of additional concentrators, multiplexers and high speed trunk lines. Through this transmission train, subscribers are connected to one of several "programmable front ends" (PFEs) at the DES site. PFEs are responsible for switching operations. There are presently 21 PFEs in the Western Union network, six each at the Atlanta and New York DES sites, five at Chicago and four at San Francisco.

15. Messages between subscribers thus traverse the customer's access line and transmission train before switching at the DES site. After switching, the call travels through the transmission train and customer access line of the destination subscriber. Each call must, at minimum, transit the subscriber's "home" PFE. If the called subscriber is homed on the same PFE, only that PFE is used in completing the call. If a call is destined to a subscriber homed on a different PFE, then both are used to complete the call. Similarly, messages between subscribers located in different regions are routed between DES sites, with high speed, satellite-based intersite transmission facilities employed in these cases to carry traffic between switches.

16. The largest single area in which the IRCs claim that Western Union experiences cost savings relates to the transmission train employed by the IRCs. They claim that, while Western Union's public subscribers are connected to Western Union's switching sites by means of long, costly transmission facilities, the IRCs obtain direct trunk connections to DES switches, and thus Western Union is required to use only one transmission train to complete IRC interconnected calls. Based on data submitted by Western Union in Phase I, the IRCs assert that their use of direct trunk connections saves one-half of Western Union's transmission train expenses, which, in turn, results in savings of approximately 40 percent of the total usage costs of Telex and TWX messages.

17. Western Union explained that the IRCs' "transmission train" theory is incorrect. It notes first that the IRCs in fact use two such trains for every call and thus are not less costly to serve. According to Western Union, IRC interconnection requires concentrators and multiplexers that are the same or equivalent to those used for public subscribers. Western Union agrees that the transmission trains used for IRC traffic are relatively short, but argues that this factor does not distinguish the IRCs from the approximately 25,000 public Telex/TWX subscribers who are located in the four DES cities. Western Union also asserts that the costs "saved" on the IRC leg of a typical call, if any, would usually be below average, while the costs of the transmission train used by Western Union to complete IRC interconnected calls are usually above average. This occurs, according to Western Union, because the IRCs offer service in less than 100 U.S. cities, with the vast bulk of IRC traffic concentrated in a relatively few metropolitan areas. As a result, according to Western Union, IRC intranetwork traffic originates and terminates at high density locations that are less expensive to serve, while IRC-originated internetwork traffic handed off to Western Union tends to terminate at lower density points, with Western Union generally operating as the "carrier of last resort."

18. We find that the IRCs' presentation on this issue contains substantial shortcomings. For example the IRCs have overstated the relative length of haul for interconnected traffic and public traffic. While the IRCs claim that Western Union's average transmission train for Western Union subscribers in 736.2 route miles, this figure, developed in Phase I, represented *both* legs of a typical transmission train. Thus, assuming that the IRCs in fact use only one transmission train, the savings on interconnected traffic would amount to only half of the claimed mileage (about 368 miles).[7] Even if we make this assumption, the length of an average IRC transmission train is not enough to substantiate the IRCs' claim that Western Union experiences significant cost savings in serving the IRCs. Without correlating transmission train length with cost-causing factors such as traffic patterns, subscriber density or weighted lengths of haul, it is impossible to determine whether there are significant transmission train cost savings inherent in the IRCs' interconnection with Western Union.

19. Significantly, the IRCs make no attempt to adjust their claims of transmission train cost savings to reflect traffic patterns, subscriber density or weighted lengths of haul. Instead, the IRCs simply assert that their use of only one transmission train saves Western Union exactly one-half of its average transmission train expenses (40 percent of total usage expenses). As noted above, Western Union presents date showing that, on average, IRC interconnection tends to save only the cost of providing short, high volume transmission train links, while leaving Western Union with the costs of serving other long haul low volume customers.[8]

[6] Although the IRCs were granted authority to offer their own domestic telex service prior to the RCCA, no interconnection provisions with other carriers existed.

[7] The IRCs state that they do not adopt the 736.2 mile figure as their own, and did not use it in calculating their claims for a discount. On the other hand, the IRCs asset that the figure was offered in order to show the magnitude of the route mileage involved.

[8] Based on an anlaysis of subscriber billing tapes, Western Union demonstrates that some 67 percent of the IRCs' subscriber base is located in Western Union's DES cities, with most located in the New York City area. According to Western Union,

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Even assuming that there are, in fact, some differences between Western Union's traffic patterns and IRC traffic patterns, factors such as relative subscriber density and weighted lengths of haul would appear relevant in documenting the IRC's claims of transmission train cost savings. For example, transmission train savings at the claimed 50 percent level may only occur in cases where the IRCs' traffic patterns are the same, on average, as Western Union's. Information on length of haul and traffic volume for IRC customers is already in the hands of the IRCs.[9] Because the IRCs have not used this data to support their arguments, we find that the IRCs have failed to demonstrate any significant transmission train cost savings inherent in IRC interconnection with Western Union.

20. Another area of claimed cost savings relates to the cost of switching and inter-DES transmission facilities. The IRCs assert that, as a result of their direct connections to Western Union's DES system, most of their traffic can be switched at a single site, and transmission facilities between sites are used less frequently because the IRCs route traffic directly to the appropriate city. For example, according to the IRCs, three interconnected carriers (ITT Worldcom, RCA Globcom and WUI) are connected to the Western Union digital switches in both New York and San Francisco. Moreover, most inbound IRC traffic (both IRC-originated overseas messages and IRC-originated domestic messages) in these cities is interconnected with Western Union's network through a Western Union EDS or TWK-D switch, rather than a DES. According to the IRCs, this system of direct interconnection enables virtually all traffic originating from these IRCs to be switched by a single DES, and results in savings to Western Union of approximately 12.8 percent or IRC-originated Telex messages and 13.7 percent for IRC-originated TWX messages.

21. We find that the IRCs' showing on this issue is materially incomplete. As Western Union points out, any switching or intersite transmission cost, "savings" attributable to the interconnected IRCs as a class are realized only to the extent that the IRCs actually interconnect at multiple DES sites and route each call to the DES site on which the receiving subscriber is homed. Western Union presents evidence showing that two IRCs (IRI and CCI) do not interconnect at any DES sites, but instead route all of their traffic via the New York EDS. RCA Globcom, according to Western Union, routes almost none of its domestic traffic to DES interconnections. The IRCs' presentation mentions only one IRC (TRT Telecommunications) as maintaining interconnection to all four DES sites. In all, Western Union demonstrates that approximately 70 percent of incoming domestic interconnected traffic is routed through pre-existing (*i.e.*, non-DES) interconnection arrangements, indicating that the actual cost savings to Western Union realized from direct IRC interconnection are far less than the amounts claimed by the IRCs. Again critical data on the IRCs' routing and interconnection arrangements, which would help substantiate the asserted claims of cost savings, are readily available to the IRCs. Their comments, however, make no attempt to sort out the relative levels of traffic delivered to Western Union at the subscriber's home DES site. Even assuming that the IRCs' estimates of cost savings related to switching and intersite transmission costs are accurate, the lack of any demonstration by the IRCs on the amount of traffic routed through this allegedly less expensive method makes it impossible to verify their claims of significant cost savings. Accordingly, we find that the IRCs have failed to show that Western Union realizes any significant cost savings associated with switching or intersite transmission costs.

22. The remainder of the IRCs' presentation on alleged cost savings rests on claims that IRC-originated traffic is less costly because it has greater call completion ratios and shorter set-up times than public traffic. Moreover, IRC-originated international traffic is assertedly concentrated in domestic off-peak periods (because of time zone differences between countries) and should, therefore, be assigned proportionally lower costs than domestic traffic. IRC-interconnected traffic is also alleged to be less costly than public traffic because certain administrative functions are not required for IRC traffic, or are performed by the IRCs themselves. For example, the IRCs claim that, in serving interconnected IRCs, Western Union encounters reduced advertising and marketing expenses, few customer service requirements (*e.g.*, ordering), lower billing costs, and no bad debt or credit costs.

23. With one minor exception, the IRCs' comments with respect to shorter set-up times, higher call completion ratios, different peak loading characteristics and lower administrative costs do not allege any changes in circumstances since the Phase I period.[10] In accordance with the limitations set forth in the *August 10 Order*, these claims are dismissed as outside the scope of this investigation.

24. The *August 10 Order* made clear that the essential question to be answered in Phase II is whether any *significant* cost savings occur as a result of the manner in which the IRCs interconnect with Western Union. Undoubtedly, in some cases, Telex or TWX servcie provided to some IRCs is less costly than service provided to other customers. In other cases, such service may well be more costly to provide. As we stated in the Final Decision in Phase I, however, the real issue here is whether Western Union has exceeded the bounds of reasonable rate averaging by applying the same rates to public customers and IRC customers. *See* 95 FCC 2d at 919. In this proceeding, we have required the IRCs to make an initial showing that significant costs savings accrue as a result of the manner in which the IRCs currently interconnect with Western Union. In light of our determinations above that the IRCs have not shown that cost-affecting circumstances have changed significantly since Phase I, we find that our conclusions in Phase I on this issue remain valid for Phase II. Accordingly, we will not require that Western Union deaverage its Telex or TWX rates so as to provide a special rate for interconnected carriers.[11]

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interconnected calls from these subscribers involve a minimal transmission train on the IRC leg, and consequently, it makes little difference whether Western Union accepts the traffic from an IRC or picks it up itself.

[9] As a result, we find little merit to the IRCs' oft-repeated argument that expanded discovery of Western Union is necessary to obtain relevant data.

[10] The IRCs claim that a limited test recently conducted by one IRC produced data showing that connections are more quickly established to IRC subscribers, resulting in lower set-up costs to Western Union. It is unclear when or how this study was conducted, but as Western Union points out, the alleged savings in set-up time are actually less than those claimed in Phase I of this proceeding. Thus, this limited test, even if valid, is of no help to the IRCs.

[11] The IRCs assert that under section 222(c)(2) of the Communications Act (as added by the RCCA) (the Act), 47 U.S.C. 222(c)(2), a different standard than that applied to Phase I proceedings should now be used in judging the reasonableness of Western Union's rate averaging practices. The IRCs claim that the RCCA requires that all cost savings, no matter how small, must be reflected in discounted rates for IRC interconnected traffic, and that Western Union is prohibited from engaging in any rate averaging, no matter how reasonable it might be under other provisions of the Communications Act. We reject this argument. We do not believe that anything in the provisions of the RCCA was

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B. Non-Cost Related Issues

25. As noted above, the *August 10 Order* requested that commenters address the question of whether deaveraging of rates would further or hinder the development of record service competition. This question was posed in response to arguments by RCA Globcom to the effect that it would be "anticompetitive" to allow Western Union to charge its interconnected IRC competitors the same rates as it charges public customers.

26. Ths issue of a non-cost based discount for interconnected record traffic has been addressed several times in prior proceedings. In CC Docket No. 82–122, we stated our belief that the "overriding" intent of Congress in enacting the RCCA was to increase competition in the international and domestic record markets, and that the requirement of a discount where no cost savings exist would hinder competition because it would discourage the IRCs from building their own domestic networks and from entering domestic markets as full competitors. *Interim Order*, 89 FCC 2d at 960. In considering petitions for reconsideration of the *Interim Order* in CC Docket No. 81–122, we reaffirmed this concept:

> [The IRCs'] arguments largely amount to a request for favored treatment to new domestic carriers in order to reduce their costs and rates. The directive of the RCCA, however, is to require interconnection based so far as possible on costs. This should ensure a fair opportunity for new carriers to compete, certainly an opportunity equal to that of a company seeking to enter a typical competitive market. Any modifications of the [15 percent] interim discount should be to align it more closely with costs, not to favor certain carriers regardless of costs.

Interconnection Arrangements Between and Among the Domestic and International Record Carriers, 93 FCC 2d 845, 868 (1983).

27. In light of the above, we find that the IRCs have not presented us with any cogent arguments for a non-cost based discount beyond those already addressed in CC Docket No. 82–122. Accordingly, we decline to reimplement the 15 percent intercarrier discount prescribed in that docket. In addition, we find that no further discount prescription under section 222(c)(2) of the Communications Act, 47 U.S.C. 222(c)(2) is merited.[12]

28. Finally, the *August 10 Order* requested commenters to address the question of whether separate rates for interconnected carriers would result in higher rates for public customers or conversely, whether a uniform (*i.e.*, non-discounted) rate structure would result in higher rates for public customers. *August 10 Order* at paras. 13–14. The IRCs declined to address this issue in their presentations, and Western Union asserts that it was unable to develop a quantitative analysis of this issue in time for submission with its comments on cost savings. Western Union does, however, offer the observation that if a non-cost based discount is mandated for one class of users, other users will inevitably have to make up the difference in higher rates. Moreover, Western Union suggests that there is no assurance that such discounts would flow back to the using public. To the extent that carriers might not pass through the benefits of a discount to their customers, Western Union asserts that such a discount requirement would tend to increase the overall cost to the public. In light of the responses to our *August 10 Order*, we find that it would not be in the public interest to require record service carriers to offer service at discounted rates to interconnected carriers.

C. Other Matters

29. Shortly after the *August 10 Order* was adopted, several IRCs filing as "Interconnected Carrier Parties," *see supra* n.3, filed a joint petition for reconsideration of that decision. This petition primarily seeks reinstatement of the 15 percent intercarrier discount prescribed, and later rescinded, in CC Docket No. 82–12. The IRCs' joint petition also seeks reconsideration of the *August 10 Order* insofar as it relates to the scope and conduct of Phase II. The IRCs further request that Phase II be conducted without restriction on such matters as rate levels, rates of return, rate structure or cross-subsidies. The IRCs' joint petition also takes issue with the *August 10 Order* insofar as it cancelled all prior designation orders in CC Docket No. 78–97. According to the IRCs, this action, taken in conjunction with the *August 10 Order's* exclusion of issues related to rate levels and rate of return, effectively precludes the IRCs from obtaining refunds for alleged overcharges during a portion of the Phase II period.

30. Western Union opposes the IRCs' joint petition for reconsideration, arguing mainly that the *August 10 Order* was interlocutory and not subject to reconsideration under the Commission's Rules. *See* 47 CFR 1.106 and 1.429. In view of our finding that a discount was unwarranted, the IRCs' petition is moot insofar as it concerns their right to obtain refunds or to have the discount reinstated. In addition, the IRCs have not demonstrated any reason to alter the scope or conduct of this proceeding. Their petition is therefore denied in this respect.[13] We agree that, at least with respect to the scope and conduct of Phase II, the *August 10 Order* was interlocutory and the IRCs' petition in this regard is subject to summary dismissal. Moreover, the *August 10 Order* made clear that the discount was to be eliminated on an interim basis only, and that if it were to be shown in Phase II that a discount was warranted, refunds could be arranged to compensate for our elimination of the 15 percent discount. Thus, our action in vacating the 15 percent discount was interlocutory as well. Accordingly, the IRCs' joint petition for reconsideration is dismissed.

31. We have also received a petition for clarification or partial reconsideration of the *August 10 Order* from Western Union. By this pleading, Western Union has resubmitted its earlier "Motion To Enlarge Issues," which argued that Phase II should be expanded to include consideration of evidence on the IRCs' costs of providing interconnected service. Western Union argues that any discount applicable to Western Union's provision of Telex service to interconnected carriers should apply to the IRCs' rates for such service as well, and further, that the IRC discounts should be based on cost differences found to exist in the IRCs' networks. The IRCs oppose Western Union's petition, arguing that questions related to the IRCs' costs of providing interconnected service are beyond the scope of CC Docket No. 78–97. Western Union states that these issues need not be considered in the event that investigation of Western Union's costs reveals that there are no significant savings inherent in service to interconnected carriers. In view of the

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intended to alter the basic principles of cost based ratemaking that we apply pursuant to sections 201–205 of the Act, 47 U.S.C. 201–205. Under standard ratemaking practices, carriers may average non-substantial costs variances among customers of a given service. Finally, we note that pursuant to Section 222(e)(1) of the Act, 47 U.S.C. 222(e)(1), section 222(c)(2) of the Act, 47 U.S.C. 222(c)(2), ceased to have any effect on December 31, 1984.

[12] In view of this finding, Western Union will not be required to refund any extra amounts collected by reason of the *August 10 Order's* interim elimination of the 15 percent discount.

[13] With their joint petition for reconsideration, the IRCs submitted a petition for stay of the *August 10 Order*. This petition requested that the elimination of the 15 percent discount be deferred pending review of the IRCs' petition for reconsideration. In view of the result reached here, we find that the IRCs' petition for stay is moot.

result reached in Phase II. Western Union's petition for clarification or partial reconsideration and its petition to enlarge issues are moot.

III. Ordering Clauses

32. In accordance with the above discussion, it is ordered that the Joint Petition for Reconsideration filed by the Interconnected Carrier Parties, as well as the Petition for Clarification or Partial Reconsideration filed by the Western Union Telegraph Company are dismissed as unauthorized pleadings. Furthermore, the Motion to Enlarge Issues filed by the Western Union Telegraph Company is denied.

33. It is further ordered that the Petition for Stay filed by the Interconnected Carrier Parties in this proceeding is dismissed as moot.

34. It is further ordered that, based on the above findings, CC Docket No. 78-97 is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-14705 Filed 6-18-85; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1519]

Petitions for Reconsideration and Clarification of Actions in Rule Making Proceedings

June 10, 1985.

The following listings of petitions for reconsideration and clarification filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration and clarification must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: MTS and WATS Market Structure (CC Docket No. 78-72, Phase I)

Filed by:

Joseph M. Kittner and James Blaszak, Attorneys for Ad Hoc Telecommunications Users Committee on 5-21-85.

J. Manning Lee & Jeffrey H. Matsuura, Attorneys for Satellite Business Systems on 5-30-85.

Roy L. Morris, Attorney for MCI Telecommunications Corporation on 5-30-85.

John A. Ligon, Attorney for United States Transmission Systems, Inc., on 5-30-85.

Michael B. Fingerhut, Attorney for GTE Sprint Communications Corporation on 5-31-85.

Mitchell F. Brecher, Assistant General Counsel & Director of Regulatory Affairs for Lexitel Corporation on 5-31-85.

Subject: Investigation of Access and Divestiture Related Tariffs. (CC Docket No. 83-1145)

Filed By: J. Manning Lee and Jeffrey H. Matsuura, Attorneys for Satellite Business Systems on 4-22-85.

Subject: Changes in AM Technical Rules to Reflect New International Agreements. (MM Docket No. 84-752)

Filed By: John R. Wilner and Gary P. Schonman, Attorneys for John B. Heffelfinger, P.E. on 5-15-85. Alan C. Campbell and Helen E. Disenhaus, Attorneys for Press Broadcasting Company on 6-3-85.

Subject: Amendment to Parts 1, 63 and 76 of the Commission's Rules to Implement the Provisions of the Cable Communications Policy Act of 1984. (MM Docket No. 84-1296)

Filed By:

B. Jay Baraff and James E. Meyers, Attorneys for Miami Cablevision on 5-30-85.

Gregory M. Schmidt and Paul G. Gaston, Attorneys for The Association of Maximum Service Telecasters, Inc., on 6-3-85.

Henry L. Baumann, Michael D. Berg and Miguel D. Martin, Attorneys for National Association of Broadcasters on 6-3-85.

Subject:

Amendment of Parts 2, 21, 74 and 94 of the Commission's Rules and Regulations to Expand the Frequency Available for use by Aural Broadcast STL and Intercity Relay Stations. (Gen Docket No. 82-335)

Amendment of Parts 2, 21, 74 and 90 of the Commission's Rules and Regulations to Make Available to Aural Broadcast STL and Intercity Relay Stations the 942-947 MHz Band on a Primary Basis. (RM-2697)

Amendment of Parts 2, and 74 of the Commission's Rules to permit broadcast aural studio-transmitter links to operate on a secondary non-interfering basis in unassigned UHF television channels. (RM-3246)

Amendment of Parts 2 and 74 of the Commission's Rules to permit Aural Broadcast STL operations in the band 2150-2160 MHz and to accommodate STL, Intercity Relay Stations and certain low power broadcast STL, Intercity Relay Stations and certain low power broadcast auziliary stations within the frequency band 947-952 MHz. (Docket No. 19130)

Amendment of Parts 2 and 74 of the Commission's Rules to permit Aural Broadcast STL operations in the band 2110-2113 MHz. (Docket No. 19494)

Amendment of Parts 2 and 74 of the Commission's Rules to expand frequencies available to the Auxiliary Broadcast Service in Puerto Rico. (RM-4712)

Filed By: Richard A. Rudman, Vice President and Christopher D. Imlay, Attorney for Society of Broadcast Engineers on 2-1-85.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-14707 Filed 6-18-85; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1520]

Petitions For Reconsideration and Clarification of Actions in Rule Making Proceedings

June 14, 1985.

The following listings of petitions for reconsideration and clarification filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration and clarification must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 73.202(b) Table of Allotments FM Broadcast Stations. (Pine Top, Arizona) (MM Docket No. 84-522 RM-4653)

Filed By: Arthur Stambler and Andrew Ritholz Attorneys for KBW Associates, Inc. on 4-25-85.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-14708 Filed 6-18-85; 8:45 am]

BILLING CODE 6712-01-M

Allocations Subgroup of Radio Advisory Committee; Resumes Meeting June 21, 1985; Additional Meeting Scheduled for September 12, 1985

The Allocations Subgroup of the Advisory Committee on Radio Broadcasting resumes its continuing meeting on Friday, June 21, 1985, at 3:00 p.m. in the Sixth Floor Conference Room of the National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

The Subgroup will give consideration to the development of recommendations

to the Federal Communications Commission concerning matters pertinent to preparations for the upcoming Region 2 Conference on expansion of the AM band. In particular, these relate to identifying specific broadcast requirements and the means of addressing these requirements through use of the spectrum to become available through expansion of the AM band.

An additional meeting has been scheduled for Thursday, September 12, 1985, at 10:00 a.m. This meeting will be held at Suite 600, 2000 M Street NW., Washington, D.C.

The Allocations Subgroup meetings, are continuing ones and may be resumed after the June 21, 1985, or September 12, 1985, sessions at such time and place as may be decided at those sessions.

All meetings of the Allocations Subgroup are open to the public. All interested parties are invited to attend and participate in these meetings.

For further information, please call the Subgroup Chairman, Jonathan David, at (202) 632-7792.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-14706 Filed 6-18-85; 8:45 am]

BILLING CODE 6712-01-M

Digital Paging Systems et al.; Hearing Designation Order

In re Applications of:

	CC Docket No. 85-194—File No.
Digital Paging Systems, Inc	50051-CM-P-74.
Private Networks, Inc	50154-CM-P-74.
M.C.C.A. Service Corporation	50190-CM-P-74.
Multipoint Information Systems, Inc.	50192-CM-P-74.
Chicago Communication Service, Inc.	50197-CM-P-74.

For Construction Permits in the Multipoint Distribution Service for a new station on Channel 2, at New York, New York.

Memorandum Opinion and Order

Adopted June 6, 1985.
Released June 13, 1985.
By the Common Carrier Bureau.

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 at New York, New York. The applications are therefore mutually exclusive and require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There were no petitions to deny filed.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, that Digital Paging Systems, Inc., Private Networks, Inc., M.C.C.A. Service Corporation, Multipoint Information Systems, Inc., Chicago Communication Service, Inc. and the Chief of Common Carrier Bureau, are made parties to this proceeding.

5. It is further order, that parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

6. It is further ordered, that any authorization granted to Digital Paging Systems, a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned as follows:

(a) Without prejudice to, reexamination and reconsideration of that company's qualifications to hold an MDS license following a decision in the hearing designated in *A.S.D. ANSWERING Service, Inc., et al,* FCC 82-391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 85-14712 Filed 6-18-85; 8:45 am]

BILLING CODE 6712-01-M

[1] Private Networks, Inc. (PNI) filed a petition to designate an additional issue for hearing. In its petition, PNI requested comparative credit for its minority ownership in 25 of the 26 markets, including New York, New York, where it filed mutually exclusive Channel 2 applications. Minority ownership is not a factor the Commission has found to be relevant in comparative hearings for single channel MDS stations. *See* Frank K. Spain, 77 F.C.C. 2d 20 (1980). Accordingly, we are hereby dismissing the petition.

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act, 1984 (46 U.S.C. app. 1718 and 46 CFR Part 510).

Worldwide Shipping, Inc., 4705 Five Forts Ct., Virginia Beach, VA 23455. Officers: James A. Ryan, President, Mary E. Ryan, Secretary.

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Tariffs, Federal Maritime Commission, Washington, D.C. 20573.

Dated: June 14, 1985.

Burce A Dombrowski,

Acting Secretary.

[FR Doc. 85-14749 Filed 6-18-85; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License; Reissuance of License

Notice is hereby given that the following ocean freight forwarder licenses have been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act, 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR 510.

License No.	Name/address	Date reissued
2200	Mark V Systems, Inc., 145 Hook Creek Blvd., Valley Stream, NY 11581.	June 5, 1985.

License No.	Name/address	Date reissued
905	Southern Shipping Company, 645 Indian Street, Savannah, GA 31402.	June 6, 1985.

Robert G. Drew,
Director, Bureau of Tariffs.
[FR Doc. 85-14750 Filed 6-18-85; 8:45 am]
BILLING CODE 6730-01-M

Ocean Freight Forwarder License; Revocation

Notice is hereby given that the following ocean freight forwarder license has been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR 510.

License Number: 2351
Name: Uniport Shipping Corporation, Inc.
Address: 55 Amity Street, Jersey City, NJ 07304
Date Revoked: June 6, 1985
Reason: Failed to maintain a valid surety bond.

Robert G. Drew,
Director, Bureau of Tariffs.
[FR Doc. 85-14751 Filed 6-18-85; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

June 13, 1985.

Background

Notice is hereby given of final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3822)
OMB Desk Officer—Robert Neal—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202-395-6880).

Proposal to approve under OMB delegated authority the extension without revision of the following report:

1. Report title: Allocation of Low Reserve Tranche and Reservable Liabilities Exemption
Agency form number: FR 2930, FR 2930a
OMB Docket number: 7100-0088
Frequency: Annually
Reporters: Depository institutions
Small businesses are affected
General description of report: This information collection is mandatory (12 U.S.C. 248(a) and 461) and is given confidential treatment (5 U.S.C. 552b(4) and b(8)).

The report provides information on the allocation of the low reserve tranche and reservable liabilities exemption among particular offices of those families of institutions that have offices located in more than one state or Federal Reserve district, which submit separate deposit reports instead of one single, nationally aggregated report. These data are needed for the calculation of required reserves.

Proposal to approve under OMB delegated authority the extension with revision of the following report:

1. Report title: Commercial Bank Report of Consumer Credit
Agency form number: FR 2571
OMB Docket number: 7100-0080
Frequency: Monthly
Reporters: Commercial Banks
Small businesses are affected.
General description of report: This information is voluntary (12 U.S.C. 248 (a)(2)) and is given confidential treatment (5 U.S.C. 552(b)(4)).

This report collects information from a sample of member banks on the amount of consumer credit outstanding by type of loan. This information forms a component of estimates of total consumer credit, which is used in general financial analysis for monetary policy purposes.

Board of Governors of the Federal Reserve System, June 13, 1985.
James McAfee,
Associate Secretary of the Board.
[FR Doc. 85-14735 Filed 6-18-85; 8:45 am]
BILLING CODE 6210-01-M

Bankers Trust New York Corp.; Proposal To Engage in Commercial Paper Advisory and Placement Activities

Bankers Trust New York Corporation, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), for permission to engage in the activity of acting as agent for issuers of short-term promissory notes (commonly known as commercial paper) in connection with the placement of such notes with institutional investors. In addition to acting as agent for issuers of commercial paper, Company may provide information to issuers about market conditions.

Applicant would engage in the activities indirectly through BT Commercial Corporation, Chicago, Illinois ("Company"), which is a wholly-owned subsidiary of Applicant's direct subsidiary, B.T. Leasing Services, Inc., New York, New York. Company is currently engaged in commercial finance activities on a nationwide basis at various offices in the United States. Applicant proposes to expand Company's activities by transferring to it commercial paper placement activities currently being performed by Applicant's banking subsidiary, Bankers Trust Company. The activities would be performed through Company's in New York, Chicago and Los Angeles, serving customers throughout the United States.

Section 4(c)(8) of the Bank Holding Company Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." The Board has not previously approved the proposed activities for bank holding companies.

Applicant states that the activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto on the basis that banks engage in the activities, and because the activities are the functional equivalent of extending a short-term commercial bank loan to customers.

Commercial paper constitutes a security for purposes of the Glass-Steagall Act, which restricts the third party securities activities of banks and affiliates of banks. Section 20 of that Act (12 U.S.C. 377) prohibits affiliates of banks from being "engaged principally in the issue, flotation, underwriting, public sale, or distribution" of securities. In Applicant's opinion, it would not be engaged in such activities on the basis that the activities are limited to acting solely as agent for the customer and would not involve a public distribution of securities. The Board recently ruled that such activities conducted by Applicant's banking subsidiary, Bankers Trust Company, would not violate the Glass-Steagall Act provisions applicable

to banks on that basis. *Statement Concerning Applicability of the Glass-Steagall Act to the Commercial Paper Placement Activities of Bankers Trust Company*. (Press Release dated June 4, 1985).

Applicant also states that it would not be "engaged principally" in such activities on the basis of a test that would limit the amount of commercial paper placement activity to a minor portion of the total activity conducted by Company. Under the test stated by Applicant, the gross revenue to be derived from the activity would approximate not more than 5 percent of Company's total gross revenue.

Comments are requested on the scope of activity permitted by the phrase "engaged principally" under the Glass-Steagall Act, including whether the phrase contemplates the type of test proposed by the Applicant, which is based on a percentage of the affiliate's total business activities, measured in terms of gross revenue. The Board also seeks comment on whether the term "engaged principally" in section 20 would preclude a member bank affiliate from engaging in activities restricted by this section on a substantial and regular or non-incidental basis and without regard to the amount of other activities conducted by the affiliate. While the Board has decided to publish Bankers Trust's proposal for comment, the Board does not thereby take any position on the "engaged principally" issue under the Glass-Steagall Act. Publication of the proposal has been ordered by the Board solely in order to seek the views of interested persons on this question as well as other issues raised by the application.

Interested persons may express their views on whether the proposed activities are "so closely related to banking or managing or controlling banks as to be a proper incident thereto," and whether the proposal as a whole can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition or gains in efficiency, that outweight 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 these questions must be accompanied by a statement of the reasons why 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.

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 22, 1985.

Board of Governors of the Federal Reserve System, June 13, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-14736 Filed 6-18-85; 8:45 am]

BILLING CODE 6210-01-M

St. Francis Bancshares, Inc., et al.; Formation 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 July 12, 1985.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *St. Francis Bancshares, Inc.*, St. Francis, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of St. Francis State Bank, St. Francis, Wisconsin.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Wanamingo Bancshares, Inc.*, Wanamingo, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Security State Bank of Wanamingo, Inc., Wanamingo, Minnesota.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *McKenzie Holding Company*, McKenzie, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of McKenzie Banking Company, McKenzie, Tennessee.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Carlsbad Bancorporation, Inc.*, Carlsbad, New Mexico; to become a bank holding company by acquiring 100 percent of the voting shares of The Carlsbad National Bank, Carlsbad, New Mexico.

2. *Kingsville State Bancshares, Inc.*, Kingsville, Texas; to become bank holding company by acquiring 100 percent of the voting shares of State Bank of Kingsville, Kingsville, Texas.

3. *Western Bancshares of Clovis, Inc.*, Clovis, New Mexico; to become a bank holding company by acquiring 80 percent of the voting shares of Western Bank of Clovis, Clovis, New Mexico.

Board of Governors of the Fedral Reserve System, June 13, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-14734 Filed 6-18-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

National Center for Health Services Research and Health Care Technology Assessment; Assessment of Medical Technology

The Public Health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it is coordinating an assessment of what is known of the safety, clinical effectiveness, and indications for the surgical implantation of automatic defibrillators. Specifically, the PHS is soliciting information that would define the population of patients that might benefit from implantation of this device. Information that would assist the PHS in

developing guidelines for its use is also being sought. Whether the device should be implanted only after electrophysiologic studies of the heart have been performed is one of the important questions to be addressed by this assessment.

PHS assessments consist of a synthesis of information obtained from appropriate organizations in the private sector as well as from PHS agencies and others in the Federal Government. The assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on these assessments, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than September 17, 1985.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trials and other well-designed clinical studies, and information related to the clinical acceptability and effectiveness of this technology as well as characterization of the patient population most likely to benefit from implantation of the device. Proprietary information is not being sought.

Written material should be submitted to: Morgan N. Jackson., M.D., M.P.H., National Center for Health Services Research and Health Care Technology Assessment, Office of Health Technology Assessment, Park Building, Room 3–10, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4990.

Dated: June 12, 1985.

Enrique D. Carter,

Director, Office of Health Technology Assessment, National Center for Health Services Research and Health Care Technology Assessment.

[FR Doc. 85–14760 Filed 6–18–85; 8:45 am]

BILLING CODE 4160–17–M

Centers for Disease Control

Cooperative Agreement Program for Capacity Building in Occupational Safety and Health for State, Territorial, and Local Public Health Departments; Availability of Funds for Fiscal Year 1985

The Centers for Disease Control (CDC) announces the availability of funds for Fiscal Year 1985 to continue cooperative agreements with State, territorial, and local health departments to enable them to build capacity in occupational safety and health activities. The cooperative agreements will be administered by CDC (jointly by the National Institute for Occupational Safety and Health (NIOSH) and the Center for Environmental Health (CEH)) under the research and demonstration grant authority of section 20(a)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(1)) and section 301(a) of the Public Health Service Act (42 U.S.C. 241(a)).

The purpose of the cooperative agreement is to assist State and local health agencies in developing and sustaining components to identify, cointrol, contain, or prevent occupationally-related morbidity and mortality. Emphasis is placed upon the three areas of: Occupational injury and fatality surveillance; occupational/environmental capacity building activities (sponsored jointly by NIOSH and CEH); and State-initiated occupational safety and health activities.

In Fiscal Year 1985, it is expected that up to $960,000 will be available to support continuation of 14 cooperative agreements. The funding estimate may vary and is subject to change. Continuation awards within the project period are made on the basis of satisfactory performance and on the availability of funds. No new applications are being accepted in Fiscal Year 1985.

For Further Information contact:

For Business information:

Nancy Bridger, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 321, Atlanta, Georgia 30305, Telephone: (404) 262–6575 or FTS 236–6575

For technical information and assistance:

State-Initiated Activities/Occupational Injury and Fatality Surveillance: Phillip W. Strine, Public Health Advisor, NIOSH (Building 1, Room 3120), Centers for Disease Control, Atlanta, Georgia 30333, Telephone: (404) 329–3190 or FTS 236–3190

Occupational/Environmental Capacity Building: John Gallagher, Public Health Advisor, CEH (Chamblee, Building 9), Centers for Disease Control, Atlanta, Georgia 30333, Telephone: (404) 452–4251 or FTS 236–4251.

(The Catalog of Federal Domestic Assistance Number is 13.262, Occupational Safety and Health Research Grants.)

Dated: June 12, 1985.

William E. Muldoon,

Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 85–14713 Filed 6–18–85; 8:45 am]

BILLING CODE 4160–19–M

Food and Drug Administration

[Docket No. 76F–0389]

Borg-Warner Corp.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal without prejudice of a petition (FAP 6B3169) proposing that the food additive regulations be amended to provide for expansion of conditions of use of acrylonitrile/butadiene/styrene copolymer in contact with food.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 15, 1976 (41 FR 45608), FDA published a notice that it had filed a petition (FAP 6B3169) from the Borg-Warner Corp., Technical Centre, Washington, WV 26181, that proposed to amend the food additive regulations for expansion of conditions of use of acrylonitrile/butadiene/styrene copolymer in contact with food. Borg-Warner Corp. has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: June 10, 1985.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85–14721 Filed 6–18–85; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 85F–0177]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 1,1'-[(6-phenyl-1,3,5-triazine-2,4-diyl)diimino]bis-9,10-anthracenedione as a colorant in

polyethylene phthalate polymers for food-contact use.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Adminstration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5B3854) has been filed by Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that the food additive regulations be amended to provide for the safe use of 1,1'-[(6-phenyl-1,3,5-triazine-2,4-diyl)diimino]bis-9, 10-anthracenedione as a colorant in polyethylene phthalate polymers for food-contact use.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (April 26, 1985; 50 FR 16636).

Dated: June 10, 1985.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-14722 Filed 6-18-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85M-0224]

VisionTech, Inc.; Premarket Approval of Sauflon * PW (Lidofilcon B) and Sauflon * 70 (Lidofilcon A) Soft Contact Lenses

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by VisionTech, Inc., Roswell, GA, for premarket approval, under the Medical Device Amendments of 1976, of the Sauflon * PW (lidofilcon B) and Sauflon * 70 (lidofilcon A) Soft Contact Lenses. The lenses are to be manufactured under an agreement with American Medical Optics, Irvine, CA, which has authorized VisionTech, Inc., to incorporate by reference information contained in its approved premarket approval application for the Sauflon * PW (lidofilcon B) lens and its approved supplemental premarket approval application for the Sauflon * 70 (lidofilcon A) lens. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by July 19, 1985.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard E. Lippman, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: On July 5, 1984, VisonTech, Inc., Roswell, GA 30076, submitted to CDRH an application for premarket approval of the spherical Sauflon * PW (lidofilcon B) and Sauflon * 70 (lidofilcon A) Soft Contact Lenses. The Sauflon * PW (lidofilcon B) Soft Contact Lens for which the applicant requested approval may range in powers from −10.00 diopters (D) to +20.00 D. The lens is indicated for extended wear of from 1 to 30 days between removals for cleaning and disinfection (or as recommended by the eye care practitioner), for the correction of visual acuity in aphakic persons with nondiseased eyes. The Sauflon * 70 (lidofilcon A) Soft Contact Lens for which the applicant requested approval ranges in powers from −12.00 D to +8.00 D. The lens is indicated for daily wear and for extended wear of from 1 to 30 days between removals for cleaning and disinfection (or as recommended by the eye care practitioner), for the correction of visual acuity in not-aphakic persons with nondiseased eyes and who have myopia or hyperopia. The Sauflon * 70 (lidofilcon A) lens may be worn by persons who may exhibit astigmatism of 2.00 D or less that does not interfere with visual acuity. The lenses are to be disinfected using either heat or chemical lens care systems. The application included authorization from American Medical Optics, Irvine, CA, to incorporate by reference the information contained in its approved premarket approval application for the Sauflon * PW (lidofilcon B) lens (Docket No. 80M-0288) and in its approved supplemental premarket approval application for the Sauflon * 70 (lidofilcon A) lens (Docket No. 85M-0167). On October 23, 1984, the Ophthalmic Devices Panel, and FDA advisory committee, reviewed and recommended approval of the application. On April 12, 1985, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), contact lenses made of polymers other than polymehtylmethacrylate (PMMA) and solutions for use with such lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), contact lenses made of polymers other than PMMA and solutions for use with such lenses are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of contact lenses made of polymers other than PMMA or solutions for use with such lenses comply with the records and reports provisions of Subpart D in Part 310 (21 CFR Part 310), until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which CDRH based its approval is on file with the Dockets Management Branch (address above) and is available from the office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Richard E. Lippman (HFZ-460), address above.

The labeling of the approved contact lenses states that the lenses are to be used only with certain solutions for disinfection and other purposes. This restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that CDRH approves for use with approved contact lenses made of polymers other than PMMA. An applicant who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the

Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever CDRH publishes a notice in the **Federal Register** of CDRH's approval of a new solution for use with an approved lens, the applicant shall correct its labeling to refer to the new solution at the next printing or at any other time CDRH prescribes by letter to the applicant.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may at any time on or before July 19, 1985, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: June 11, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85–14720 Filed 6–18–85; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Privacy Act of 1974; System of Records

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Notification of an Altered System of Records: 09–30–0014, "Saint Elizabeths Hospital Financial System, HHS/ADAMHA/NIMH."

SUMMARY: In accordance with the requirements of the Privacy Act and the Debt Collection Act of 1982 (Pub. L. 97–365), the Public Health Service (PHS) is publishing notice of a proposal to alter an established system of records 09–30–0014, "Saint Elizabeths Hospital Financial System, HHS/ADAMHA/NIMH." PHS also proposes to add a contractor routine use and to revise and expand an existing routine use concerning debt collection disclosures. PHS invites interested persons to submit comments on the alteration and the proposed new/revised routine uses on or before July 18, 1985.

DATE: PHS has sent a Report of Altered System to the Congress and to the Office of Management and Budget on June 11, 1985. The revisions to the system will be effective 60 days from the date submitted to OMB unless PHS receives comments on the new/revised routine uses which would result in a contrary determination.

ADDRESS: Please address comments to: Ms. Betty J. Cook, Privacy Act Officer, ADAMHA, Room 6–102, 5600 Fishers Lane, Rockville, MD 20857.

Comments received will be available for inspection at the same address from 8:00 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Kent Augustson, Division of Financial Management, ADAMHA, Room 12C–10, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–2094.

This is not a toll-free number.

SUPPLEMENTARY INFORMATION: This system of records, 09–30–0014, "Saint Elizabeths Hospital System, HHS/ADAMHA/NIMH," contains data maintained on billings, reimbursement claim forms, payroll, travel expenses, etc. The authority for maintaining the system is the Hospitalization of the Mentally Ill Act, 21 D.C. Code 501, et seq.; the Debt Collection Act of 1982, Pub. L. 97–365; Authority of the superintendent, disbursing agent and deputy disbursing agent, 24 U.S.C. 165, 166; and 31 U.S.C. 1535 (formerly known as the Economy Act).

Since this system contains over one hundred thousand records on all present and former patients and employees of Saint Elizabeths Hospital (SEH), computerization of this record system will provide a more accurate and cost-efficient process for the financial management of SEH.

The addition of routine use number 11 allowing disclosure to contractor(s), is necessary because SEH lacks the resources to administer totally the financial operation of the billing aspect of the system. Therefore, we propose to contract for this service.

We are revising the safeguards section of the system notice to include necessary safeguards for computerization under contract. Contractors will be required to adhere to the provision of the Privacy Act and the HHS Privacy Act Regulations. The System Manager and the Project Officer will control access to the data. Only contractor personnel and SEH employees whose duties require the use of such information will have regular access to records in this system. Records will be stored in secure offices. Computer terminals will be in secured areas. An employee picture identification program is in effect. Data stored in computers will have limited access through the use of keywords known only to the System Manager, delegated representatives of the System Manager, or the Project Officer. These keywords will be changed frequently.

On January 27, 1984, the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) published in the **Federal Register** a routine use (number 8) for this system of records which permits the disclosure, pursuant to subsection (b)(3) of the Privacy Act, of personal information such as taxpayer's address to debt collection agencies for the purpose of locating such taxpayer to collect debts owed the Federal Government. This publication revises and expands that routine use to permit disclosure to another Federal agency so that agency can effect a salary offset (number 8a(1)); to another Federal agency so that agency can effect an administrative offset under common law or under 31 U.S.C. 3716 (withholding from money payable to or held on behalf

of the individual) (Number 8a(2)); to the Department of Treasury, to request an individual's mailing address (number 8a(3)); to agents of the Department of Health and Human Services and to other third parties to help locate an individual in order to help collect a debt (number 8c); or to the Department of Justice for litigation or further administrative action (number 8e).

However, prior to making any disclosure under this routine use, ADAMHA will take the following due process steps: verify the existence of the debt and take reasonable action to send written notice to the debtor that the claim is overdue, that the agency intends to disclose information to debt collection agencies or consumer reporting agencies of what the disclosure(s) will consist, and enumeration of his/her rights with respect to the claim as set forth in Guidelines issued by the Office of Management and Budget (48 FR 15556 and 15559, April 11, 1983). For example, ADAMHA will allow the debtor to examine agency documentation of the debt, provide for the debtor to seek agency review of the debt, and provide an opportunity for the individual to enter into a written agreement satisfactory to the agency for repayment of any outstanding debts.

Furthermore, disclosures to agents of the Department and to other third parties will be limited to the individual's name, address, Social Security number, and other information necessary to identify him/her. Disclosures to other entities listed above will be limited to these items: the amount, status, and history of the claim and the agency or program under which the claim arose.

Disclosure to another Federal agency that has asked the Department to effect an administrative offset or to help collect a debt owed the United States (routine use number 8b) will be limited to: name, address, Social Security number, and other information necessary to identify the individual; information about the money payable to or held for the individual; and other information concerning the administrative offset.

We are also making minor editorial changes throughout the notice to enhance clarity and specificity.

This system was last published in the **Federal Register** (48 FR 53809–53816) on Jaunary 27, 1984.

We are publishing below the system notice in its entirety, with the proposed changes incorporated. The notice is written in the present rather than future tense in order to avoid the unnecessary expenditure of public funds to republish the notice after the system has become effective.

Dated: June 12, 1985.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

Notice of an Altered System of Records

09–30–0014

SYSTEM NAME:

Saint Elizabeths Hospital Financial System, HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Finance Office, Room 200, Administration Building, Saint Elizabeths Hospital, Washington, D.C. 20032, and Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409. Billing records may also be located at a contractor site. The location of the contractor site may be obtained by writing to the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former patients and many employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Deposits; receipts; disbursement; balances; NCR ledger cards; vouchers; information on expenses of travel and education; billings; background history; reimbursement claims; Industrial Therapy Program data; Internal Revenue Service Form W–4 and D.C. Government Form D–4, Payroll Summary sheets and individual ledger cards for patient workers in Patient Worker Industrial Therapy Program (PWITP), and indebtedness letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Hospitalization of the Mentally Ill Act, 21 D.C. Code 511 *et seq.*; the Debt Collection Act of 1982, Pub. L. 97–365; Authority of the superintendent, disbursing agent and deputy disbursing agent, 24 U.S.C. 165, 166; and 31 U.S.C. 1535 (formerly known as the Economy Act).

PURPOSE(S):

To record expenditures and reimbursements for services and goods and to collect debts owed to Saint Elizabeths Hospital. Information in these records is also used within the Finance Office to determine the amount of pay a patient earns for an Industrial Therapy assignment and for completing patient time sheets, payroll summary sheets, income tax withhholding forms, and monthly or quarterly earnings and tax returns.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to a inquiry from the congressional office at the written request of that individual.

2. Disclosures may be made to various organizations and the D.C. Government in order to pay employee travel claims and educational expenses; to collect from the D.C. Government and Federal agencies for care and treatment; and to collect for quarters, lost or damaged property, and other debts owed to the Government.

3. Disclosures may be made to prospective employers for outside employment of patients, to referral sources for determining if job placement meets a patient's therapeutic needs, and to outside agencies to obtain job referrals for patients.

4. Disclosures may be made to prospective employers and other similar recipients as evidence of the individual's increased responsibility, and to follow up reasons for a patient's absence from Industrial Therapy assignments.

5. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal (e.g., Department of Justice), State or local (e.g., State and local licensing boards), charged with the responsibililty of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

6. Where Federal agencies having the power to subpoena other Federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

7. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the

Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

8. The following disclosures may be made to the specified entities in order to help collect a debt owed the United States:

a. Saint Elizabeths Hospital will disclose from this system of records a delinquent debtor's name, address, Social Security number, and other information necessary to identify him/her; the amount, status, and history of the claim, and the agency or program under which the claim arose, as follows:

(1) To another Federal agency so that agency can effect a salary offset for debts owed by Federal employees; if the claim arose under the Social Security Act, the employee must have agreed in writing to the salary offset.

(2) To another Federal agency so that agency can effect an authorized administrative offset, i.e., withhold money payable to or held on behalf of debtors other than Federal employees.

(3) To the Treasury Department, Internal Revenue Service, to request a debtor's current mailing address to locate him/her for purposes of either collecting or compromising a debt, or to have a commercial credit report prepared.

b. Saint Elizabeths Hospital may disclose information from this system of records to another Federal agency that has aksed the Department to effect an administrative offset to help collect a debt owed to the United States. Disclosure is limited to the individual's name, address, Social Security number, and other information necessary to identify the individual; information about the money payable to or held for the individual, and other information concerning the administrative offset.

(c) Saint Elizabeths Hospital will disclose to debt collection agents, other Federal agencies, and other third parties who are authorized to collect a Federal debt, information necessary to identify a deliquent debtor. Disclosure will be limited to the debtor's name, address, Social Security number and other information necessarty to identify him/her; the amount, status, and history of the claim, and the agency or program under which the claim arose.

d. Saint Elizabeths Hospital will disclose information from this system of records to any third party that may have information about a delinquent debtor's current address, such as a U.S. post office, a State motor vehicle administration, professional organization, alumni association, etc., for the purpose of obtaining the debtor's current address. This disclosure will be strictly limited to information necessary to identify the individual without any reference to the reason for the agency's need for obtaining the current address.

3. Saint Elizabeths Hospital will disclose information concerning a delinquent debtor from this system of records to the Department of Justice for litigation or further administrative action.

9. Saint Elizabeths Hospital may disclose information from its records in this system to consumer reporting agencies in order to obtain credit reports to assess the ability of delinquent debtors to repay their debts. Permissible disclosures include name, address, Social Security Number of other information necessary to identify the individual; the amount of debt; and the program for which the information is being obtained.

10. When a debt becomes partly or wholly uncollectable, either because the time period for collection under the statute of limitations has expired or because the Government agrees with the individual to forgive or compromise the debt, Saint Elizabeths Hospital may disclose a record from this system to the Internal Revenue Service to report the written-off amount as taxable income to the individual.

11. Saint Elizabeths Hospital may disclose information from its records to a contractor for the purpose of performing billing services for Saint Elizabeths Hospital.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purpose of such disclosures is to provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records. Information disclosed will be limited to name, Social Security number, address, other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose. Such disclosures will be made only after the procedural requirements of 31 U.S.C. 3711(f) have been met.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are kept in file folders in standard file cabinets; on magnetic tapes and disks; and on punch cards.

RETRIEVABILITY:

Voucher date and number: Numerically (receipts for patient funds); alphabetically by name; Health Insurance Number and Hospital Case Number (Health Insurance records); Bill number (for billings).

SAFEGUARDS:

1. Authorized Users: Access is limited to employees and contractor personnel directly responsible for the financial management of Saint Elizabeths Hospital, including administrative staff, financial management personnel, computer personnel, and contractor personnel.

2. Physical Safeguards: Offices containing records are locked when not in use. Computer terminals are in secured areas. All buildings are locked at night.

3. Procedural Safeguards: Employees who maintain records in this system are instructed to grant access only to authorized users. Data stored in computers are accessed through the use of passwords/keywords/numbers known only to the authorized personnel. These passwords/keywords are changed as needed. An employee picture identification program is in effect.

Contractor who maintain records in this system are instructed to make no further disclosures of the records except as authorized by the system manager in accordance with the Privacy Act. Privacy Act requirements are specifically included in contracts related to this system. The project officer and contract officer oversee compliance with these requirements.

4. Implementation Guidelines: The particular safeguards implemented are developed in accordance with Chapter 45–13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual.

supplementary Chapter PHS: hf.45–13: Part 6, "ADP Systems Security," of the HHS ADP Systems Manual; the National Bureau of Standards Federal Information Process Standards (FIPS Pub. 41 and FIPS Pub. 31).

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for specific types of records may be obtained by writing to the System Manager at the address below:

SYSTEM MANAGER(S) AND ADDRESS:

Finance Officer, Administration Building, Room 200, Saint Elizabeths Hospital, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself/herself upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator, Finance Office, Room 200, Administration Building, Saint Elizabeths Hospital, Washington, D.C. 20032.

All of the following information must be provided when requesting notification:

a. Full names;

b. Dates of the contact with Saint Elizabeths Hospital;

c. The Branch Division, or Office with which the requester had contact;

d. The capacity in which the requester had contact with the Hospital, e.g., patient, employee, vendor, representative of professional organization, etc.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requester should also reasonably specify the record contents being sought. An individual may also request an accounting of disclosures that have been made of his/her record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought with supporting information to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

Patients, patients' relatives, conservators, SEH staff, and staff of the Veterans Administration, the Social Security Administration, and the Office of Personnel Management.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 85–14715 Filed 6–18–85; 8:45 am]

BILLING CODE 4160-20-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Idaho Falls District; Availability of the Proposed Plan and Final Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a proposed resource management plan (RMP) and environmental impact statement (EIS) for management of public lands in the Medicine Lodge Resource Area. The proposed plan and EIS describes and analyzes five alternatives for managing 647,719 acres of BLM—administered public land over the next 10 or more years.

The proposed plan and Final EIS uses an abbreviated format. The BLM considered all of the comments received by letter and at two hearings. After a thorough review of the Draft EIS released September 1984 and an analysis of all of the comments, BLM has chosen to adopt Alternative C, with some minor additions and corrections, as the proposed plan for the area. Alternative C was identified in the Draft RMP/EIS as BLM's Preferred Alternative.

Wilderness recommendations for the Sand Mountain and Snake River Islands Wilderness Study Areas are not included in the proposed plan. They are being considered further along with the wilderness specific comments received on the Draft RMP/EIS. After a review of the comments and wilderness suitability analysis, a Final Medicine Lodge Wilderness EIS will be prepared along with a Wilderness Study Report for each WSA. These documents will include the final wilderness recommendations from the Secretary of the Interior to the President and Congress.

Copies of the Proposed Plan and Final EIS are available for review at the following locations.

Idaho Falls District Office, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401, Telephone: (208) 529–1020

Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706, Telephone: (208) 334–1770

Public Affairs, Bureau of Land Management, Interior Bldg., 18th and C Streets, Washington, D.C. 20240, Telephone: (202) 343–9435.

DATES: Protests to the proposed plan shall be filed with the Director on or before July 15, 1985. Any person who participated in the planning process and has an interest which is or may be adversely affected by the resource management plan may protest. The procedures for filing a protest are listed in the proposed plan and in 43 CFR 1610.5–2.

ADDRESS: Director (202), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: O'dell A. Frandsen, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401; Telephone: (208) 529–1020.

O'dell A. Frandsen,

District Manager.

June 11, 1985.

[FR Doc. 85–14674 Filed 6–18–85; 8:45 am]

BILLING CODE 4310-GG-M

Bureau of Reclamation

Tehama-Colusa and Corning Canals, Central Valley Project, CA; Intent To Expand Coverage of the Tehama-Colusa and Corning Canals Water Marketing Environmental Impact Statement

Pursuant to Section 102(2) (C) of the National Environmental Policy Act of 1969, the Department of the Interior published a Notice of Intent to Prepare an Environmental Impact Statement (EIS) on marketing water from the Tehama-Colusa and Corning Canals of the Central Valley Project, California, in the **Federal Register**, Volume 50, No. 89, Page 19495, on May 8, 1985. The Department of the Interior now proposes to expand the area of consideration for a water marketing environmental impact statement to include Shasta Lake, the Trinity River Division, and the Feather Water District, as well as the Tehama-Colusa and Corning Canals. The area of study will begin at the confluence of the American and Sacramento Rivers and proceed northward up the Sacramento River to Shasta Lake. The expanded area will provide a broader view regarding the marketing of water for

agricultural and municipal and industrial purposes in Shasta, Tehama, Glenn, Colusa, Sutter and Yolo Counties.

Portions of the Sacramento River system are within floodplain and wetland areas. Accordingly, the objectives and requirements of Presidential Executive Orders 11988 and 11990, and the Reclamation Instructions, Chapter 376.5, will be considered throughout the planning and preparation of the EIS.

The Bureau of Reclamation has scheduled public meetings to assist in the determination of the scope of the EIS. The first meeting will be held on June 25, 1985, at 7:30 p.m., in the Shasta Inn, 2180 Hilltop Drive, Redding, California 96002. The second meeting will be held on June 27, 1985, at 7:30 p.m., in the Willows Memorial Auditorium, 525 West Sycamore, Willows, California 95988.

The contact person for this expanded environmental impact statement will be Joel Verner, Bureau of Reclamation, Attention: MP–410, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484–4328.

Dated: June 13, 1985.

Robert A. Olson,

Acting Commissioner.

[FR Doc. 85–14654 Filed 6–18–85; 8:45 am]

BILLING CODE 4310-09-M

Office of Surface Mining Reclamation and Enforcement

Intent To Prepare a Draft Environmental Impact Statement and a Preliminary Regulatory Impact Analysis on the Proposed Rule Defining the Applicability of the Prohibitions in Section 522 to Underground Coal Mining; Notice of Scoping Meeting

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

ACTION: Notice of intent to prepare a draft environmental impact statement and a preliminary regulatory impact analysis and hold a scoping meeting.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) intends to prepare a draft environmental impact statement (EIS) and a preliminary regulatory impact analysis (RIA) on the proposed rule defining the applicability of the prohibitions for surface coal mining operations within specified distances or "buffer zones" of certain structures. Three meetings will be held to receive comments from interested persons on the scope and significance of issues to be analyzed in the EIS and the RIA. The EIS and the RIA will assist the Secretary of the Interior in making a decision on the proposed rulemaking.

DATES: *Written comments:* OSM will accept written comments on the scope of the EIS and the RIA until 4 p.m. eastern daylight time on August 27, 1985.

Scoping meetings: OSM will hold three scoping meetings, one on August 1, 1985, at Pittsburgh, Pa., one on August 6, 1985, at St. Louis, Mo., and one on August 9, 1985, in Washington, D.C. at the locations shown in "**ADDRESSES.**" These meetings will be held from 1 p.m. to 4 p.m., local time.

ADDRESSES: *Written comments:* Hand-deliver to the Office of Surface Mining, Division of Permit and Environmental Analysis, Room 5111, 1100 L Street, NW., Washington, D.C.; or mail to the Office of Surface Mining, Division of Permit and Environmental Analysis, Room 5111 L, U.S. Department of the Interior, Washington, D.C. 20240.

Scoping Meetings

Pittsburgh, Pa.: Conference room, Eastern Technical Center, Office of Surface Mining, U.S. Department of the Interior, Ten Parkway Center.

St. Louis, Mo.: Park Terrace Airport Hilton, 10330 Natural Bridge Road.

Washington, D.C.: U.S. Department of the Interior, Main Auditorium, 18th & C St., NW.

FOR FURTHER INFORMATION CONTACT: Dr. Mark Boster at the Washington, D.C., address listed above (telephone: 202–343–1480).

SUPPLEMENTARY INFORMATION: On April 3, 1985, OSM published a notice of intent to conduct rulemaking on the applicability of the prohibitions in section 522(e) (4) and (5) of the Surface Mining Act (50 FR 13250). This section prohibits surface coal mining operations within certain distances of specified structures or facilities. As stated in the notice, OSM is interested in the relationship between section 522(e) and mining-related subsidence. Because 30 CFR 761.11, which implements the provisions of section 522(e) (4) and (5), apparently has not resolved how this section applies to underground mining operations, OSM has decided to initiate further rulemaking. OSM has determined that such rulemaking is a major Federal action within the context of the National Environmental Policy Act (NEPA) and will require the preparation of an environmental impact statement (EIS). This determination was made on the basis that underground mining takes place in numerous States and that any rulemaking affecting underground mining operations will be national in scope and could have potential environmental effects.

Possible options to be addressed by the scoping process include but are not limited to the following:

(1) Prohibit all underground mining activities within areas enumerated in section 522(e).

(2) Prohibit underground mining operations in the delineated zones to the extent that subsidence causing material damage to enumerated structures would be expected.

(3) Prohibit underground mining operations in the delineated zones to the extent that subsidence causing adverse impacts to enumerated structures would be expected.

(4) Do not apply the prohibitions of section 522(e) to underground mining activities.

(5) No Action: Existing regulations are adequate to implement the Act.

Executive Order 12291 of February 17, 1981, requires that an analysis of proposed regulations be conducted to determine the economic impact of the regulation. In situations where the effect of the regulation will be greater than 100 million dollars gross annual effect or have a significant impact on a particular industry, the agency is required to develop a regulatory impact analysis (RIA) which identifies the economic effects of the regulation.

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that, in situations where proposed regulations may have a significant economic effect on a substantial number of small entities, the regulatory authority must prepare a small entity flexibility analysis (SEFA).

Departmental procedures provide that the RIA and the SEFA may be combined into a single document and that the RIA may incorporate the analytical requirements of the Regulatory Flexibility Act. OSM will address the requirements of both E.O. 12291 and the Regulatory Flexibility Act in the RIA.

OSM has made a determination that the proposed regulation may be significant within the meaning of E.O. 12291 or the Regulatory Flexibility Act and solicits comments from the public concerning the extent of economic impacts and impacts to small entities of the regulatory options 1 through 5 outlined in this section of the notice which should be addressed in the RIA.

Dated: June 14, 1985.

Brent Wahlquist,

Assistant Director, Technical Services and Research.

[FR Doc. 85–14684 Filed 6–18–85; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-213]

Certain Fluidized Bed Combustion Systems; Prehearing Conference and Hearing

Notice is hereby given that the prehearing conference in this matter will commence at 9:00 a.m. on July 15, 1985, in Hearing Room 6311 at the Interstate Commerce Commission Building at 12th Street and Constitution Avenue, NW., Washington, D.C., and the hearing will commence immediately thereafter.

The Secretary shall publish this notice in the **Federal Register.**

Issued: June 10, 1985.

Janet D. Saxon,

Administrative Law Judge.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14769 Filed 6-18-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-198]

Certain Portable Electronic Calculators; Commission Decision Not To Review Initial Determination of No Violation of Section 337 of the Tariff Act of 1930

AGENCY: U.S. International Trade Commission.

ACTION: Nonreview of initial determination.

SUMMARY: Notice is hereby given that the Commission has determined not to review an initial determination (ID) that there is no violation of section 337 of the Tariff Act of 1930 in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Wayne Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-3395.

SUPPLEMENTARY INFORMATION: The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.53-210.56 of the Commission's Rules of Practice and Procedure (49 FR 46123, Nov. 23, 1984; to be codified at 19 CFR 210.53-56).

The Commission instituted this investigation on July 5, 1984, in response to a complaint filed by Texas Instruments Inc. (TI), of Dallas, Texas to determine whether there is a violation of section 337 in the importation of certain portable electronic calculators into the United States, or in their sale, by reason of alleged infringement of claims of U.S. Letters Patent 3,819,921. Complainant TI alleged that the effect or tendency of the unfair acts was to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Numerous firms, both foreign and domestic, were named as respondents. A notice of investigation was published in the **Federal Register** of July 18, 1984 (49 FR 29162).

An evidentiary hearing was held before the presiding administrative law judge. Appearances were made by counsel for complaint TI, counsel for certain respondents, and by the Commission investigative attorney.

On April 18, 1985, the administrative law judge issued an ID that there is no violation of section 337 in the importation or sale of the portable electronic calculators under investigation. Specifically, the administrative law judge found that the '21 patent was valid, but that there was no infringement of the '21 patent and no industry in the United States with respect to the patented calculators. The ALJ also made findings on severtal other issues.

Complainant TI filed a petition for review of various portions of the administrative law judge's ID. Respondents Nam Tai, IMA, and Enterprex filed a "conditional" petition for review. No agency comments were received.

On June 10, 1985, the Commission determined not to review the ID, but limited its adoption of the ID to the following issues:

1. The '921 patent is valid.
2. The '921 patent is not infringed.
3. There is no "industry . . . in the United States" because the TI calculators are not covered by the claims of the '921 patent.

The Commission takes no position with respect to the other issues discussed in the ID. That is, the Commission neither affirms nor reverses the ID with respect to those other issues. (Vice Chairman Liebeler does not reach the question of the existence of an industry in the United States.)

Copies of the public version of the ID and all other nonconfidential documents filed in connection with the investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Issued: June 10, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14768 Filed 6-18-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-208]

Certain Shoe Stiffeners; Commission Decision Not To Review Initial Determination Terminating Three Respondents on the Basis of a Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Termination of three respondents on the basis of settlement agreements.

SUMMARY: The U.S. International Trade Commission has determined not to review an initial determination (ID) terminating respondents Emhart Corporation, B.U.S.M. Co., Ltd., and Gould and Scammon, Inc. in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Stephen A. McLaughlin, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0421.

SUPPLEMENTARY INFORMATION: On April 26, 1985, complainant Foss Manufacturing Co., Inc., respondents Emhart Corporation, B.U.S.M. Co., Ltd., and Gould and Scammon, Inc. filed a joint motion to terminate the investigation with regard to the aforementioned respondents on the basis of a settlement agreement. On April 30, 1985, the presiding administrative law judge issued an ID granting the joint motion to terminate the respondents.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rules 210.51 and 210.53 (19 CFR 210.51 and 210.53). Notice of the ID was published in the **Federal Register** of May 8, 1985 (50 FR 19498). No petitions for review of the ID were filed nor were any comments received from Government agencies or the public.

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW, Washington, D.C. 20436, telephone 202-523-0161.

Issued: June 12, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14773 Filed 6-18-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-220]

Certain Spring Retainers for Garage Door Hardware; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: LCB Industries.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on June 11, 1985.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with the investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: June 11, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14771 Filed 6-18-85; 8:45 am]

BILLING CODE 7020-01-M

[332-213]

The Competitive Position of the United States and European Community Pork in the United States and Third Country Markets

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of public hearing.

SUMMARY: The Commission has instituted an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) for the purpose of assessing the competitive position of European Community (EC) pork in the United States and third country markets.

EFFECTIVE DATE: June 5, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. David E. Ludwick, principal analyst (telephone 202-724-1763), or Mr. David Ingersoll, Chief, Agriculture, Fisheries, and Forest Products Division (telephone 202-724-0068), U.S. International Trade Commission, Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: At the request of the United States Senate Committee on Finance, the Commission has instituted investigation No. 332-213 under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), for the purpose of gathering and presenting information on the competitive and economic factors affecting the U.S. and EC pork industries in U.S. and third country markets and these industries' competitive positions in these markets. The products to be investigated include fresh, chilled, or frozen pork, prepared or preserved pork and canned hams and shoulders. In its report specifically, the Commission will:

(1) Provide an overview of the EC pork industry;

(2) Describe the EC pork market in terms of production, imports, exports and consumption levels and trends;

(3) Discuss the role of EC exports in the U.S. pork market;

(4) Discuss the role of EC exports to third country markets upon U.S. exports to such markets;

(5) Describe the effect of tariffs, variable levies, and health and sanitary regulations on trade in pork products between the United States and the EC, and also trade regulations in other markets, such as Japan, which may affect EC export marketing strategies;

(6) Identify EC and member country assistance programs which are available to the swine growing and processing industries; and

(7) Discuss competitive conditions with respect of price, levels of technology, and so-forth.

Public Hearing

A public hearing in connection with the investigation will be held beginning September 27, 1985, in Des Moines, Iowa, at a time and place to be announced. All persons shall have the right to appear by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, September 20, 1985.

Written Submissions

In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be ensured of consideration by the Commission, written statements should be received by the Commission at the earliest practicable date, but not later than September 20, 1985. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: June 10, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14770 Filed 6-18-85; 8:45 am]

BILLING CODE 7020-02-M

Agency Form Submitted for OMB Review

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Commission has submitted a proposal for the collection of information to the Office of Management and Budget for review.

Purpose of Information Collection

The proposed information collection is for use by the Commission in connection with investigation No. 332-215, An Assessment of the Impact of Imports under the Educational, Scientific, and Cultural Materials Importation Act of 1982, Pub. L. 97-446, on the U.S. Hearing Aid Industry, instituted under the authority of section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

Summary of Proposals

(1) Number of forms submitted: three.

(2) Title of forms: (1) Questionnaire for Producers of Hearing Aids, (2) Questionnaire for Importers of Hearing Aids, and (3) Questionnaire for Purchasers of Hearing Aids.

(3) Type of request: new.

(4) Frequency of use: nonrecurring.

(5) Description of respondents: U.S. producers, importers, and purchasers of hearing aids.

(6) Estimated number of respondents: 140.

(7) Estimated total number of hours to complete the forms: 2,100.

(8) Information obtained from the form that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a firm.

Additional Information or Comment

Copies of the proposed form and supporting documents may be obtained from William Fry, the USITC agency clearance officer (tel. no. 202-523-4463). Comments about the proposals should be directed to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Washington, D.C. 20503, Attention: Ms. Francine Picoult, Desk Officer for the U.S. International Trade Commission (202-395-7231). If you anticipate commenting on a form but find that time to prepare comments will prevent you from submitting them promptly you should advise OMB of your intent as soon as possible. Copies of any comments should be provided to William Fry (United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436).

Issued: June 13, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14775 Filed 6-18-85; 8:45 am]

BILLING CODE 7020-02-M

[332-215]

Assessment of the Impact of Imports Under the Educational, Scientific, and Cultural Materials Importation Act of 1982, Pub. L. 97-446, on the U.S. Hearing Aid Industry

AGENCY: International Trade Commission.

ACTION: Institution of investigation.

SUMMARY: Following receipt, on May 29, 1985, of a letter from the U.S. Trade Representative at the direction of the President, the Commission instituted investigation No. 332-215 under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), for the purpose of assessing the impact of imports under the Educational, Scientific, and Cultural Materials Importation Act of 1982, Public Law 97-446, on the U.S. hearing aid industry.

EFFECTIVE DATE: June 11, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Ruben Moller or Mr. Ralph Watkins, General Manufactures Division, U.S. International Trade Commission, Washington, D.C. 20436, telephone 202-724-1732 or 202-724-0976, respectively.

SUPPLEMENTARY INFORMATION: The Commission will investigate and provide the President with information on conditions of competition between imported and domestically produced hearing aids for the purpose of assisting the President in his determination of whether the duty-free treatment provided for conventional (non-custom) hearing aids under item 960.15 of the Tariff Schedules of the United States, pursuant to the terms of section 167(b) of the Educational, Scientific, and Cultural Materials Importation Act of 1982 (Pub. L. 97-446; 96 Stat. 2346), has a significant adverse impact on a domestic industry (or portion thereof). Section 166(a) of that act authorizes the President to narrow the scope of or place conditions on the duty-free treatment applicable to some of these articles, including hearing aids, if such treatment is not provided for in the Florence Agreement or the Nairobi Protocol to that agreement.

To the extent practicable, the Commission's report will differentiate between imports of conventional hearing aids for non-profit institutions and hearing aids imported for regular commercial distribution. The Commission will examine the U.S. and major foreign hearing aid industries, analyze the key economic forces in the U.S. market, and assess the factors of competition in the U.S. market between domestic and foreign products.

Written Submissions

Interested persons are invited to submit written statements concerning the investigation. Written statements should be received by July 25, 1985. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submission requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's Office in Washington, D.C.

Issued: June 14, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14776 Filed 6-18-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-212]

Certain Convertible Rowing Exercisers; Commission Determination Not To Review Initial Determination Joining Respondents

AGENCY: International Trade Commission.

ACTION: Nonreview of an initial determination (ID) joining three respondents to the investigation.

SUMMARY: Notice is hereby given that the Commission has determined not to review the administrative law judge's (ALJ) ID to join three parties as respondents in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, telephone 202-523-0493.

SUPPLEMENTARY INFORMATION: On April 19, 1985, complainant diversified Products Corp moved (Motion 212-12) to amend the complaint and notice of

investigation by joining Weslo International, Inc., Taipei, Taiwan; Pro-X Ltd., Hamilton, Bermuda; and John Lee, Taipei, Taiwan, as respondents. On May 13, 1985, the ALJ issued an ID granting the motion. A petition for review was filed by Pro-X Ltd. No comments from other Government agencies have been received.

Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161.

Issued: June 12, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–14779 Filed 6–18–85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–180]

Certain X-Ray Image Intensifier Tubes; Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Termination of the above-captioned investigation.

SUMMARY: The Commission has granted the complainant's motion to terminate the above-captioned investigation of the basis of the parties' settlement, which consists of a licensing agreement, a letter agreement, and a related side letter.

FOR FURTHER INFORMATION CONTACT: P.N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0350.

SUPPLEMENTARY INFORMATION:

Background

The investigation was instituted to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation or sale of certain X-ray image intensifier tubes. The proceedings were initiated on the basis of a complaint filed by Varian Associates, Inc., alleging infringement of two U.S. patents owned by Varian. The respondents are the Dutch corporation N. V. Philips Gloeilampenfabrieken and the related U.S. companies North American Philips Corp. and Philips Medical Systems, Inc. (See 49 FR 4046 (Feb. 1, 1984), as corrected at 49 FR 6416 (Feb. 21, 1984) and 49 FR 11897 (Mar. 28, 1984).)

On January 23, 1985, complainant Varian filed Motion No. 180–6"C" for termination of the investigation on the basis of a patent licensing agreement, a letter agreement, and a related side letter, which collectively settled the parties' dispute. Although the motion was unopposed, the investigation was extended as a result of the parties' dispute concerning the confidentiality of the settlement and the application of Commission rule § 210.51(b)(1), which requires the submission of public inspection copies of agreements providing the basis for a motion to terminate. See 19 CFR 210.51(b)(1), as amended at 49 FR 46123 (Nov. 23, 1984); 50 FR 6075 (Feb. 13, 1985); 50 FR 10326 (Mar. 14, 1985); and 50 FR 16172 (Apr. 24, 1985). The dispute was resolved by the Commission Action and Order of April 19, 1985. See also 50 FR 16172 (Apr. 24, 1985).

A notice soliciting public comment on the proposed termination was published in the **Federal Register** of April 24, 1985 (50 FR 16172). In addition, public inspection copies of the motion for termination, the licensing agreement, the letter agreement, and the related side letter were served on other Federal agencies for comment. No comments were received, either from the public or other agencies.

Upon review of the motion for termination, the parties' settlement, and the responses to the motion, the Commission determined that (1) the motion met the requirements of the Commission's rule; (2) there was no indication that terminating the investigation on the basis of the parties' settlement would have an adverse impact on the public; and (3) the motion for termination should be granted.

Public Inspection

The Commission's Action and Order, the motion for termination, and nonconfidential copies of the parties' licensing agreement, letter agreement, the related side letter, and all other nonconfidential documents on the record of the investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, Docket Section, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0471.

Issued: June 13, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–14778 Filed 6–18–85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701–TA–250 (Preliminary)]

Converted Paper-Related School and Office Supplies From Mexico

AGENCY: International Trade Commission.

ACTION: Termination of preliminary countervailing duty investigation.

FOR FURTHER INFORMATION CONTACT: Bruce Cates (202–532–0369), Office of Investigations, U.S. International Trade Commission, Washington, DC 20436.

SUPPLEMENTARY INFORMATION: On May 14, 1985, the Department of Commerce (Commerce) published in the **Federal Register** (50 FR 20117), a notice instituting a countervailing duty investigation on converted paper-related school and office supplies from Mexico. Accordingly, effective May 14, 1985, the Commission instituted countervailing duty investigation No. 701–TA–250 (Preliminary), converted paper-related school and office supplies from Mexico. The purpose of the Commission's investigation was to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury or the establishment of an industry is materially retarded by reason of imports allegedly subsidized by the Government of Mexico of converted paper-related school and office supplies, provided for in items 256.56, 256.58, and 256.90 of the Tariff Schedules of the United States (TSUS).

On May 17, 1985, the Commission and Commerce each received a letter from counsel on behalf of the petitioners withdrawing the petition and requesting that the investigation be terminated without prejudice to the right to refile at a future date. On June 7, 1985, Commerce published in the **Federal Register** (50 FR 24012), a notice terminating its countervailing duty investigation. As a result, pursuant to its authority under section 704(a) of the Tariff Act of 1930, (19 U.S.C. 1671c), the Commission's countervailing duty investigation (No. 701–TA–250 (Preliminary)), converted paper-related school and office supplies from Mexico, is also hereby terminated.

Issued: June 12, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–14772 Filed 6–18–85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-235 (Final)]

Iron Ore Pellets From Brazil; Suspension of Final Countervailing Duty Investigation

AGENCY: International Trade Commission.

ACTION: Suspension of final countervailing duty investigation.

SUMMARY: Effective June 10, 1985, the United States Department of Commerce suspended its countervailing duty investigation involving iron ore pellets from Brazil (50 FR 24265). The basis for the suspension is an agreement to renounce all benefits provided by the Government of Brazil which the Department of Commerce finds to constitute subsidies on exports of iron ore pellets to the United States. Accordingly, the United States International Trade Commission hereby gives notice of the suspension of its countervailing duty investigation No. 701-TA-235 (Final) involving imports from Brazil of iron ore pellets, provided for in item 601.24 of the Tariff Schedules of the United States.

EFFECTIVE DATE: June 14, 1985.

FOR FURTHER INFORMATION CONTACT: Cynthia Wilson (202-523-0291), Office of Investigations, U.S. International Trade Commission.

This notice is published pursuant to § 207.40 of the Commission's Rules of Practice and Procedure (19 CFR 207.40).

Issued: June 14, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14777 Filed 6-18-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-269 (Preliminary)]

Nylon Impression Fabric From Japan; Institution of Preliminary Antidumping Investigation

AGENCY: International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigation No. 731-TA-269 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of nylon impression fabric, provided for in items 347.60 and 338.50 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete preliminary antidumping investigation in 45 days, or in this case by July 25, 1985.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subpart A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201, as amended by 49 FR 32569, Aug. 15, 1984).

EFFECTIVE DATE: June 11, 1985.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk (202-523-0165), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 724-0002.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on June 10, 1985, by counsel on behalf of Bomont Industries, NJ, and Burlington Industries, Inc., NC.

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) of the rules (19 CFR 201.16(c), as amended by 49 FR 32569, Aug. 15, 1984), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m. on July 2, 1985 at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Parties wishing to participate in the conference should contact Valerie Newkirk (202-523-0165) not later than June 28, 1985, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the impostion of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written Submissions

Any person may submit to the Commission on or before July 5, 1985, a written statement of information pertinent to the subject of the investigation, as provided in section 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8, as amended by 49 FR 32569, Aug. 15, 1984). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6, as amended by 49 FR 32569, Aug. 15, 1984).

Authority

This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: June 13, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14774 Filed 6-18-85; 8:45 am]

BILLING CODE 7020-02-M

Provision of Services for the Hearing-Impaired

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Hearing-impaired persons wishing to contact the United States International Trade Commission are advised that a TDD terminal has been installed in the Office of the Secretary. Contact can be made by calling (202) 724-0002.

EFFECTIVE DATE: June 19, 1989.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Mason, Secretary (523-0161) or Terry P. McGowan, Director of Personnel (523-0182).

Issued: June 13, 1984.

By order of the commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14781 Filed 6-18-85; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-242)]

Burlington Northern Railroad Co.; Abandonment in King County, WA.; Notice of Findings

The Commission has found that the public convenience and necessity permit the Burlington Northern Railroad Company to abondon its 4.88-mile line of railroad between Woodinville (milepost 24.00) and Kenmore (milepost 19.12) in King County, WA.

A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidary or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,

Secretary.

[FR Doc. 85-14864 Filed 6-18-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Mallinckrodt, Inc.; Notice of Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 14, 1985, Mallinckrodt, Inc., Department C.B., Mallinckrodt and Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cocaine (9041)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Etorphine hydrochloride (9059)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Methadone (9250)	II
Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane (9254).	II
Dextropropoxyphene (9273)	II
Morphine (9300)	II
Thebaine (9333)	II
Nalmefene (9341)	II
Opium extracts (9610)	II
Opium fluid extracts (9620)	II
Tincture of opium (9630)	II
Powdered opium (9639)	II
Granulated opium (9640)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Fentanyl (9801)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than July 19, 1985.)

Dated: May 31, 1985.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 85-14724 Filed 6-18-85; 8:45 am]

BILLING CODE 4410-09-M

Importation of Controlled Substances; Mallinckrodt, Inc.; Notice of Application

Pursuant to Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 14, 1985, Mallinckrodt, Inc. Department C.B., Mallinckrodt and Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Raw opium (9600)	II
Opium plant Form (9650)	II
Concentrate of Poppy Straw (9670)	II

As to the basic classes of controlled substances listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator,

Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than July 19, 1985.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42(b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: June 10, 1985.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 85-14725 Filed 6-18-85; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

Bi-Weekly Notice; Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (Pub. L.) 97–415, the Nuclear Regulatory Commission (the Commission) is publishing this regular bi-weekly 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 bi-weekly notice includes all amendments issued, or proposed to be issued, since the date of publication of the last bi-weekly notice which was published on June 4, 1985 (50 FR 23543) through June 10, 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 Servicing Branch.

By July 19, 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 foth 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 unitl 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, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(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, N.W., Washington, D.C., and at the local public document room for the particular facility involved.

Arkansas Power and Light Company, Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: March 20, 1985.

Description of amendment request: The amendment would delete the Appendix "B" Technical Specifications (TSs) from the license in their entirety. All current Appendix "B" TSs except TS 3.5 relate directly to the Radiological Effluent Technical Specifications (RETS) which are now contained in the Appendix "A" TSs. Section 3.5, Land Management, is a descriptive section discussing the condition of the plant site, right-of-ways, and landscaping in the area of the plant buildings. The Commission's letter to the licensee dated December 14, 1984, issuing Amendment No. 88 to the license states, in part, "The amendment(s) revise the TS to incorporate the requirements of Appendix I of 10 CFR 50 as the Radiological Effluent Technical Specifications." It also states that this amendment does not complete the staff's action in that "you have yet to request deletion of the existing RETS from the Appendix "B" TS."

All parts of Sections 1.0, 2.0, 3.0 and 4.0, except 3.5, Land Management, of the current Appendix "B" TSs are part of the "existing RETS" referred to in the Commission's December 14, 1984, letter. All parts of Secton 5.0 deal with Administrative Controls on Appendix "B", and since all TSs except TS 3.5 of Appendix "B" are related solely to RETS, Section 5.0 is also solely RETS related.

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) of amendments that are considered not likely to involve significant hazards considerations.

The proposed changes relating to Sections 1.0, 2.0, 3.0, 4.0, and 5.0 of the current Appendix "B" TSs except for Section 3.5, Land Management, discussed above are most like example (i) which constitutes a purely administrative change to the TSs: for example, a change to achieve consistency throughout the TSs. Since the RETS incorporated into Appendix "A" of the license by Amendment 88 meet the intent to the Commission's guidance for RETS in toto, all radiological sections of Appendix "B" are superseded and can be delete. The Commission's staff, therefore, proposes that these portions of the application do not involve a significant hazards consideration.

For the proposed deletion of Section 3.5, Land Management, the three factors discussed in 10 CFR 50.92 are discussed as follows: Section 3.5 relates only to environmental matters and does not relate to margins of safety of the plant, the consequences or probability of accidents previously evaluated, or the possibility of creating a new or different kind of accident from any previously evaluated. Therefore, the proposed change would not (1) increase the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident prevously evaluated, or (3) involve a significant reduction in a margin of safety. Therefore, the Commission's staff proposes to determine that this portion of the application does not involve a significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Bishop, Liberman, Cook, Purcell & Reynolds, 1200 Seventeenth Street, N.W., Suite 700, Washington, DC 20036.

NRC Branch Chief: John F. Stolz.

Baltimore Gas and Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendment request: May 10, 1985 as supplemented by letter dated May 31, 1985.

Description of amendment request: The proposed amendments would change the Unit 1 and Unit 2 Technical Specifications (TS) to reflect alternate qualifications for the shift technical advisor (STA) as described in TS 6.2.2, "Facility Staff."

Basis for proposed no significant hazards consideration determination: At the present time, TS 6.2.2 in part, requires the STA to have a senior operators license (SOL). Because of recent personnel attrition at Calvert Cliffs, the licensee has requested that TS 6.2.2 be modified to allow alternate qualifications for the STA to allow flexibility in filling this position. The licensee has proposed to adopt proposed alternate STA requirements that conform to NRC requirements as specified in NUREG–0737, "Clarification

of TMI Action Plan Requirements", November 1980. Specifically, the proposed change to TS 6.2.2 states that, ". . . the SOL/STA may be replaced by an individual with the following minimum qualifications: a bachelor's degree or equivalent in a scientific or engineering discipline with specific training in plant design, and response and analysis of the plant for transients and accidents." In addition, the portion of the TS which specifies STA requirements would be reorganized to facilitate compliance. This change provides an equivalent qualification criteria as an alternative to the existing requirement in the TS. The existing requirement will remain as one of two qualification options.

Since the proposed changes to TS 6.2.2 do not affect plant design, operation, or safety analyses, and since the proposed TS conforms to the NRC position on STA qualification, the proposed changes do not reduce any safety margins, do not increase the probability or consequences of any accidents previously analyzed or create the possibility of a new or different type of accident. Accordingly, the Commission proposes to determine that the proposed changes to TS 6.2.2, which incorporate alternate STA requirements, involve no significant hazards considerations.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Attorney for licensee: George F. Trowbridge, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M. Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Edward J. Butcher, Acting.

Baltimore Gas and Electric Company, Docket No. 50-318, Calvert Cliffs Nuclear Power Plant, Unit No. 2, Calvert County, Maryland

Date of applications for amendment: February 26, 1985 and April 10, 1985.

Description of amendment request: The proposed amendment would change the Unit 2 Technical Specifications (TS) to reflect (1) analyses performed in support of Unit 1 Cycle 8 operation which is also applicable to Unit 2 which would allow more flexible limits for high pressure safety injection system flow, and (2) 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.

Basis for proposed no significant hazards consideration determination: On March 27, 1985, the NRC published in **Federal Register** (50 FR 12132, P12136) a proposed determination of no significant hazards considerations concerning Calvert Cliffs Unit 1, Cycle 8 operation. The proposed determination was based upon information contained in the licensee's applications for license amendments dated December 31, 1984 and February 22, 1985. By application for license amendment dated April 10, 1985, the licensee indicated that certain aspects of the Unit 1 Cycle 8 analysis are also applicable to present Unit 2, Cycle 6, operation. This applicable portion of the analysis would support a change to the Unit 2 TS to allow more flexible limits on demonstrated high pressure safety injection (HPSI) flow. These same changes were requested for Unit 1 in the licensee's application dated February 22, 1985.

In establishing an acceptable level of HPSI flow, the determining accident is the small-break loss of coolant accident (LOCA). For the existing HPSI flow scheme (170±5 gpm to each injection leg), the small-break LOCA peak clad temperature is calculated to be 1877 °F. For the proposed HPSI flow scheme (470 gpm for the sum of the three lowest flow injection legs) the peak clad temperature increases to 1940 °F. The small-break LOCA peak clad temperature thus increases as a result of the proposed HPSI flow scheme. The limit on peak clad temperature during a LOCA is specified in 10 CFR 50.46(b)(1) as 2200 °F and therefore we conclude that the revised LOCA calculation is acceptable with regard to peak clad temperature.

On April 6, 1983, the NRC published guidance in the **Federal Register** (48 FR 14870) concerning examples of amendments that are not likely to involve significant hazards considerations. One such example involves "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 . . ."

In this case, the safety margin concerning post-LOCA peak clad temperature is reduced but this temperature is still within the acceptable criterion of of 2200 °F. Accordingly, the Commission proposes to determine that the proposed changes to the Unit 2 TS, to allow more flexible limits of HPSI flow, involve no significant hazards considerations.

The licensee has also proposed a change to 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 preoperational testing at 5% power or less.

The purpose of TS 4.10.1.2 is to assure the reliability of the reactor control rod insertion capability (reactor trip verification) prior to reducing the shutdown margin below specified levels during preoperational testing or when the plant is operating at 5% power or less. This reduction in shutdown marign is required to perform special tests that are normally performed following a refueling outage at power levels less than or equal to 5% power (MODE 2). At the present time, TS 4.10.1.2 requires a reactor trip verification within 24 hours prior to reducting the shutdown margin below specified levels. The licensee has requested that the reactor trip verification be performed within 7 days in order to achieve a more expeditious startup following a refueling outage.

In Chapter 14 of the Calvert Cliffs FSAR, the licensee has considered all potential accidents where control rods (CEAs) fail to insert. The only accidents impacted by a stuck CEA are those that may result in positive reactivity addition after a reactor trip (i.e., an overcooling event) and thus no new types of accidents will be created by the proposed change. Based on probabilistic risk assessment analyses performed by the licensee, the probability of an overcooling event with a stuck CEA increases insignificantly (1.1×10^{-7} to 4.8×10^{-7}), when the requirement for trip verification is increased from 24 hours to 7 days during low power testing. Finally, since no system modifications, operating modes, or safety system setpoints have been changed, the consequences of previously analyzed accidents will not be increased and no reduction in a margin of safety will result from the proposed TS change.

Based upon the above, the Commission proposes to determine that the proposed changes to TS 4.10.1.2 involve no significant hazards considerations.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Attorney for licensee: George F. Trowbridge, Esq., Shaw, Pittman, Potts and Trowbridge, 1600 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Carolina Power & Light Company, Docket No. 50-325, Brunswick Steam Electric Plant, Unit 1, Brunswick County, North Carolina

Date of application for amendment: April 26, 1985.

Description of amendment request: The proposed amendment would change

the Technical Specifications (TS) to incorporate revised minimum critical power ratio (MCPR) values, revised maximum average planar linear heat generation rate (MAPLHGR) value for the new BP8DRB299 fuel type, additional MAPLHGR values for fuel types P8DRB285, P8DRB265H and P8DRB299, and the deletion of references to the old 8 x 8 fuel type which has been removed from the core. The "new" fuel is different from the old in one respect: that is, the zircalloy-2 fuel cladding has a layer of zirconium metallurgically bonded to the inside surface. This provides a remedy to pellet clad interaction without affecting the neutronic aspects of the fuel. Therefore, the new fuel is not significantly different from the old fuel.

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 consideration by providing certain examples published in the **Federal Register** on April 6, 1983 (48 FR 14870). One of the examples of an amendment likely to involve no significant hazards consideration is (iii) a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly differ from those found previously acceptable to the NRC for a previous core at the facility. We have reviewed this request and determined that the proposed changes fall within the criteria of example (iii). Therefore, operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of a 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. As such, the proposed amendment involves no significant hazards consideration. Therefore, the staff proposes to determine that this proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Soutport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Attorney for licensee: George F. Trowbridge, Esquire, Show Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Carolina Power & Light Company, Docket No. 50–325, Brunswick Steam Electric Plant, Unit 1, Brunswick County, North Carolina

Date of application for amendment: April 30, 1985.

Description of amendment request: The proposed amendment would change the Technical Specifications (TS) to revise TS Table 3.6.3.–1 to reflect modifications being made during the upcoming refueling outage to provide a dedicated purge system for post-accident combustible gas control which meets the requirements of NUREG–0737 Item II.E.4.1.

The staff position in regard to Item II.E.4.1 was that plants using external recombiners or purge systems for post-accident combustible gas control of the containment atmosphere should provide containment penetration systems for external recombiner or purge systems that are dedicated to that service only, that meet the redundancy and single-failure requirements of General only, that meet the redundancy and single-failure requirements of General Design Criteria 54 and 56 of Appendix A to 10 CFR 50, and that are sized to satisfy the flow requirements of the recombiner or purge system.

The procedures for the use of combustible gas control systems following an accident that results in a degraded core and release of radioactivity to the containment must be reviewed and revised, if necessary.

The modifications being performed on the Brunswick Unit 1 containment atmospheric dilution (CAD) system will provide a dual dedicated single active failure proof supply of nitrogen for use in post-accident conditions. Currently, nitrogen is transported from the storage tank into the reactor building by a 1-inch line. Once inside the reactor building, the 1-inch line ties into a 20-inch inerting line. Supply of nitrogen through this line into the containment is currently contingent on operation of large air operated isolation valves. The scheduled modification reroutes both the inerting and exhaust lines of the CAD system, thereby providing post-accident purging capability independent of these large air operated isolation valves. The 20-inch inerting and exhaust lines will still be used under normal startup and makeup conditions. As a result of the modification, the suppression chamber and drywell makeup CAD inlet valves (CAC–V47 and CAC–V48) are being deleted from TS Table 3.6.3–1. In addition, seven new primary containment isolation valves are being added to TS Table 3.6.3.–1.

Basis for proposed no significant hazards consideration determination: The proposed revision reflects the installation of a dedicated purge system for post-accident combustible gas control. This system will meet the requirements of NUREG–0737, Item II.E.4.1. The bypassing of the two large air operated valves by two separate one-inch nitrogen lines provides a more reliable source of nitrogen for both normal and post-accident conditions.The replacement valves are in redundant pairs in parallel. Therefore there would be a decrease in the probability or consequences of an accident previously evaluated. There would not be a new or different kind of accident, nor a reduction in a margin of safety since the nitrogen is more reliably available, not less. Based on the above the staff finds 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; (2) create the possibliility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Thus, CP&L has determined that the proposed license amendment involves no significant hazards consideration.

Therefore, the staff proposes to determine that this action 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, N.W., Washington, D.C. 20036.

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 29, 1985.

Description of amendment request: The proposed amendment to the licenses DPR–71 and DPR–62 would incorporate a condition requiring Carolina Power and Light Company (the licensee) to implement the provisions of the Integrated Plant Modification Plan (the Plan) for the Brunswick Steam Electric Plant Units 1 and 2 (the Plant). The Plan would implement a long-term integrated program for scheduling modifications to the Plant. This program

will result in the development of a long-term schedule for modifications based on the concept of a living schedule which was endorsed by the NRC in Generic Letter 83-20 dated May 9, 1983. The proposed amendment provides for changes to the schedules for planned plant modifications covered by the licensee's Plan including those required by NRC as well as those modifications deemed desirable by the licensee. The proposed amendment does not involve changes to plant systems, components, or Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning determination if significant hazards considerations exist, 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 application for amendment is intended to assure continuation of reliable and efficient plant modifications intended to enhance plant safety. Therefore, the Plan may reduce, but not increase, the probability or the 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: 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, N.W., Washington, D.C. 20036.

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: May 6, 1985.

Description of amendment request: The proposed Technical Specification (TS) changes would add a footnote to Items 9 and 10 of Table 4.3.1-1 to indicate that surveillance is not required when thermal power is below 30% of rated thermal power.

Currently, Table 3.3.1-1 indicates that the Turbine Stop Valve—Closure and the Turbine Control Valve Fast Closure, Control Oil Pressure—Low functions (Items 9 and 10 of Table 4.3.1-1) are bypassed when thermal power is less than 30% of rated thermal power. The proposed amendment revises Table 4.3.1-1 to be consistent with Table 3.3.1-1 by adding a footnote to indicate that surveillance is not required when thermal power is less than 30% of rated thermal power.

Basis for proposed no significant hazards consideration determination: The staff has reviewed this request and determined that the proposed amendment does not increase the probability or consequences of an accident previously evaluated, or create the possibility of a new accident because there is no physical alteration of the plant configuration or changes to setpoints or operating parameters. The change merely removes surveillance requirements on the turbine stop valves when they are bypassed. Since removing these surveillance requirements obviates the need for extensive use of jumpers required to perform them with the valves bypassed, the changes of operator induced malfunction is reduced thereby increasing the margin of safety. Based on the above reasoning, the staff has determined that operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequence of an accident previously evaluated; (2) create a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Therefore, the Commission proposes to determine that the proposed amendments do 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, N.W., 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 County, South Carolina

Date of amendment request: April 30, 1985.

Description of amendment request: The amendment requests a revision to the Technical Specifications to change setpoints for the 480V undervoltage relays (loss of voltage) on the emergency buses E1 and E2. This change is required as a result of LER No. 85-007 which reported that the setpoints were out of tolerance. The study indicated that the setpoints were overly restrictive when comparing them with the relay vendors operating curves and vendor recommendation. Therefore, as a result of the LER No. 85-007 study, the licensee committed to revise the restrictive relay setpoints in the Technical Specification.

Basis for proposed no significant hazards consideration determination: The licensee has evaluated the proposed Technical Specification amendment and has determined that it does not represent a significant hazards consideration, based on the criteria for defining a significant hazards consideration set forth in 10 CFR 50.92(c). Operation of H. B. Robinson Unit 2 in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated:

a. For the setpoint change to loss of voltage relays, because the detection of loss of voltage for load shedding of the emergency buses during a potential station blackout is still maintained and;

b. For the setpoint change to degraded grid voltage relays, because the least conservative setpoint for protection against a potential partial loss of voltage is still maintained.

2. Create the possibility of a new or different kind of an accident from any accident previously evaluated:

a. For the setpoint change to loss of voltage relays, because the function of tripping the normal supply breakers at the non-conservative limit at 1.0 seconds (maximum) during a potential station blackout remains unchanged and;

b. For the setpoint change to degraded grid voltage relays, because the function of tripping the normal supply breakers remains unchanged.

3. Involve a significant reduction in a margin of safety:

a. For the setpoint change to loss of voltage relays, because the relays function to operate on a loss of voltage (0 volts) and the non-conservative operating time of 1 second limit is conservative operating time of 1 second maximum is still maintained and;

b. For the setpoint change to degraded grid voltage relays, because the least conservative lower setpoint limit is maintained and the change in the upper setpoint limit is conservative, and the

normal supply breaker could trip at a higher voltage than before.

The staff has reviewed the licensee's no significant hazards considerations determinations and, based on this review, the staff has made a proposed determination that the proposed amendment involves no 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, N.W., 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 24, 1985.

Description of amendment request: During Refuel V, Florida Power Corporation will add a test circuit to the Engineered Safety Features (ES) components to allow testing without actuating the end device. The proposed change in the Technical Specifications is needed to specify that appropriate ES test groups can now be tested monthly during power operation.

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 of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications. This change would expand the monthly functional test to include all test groups. The NRC Staff has reviewed and approved the proposed testing methods. Therefore, because the amendment imposes additional requirements not presently included in the Technical Specifications, the Commission proposes to determine that the amendment does not involve a significant hazards consideration.

Local Public Document Room location: Crystal River Public Library, 668 N.W. 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. Peterburg, Florida 33733.

NRC Branch Chief: John F. Stolz.

General Public Utilities Nuclear Corporation, Docket No. 50-320, Three Mile Island Nuclear Station, Unit 2, Londonderry Township, Dauphin County, Pennsylvania

Date of amendment request: April 12, 1985.

Description of amendment request: The Amendment would make a change to Section 2.1.2, Gaseous Effluents, Appendix B Technical Specifications. The nomenclature used to describe the testing of radiation vent monitors would be changed from "instrument channel test" to "instrument functional test." The purpose of this proposed change is to effect consistent usage of terms throughout the Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (45 FR 14870). One of the examples of changes to technical specifications involving no significant hazards considerations relates to a purely administrative change to achieve consistency throughout the technical specifications or a change in nomenclature. Since this amendment involves a change in nomenclature for the instrument test to achieve consistency throughout the technical specifications and involves no change in the methodology or frequency of testing, the staff proposes to determine that the application does not involve a significant hazard consideration.

Local Public Document Room location: State Library, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17105.

Attorney for licensee: George F. Trowbridge, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M. Street, NW., Washington, DC 20036.

NRC Program Director: Bernard J. Snyder.

Iowa Electric Light and Power Company, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: February 21, 1985.

Description of amendment request: The proposed amendment would revise the Duane Arnold Energy Center (DAEC) Technical Specifications to specify that the limiting conditions for operation applicable to the instrumentation powered by +/−24 volt batteries, are also applicable to the +/−24 volt dc batteries.

At the DAEC, in addition to other battery systems, two independent +/−24 volt buses are provided, each supplied by a center-tapped 48-V station battery and two 24 volt battery charges that are fed from essetial ac buses. The battery charges are sized to be capable of charging each station battery at the normal charging rate to full charge after a 4-hour emergency discharge and still feed the connected loads.

The two +/−24 volt station battery systems are divisionalized and redundant, with each having its own set of batteries, battery chargers, and a distribution panel. Separation is provided for all equipment and feeders as in all other safeguards systems.

The two +/−24 volt dc buses supply the following two groups of equipment: Group A includes Rad Waste Effluent, RHR & ESW, Post Treatment "A," Vent Pipe "A," Linear Radiation, Refuel Pool, Reactor Building Vent, Trip Auxiliary Unit "A," Start-up Range NMS, and Process Rad Monitor; and Group B includes Service Water Effluent, Post Treatment "B," Vent Pipe "B," Refuel Pool, Reactor Building Vent, Reactor Building Closed Cooling Water System, Trip Auxiliary Unit "B," Start-up Range NMS, and Process Rad Monitor.

The current Technical Specifications specify that if the above instrument channels are not operable, the associated systems must be tripped. However, the present Technical Specifications are silent on the actions required if the +/−24 volt dc batteries are made or found to be inoperable. The proposed change will assure that the dc batteries are subject to the same limiting conditions for operation as the instrument channels powered by the batteries.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the determination of significant hazards by providing certain examples (48 FR 14870) of amendments considered not likely to involve significant hazards consideration. One of the examples (ii), relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications.

The current Technical Specifications do not include a requirement to trip the systems with instruments powered by +/−24 volt dc batteries, when the batteries are found or are made inoperable. The licensee proposes to include the limiting conditions for operation of the batteries in the Technical Specifications. Therefore, since this change adds an additional limitation to the Technical Specifications, it is similar to the above cited example (ii).

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: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Newman and Holtzinger, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassalo.

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: April 2, 1984 (Reference PCN-140).

Description of Amendment Request: The proposed change would revise surveillance requirement 4.5.2.a of Technical Specification 3/4.5.2, "Emergency Core Cooling System (ECCS) Subsystems—Tavg Greater Than or Equal to 350 °F," which concerns the operability of ECCS subsystems. The ECCS and its subsystems provide core cooling in the event of a loss-of-coolant accident. Surveillance requirement 4.5.2.a requires verification at least once per twelve hours of proper valve position for the specified ECCS valves. Manual Valves 14-081 and 14-082, which are required by Technical Specification 4.5.2.a to be locked open, serve as isolation valves for Valve HV-0396. The flow path in which these three valves are located serves as a bypass to the normal ECCS flowpath, isolation of which has no effect on ECCS operability. Valves 14-081 and 14-082 do not have remote position indication and, therefore, require local position verification. This necessitates frequent (e.g., at least once per twelve hours) entry into a radiation area and unnecessary personnel exposure. The proposed change would delete valves 14-081 and 14-082 from surveillance requirement 4.5.2.a, so that it will no longer be necessary to verify their positions every twelve hours.

Basis for Proposed No Significant Hazards Consideration 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 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 acceptance criteria with respect to the system or component specified in the Standard Review Plan.

Standard Review Plan Section 6.3, "Emergency Core Cooling System," states that the frequency and scope of periodic ECCS surveillance testing to verify operability must be adequate. 10 CFR 20 requires that personnel radiation exposure be kept as low as reasonably achievable. The proposed change requests the deletion of ECCS Valves 14-081 and 14-082, whose position have no effect on ECCS operability, from surveillance requirement 4.5.2.a, so that it will no longer be necessary to have personnel enter a radiation area to verify their positions every twelve hours. The proposed change is consistent with the Standard Review Plan, since adequate ECCS surveillance testing will still be required. The proposed change is also consistent with 10 CFR 20, since personnel radiation exposure will be reduced. Because the proposed change meets the criteria of the Standard Review Plan and the Code of Federal Regulations, it is similar to Example (vi) of 48 FR 14870.

Local Public Document Room Location: San Clemente Library, 242 Avenida Del Mar, San Clemente, California 912672.

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: May 8, 1985.

Description of amendment request: The amendments would modify the Technical Specifications (TS) to add additional fire protection system (cable tray fixed water spray systems) testing requirements. The amendments would add additional systems to the list of systems to be periodically tested, would add a requirement that spray system testing be conducted simultaneously with operation of one 1½ hose station, and would clarify which systems are located in particular zones. The proposed change would satisfy a commitment made in "Plan for Evaluation, Repair, and Return to Service of Browns Ferry Units 1 and 2 (March 22, 1975 Fire)."

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 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 amendments requested by the licensee would result in additional and more stringent system surveillance testing requirements and is thus encompassed by this example.

Since the application for amendments involves a proposed change that is encompassed by the criteria or 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: 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.

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 bi-weekly notice. They are repeated here because the bi-weekly 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.

Northeast Nuclear Energy Company, Docket No. 50–245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of amendment request: May 15, 1985.

Description of amendment request: The amendment revised the technical specifications to allow continuous reactor operation for a period up to 48 hours with containment oxygen concentration greater than 4% and drywell to suppression chamber differential pressure less than 1 psid.

Date of publication of individual notice in **Federal Register:** May 24, 1985 (50 FR 21523).

Expirate date of individual notice: June 24, 1985.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06358.

Northern States Power Company, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, Goodhue County, Minnesota

Date of amendment request: April 5, 1985.

Brief description of amendments: The amendments 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.

Date of publication of individual notice in **Federal Register:** May 21, 1985 (50 FR 20967).

Expiration date of individual notice: June 20, 1985.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the period since publication of the last bi-weekly 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 Chapter 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.

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: October 29, 1984, as supplemented February 4 and April 25, 1985.

Brief description of amendment: The amendments change the Technical Specifications to incorporate the new reporting requirements as defined by the Commission in Generic Letter No. 83–43, dated December 19, 1983. In addition, recent organizational changes at Brunswick and various administrative changes are reflected in the Technical Specification pages.

Date of issuance: May 28, 1985.

Effective date: May 28, 1985.

Amendment Nos: 83 and 110.

Facility Operating License Nos. DPR–71 and DPR–62: Amendments revised the Tehnical Specifications.

Date of initial notice in **Federal Register:** March 27, 1985 (50 FR 12140).

On April 25, 1985 the licensee resubmitted Technical Specification pages 3/4 3–62, 3/4 3–68, 3/4 11–22 and 6–28 for each unit. Section 6.61 was incorrectly cited on the first three pages and a minor typographical error was corrected on the last page.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 28, 1985.

No significant hazards consideration comments received: No.

Local Pubic Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Commonwealth Edison Company, Docket Nos. 50–237/249, Dresden Nuclear Power Station, Unit Nos. 2 and 3, Grundy County, Illinois

Date of application for amendments: May 2, 1983.

Brief description of amendments: The amendments incorporate changes to the Technical Specifications which impose more stringent surveillance requirements on the use of the Economic Generation Control system for each unit.

Date of issuance: May 30, 1985.

Effective date: May 30, 1985.

Amendment Nos.: 89 and 82.

Provisional Operating License No. DPR–19 and Facility Operating License No. DPR–25. The amendments revise the Technical Specifications.

Date of initial notice in **Federal Register:** September 21, 1983 (48 FR 43131).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 30, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Morris Public Library, 604 Liberty Street, Morris, Illinois 60450.

Commonwealth Edison Company, Docket Nos. 50–237/249, Dresden Nuclear Power Station, Unit Nos. 2 and 3, Grundy County, Illinois

Date of application for amendments: January 13, 1984, as supplemented by letters dated March 5, May 1, August 2 and September 21, 1984.

Brief description of amendments: The Technical Specifications change revises

Table 3.7.1 to reflect an increase in the total number of inboard valves on the reactor water cleanup (RWCU) system from one to two for both units due to the addition of a bypass line around the RWCU isolation valve 1201–1. The change also reflects the addition of other primary containment isolation valves to the table in response to a staff request.

Date of issuance: May 30, 1985.
Effective date: May 30, 1985.
Amendment Nos.: 88 and 81.
Provisional Operating License No. DPR–19 and Facility Operating License No. DPR–25. The amendments revise the Technical Specifications.
Date of initial notice in **Federal Register:** December 31, 1984 (49 FR 50800).

The Commission's related evaluation of the amendments is contained in a letter to the licensee dated May 30, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Morris Public Library, 604 Liberty Street, Morris, Illinois 60450.

Commonwealth Edison Company, Docket Nos. 50–237/249, Dresden Nuclear Power Station, Unit Nos. 2 and 3, Grundy County, Illinois

Date of application for amendments: February 10, 1984 as supplemented by a letter dated August 2 1984.
Brief description of amendments: The amendments change the Technical Specifications in two areas, reactor coolant iodine limits and station batteries as required for resolution of Systematic Evaluation Program Topics VI–7.C.1 and XV–16.
Date of issuance: May 30, 1985.
Effective date: May 30, 1985.
Amendment Nos.: 87 and 80.
Provisional Operating License No. DPR–19 and Facility Operating License No. DPR–25. The amendments revise the Technical Specifications.
Date of initial notice in **Federal Register:** December 31, 1984 (49 FR 50799).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 30, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Morris Public Library, 604 Liberty Street, Morris, Illinois 60450.

Commonwealth Edison Company, Docket No. 50–265, Quad Cities Nuclear Power Station, Unit 1, Rock Island County, Illinois

Date of application for amendment: January 3 and February 4, 1985.
Brief description of amendment: The amendment revises the Technical Specifications to (1) incorporate new maximum average planar linear heat generation rate (MAPLHGR) curves for two new barrier fuel types to be used in the upcoming operating Cycle 8 and approve extended MAPLHGR curves for assembly average burnup of 45,000 MWD/ST for certain fuel types that will comprise part of the core for the upcoming operating Cycle 8; (2) change the calibration and functional test frequencies for certain specific instrumentation that is being monitored into analog trip systems; and (3) incorporate appropriate Technical Specifications for operation with the newly modified scram discharge system.
Date of issuance: May 30, 1985.
Effective date: May 30, 1985.
Amendment No.: 86.
Facility Operating License No. DPR. 30. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** February 27, 1985 (50 FR 7983), March 27, 1985 (50 FR 12141) and April 23, 1985 (50 FR 16001).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 30, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Moline Public Library, 504—17th Street, Moline, Illinois 61265.

Commonwealth Edison Company, Docket Nos. 50–265, Quad Cities Nuclear Power Station, Unit 2, Rock Island County, Illinois

Date of application for amendment: October 2, 1984, as supplemented May 29, 1985.
Brief description of amendment: These amendments revise the Technical Specifications to allow hafnium metal to be used for neutron absorber material in control rod blades.
Date of issuance: May 30, 1985.
Effective date: May 30, 1985.
Amendment No.: 87.
Facility Operating License No. DPR–30. Amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** February 27, 1985 (50 FR 7982).

By letter dated May 29, 1985, the licensee submitted additional supporting information requested by the staff. The information requested and received was clarifying in nature, and therefore the conclusions reached in the original notice regarding no significant hazard consideration are still acceptable.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 30, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Moline Public Library, 504—17th Street, Moline, Illinois 61265.

Dairyland Power Cooperative, Docket No. 50–409, La Crosse Boiling Water Reactor, Vernon County, Wisconsin

Date of application for amendment: December 19, 1983.
Brief description of amendment: The amendment modifies the Appendix A Technical Specifications by adding requirements related to the exclusion area, reactor coolant water purity, and containment airlock door seals.
Date of issuance: May 28, 1985.
Effective date: May 28, 1985.
Amendment No.: 41.
Provisional Operating License No. DPR–45. Amendment revised the Appendix A Technical Specifications.
Date of initial notice in **Federal Register:** March 22, 1984 (49 FR 10733).

The Commission's related evaluation for the license amendment is contained in a Safety Evaluation dated May 28, 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, 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: February 13, 1984.
Brief description of amendment: These amendments revise the Station's common Technical Specifications (TSs) to update the TS references to the Oconee Final Safety Analysis Report (FSAR) to ensure consistency with reference to the updated FSAR. Other changes requested in the February 13, 1984, submittal are still under staff review and will be addressed by separate safety evaluation and license amendment.
Date of issuance: May 30, 1985.
Effective date: May 30, 1985.
Amendment Nos.: 139, 139 and 136.
Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55. Amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** April 25, 1984 (49 FR 17858).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 30, 1985.

No significant hazards consideration comments received: No.

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 amendments: May 1 and 25, 1984.

Brief description of amendment: The amendment requested approval for changes to the Appendix B Technical Specifications to reflect the change in the location for three marine woodborer exposure panels and for revisions to the procedure for calibration of environmental monitoring instrumentation. These changes are to Section 3.0 Special Monitoring and Study Activities, Woodborer Monitoring Program, of Appendix B of the Oyster Creek Technical Specifications. The portion of the amendment request revising the calibration procedure has been denied by the Commission. A Notice of Denial of Amendments has been published separately in the Federal Register.

Date in issuance: May 30, 1985.

Effective date: May 30, 1985.

Amendment No. 83

Provisional Operating License No. DPR-16. Amendment revised the Appendix B Technial Specifications.

Date of initial notice in Federal Register: February 27, 1985 (50 FR 7987).

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated May 30, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Ocean County Library, 101 Washington Street Toms River, New Jersey 08753.

GPU Nuclear Corporation, Docket No. 50-219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of application for amendment: June 8, 1984, superseding the December 11, 1979 submittal.

Brief description of amendment: The amendment grants approval of administrative revisions to Inservice Inspection (ISI) and Inservice Testing (IST) requirements in Section 4.3, Reactor Coolant, of the Oyster Creek Appendix A Technial Specifications.

Date of issuance: May 22, 1985.

Effective date: May 22, 1985.

Amendment No. 82.

Provisional Operating License No. DPR-16. Amendment revised the Appendix A Technical Specifications.

Date of initial notice in Federal Register: February 27, 1985 (50 FR 7988).

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated May 22, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

GPU Nuclear Corporation, Docket No. 50-219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of application for amendment: October 22, 1984.

Brief description of amendment: Approves Appendix A Technical Specifications changes pertaining to definitions listed in Section 1, Defintions, that were previously approved by the Commission but were not and should be listed in the Table of Contents and the new reporting requirements of 10 CFR 50.72 and 50.73. These are changes to the Table of Contents, Section 1, Definitions, and Section 6, Administrative Controls of the TS.

Date of issuance: May 30, 1985.

Effective date: May 30, 1985.

Amendment No. 84

Provisional Operating License No. DPR-16. Amendment revised the Appendix A Technical Specifications.

Date of initial notice in Federal Register: February 27, 1985 (50 FR 7989).

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated May 30, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

GPU Nuclear Corporation, Docket No. 50-219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of application for amendment: December 24, 1984.

Brief description of amendment: The amendment authorizes changes to the Appendix A Technical Specifications pertaining to fire protection which deletes Sprinkler System #13 from required fire detection instrumentation and spray/sprinkler systems in TS Tables 3.12.1 and 3.12.2.

Date of issuance: May 30, 1985.

Effective date: May 30, 1985.

Amendment No.: 85.

Provisional Operating License No. DPR-16. Amendment revised the Appendix A Technical Specifications.

Date of initial notice in Federal Register: February 27, 1985 (50 FR 7990).

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated May 30, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

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, and January 11, and March 15, 1985.

Brief description of amendment: The amendment revises the Technical Specifications to permit the implementation of the program of Average Power Range Monitor Rod Block Monitor, and Technical Specifications improvements. The amendment also permits the incorporation of the Technical Specifications changes to permit the Extended Load Line Limits.

Date of issuance: May 28, 1985.

Effective date: May 28, 1985.

Amendment No.: 120.

Facility Operating License No. DPR-49. Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: March 27, 1985 (50 FR 12147) and October 24, 1984 (49 FR 42825).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 28, 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: The amendment revises the Technical Specifications to incorporate changes to (1) permit reactor operation with one recirculation loop out of service, (2) provide for detection and suppression of thermal-hydraulic instabilities during both dual loop and single loop operation, and (3) update some references and delete some blank pages.

Date of issuance: May 28, 1985.

Effective date: May 28, 1985.

Amendment No.: 119.

Facility Operating License No. DPR-49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 27, 1985 (50 FR 7994).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 28, 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: The amendment revises the Technical Specifications to incorporate the change to conform to the testing requirements of 10 CFR 50, Appendix J, Paragraph III.C.2(b) which requires that the Type C water tests be conducted at a pressure not less than 1.10 Pa.

Date of issuance: May 28, 1985.

Effective date: May 28, 1985.

Amendment No.: 122.

Facility Operating License No. DPR-49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 27, 1985 (50 FR 12146).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 28, 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: January 11, 1985.

Brief description of amendment: This amendment revises the Technical Specifications to incorporate the updated reactor pressure vessel pressure-temperature limits, minimum boltup temperature, and reactor vessel capsule withdrawal schedule as required by 10 CFR 50, Appendices G and H.

Date of issuance: May 28, 1985.

Effective date: May 28, 1985.

Amendment No.: 121.

Facility Operating License No. DPR-49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 27, 1985 (50 FR 12148).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 28, 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.

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of application for amendment: April 25, 1984, as supplemented September 17, and November 1, 1984.

Brief description of amendment: This amendment modified the Maine Yankee Technical Specifications concerning operation of the Low Temperature Overpressure Protection system.

Date of issuance: May 28, 1985.

Effective date: May 28, 1985.

Amendment No.: 83.

Facility Operating License No. DPR-36. Amendment revised the Technical Sepcifications.

Date of initial notice in **Federal Register:** June 20, 1984 (49 FR 25350 at 25363) and April 23, 1985 (50 FR 15997 at 16006).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 28, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Wiscasset Public Library, High Street, Wiscasset, Maine.

Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of application for amendment: January 10, 1985, as supplemented February 28 and April 4, 1985.

Brief description of amendment: The amendment revises the Technical Specifications to support operation of Cooper Nuclear Station during the upcoming fuel Cycle 10 and to expand the flexibility of plant limits to permit operation with barrier-type fuel and hafnium (General Electric Hybrid I) control rods. The Technical Specifications are revised accordingly in the following areas: (1) rod block monitor upscale trip setting, (2) maximum average planar linear heat generation rate curves, (3) minimum critical power ratio curves, and (4) description of control rod materials.

Date of issuance: June 3, 1985.

Effective date: June 3, 1985.

Amendment No.: 93.

Facility Operating License No. DPR-62. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 27, 1985 (50 FR 12150).

The April 4, 1984 letter documents the licensee's commitment to submit additional Technical Specifications in the near future and modify operating procedures 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 June 3, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: September 24, 1982.

Brief description of amendment: The amendment revises the Technical Specifications to specify the allowable tolerance on intervals between surveillance tests and clarify surveillance testing requirements.

Date of issuance: May 28, 1985.

Effective date: May 28, 1985.

Amendment No.: 32.

Facility Operating License No. DPR-22. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 26, 1983 (48 FR [49590].

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 28, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of application for amendment: March 8, 1985.

Brief description of amendment: The amendment added new Technical Specifications which required the licensee to implement and maintain a program to ensure the capability to obtain and analyze a reactor coolant sample and containment atmosphere sample under accident conditions.

Date of issuance: May 24, 1985.

Effective date: Within thirty (30) days of date of issuance.

Amendment No.: 89.

Facility Operating License No. DPR-40. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** The Commission's related evalution of the amendment is contained in a Safety Evaluation dated May 24, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Pennsylvania Power and Light Company, Docket No. 50-387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Dates of application for amendment: January 31, 1985 as supplemented on February 20, 1985.

Brief description of amendment: In the licensee's submittal the licensee requested that: (1) Technical Specification 3/4 6.6.3 be revised to reflect the replacement of a one unit cooler subsystem with 2 recirculation fans to support drywell cooling improvements. The subject unit cooler subsystem will now serve the general drywell area and the new recirculation fans will be supporting the safety-related function of post-LOCA drywell air mixing governed by this Technical Specification; (2) Technical Specification 4.8.4.1.a.1 be modified to achieve a greater level of clarity for this surveillance, which was previously ambiguous in cases where no trip setpoint or response time was provided. The difference between the current Technical Specification and the proposed revision is in specifying how acceptance criteria is met for each type of breaker, i.e., magnetic-only (HFB-M) and thermal-magnetic (HFB-TM, KB-TM). The degree of testing for a given breaker remains unchanged due to the revision; (3) Technical Specification Table 3.8.4.1-1 be revised to reflect the replacement of magnetic-only circuit breaker with thermal-magnetic circuit breakers. Changing the containment penetration over-current protection from magnetic-only to thermal-magnetic circuit breakers allows detection of substantially lower short circuit currents; and (4) Additional changes to Table 3.8.4.1-1 involving deletion of: Frame Rating/UL, Trip Setpoints and Response Times from the table. Additional editorial changes were also proposed. Two paris of Type HFB-TM circuit breakers associated with drywell cooling have been added to the table to support recirculation fans added for drywell cooling.

Date of issuance: May 28, 1985.

Effective date: Upon start-up following the first refueling outage.

Amendment No.: 46.

Facility Operating License No. NPF-14: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 27, 1985 (50 FR 12154).

The Commission's related evalution of this amendment is contained in a Safety Evalution dated May 28, 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 Nos. 50-387 and 50-388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendments: February 11, 1985 and February 28, 1985.

Brief description of amendments: In a letter dated February 11, 1985, the licensee requested a change to the Susquehanna Steam Electric Station (SSES) Unit 1 and Unit 2 Technical Specifications which permits the number of individuals on the Susquehanna Review Committee (SRC) to vary between eight and twelve and require a quorum, which consists of a majority of all members or designated alternatives approved by the Senior Vice President Nuclear, to be present for all formal meetings.

The Technical Specifications (TS) previously restricted the number of individuals on the SRC to nine. This "fixed number" restriction caused two problems: (1) when additional expertise is required, either a current voting member must be "replaced" temporarily or the more expert individual must be relegated to a non-voting status; and (2) when a vacancy is created on the current SRC roster, a replacement must immediately be found. This change provides additional flexibility, thereby relieving the above problems. Each new member chosen will meet the qualification requirements stated in Technical Specification 6.5.2.2. Additionally, in a letter dated February 28, 1985, the licensee requested a change to the Administrative Controls section of the Technical Specifications for the Susquehanna Steam Electric Station (SSES), Units 1 and 2 by creating two new positions, a Health Physics/Chemistry Supervisor and a Radiological Protection Supervisor.

The current organization chart in the TS (Figure 6.2.2-1) shows a Health Physics Supervisor position with supporting staff. Separately, a chemistry staff reports to a Technical Supervisor position. Under the proposed amendment, the current Health Physics Supervisor Position would be upgraded to Health Physics/Chemistry Supervisor. The Chemistry Staff, would be removed from the jurisdiction of the Technical Supervisor and report to this new position. The current staff of the Health Physics Supervisor under the current TS would report directly to this new position through a new Radiological Protection Supervisor.

Date of issuance: May 28, 1985.

Effective date: Upon issuance.

Amendment Nos.: 47 and 12.

Facility Operating License Nos. NPF-14 and NPF-22: Amendment revised the Technical Specifications.

Dates of initial notices in **Federal Register:** March 27, 1985 (50 FR 12157) and April 23, 1985 (50 FR 16008).

The Commission's related evaluation of these amendments is contained in a Safety Evalution dated May 28, 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.

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: July 13, 1981, as supplemented May 3, 1984, July 27, 1984 and January 18, 1985.

Brief description of amendment: The amendment revises the Technical Specifications pertaining to operability and surveillance requirements for hydraulic and mechanical snubbers.

Date of issuance: May 29, 1985.

Effective date: May 29, 1985.

Amendment No.: 92.

Facility Operating License No. DPR-59. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 27, 1985 (50 FR 12157).

The Commission's related evaluated of the amendment is contained in a Safety Evaluation dated May 29, 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: December 21, 1984, as supplemented February 19, 1985.

Brief description of amendment: The amendment revises the Technical Specifications to incorporate Radiological Effluent Technical Specifications (RETS) that bring the license into compliance with Appendix I of 10 CFR Part 50.

Date of issuance: May 29, 1985.

Effective date: July 1, 1985.

Amendment No.: 93.

Facility Operating License No. DPR-59. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983 (48 FR 38418) and March 27, 1985 (50 FR 12158).

The Commission's related evaluated of the amendment is contained in a Safety Evaluation dated May 29, 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: January 30, 1985.

Brief description of amendment: The amendment revises the Technical Specifications by changing Table 3.7-1, "Process Pipeline Penetrating Primary Containment," to correct an error concerning the isolation signals specified for two reactor water sample line valves.

Date of issuance: May 29, 1985.

Effective date: May 29, 1985.

Amendment No.: 91.

Facility Operating License No. DPR-59. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 27, 1985 (50 FR 12158).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 29, 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: December 3, 1984.

Brief description of amendment: The amendment would revise Section 3.7 of the Technical Specifications to define the Limiting Conditions for Operation of systems, subsystems, trains, components and devices supplied by an inoperable normal or emergency power source.

Date of issuance: May 23, 1985.

Effective date: May 28, 1985.

Amendment No.: 56.

Facilities 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 28, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: White Plains Public Library, 100 Martime Avenue, White Plains, New York, 10610.

Public Service Electric and Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Units Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: February 8, 1985.

Brief description of amendments: The amendments revise the Technical Specifications to correct editorial and typographical errors issued in Amendment Nos. 59 and 28 for Salem Units 1 and 2, respectively.

Date of issuance: May 30, 1985.

Effective date: May 30, 1985.

Amendment Nos.: 64 and 36.

Facility Operating Licenses Nos. DPR-70 and DPR-75: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 27, 1985 (50 FR 12161).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 30, 1985.

No significant hazards consideration comments have been received: No.

Local Public Document Room location: Salem Free Library, 112 West Broadway, Salem, New Jersey 08079.

Public Service Electric and Gas Company, Docket No. 50-311, Salem Nuclear Generating Station, Unit 2, Salem County, New Jersey

Date of application for amendment: September 28, 1983 and supplemented November 21, 1984.

Brief description of amendment: The amendment revises the control room leak rate pressure from ¼ inch W.G. to ⅛ inch W.G. for surveillance testing.

Date of issuance: May 30, 1985.

Effective date: May 30, 1985.

Amendment No.: 37.

Facility Operating License No. DPR-75: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 23, 1984 (49 FR 21835).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 30, 1985.

No significant hazards consideration comments have been received: No.

Local Public Document Room location: Salem Free Library, 112 West Broadway, Salem, New Jersey 08079.

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: September 9, 1982, as revised December 28, 1984.

Brief description of amendment: The amendment revises the Technical Specifications to add surveillance of certain special interest steam generator tubes and visual inspections of the internal auxiliary feedwater distributor, attachment welds, and thermal sleeves.

Date of issuance: May 28, 1985.

Effective date: May 28, 1985.

Amendment No.: 66.

Facility Operating License No. DPR-75: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 22, 1983 (48 FR 52825) and March 27, 1985 (50 FR 12161).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 28, 1985.

No significant hazards consideration comments have been received: No.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: February 17, 1983, as supplemented and revised July 12, 1983, January 8, February 7 and March 18, 1985.

Brief description of amendment: The amendment revises the Technical Specifications defining the operability and surveillance requirements for plant essential electrical systems, the operability requirements for components

of the fire protection system and adds surveillance requirements for the heating, ventilation and air conditioning (HVAC) systems for the Nuclear Service Electrical Building (NSEB). Portions of the amendment request were denied by the Commission and are addressed in a separate Notice of Denial.

Date of issuance: June 4, 1985.

Effective date: June 4, 1985.

Amendment No.: 68.

Facility Operating License No. DPR-75: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 23, 1983 (48 FR 28765); December 21, 1983 (48 FR 56510); April 23, 1985 (50 FR 16012).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 4, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Dates of application for amendment: August 22, 1984, December 21, 1984, February 22, 1985, and March 14, 1985.

Brief description of amendment: The amendment modifies the Commission's Order dated March 14, 1983, as revised November 10, 1983, to extend the date for completion of the actions required for NUREG-0737 (Clarification of TMI Action Plan Requirements), Item III.D.3.4, Control Room Habitability, from the refueling outage which started March 1985 to the refueling outage currently estimated to start September 1986.

Date of issuance: May 30, 1985.

Effective date: May 30, 1985.

Amendment No.: 67.

Facility Operating License No. DPR-54. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 23, 1985 (50 FR 16011).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 30, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: December 17, 1984, as supplemented March 14, 1985, and April 9, 1985.

Brief description of amendment: The amendment revises the Technical Specifications to change the operating limits for Cycle 7 operation.

Date of issuance: June 4, 1985.

Effective date: June 4, 1985.

Amendment No.: 69.

Facility Operating License No. DPR-54. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 23, 1985 (50 FR 16013).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 4, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Vermont Yankee Nuclear Power Corporation, Docket No. 50-271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of application for amendment: July 22, 1982, as supplemented July 20, 1983.

Brief description of amendment: The amendment revises the Technical Specifications to raise the suppression pool temperature limit during normal operation from 90 °F to 100 °F.

Date of issuance: June 6, 1985.

Effective date: June 6, 1985.

Amendment No.: 88.

Facility Operating License No. DPR-28. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 20, 1983 (48 FR 33089).

Subsequent to the initial notice in the **Federal Register**, the licensee provided clarifying information by letter dated July 20, 1983. This clarifying information does not affect the discussion or conclusions of the initial notice of our proposed determination in any way.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 6, 1985.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Washington Public Power Supply System, Docket No. 50-397, WNP-2, Richland, Washington

Date of amendment request: December 20, 1984 and as supplemented on January 31, 1985.

Brief Description of amendment request: This amendment revises the WNP-2 license by modifying the Technical Specifications, Primary Containment Air Locks, Limiting Conditions for Operation, 3.6.1.3 and the associated Surveillance Requirements, 4.6.1.3 to permit repair and/or maintenance of the interlock mechanism for the primary containment air locks during plant operation.

Date of issuance: May 28, 1985.

Effective date: May 28, 1985.

Amendment No.: 9.

Facility Operating License No. NFP-21: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 27, 1985 (50 FR 12167).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 28, 1985.

No significant hazards consideration comments received: None.

Local Public Document Room Location: Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

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 period since publication of the last bi-weekly 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 Chapter 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 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, N.W., Washington, D.C., 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 hearing with respect to the issuance of the amendments. By July 19, 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 schedule 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 ligtigated 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.

Since the Commission has made a final determination that the amendment involves no significant hazards 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, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(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).

Northeast Nuclear Energy Company (NNECO), Docket No. 50–245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of application for amendment May 15, 1985.

Brief Description of Amendment: The amendment changes the technical specifications to permit reactor operation with deinerted reactor containment drywell for up to 48 hours.

Date of issuance: June 5, 1985.

Effective date: June 5, 1985.

Amendment No. 102.

Provisional Operating License No. DPR-21. This amendment revised the Technical Specifications.

Date of initial notice in Federal Register: May 24, 1985 (50 FR 21523).

No significant hazards consideration comments received: No.

The Commission's related evaluation of the amendment and final no significant hazards consideration determination are contained in a Safety Evaluation dated June 5, 1985.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry, and Howard, Counselors at Law, City Place, Hartford, Connecticut 06103-3499.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

NRC Branch Chief: John A. Zwolinski.

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: February 14, 1985, as revised May 6, 1985.

Brief description of amendment: The amendment involves changes to the Technical Specifications to incorporate design changes to the Control Room/Technical Support Center Emergency Filtering System and Air Supply System.

Date of issuance: June 7, 1985.

Effective date: June 7, 1985.

Amendment No.: 70.

Facility Operating License No. DPR-54. Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: Yes, published in Federal Register on May 16, 1985 (50 FR 20514).

Comments received: No.

The Commission's related evaluation of the amendment, finding of exigent circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated June 7, 1985.

Attorney for licensee: David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830, Sacramento, California 95813.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Dated at Bethesda, Maryland this 12th day of June 1985.

For the Nuclear Regulatory Commission.

Edward J. Butcher,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 85-14638 Filed 6-18-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-255]

Consumers Power Co., Palisades Nuclear Plant; Relocation of Local Public Document Room

Notice is hereby given that the Nuclear Regulatory Commission (NRC) has relocated the local public document room (LPDR) for Consumers Power Company's Palisades Nuclear Plant from the Kalamazoo Public Library, Kalamazoo, Michigan, to the Van Zoeren Library, Hope College, Holland, Michigan.

Members of the public may now inspect and copy documents and correspondence related to the licensing and operation of the Palisades Nuclear Plant at the Van Zoeren Library, Hope College, Holland, Michigan 49423. The Library hours are:

A. College in session: Monday-Thursday 8:00 a.m.-midnight; Friday 8:00 a.m.-10:00 p.m.; Saturday 10:00 a.m.-10:00 p.m.; Sunday 1:00 p.m.-midnight.

B. Summer and vacations: As posted.

For further information, interested parties in the Holland area may contact the LPDR directly through Ms. Carol Juth, telephone number 616-392-5111. Parties outside the service area of the LPDR may address their requests for records to the NRC's Public Document Room, 1717 H Street NW., Washington, DC 20555, telephone number 202-634-3273.

Questions concerning the NRC's local public document room program or the availability of documents at the Palisades LPDR should be addressed to Ms. Jona L. Souder, Chief, Local Public Document Room Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone number 800-638-8081 toll-free.

Dated at Bethesda, Maryland, the 13th day of June, 1985.

For the Nuclear Regulatory Commission.

John Philips,

Acting Director, Division of Rules and Records, Office of Administration.

[FR Doc. 85-14766 Filed 6-18-85; 8:45 am]

BILLING CODE 7590-01-M

[Report Nureg-1037]

Containment Performance Working Group; Availability of Draft Report for Comment

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability of Draft Report for Comments.

SUMMARY: Containment buildings for power reactors have been studied to estimate their leak rate as a function of increasing internal pressure and temperature associated with severe accident sequences involving significant core damage. Potential leak paths through containment penetration assemblies (such as equipment hatches, airlocks, purge and vent valves, and electrical penetrations) have been identified and their contributions to leak area for the containment are incorporated into containment response analyses of selected severe accident sequence to predict the containment leak rate and pressure/temperature response as a function of time.

Because of lack of reliable experimental data on the leakage behavior of containment penetrations and isolation barriers at pressures beyond their design conditions, an analytical approach has been used to estimate the leakage behavior of components found in specific reference plants that approximately characterize the various containment types.

Public comments are invited on the methods used to estimate both pressure induced and combined pressure and temperature induced leak areas due to the challenge of postulated severe accident conditions inside the containment.

DATE: The comment period expires July 10, 1985.

ADDRESSES: Send comments to Goutam Bagchi, Division of Engineering, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of this document may be obtained free of charge to the extent of supply upon written request to the Records Management Branch, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301-492-7333.

FOR FURTHER INFORMATION CONTACT: Mr. Goutam Bagchi at the above address, telephone 301-492-8251.

James P. Knight,

Acting Director, Division of Engineering, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission.

[FR Doc. 85-13966 Filed 6-18-85; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 14574; 812-6101]

Drexel Series Trust; Notice of Application for an Order for an Exemption

June 12, 1985.

Notice is hereby given that Drexel Series Trust ("Applicant" or "Trust"), 60 Broad Street, New York, New York

10004, registered as an open-end, management investment company under the Investment Company Act of 1940 ("Act") filed an application on April 26, 1985, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 17(f) of the Act to the extent necessary to permit Applicant to maintain excess variation margin with its futures commission merchant in connection with Applicant's transactions in futures contracts and options in futures contracts as described herein and in the application. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the applicable statutory provisions.

The application states that the Trust, organized as a business trust under the laws of Massachusetts in September, 1984, with Drexel Management Corporation as investment adviser, currently offers shares in six investment portfolios. Applicant's Government Securities Series ("Series"), which seeks a high current return by investing primarily in U.S. Government and agency securities, intends to purchase and sell interest rate futures contracts, and purchase and sell put and call options on futures contracts, as a means of hedging against changes in interest rates. Applicant states it has received a no-action letter from the Division of Trading and Markets of the Commodity Futures Trading Commission ("CFTC") stating that it will not recommend any enforcement action by the CFTC against Applicant if it does not register as a commodity pool operator ("CPO") as defined in Section 2(a)(1)(A) of the Commodity Exchange Act ("CEA"), or does not comply with the provisions of Subpart B of Part 4 of the CFTC's regulations. Applicant also has obtained a no-action letter from the Commission that no enforcement be recommended under the provisions of Section 17(f) and 18(f)(1) of the Act with respect to Series' transactions in futures contracts and related options.

According to the application, an interest rate futures contract creates a binding obligation on the purchaser (the "long") to accept delivery, and on the part of the seller (the "short") to make delivery, of a specified quantity of the underlying U.S. Government security in a stated delivery month, at a price fixed in the contract. The precise instruments to be delivered under the terms of an interest rate futures contract are determined at the time specified for delivery, in accordance with the rules of the exchange on which the contract is traded. Applicant states that a majority of transactions in futures contract do not result in actual delivery, but rather are settled through liquidation, i.e., by entering into an offsetting transaction. Futures contracts are traded only on commodity exchanges approved by the CFTC. Transactions in futures contracts must be executed through a futures commission merchant ("FCM"), which is a member of the relevant commodity exchange ("Contract Market").

Long or short positions are established, Applicant states, by payment to the FCM of a percentage of the value of the contract. This amount, the "initial margin," represents a "good faith" deposit to assure performance by both parties to the contract and typically equals 2% of the value of the contract purchased. Applicant also states that both the purchaser and seller of the futures contract are required to deposit initial margin at the time the contract is entered into, and if the market moves adversely to their position, must make "variation" or "maintenance" margin payments in order to restore equity in the account to a certain level. The required amount of variation margin payment is determined daily and additional margin is required, or excess margin released, as the value of the contract fluctuates.

According to the application, at any point prior to the delivery date, a party may close its position through an offsetting transaction, subject to the availability of a liquid secondary market. Closing out a futures contract sale is effected by purchasing a futures contract for the same aggregate amount of the specific financial instrument and the same delivery month. If the price of the initial sale of the futures contract exceeds the price of the offsetting purchase, the seller experiences a gain. Conversely, if the price of the offsetting purchase exceeds the price of the initial sale, the seller experiences a loss. Closing out a futures contract purchase is effected by the purchaser entering into a futures contract sale. If the offsetting sale price exceeds the purchase price, the purchaser experiences a gain; if the purchase price exceeds the offsetting sales price, it experiences a loss.

The application states that an option on a futures contract grants the purchaser ("holder") the right, but not the obligation, to enter into a long position in the underlying futures contract, in the case of a call option, or a short position in the case of a put option, at a fixed price ("strike price") up to a stated expiration date. A holder pays a "premium," a non-refundable sum, as the purchase price. Upon exercise by the option holder, the contract market clearing house establishes a corresponding short position for the seller, or "writer," of the option, in the case of a call option, or a corresponding long position in the case of a put option. At that time, according to the application, both the holder and writer must post initial margin in connection with the underlying futures contract, and unless liquidated, must make variation margin payments as the value of the futures contract fluctuates. Option positions, like futures contracts, may be closed out through an offsetting transaction, provided a liquid secondary market is available.

Applicant states that the Series may purchase and sell futures contracts as a hedge against adverse changes in interest rates and not for speculative purposes, and has made such a representation to the staff of the CFTC in connection with its CPO no-action letter. Moreover, Applicant has undertaken that it will not enter into futures contracts or related options if immediately thereafter the aggregate value of the obligations underlying the futures contracts or related options exceeds 30% of the Series net assets. In addition, the Series may not purchase or sell futures contracts or related options (other than offsetting existing positions) if immediately thereafter the sum of the amount of initial margin deposits on futures contracts and related options and premiums paid therefor would exceed 5% of the market value of the Series total assets. When the Series purchases futures contracts, or writes put options thereon, an amount of cash and appropriate high grade debt obligations, equal to the market value of the futures contracts and options (less any related margin deposits) will be deposited in a segregated account with its Custodian. Applicant represents that such segregated assets will not be used to support any other Series' transaction.

According to the application, the initial margin required in connection with futures contracts and related

options will be made into special segregated accounts ("Accounts") with the Trust's Custodian, in the name and for the benefit of the Series' FCMs. An Account will be established for each FCM with which the Series enters into futures transactions. Amounts held in the Accounts will constitute performance bonds, to be returned to the Series at termination of the futures positions, less any amount due to the FCM after a default by the Series on any obligation to the FCM.

Subsequent variation margin payments due the FCM by the Series will be made directly to the FCM. Applicant has represented, in connection with its Commission no-action letter, that when the Series has the right to receive variation margin payments from an FCM, it will promptly demand payment of such amounts from an FCM. Any such funds received will be held by the Custodian.

Applicant asserts it would be unnecessarily burdensome and costly for the Trust to demand payments of *de minimis* amounts of variation margin. Accordingly, Applicant request an exemption from Section 17(f) of the Act to permit it to maintain excess variation margin with its FCM so long as such margin does not exceed $50,000, and so long as the total amount due from all FCMs with which the Series maintains accounts does not exceed ⅛ of 1% of the Series' net assets, at which time Applicant will demand that excess variation margin be paid.

In support of the requested relief, Applicant states that the ability to leave excess margin with its FCM to the extent proposed, would save the Series, and its shareholders the expense of processing payments for small amounts without increasing the risk to security of its assets.

Applicant represents that it will enter into a separate agreement ("Agreement") between the Trust, its Custodian and FCM, pursuant to which margin deposits will be held by the Custodian, subject to disposition by the FCM in accordance with CFTC rules and the rules of the contract market. Each Agreement will provide that: (1) The Custodian will take instructions with respect to disposition of assets in that account only from the FCM; (2) in directing any disposition of assets, the FCM must state that the Trust is in default, that all conditions precedent to its right to direct disposition have been satisfied, and that the disposition is for a proper purpose under, and in all other respects complies with, the terms of the Agreement; (3) Trust assets that would otherwise be held by the FCM will be in the possession of the Custodian until released, sold or otherwise disposed of in accordance with or under the terms of the Agreement; (4) those assets will not otherwise be pledged or encumbered by the FCM; (5) upon request of that Trust, the FCM will cause the Custodian to release to the Trust's general custodial account any assets to which the Trust is entitled under such Agreement; and (6) assets in the Account will otherwise be used only to satisfy the Trust's obligations to the FCM under the terms of the Agreement. Applicant states that the Trust will promptly cause any amounts no longer required as initial margin to be transferred to its general account, and that the Trust will disclose in a prospectus supplement the risk of loss of margin deposits because of the bankruptcy of an FCM, although the proposed arrangements are designed to reduce that risk.

Applicant states that any variation margin payable to the Trust by an FCM will be reflected as net gains, will immediately be shown as increased equity in the Trust's account with that FCM and will be immediately credited to the Trust's net asset value. Conversely, variation margin payments made to an FCM will be reflected as net losses. Applicant states that the Trust, on a daily basis, will monitor amounts of variation margin due to it and promptly demand payment and transfer those amounts from the FCM to the Trust's Custodian (for the general or segregated custodial Account, as appropriate) whenever the amount of variation margin owed to the Trust by a given FCM reaches $50,000, in order to minimize any risk of loss of any variation margin to which the Trust is entitled.

Initial margin deposits held by the Custodian and variation margin payments held by the Trust's FCM will continue to be regarded as Series assets, unless and until such amounts are owed to the FCM. No FCM will be permitted to pledge or encumber amounts held by it or the Custodian for the benefit of the Series. In the event of an FCM's insolvency, amounts held by the FCM for the benefit of the Series become subject to federal bankruptcy laws and bankruptcy regulations of the CTFC, which provide, Applicant states, for *pro rata* distribution to customers of the FCM of all customer property. In view of the limitation that initial margin deposits on futures contracts and related options and premiums and paid for related options may not exceed 5% of the Series' total assets and of the extensive regulations of the CFTC governing segregation and accounting by FCMs, Applicant believes that an exemption from the provisions of Section 17(f) is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 8, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-14688 Filed 6-18-85; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-13836]

Application and Opportunity For Hearing; Storage Equities, Inc.

June 13, 1985.

Notice is hereby given that Storage Equities, Inc., a California corporation ("Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Trust Services of America, Inc., a California corporation ("TSA") (as successor trustee to First Interstate Bank of California, a California banking corporation), under a seventh supplement of an existing indenture qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify TSA from acting as trustee under such seventh supplement.

Section 310(b) of the Act provides in part that, if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety (90) days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to

have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding.

However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

1. TSA, as successor trustee, currently is acting as trustee under an indenture (the "Indenture") and several prior supplements thereto under which the Applicant is an obligor. The Indenture, dated as of August 9, 1983, is between Applicant and TSA and provides for the periodic issuance of secured notes in partial consideration for the purchase of property by Applicant. This indenture was filed as Exhibit 4.3 to Applicant's registration statement no. 2–80850 filed under the Securities Act of 1933, and has been qualified under the Trust Indenture Act in connection with a Form T–1 filing, File No. 22–12633.

Applicant has also entered into, and filed by way of post-effective amendments to the registration statement stated above, prior supplements under which TSA is a trustee. Applicant has issued several series of its secured notes under the prior supplements.

2. Applicant wishes TSA to continue as Trustee under the seventh supplemental indenture executed April 29, 1985.

3. The Applicant is not in default in any respect under the Indenture or prior supplements thereto.

4. Each series of secured notes issued under the prior supplements are secured by separate and distinct assets of Applicant so that should TSA have occasion to proceed against the security under any series of notes, such action would not affect the security, or the use of any security, under any other series. Thus, the existence of the other trusteeships should not inhibit or discourage TSA's actions under any one series.

The Applicant has waived notice of hearing, hearing on the issues raised by its Application and all rights to specify procedures under Rule 8(b) of the Rules of Practice of the Securities and Exchange Commission in connection with this matter. For a more detailed statement of the matters of fact and law asserted, all persons are referred to said Application, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than July 8, 1985, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said Application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the Application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85–14686 Filed 6–18–85; 8:45 am]

BILLING CODE 8010–01–M

[File No. 22–13890]

Application and Opportunity for Hearing; Storage Equities, Inc.

June 13, 1985.

Notice is hereby given that Storage Equities, Inc., a California corporation ("Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Trust Services of America, Inc., a California corporation ("TSA") (as successor trustee to First Interstate Bank of California, a California banking corporation), under a sixth supplement of an existing indenture qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify TSA from acting as trustee under such sixth supplement.

Section 310(b) of the Act provides in part that, if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety (90) days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding.

However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

1. TSA, as successor trustee, currently is acting as trustee under an indenture (the "Indenture") and several prior supplements thereto under which the Applicant is an obligor. The Indenture, dated as of August 9, 1983, is between Applicant and TSA and provides for the periodic issuance of secured notes in partial consideration for the purchase of property by Applicant. This indenture was filed as Exhibit 4.3 to Applicant's registration statement no. 2–80850 filed under the Securities Act of 1933, and has been qualified under the Trust Indenture Act in connection with a Form T–1 filing, File No. 22–12633.

Applicant has also entered into, and filed by way of post-effective amendments to the registration statement stated above, prior supplements under which TSA is a trustee. Applicant has issued several series of its secured notes under the prior supplements.

2. Applicant wishes TSA to continue as Trustee under the sixth supplemental indenture executed April 19, 1985.

3. The Applicant is not in default in any respect under the Indenture or prior supplements thereto.

4. Each series of secured notes issued under the prior supplements are secured by separate and distinct assets of Applicant so that should TSA have occasion to proceed against the security under any series of notes, such action would not affect the security, or the use of any security, under any other series. Thus, the existence of the other trusteeships should not inhibit or discourage TSA's actions under any one series.

The Applicant has waived notice of hearing, hearing on the issues raised by its Application and all rights to specify procedures under Rule 8(b) of the Rules of Practice of the Securities and Exchange Commission in connection with this matter. For a more detailed statement of the matters of fact and law asserted, all persons are referred to said Application, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street, NE., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than July 8, 1985, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said Application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the Application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-14687 Filed 6-18-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22137; File No. SR-PSE-85-15]

Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Stock Exchange, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 3, 1985, the Pacific Stock Exchange, Inc. ("PSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The PSE proposes not to charge book, transaction or trade match fees in classes of options on three over-the-counter ("OTC") stocks: Genetech Inc., Intel Corporation and Tandem Computers, Inc. These options are dually-listed with at least one other exchange. Charges for transactions in these options will be waived from the first day of trading (June 3, 1985) [1] to August 1, 1985. PSE states that this proposal is a "competitive response" to the Commission's decision to permit options on OTC stocks to be traded by more than one exchange.[2] According to PSE, this waiver of fees will permit market quality, rather than differentials in transaction charges, to be the determinative factor in the competition among markets for these options. PSE states that the statutory basis for the proposed rule change is sections 6(b)(5) and 6(b)(8) of the Act.[3]

The foregoing change was effective on filing with the Commission pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may abrogate summarily such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in futherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission by July 10, 1985. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. References should be made to File No. SR-PSE-85-15.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the PSE.

[1] On May 31, 1985, the Commission approved PSE's proposal to trade options on OTC stocks, subject to PSE's agreement not to commence trading such options until June 3, 1985. Securities Exchange Act Release No. 22104, May 31, 1985.

[2] Securities Exchange Act Release No. 22026, May 8, 1985, 50 FR 20310.

[3] The Commission notes that CBOE has adopted a similar fee waiver for transactions in options on OTC stocks. Securities Exchange Act Release No. 22106, June 3, 1985.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 12, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-14691 Filed 6-18-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22138; SR-BSE-85-3]

Self-Regulatory Organizations; Proposed Rule Change by Boston Stock Exchange, Inc. Relating to an Amendment to the Constitution of the Boston Stock Exchange, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78 S(b)(1), notice is hereby given that on June 10, 1985 the Boston Stock Exchange, Incorporated ("BSE") filed with the Securities and Exchange Commission the proposed changes 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 on the Terms of Substance of the Proposed Rule Change

Attached to the filing as Exhibit 1 is a copy of the proposed amendment to the Constitution of the BSE. Exhibit 1 is available for inspection and copying at the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. and, at the principal office of the BSE.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements governing the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose and Statutory Basis for, the Proposed Rule Change

(a) On December 20, 1984 the Board of Governors approved revisions in the Exchange Constitution. The purpose of the proposed amendments is to update

the Constitution and, where necessary, to eliminate outdated material. In some instances, additional material has been added to more fully clarify the authority of the Board of Governors, and in others, material which is no longer pertinent has been deleted.

Set forth below is a summary of the more important changes:

Article I—Title, Object, Definitions

Section 2—Object. The objectives of the Exchange are set forth in detail. Previously the objectives were incorporated by reference from the Articles of Incorporation.

Section 3—Definitions. Definitions of terms used throughout the Constitution have been amended or inserted to provide additional clarity.

Section 3(c)—Member. The definition of "member" has been amended to clarify the long-standing requirement that a member be a natural person as opposed to Partnerships and Corporations. Corporations and partnerships are treated as "member organizations".

Section 3(e)—Allied Member. The definition of an allied member has been included in this section for purposes of clarification. The definition is similar to the definition previously found in Section 7 of Article XI.

Article II—Board of Governors (Formerly Articles II and III)

Article II has been restructured to fully define the composition, role and powers of the Board of Governors. The Article, as revised incorporates provisions previously contained in Articles II and III.

Section 1—Composition of Board. The composition of the Board has been redefined to reflect the elimination of the position of the President of the Exchange.

Section 2—Non-Member Governors. This provision was added to insure that non-members of the Exchange by virtue of their service on the Board of Governors agree to uphold the Constitution.

Section 6—Delegation of Powers. This section has been added to specifically allow the Board of Governors to delegate its authority to duly authorized committees of the Board or such officers and employees of the Exchange as it may, from time-to-time, deem appropriate.

Section 9—Vacancies. Vacancies in the Board of Governors are filled by the Chairman subject to the approval of the Board. This allows the Chairman to nominate replacements but the Board continues to retain its power of approval.

Section 11—Action Without Meeting. This section permits the Board to act without a meeting.

Article III—Chairman and Vice Chairman (Formerly Article IV)

The duties of the Chairman have been amended in Sections 2 and 3 to empower the Chairman to appoint officers and employees of the Exchange. This authority was previously vested in the President.

The specific office of President has been eliminated.

Article VII—Committees (Formerly Article IX)

This Article has been amended to formally change the name of the former Business Conduct Committee to that of the Market Performance Committee. In addition, the Audit Committee has been added as a standing committee of the Board of Governors. Provision has also been made to allow for a committee to take action without a meeting upon the filing of unanimous written consents. The Board continues to have authority to establish such additional committees as it deems necessary.

Section 3—Arbitration Committee. Many of the provisions related to arbitration have been deleted from the Constitution and have been reinserted in the Rules of the Exchange. The procedures for arbitration change from time to time and the industry as a whole has recently developed a uniform arbitration procedure.

Section 6—Audit Committee. Section 6 establishes the Audit Committee as a standing committee of the Board of Governors.

Article IX—Membership (Formerly Article XI)

Section 1—Number of Memberships. This section establishes the number of memberships at the currently authorized level of 224 seats. An amendment to the Constitution is required in order to increase that number.

Section 2—Transfer of Membership. Section 2 details the requirements for transfer of membership whether by outright sale or lease. A lessor shall have all rights of membership except those pertaining to the Gratuity Found or distributions upon dissolution.

Section 3—Qualification for Membership. This section has been amended to reflect the statutory requirements of the Exchange Act of 1934.

Section 4—Qualification of Member Organizations. This section, detailing the qualification of member organizations, makes clear that a member organization of the Exchange is entitled to that status *only* by virtue of its association with an individual member.

Article XII—Transfer of Membership (Formerly Article XIII)

Requirements for Transfer of Membership have been amended to allow for specific provisions to be incorporated in the Rules of the Exchange.

Article XIII—Insolvent Members (Formerly Article XV)

The provision has been amended to clarify the incidents of insolvency and the requirements for notification, suspension, reinstatement and appeal.

Article XIV—Expulsion and Suspension (Formerly Article XVI)

Amendments have been made to clarify the standards and procedures applicable to expulsion and suspension. Penalities for specific acts, such as misstatement, acts deterimental to the Exchange, and the obligation to submit records to the Exchange have been amended for purposes of clarification.

Section 1—Necessary Votes for Expulsion or Suspension. This provision was amended to coordinate Constitutional provisions with the rules of the Exchange dealing with Disciplining of Members (Rule XXX).

Article XVII—Gratuity Fund (Formerly Article XX)

Provisions distinguishing between adopted and biological children have been eliminated.

(b) The statutory basis for the proposed rule change is Section 6 of the Securities Exchange Act of 1934, as amended, in that the Constitution will conform to the provisions of Section 6 of the Act which regulate membership, selection of directors, rules, disciplinary action, and will otherwise conform with the general requirements of Section 6.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the change will impose any burden on competition since the amendments do not effect day-to-day operations of member firms and do not impose restrictions on membership greater than those permitted by the Securities Exchange Act of 1934. Further, the changes do not impose restrictions on membership which are greater than those previously contained in the Constitution.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Notice of the proposed amendments were distributed to members of the Exchange. No comments were received nor were objections to the amendments registered by any member.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

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, DC 20549. Copies of the submission, all sebsequent amendments, all written statements with respect to the proposed rule change that are filed with 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 July 10, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 12, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-14694 Filed 6-18-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22136; File No. SR-MSE-85-4]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Stock Exchange, Incorporated Relating to an Electronic Trading Linkage Between MSE and the Toronto Stock Exchange

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 June 4, 1985 the Midwest Stock Exchange, Incorporated 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 Midwest Stock Exchange is submitting for SEC approval, an Agreement, and accompanying rule changes implementing an electronic trading linkage between the MSE and the Toronto Stock Exchange. The text of the Agreement and rule changes, Exhibits A and B, are available for inspection and copying at the Commission's Public Reference Room, or from the Midwest Stock Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement on the Purpose of and Statutory Basis for, the Proposed Rule Change

The Toronto Stock Exchange and Midwest agreed in principal in late January to establish an electronic trading linkage between the two exchanges. Its primary objective is to provide a mechanism for direct flow of orders between the two trading floors, thereby providing greater liquidity for issues traded in both markets and affording investors in both Canada and the U.S. an opportunity to obtain best price available in either country.

The linkage will commence on a pilot basis in several of the actively traded, dually listed issues. It will be expanded to include most dually listed stocks. It will begin on a one-way basis from Toronto to MSE. "Northbound" orders will probably be delayed until Toronto develops the ability to provide a simultaneous currency transaction at the time a "northbound" stock trade is executed in Toronto. This will minimize the risk resulting from fluctuations in U.S./Canadian dollar exchange rate between time of execution and time of settlement. It will also permit Toronto's Canadian dollar quotes to be converted to U.S. dollar quotes for display on MSE.

The following is a summary of the major provisions of the Agreement:

1. Quotations. Each exchange will display on its floor quotes distributed by the other exchange. The MSE quotes will be in U.S. dollars and, with respect to any linkage traded stock which is traded through the Intermarket Trading System, shall include the national best bid and offer distributed by CQS.

The TSE quotes will be a composite of Canadian dollar quotes and, when the currency transaction mechanism is in place, the equivalent price converted to U.S. dollars. Also, the TSE will distribute a market in U.S. dollar quotes.

2. Transmission and Execution of Orders. Orders will be transmitted over existing automated routing systems—MSE's MAX System and Toronto's MOST System (Market Order System of Trading).

a. *Marketable Orders.* Initially the linkage will only provide for marketable limit orders sent.

These orders will be treated as immediate or cancel—i.e. promptly executed or cancelled depending on whether they are marketable when received.

Marketable agency orders will be guaranteed an execution at the best availaible quote on the receiving exchange up to a specified minimum amount. The minimum guarantee may be different for specific stocks.

Professional orders will not be entitled to any guarantee.

b. *Away from the Market Orders (Limit Orders).* While not included in the intitial stages, Away from the Market Orders will eventually be included in the linkage.

Professional and agency day orders up to 1000 shares will be accepted.

Agency orders will be subject to normal priority rules with one exception—the MSE rule stating that

limit orders received over MAX will be executed on the basis of 300 shares for every 500 shares that trades at the limit price on the primary market will not be applicable to orders sent from the TSE.

Professional orders will be on a parity with the respective market makers on each floor.

In addition each exchange has agreed to use its best efforts to avoid trade throughs on U.S. dollar quotes of the other market.

3. *Clearance and Settlement.* The Midwest Stock Exchange will be responsible for submitting trades executed on either floor to the Midwest Clearing Corporation.

All trades will be submitted as floor—compared trades and will be settled at Midwest Clearing using an account to be established at MCC by Canadian Depository Service (CDS).

All trades will be settled at MCC in U.S. Funds. For trades executed in Toronto in Canadian dollars, Toronto is in the process of developing a mechanism for the immediate conversion of U.S. and Canadian dollars. This will allow MSE members to settle their side of the trade in U.S. currency and Toronto members to settle the other side in Canadian currency, without being subject to the risk of currency fluctuations.

CDS will be responsible to MCC for settling trades on behalf of Toronto members.

Neither exchange will guarantee settelement on its members behalf.

4. *Surveillance.* Trade data will be exchanged on a regular basis and upon request to monitor trading through the linkage.

Both parties have agreed to cooperate fully in the investigation of all matters involving trades in the linkage.

5. *Administration.* A six member joint Operating Committee will be responsible for admininstering the linkage. It will meet periodically to oversee operations and recommend changes.

Any disputes relating to orders will be resolved in accordance with on-floor dispute resolution procedures in place on the receiving exchange, or by arbitration where appropritate.

Also attached are new Linkage rule changes which are designed to implement the Linkage Plan and assure applicability of Exchange rules to orders received from Toronto and executed on the Midwest. Interpretations to these rules also make certain MSE rules applicable to orders sent from Midwest to Toronto where deemed appropriate (similar to ITS requirements). The remaining rule amendments make necessary conforming changes to existing MSE rules, enabling them to accomodate linkage orders.

Basis. The proposed Linkage Agreement and implementing rule changes are consistent with Section 6(b) of the Exchange Act in general and further the objectives of Section 6(b) (5) in particular, in that the Linkage is intended to provide greater depth and liquidity for isues traded in both markets and afford investors in both Canada and the U.S. and opportunity to obtain the best price available in either country.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed Linkage Agreement and implementing rule changes will impose no burden on competition, and will in fact enhance competition by providing for the direct flow of orders between the two trading floors.

(C) Self-Regulatory Organization's Statement on Comments on the proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed Agreement and rule changes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (A) by order approve the proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission 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-referenced self-regulatory organization. All submissions should refer to the file number is the caption above and should be submitted by July 10, 1985.

For the commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 12, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-14692 Filed 6-18-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22140; SR-Phlx-85-17]

Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc.; Relating to Amendments to its By-Law Articles 9-1 and 9-2

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1) and Rule 19b-4 thereunder, notice is hereby given that on June 3, 1985, the Philadelphia Stock Exchange, Inc. ("Phlx") filed with Securities and Exchange Commission copies of a proposed rule change to amend its By-Law Articles 9-1 and 9-2 to provide that rather than the present six trustees of the Stock Exchange Fund, the Fund shall be composed of no less than six and not more than eight trustees. This would include the Chairman of the Board of Governors, two Vice-Chairmen of the Board of Governors and rather than three Corporation members, up to five members of the Corporation. Each of the member trustees would be appointed by the Board of Governors to serve for three years or until his successor is appointed. In addition, four of the Trustees of the Stock Exchange Fund, rather than three, would be competent to act for the Trustees of the Stock Exchange Fund in all matters within their jurisdiction under the By-Laws of the Corporation. According to Phlx, the proposed rule change which is non-controversial and related to the administration of the exchange, adds trustees to the Stock Exchange Fund to increase the diversity of opinion on investment policy and portfolio strategy, as well as other fund matters.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change within 21 days from the date of publication of the submission in the

Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street NW., Washington, D.C. 20549. Reference should be made to File No. SR-Phlx-85-17.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and in particular, the requirements of Section 6, and the rules and regulations thereunder in that it is both necessary and appropriate for the protection of investors that additional Trustees be appointed to strengthen the stewardship of the Stock Exchange Fund.

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 additional trustees appointed on a timely basis by Phlx could contribute to the trustees' deliberations at the next regularly scheduled meeting of the Trustees on June 25, 1985. It is at this meeting that portfolio strategy and asset allocation for the Stock Exchange Fund for the next quarter will be formulated.

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: June 12, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-14693 Filed 6-18-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-23729; 70-7116]

Allegheny Generating Co. et al.; To Enter Into Revolving Credit Agreement; Exception From Competitive Bidding

June 12, 1985.

Monongahela Power Company ("MP") 1310 Fairmont Avenue, Fairmont, WVA 26554, The Potomac Edison Company ("PE") Downsville Pike, Hagerstown, MD 21740, West Penn Power Company ("WP") 800 Cabin Hill Drive, Greensburg, PA 15601 and Allegheny Generating Company ("AGC") 320 Park Avenue, New York, NY 10022, wholly owned subsidiaries of Allegheny Power System, Inc., a registered holding company, have filed a declaration with this Commission subject to sections 6(a), 7, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) thereunder.

AGC seeks authorization through June 30, 1987 to enter into a new revolving credit agreement, through December 31, 1990 ("Agreement") with a group of eleven banks, with Chemical Bank as agent, to replace the existing $225 million revolving credit and term loan agreement authorized April 23, 1982 (HCAR No. 22469). The new Agreement is to provide for a credit facility in the maximum aggregate principal amount of $400 million with a maturity of December 31, 1990 provided that such maturity may be extended at the discretion of the lending banks for one-year periods beginning three years prior to the then applicable maturity. All loans made by each bank shall be evidenced by a promissory note ("Note"). Each Note shall be payable as to principal and shall bear interest from the effective date of such loan to the termination date. There would be a commitment fee of 3/16 of 1% annum of the average daily unused portion of the credit facility. Borrowings under the Agreement shall bear interest at either (i) the alternate base rate which is the higher of Chemical Bank's floating prime or ⅜ of 1% over the average weekly three-month certificate of deposit rate, (ii) the London Interbank Offer Rate ("LIBOR") plus ⅜ of 1% per annum from the approval date through December 31, 1989 and then the LIBOR plus ½ of 1% per annum thereafter until December 31, 1990, or (iii) the CD rate plus ⅜ of 1% per annum from the effective date through December 31, 1989 and then the CD rate plus ½ of 1% per annum thereafter until December 31, 1990. From time to time, as AGC may request and as the banks may have available, each bank may offer fixed rate loans applicable to all or any part of such Bank's outstanding loans, in maturities of one year or more. The effective cost of a fixed rate loan would not exceed 20% and the term of the fixed rate loan would not exceed December 31, 1990. MP, PE, and WP shall guarantee, severally and not jointly, 27%, 28% and 45% respectively of the amount due the banks from AGC.

The proceeds from the Agreement will be used by AGC to acquire up to a 40% ownership interest in the 2,100 MW Bath County Pumped Storage Project being constructed by Virginia Electric and Power Company.

The declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 8, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-14761 Filed 6-18-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22134; File No. 4-263]

Self-Regulatory Organizations; Order Approving Proposed Amended Fingerprinting Plan by the National Association of Securities Dealers

June 11, 1984.

On October 29, 1984 the National Association of Securities Dealers ("NASD") submitted an amended plan for Commission approval pursuant to Rule 17f-2(c) (17 CFR 240.17-2(c)) under the Securities Exchange Act of 1934 (the "Act"). Under the amended fingerprinting plan, the NASD would retain, on behalf of its members, microfilmed records of processed fingerprint cards that did not have any criminal history information attached to

the cards. The NASD, under the amended plan, would continue to return processed cards submitted by member organizations that have criminal history information attached to the cards[1] and all processed cards submitted by non-member organizations. The Commission solicited public comment concerning the proposed amended plan on April 16, 1985.[2] No comments were received. As discussed below, the Commission is approving the proposed amended plan.

The proposed amended plan only changes the NASD's processing of member organizations' "clean" fingerprint cards, *i.e.*, processed cards with no criminal history information attached. After FBI processing, the NASD would sort the fingerprint cards into three major categories: (1) Cards submitted by non-member organizations; (2) cards submitted by member organizations that have criminal history information attached to the cards; and (3) cards submitted by member organization that are "clean." The NASD would re-examine member organizations' "clean" fingerprint cards to ensure that no criminal history information is attached to those cards. Then the NASD would microfilm the cards and, after microfilming, destroy the original fingerprint cards.

The NASD would keep the microfilmed records, on behalf of its member organizations, for a period of at least twenty-five (25) years. Each month submitting member organizations would receive a roster containing the names of the fingerprinted persons within their respective organizations and the dates the cards were returned to the NASD from the FBI.[3] In addition, copies of the microfilmed cards would be available to the submitting organization, its designated examining authority ("DEA") and the Commission upon request.

Rule 17f-2(d) states, among other things, that before a self-regulatory organization ("SRO") can maintain a member organization's processed fingerprint cards the SRO must be the DEA for that member.[4] The NASD's proposed amended plan, however, provides limited recordkeeping service for member organization's "clean" fingerprint cards and a roster listing the processed cards that are "clean" irrespective of whether the NASD is the member's DEA. NASD members would continue to be responsible for maintaining fingerprint cards that have criminal history information attached and the monthly roster.

The NASD believes that the proposed amended fingerprinting plan is consistent with section 17(f)(2) of the Act and with the public interest and protection of investors. More specifically, the NASD believes that the amended plan provides increased efficiencies in the processing and maintenance of fingerprint cards without sacrificing the integrity of the fingerprinting process or Rule 17f-2.

The Commission has reviewed the procedures detailed in the amended plan and believes that the amended plan is consistent with section 17(f)(2) of the Act and with the public interest and protection of investors. The Commission also believes that the limited recordkeeping service would not unduly hinder a DEA from fulfilling its responsibility under the Act and, therefore, meets the policy concerns underlying Rule 17f-2(d). Likewise, the Commission concurs with the NASD's belief that the amended plan provides increased efficiencies in the processing and maintenance of fingerprint cards without sacrificing the integrity of the fingerprinting process or Rule 17f-2. Therefore, the Commission declares the plan to be effective on June 12, 1985.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-14762 Filed 6-18-85; 8:45 am]

BILLING CODE 8010-01-M

[1] The NASD will continue to review criminal history data attached to FBI processed fingerprint cards submitted by member organizations for statutory disqualifications and will record relevant data in its internal files to comply with its responsibility under the Act. The cards and the criminal history information then will be returned to the submitting member organization. In addition, the NASD will continue to make available to designated examining authorities and the Commission criminal history information upon request.

[2] *See* Securities Exchange Act Release No. 21933 (April 10, 1985), 50 FR 15027 (April 16, 1985).

[3] A member organization, instead of retaining a "clean" fingerprint card for each employee required to be fingerprinted, would keep in its file the monthly roster containing the names of the fingerprinted persons and the dates the cards were returned to the NASD from the FBI.

[4] The Commission stipulated the requirement to ensure that a DEA would not be unduly hindered in fulfilling its responsibility under the Act.

[Release No 35-23730; 70-7117]

Maine Yankee Atomic Power Co., et al.; Regarding Issuance of Guaranty

June 13, 1985.

Maine Yankee Atomic Power Company ("Maine Yankee"), Edison Drive, Augusta, Maine 04336, a subsidiary of New England Electric System and Northeast Utilities, both registered holding companies, New England Power Company, 25 Research Drive, Wesborough, Massachusetts 01582, a subsidiary of New England Electric System, Montaup Electric Company, P.O. Box 2333, Boston, Massachusetts 02107, a subsidiary of Eastern Utilities Associates, a registered holding company, Connecticut Light and Power Company, P.O. Box 270, Hartford, Connecticut 06141, and Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, both subsidiaries of Northeast Utilities, have filed a declaration with this Commission subject to sections 6(a) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act").

Maine Yankee operates a single unit nuclear-powered electric generating plant ("Plant") with a net capacity of approximately 830 megawatts. The Plant's capacity is shared among the ten New England electric utility companies (collectively, the "Sponsors") sponsoring Maine Yankee.

Under a Loan Agreement dated August 26, 1976 between Maine Yankee and MYA Fuel Company (the "Fuel Company"), the Fuel Company has agreed to make available $50 million principal amount of loans for use in the acquisiton by Maine Yankee of nuclear fuel and other related property, the construction, completion, extension or improvement of its facilities, the improvement or maintenance of its services and the reimbursement of its treasury for moneys used for such purposes. As security for its borrowings, Maine Yankee has pledged its nuclear fuel inventory and its rights under its Power Contracts with its Sponsors, requiring the Sponsors to purchse their respective percentages of the capacity and power output of the Plant, and its rights under its Capital Funds Agreement with its Sponsors requiring the Sponsors to purchase common stock, contribute capital or make loans to Maine Yankee. These respective percentages are as follows: Central Maine Power Company—38%, New England Power Company—20%, The Connecticut Light and Power Company—12%, Bangar Hydro-Electric Company—7%, Maine Public Service Company—5%, Public Service Company of New Hampshire—5%, Cambridge Electric Light Company—4%, Montaup Electric Company—4%, Western Massachusetts Electric Company—3%, and Cental Vermont Public Service Corporation—2%.

The Fuel Company and Manufacturers Hanover Trust Company ("Bank") entered into a Credit Agreement dated August 26, 1976, wherein the Bank agreed to extend credit to and issue letters of credit in favor of the Fuel Company, in an aggregate amount not exceeding $50 million, for the purpose of financing the Fuel Company's loans to Maine Yankee under the Loan

Agreement . Because the Power Contracts contain cancellation provisions under specific contingencies and because of the heightened attention nuclear generating facilities have received since the accident at Three Mile Island in 1979, the Bank is not willing to extend the term of the Credit Agreement beyond August 26, 1985 without further assurances from Maine Yankee's Sponsor's. Thus, the Sponsors of Maine Yankee propose to execute and deliver Guarantee Agreements pursuant to which each Sponsor will severally guarantee to the Fuel Company its respective percentages of Maine Yankee's payment obligations though May 1, 2002.

Each Sponsor's guarantee will be unconditional and will not be subject to any set-off, counterclaim, offset, recoupment or abatement, whatsoever. Each Sponsor's guarantee will be limited to the percentage of any payment default that is equal to its respective percentage under is Power Contract and Capital Funds Agreement with Maine Yankee. The Fuel Company will assign its rights under the Guarantee Agreements to the Bank, pursuant to the terms of an Assignment Agreement Restatement dated August 26, 1976, as amended and as proposed to be amended.

In connection with the proposed execution and delivery of the Guarantee Agreements by the Sponsors, the Credit Agreement is proposed to be amended to refer to the Guarantee Agreements, reduce the fee payable in respect of the issuance of Letters of Credit from .95 of 1% of the average outstanding amount to .85 of 1% of such amount and provide for not less than a one-year notice of termination after the second anniversary of the Credit Agreement.

The declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 8, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-14689 Filed 6-18-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-23731; 70-6830]

The Southern Co.; Southern Company Services, Inc.; Proposal To Extend Time for the Issuance of Unsecured Notes

June 13, 1985.

The Southern Company ("Southern"), 64 Perimeter Center East, Atlanta, Georgia 30346, a registered holding company, and Southern Company Services, Inc. ("Services"), a service company subsidiary of Southern, have filed Post-Effective Amendment No. 4 to an application-declaration previously filed pursuant to sections 6(a), 7 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 50(a)(5) promulgated thereunder.

By prior order in this proceeding (HCAR No. 22861, February 24, 1983), Services was authorized to issue and sell up to an aggregate principal amount of $150 million of unsecured notes, outstanding at any one time, through June 30, 1984. Such maximum amount may include any combination of (1) current notes outstanding to Aetna Life Insurance Company and to Credit Lyonnais in a total amount of up to $42 million; (2) notes to Southern, and/or (3) up to $100 million of new notes ("Notes") to lenders other than Southern. The order granted an exception from the competitive bidding requirements of Rule 50 in connection with the sale of the Notes and reserved jurisdiction over their terms and conditions. By subsequent orders Services was authorized to issue and sell $20 million in Notes maturing June 1, 1991, and $30 million in Notes maturing on December 1, 1990 (HCAR No. 23005, July 9, 1983, and HCAR No. 23137, November 29, 1983, respectively). Services now proposes that the authority granted in this matter be extended through June 30, 1986.

The application-declaration and any amendments thereto is available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 5, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to be effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-14690 Filed 6-18-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22135; File No. SR-BSE-85-4]

Self-Regulatory Organizations; Proposed Rule Change by Boston Stock Exchange, Inc.; Relating to Amendment to Chapter II, Section 33 of the Rules of the Board of Governors

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78 s(b)(1), notice is hereby given that on June 7, 1985 the Boston Stock Exchange, Incorporated ("BSE") filed with the Securities and Exchange Commission the proposed changes 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 on the Terms of Substance of the Proposed Rule Change

Set forth below is the proposed rule change. Additions are italicized and deletions are bracketed.

CHAPTER II

Dealings on the Exchange

* * * * *

Executive Guarantee

Sec. 33. The Boston Stock Exchange Execution Guarantee shall be available to each member firm in all issues traded through the Intermarket Trading System (ITS) registered to a member specialist of the Exchange.

Specialists must accept and guarantee execution on all agency orders from 100

up to and including 1,299 shares regardless of the size of the order.

Specialists must accept and guarantee execution on all agency orders from 100 up to and including 2,500 shares regardless of the size of the order if the issue is designated as a most actively traded stock (MATS).

(i) MATS issues are the 100 most actively traded stocks reported to the Consolidated Tape as well as any other issue so designated at the request of the member specialist registered in the stock. The Market Performance Committee shall periodically revise the eligible issues.

(ii) A specialist may request an exemption from MATS (not applicable to 1,299) for good cause shown by submitting a statement to the Market Performance Committee setting forth the specific conditions that render participation injurious. Each such request shall be reviewed by the market Performance Committee.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements governing the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in section (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose and Statutory Basis for, the Proposed Rule Change*

(a) The purpose of the proposed change is to enhance the competitiveness of the BSE in the national market system. The change will increase the execution guarantee applicable to retail orders from 1,299 shares to 2,500 shares in the 100 most actively traded stocks ("MATS issues") as measured by CTA trade data. A dealer-specialist may, in addition, voluntarily offer any stock in which he or she is registered for designation as a MATS issue. The BSE recognizes that in limited situations the market in a particular stock may be such that application of a 2,500 share guarantee may be harmful to the dealer-specialist. Thus, a dealer-specialist may petition for exemption from the plan. Such exemption shall be granted only for good cause.

(b) The statutory basis for the proposed change is section 6(b)5 of the Securities Exchange Act of 1934 in that the change will promote competition within the national market system, thus benefitting the investing public.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

The BSE does not believe that the proposed change will impose any burden on competition.

(c) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Notice of the proposed change was given to and comments were solicited from the members of the BSE on prior to action by the Board of Governors. No adverse comments regarding the guarantee were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed change, or

(B) Institute proceedings to determine whether the proposed rule change should be dissapproved.

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 at the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by July 10, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

June 11, 1985.

[FR Doc. 85-14696 Filed 6-18-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22142; File No. SR-CBOE-85-23]

Self-Regulatory Organizations; Proposed Rule Change by Chicago Board Options Exchange, Inc., Relating to Certain Types of Orders Defined

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 *June 3, 1985* the Chicago Board Options Exchange, Incorporated 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. Text of the Proposed Rule Change

Additions are italicized; deletions are bracketed.

Rule 6.53. (a)–(1). No change.

(m) Facilitation Order. A facilitation order is an order [for the proprietary account of a member ogranization] which is only to be executed in whole or in part in a cross transaction with an order for a public customer of the member organization *and which is clearly designated as facilitation order.*

Rule 6.74. (a)–(B). No change.

(b) A Floor Broker who holds an order for a public customer of a member organization and a facilitation order may cross such orders provided that he proceeds in the following manner.

(i) The member organization must disclose on its [option] order ticket *for the public customer order which is subject to facilitation,* all of the terms of [the public-customer] *such* order, including any contingency involving, and all related transactions in, either options or underlying or related securities.

(ii) In accordance with his responsibilities for due diligence, the Floor Broker shall disclose all securities which are components of the public customer order *which is subject to*

facilitation and then shall request bids and offers for the execution of all components of the order.

(iii) After providing an opportunity for such bids and offers to be made, the Floor Broker must, on behalf of the public customer *whose order is subject to facilitation*, either bid above the highest bid in the market or offer below the lowest offer in the market, identify the order as being subject to facilitation, and disclose all terms and conditions of [the public customer] *such* order. After all other market participants are given an opportunity to accept the bid or offer made on behalf of the public customer *whose order is subject to facilitation*, the Floor Broker may cross all or any remaining part of [the public customer] *such* order and the facilitation order at [the public] *such* customer's bid or offer by announcing in public outcry that he is crossing and by stating the quantity and price(s). One such bid or offer has been made, the public customer order *which is subject to facilitation* has precedence over any other bid or offer in the crowd at the same price, to trade immediately with the facilitation order.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of the basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV blow and is set foth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to enable member organizations to facilitate large customer block orders by crossing them with orders for accounts other than a firm proprietary account. Exchange Rule 6.74(b) presently provides for the crossing of public customer orders with "facilitation orders", which are defined in Rule 6.53 to include only orders for a member organization's proprietary account. The proposed amendments to Rules 6.74 and 6.53 would expand the provisions governing facilitation to allow for the crossing of a public customer order with a facilitation order solicited from another source.

The procedures for accomplishing a facilitation-cross would remain unchanged under Rule 6.74 as amended. Those procedures require: (1) That the member organization disclose on the public customer order ticket all the terms of the order subject to facilitation; (2) that the floor broker disclose all securities which are components of the order to be facilitated, and request bids and offers for the execution of all components of the order; (3) that the floor broker bid above the highest bid or offer below the lower offer in the market on behalf of the order which is subject to facilitation; (4) that the floor broker then identify that the order is subject to facilitation, and disclose all terms and conditions of the order; (5) that the floor broker give the market participants an opportunity to accept the bid or offer made on behalf of the public customer whose order is subject to facilitation; and finally (6) that the floor broker cross all or any remaining part of the order subject to facilitation and the facilitation order, announcing in public outcry that the cross is being effected and stating the quantity and price. The proposed rule change would further provide that any order transmitted to the floor of the Exchange for the purpose of facilitating a public customer order in a cross transaction be designated on its face a facilitation order.

The proposed amendments will benefit public customers by expanding the number of potential facilitators, thus enabling public customers to receive executions on orders which may not have been otherwise executable. The rule change also will benefit member organizations, by allowing them to facilitate customer orders in crossing transactions without exposing their own capital to market risk. Finally, market makers will benefit by being offered an expanded opportunity to enter into trades with public customers prior to the execution of a faciltation cross.

The proposed rule revision is consistent with the requirements of the securities Exchange Act of 1934 ("the Act") and furthers the objectives of the Act, particularly section 6(b)(5) thereof, in that it protects investors and the public interest by providing for the facilitation of certain customer orders.

(B) Self-Regulatory Organization's Statement of Burden on Competition

The Exchange does not believe that this proposed rule change will impose any burden on competiton.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, 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 the Commission's Public Reference Section, 450 Fifth Street, N.W., 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 July 10, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

June 13, 1985.

[FR Doc. 85-14695 Filed 6-18-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/861]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Working Group on Standards of Training and Watchkeeping; Meeting

The Working Group on Standards of Training and Watchkeeping of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting on July 24, 1985 at 10:00 a.m. in Room 1105 at Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C.

The purpose of the meeting will be a general review of all the agenda items for the 18th Session of the International Maritime Organization (IMO) Subcommittee on Standards of Training and Watchkeeping, scheduled for September 9–13, 1985.

Members of the public may attend up to the seating capacity of the room.

For further information contact Captain J.C. Carlton, U.S. Coast Guard Headquarters (G–MVP/12), 2100 Second Street, SW., Washington, D.C. 20593. Telephone: (202) 426–1500.

Dated: June 4, 1985.

Samuel V. Smith,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 85–14673 Filed 6–18–85; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Notice No. 85–8]

Distribution of Aviation Economic Regulatory Orders and Notices

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Information notice.

SUMMARY: DOT is establishing a new procedure for making copies of aviation economic regulatory orders, notices, and related documents available to the public. This action is taken at the Department's initiative to improve the dissemination of these documents.

FOR FURTHER INFORMATION CONTACT:

Cynthia Burbank (202) 426–4341, Office of Policy and International Affairs, Department of Transportation , 400 Seventh Street, SW., Washington, D.C. 20590, or

Sam Podberesky (202) 426–4723, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

DATE: The procedure described in this notice will be implemented on June 24, 1985.

SUPPLEMENTARY INFORMATION: The Department of Transportation is instituting a new procedure for making copies of aviation economic regulatory orders, notices, and related documents available to the public. The new procedure is intended to enable the public to obtain copies of these documents on a timely, efficient, and equitable basis, while also minimizing government costs.

The new distribution procedure was developed after consultation with other government agencies with economic regulatory responsibilities. Discussions were also held with representatives of the private sector who use the DOT documents being distributed. The procedure is as follows:

1. DOT will make copies of aviation economic orders, notices, and related documents available to the general public through private distributors that provide a subscription service to the public for a fee. Based on informal proposals received from several firms with experience in this kind of business, DOT expects them to offer a variety of services, including monthly mail subscriptions and delivery of documents to subscribers in the Washington, D.C., area within 24 hours of their being made public by DOT. If the demand exists, the distributors may also offer overnight out-of-town delivery service.

2. To encourage the use of this type of service and to reduce government costs, DOT will discontinue the interim practice of making 30 free copies of each order available to the public in DOT's Documentary Services Divisions (DSD). Orders, notices, and applications will continue to be posted in DSD's Docket Section and a coin-operated photocopy machine will continue to be available for visitors to copy documents. However, it is hoped that those with a recurrent need for copies of orders and notices will utilize a private subscription service rather than the photocopy machine. This should make access easier for those who need to use the machine on an occasional or special basis and should reduce congestion in the Docket Section.

3. The documents that will be made available to distributors will include: Aviation economic orders and notices; the Weekly Digest of Applications Filed; the Weekly Summary of Orders and Regulations; a weekly hearing calendar; notices orders and decisions of administrative law judges; and decisions by other DOT officials in hearing cases. These documents will be released to distributors at the time that they are posted or otherwise made available to the public.

4. DOT will provide to the public a limited number of free copies of the Weekly Digest of Applications Filed and the Weekly Summary of Orders and Regulations. These two documents will generally be issued on Tuesday of each week and will cover the Monday-through-Friday period of the preceding week. A limited number of single copies will be available for pick-up in the Docket Section, Room 4107 of DOT, at the address below, during the week following their issuance. For those outside the Washington area and others who prefer to receive these documents by mail or by overnight delivery, DOT will encourage distributors to make these documents available on a weekly subscription basis. The Weekly Digest of Subpart Q Applications will continue to be published in the **Federal Register.**

5. The Documentary Services Division will routinely post orders, notices, and decisions twice daily, at 10:00 a.m. and 4:00 p.m. (except that orders may be posted on an emergency basis at any time). This will povide a degree of certainty to those who check the Docket Section on a routine basis for filings and orders.

6. Persons wishing to know which orders have been posted or otherwise made available to the public each day may call (202) 426–7627 for a recorded message that will be updated daily. The message will indicate that an order or notice has been posted in a proceeding. The proceeding will be identified by name and docket number.

DOT will continue to mail, without charge, copies of orders, notices, and decisions to parties on the official service list for a particular docket. In this connection, interested parties should be aware that the additional distribution and information dissemination steps described in this notice merely supplement the Department's customary service procedure. The additional steps impose no new legal requirements on the Department nor provide any party with any additional legal rights.

To improve the document service procedures, the Department has been able to reduce the internal printing and distribution times for these documents. Generally, orders and notices will be served (i.e., placed in the mail to parties) within four working days after they are signed. In emergencies, these times will be reduced.

The Government Printing Office is in the process of discontinuing its subscription services for aviation economic regulatory documents formerly issued by CAB, including Economic Orders and Opinions, Weekly Digest of Applications Filed, and Weekly Summary of Orders and Regulations. GPO will issue a prorata refund to subscribers for the period since January 1, 1985. For subscribers who wish to maintain a continuous library of orders and notices, DOT will work with the private distribution firms to provide a means for the public to obtain, for a fee, a comprehensive set of orders and notices issued during the period from January 1, 1985, until start-up of the new subscription services.

Firms interested in becoming distributors for DOT's aviation economic regulatory orders and notices should contact:

Documentary Services Division, C–55, Office of the General Counsel, U.S. Department of Transportation, 400 Seventh Street, SW., Room 4108, Washington, D.C. 20590, Telephone: 202–426–7461

To be eligible to obtain copies of orders and notices from DOT as a distributor, a person, or firm must provide a bona fide distribution service to the public and must file a list of its subscribers with DOT. To be considered a bona fide distributor, a firm should have a minimum of 20 subscribers, except in special circumstances. DOT will provide each distributor one copy of each order, notice, or decision issued to the public at the time that the document is posted or otherwise made available to the public. DOT will charge distributors a copying fee in accordance with 49 CFR Part 7, to be paid at monthly intervals.

For the public's reference, DOT will maintain an up-to-date list of the names and phone numbers of all distributors of aviation economic orders and notices in Room 4107. Copies of this list will be available in that room or may be obtained by written request to the above address.

Finally, in accord with past DOT practice in non-aviation proceedings, those persons desiring to be placed on a mailing list for generally-applicable DOT rulemaking documents concerning aviation economic regulatory matters should submit a written request to the address specified above. Once on the list, persons will receive, by mail, each final rule, notice of proposed rulemaking (NPRM) and advance NPRM published by DOT in the **Federal Register**. It should be noted, however, that because of printing, distribution, and mailing times, receipt may occur several weeks after publication. It is possible that one or more distribution firms may offer a subscription service for overnight delivery of DOT rulemaking documents for those persons who do not have ready access to the **Federal Register**.

The Department will continue to review its service and distribution procedures for aviation economic proceedings. Additional changes will be made if they will result in improvements in the system.

Issued in Washington, D.C., on June 13, 1985.

Jim J. Marquez,

General Counsel.

Matthew W. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 85–14682 Filed 6–18–85; 8:45 am]

BILLING CODE 4910–62–M

Order Adjusting International Cargo Rate Flexibility Level

On January 1, 1985, the Department of Transportation assumed jurisdiction over the regulation of international air cargo rates. The Department seeks to place maximum reliance on the marketplace in regulating such rates. In so doing we plan to adhere to the Civil Aeronautics Board's policy statement, PS–109, which established geographic zones of cargo pricing flexibility, within which cargo rate tariffs filed by carriers would be subject to suspension only in extraordinary circumstances. This policy was designed to give carriers the greatest flexibility in establishing and adjusting rates to respond to changes in costs and competitive conditions, while assuring that carriers do not abuse their market power.

The Policy statement established Standard Foreign Rate Levels (SFRL) for each market as the bases for the flexibility zones. The SFRL for a particular market is the rate in effect on April 1, 1982, adjusted for the cost experience of the carriers in the relevant ratemaking entity. The first adjustment was effective April 1, 1983. By Order 85–3–75, the Department established the currently effective SFRL adjustments.

Previously, the SFRL Orders were issued on a two-month cycle to permit cost adjustments at a time of rapid changes in unit costs (primarily fuel). However, with the decline in fuel prices, overall cost trends have stabilized. Accordingly, there is no longer a need for bi-monthly SFRL adjustments and we have decided to issue the SFRL on a semi-annual basis. The Department will, of course, keep a close watch on operating costs and should the need arise we can again return to a two-month cycle adjustment.

In establishing the SFRL for the six-month period starting April 1, 1985, we have projected nonfuel costs based on the year ended December 31, 1984, data and have determined fuel prices on the basis of the latest experienced monthly fuel cost levels as reported to the Department by the carriers.

By Order 85–6–43, cargo rates may be increased by the following adjustment factors over the April 1, 1982, level:

Atlantic—1.0703
Western Hemisphere—1.0470
Pacific—.9692

For Further Information Contact: John D. Coakley, (202) 472–5492.

By the Department of Transportation.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 85–14683 Filed 6–18–85; 8:45 am]

BILLING CODE 4910–62–M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 118
Wednesday, June 19, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:05 p.m. on Thursday, June 13, 1985, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to:

(A)(1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in The First State Bank, Edna, Kansas, which was closed by the State Bank Commissioner for the State of Kansas on Thursday, June 13, 1985; (2) accept the bid for the transaction submitted by First State Bank of Edna, Edna, Kansas, a newly-chartered State nonmember bank; (3) approve the applications of First State Bank of Edna, Edna, Kansas, for Federal deposit insurance and for consent to purchase certain assets of and assume the liability to pay deposits made in The First State Bank, Edna, Kansas; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction;

(B) approve the application of AmeriTrust Company National Association, Cleveland, Ohio, for consent to acquire the assets of and assume the liability to pay deposits in ten Columbus area offices of the defunct Home State Savings Bank, Cincinnati, Ohio, following their acquisition by Hunter Savings Association, Cincinnati, Ohio, a non-FDIC-insured institution; and

(C) Approve: (1) The application of The First National Bank of Cincinnati, Cincinnati, Ohio, for consent to acquire certain assets of and assume the liability to pay deposits made in five branches of the defunct Home State Savings Bank, Cincinnati, Ohio, following their acquisition by Hunter Savings Association, Cincinnati, Ohio, a non-FDIC-insured institution; (2) the application of Miami Bank, National Association, Fairborn, Ohio, for consent to acquire certain assets of and assume the liability to pay deposits made in two branches of the defunct Home State Savings Bank, Cincinnati, Ohio, following their acquisition by Hunter Savings Association, Cincinnati, Ohio, a non-FDIC-insured institution; (3) the application of The Second National Bank of Hamilton, Ohio, for consent to acquire certain assets of and assume the liability to pay deposits made in the Middletown office of the defunct Home State Savings Bank, Cincinnati, Ohio, following its acquisition by Hunter Savings Association, Cincinnati, Ohio, a non-FDIC-insured institution; and (4) the application of The First National Bank & Trust Company, Troy Ohio, for consent to acquire certain assets of and assume the liability to pay deposits made in two branches of the defunct Home State Savings Bank, Cincinnati, Ohio, following their acquisition by Hunter Savings Association, Cincinnati, Ohio, a non-FDIC-insured institution.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director H. Joe Selby (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act"(5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(()(B)).

Dated: June 14, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-14816 Filed 6-17-85; 11:24 am]

BILLING CODE 6714-01-M

2

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 50, Page No.—None at this time. Date Published—Tuesday, June 18, 1985.

PLACE: In the Board Room, 6th Floor, 1700 G St., NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202-377-6679).

CHANGES IN THE MEETING: The Bank Board meeting previously scheduled to start at 10:30 a.m. on Friday, June 21, 1985 has been changed to 10:00 a.m.

Jeff Sconyers,

Secretary.

No. 12, June 17, 1985.

[FR Doc. 85-14881 Filed 6-17-85; 3:59 am]

BILLING CODE 6720-01-M

3

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m.—June 19, 1985.

PLACE: Hearing Room One—1100 L Street, NW., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED:

Portion closed to the public:

1. Docket No. 85-3: Matson Navigation Company, Inc. Proposed Overall Rate Increase of 2.5 Percent Between United States Pacific Coast Ports and Hawaii Ports—Further consideration of exceptions and the reply to exceptions relative to the Administrative Law Judge's initial decision.

CONTACT PERSON FOR MORE INFORMATION: Bruce A. Dombrowski, Acting Secretary, (202) 523-5725.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-14861 Filed 6-17-85; 3:01 pm]

BILLING CODE 6730-01-M

4

FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, June 24, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotion, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204

You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

James McAfee,

Associate Secretary of the Board.

Dated: June 14, 1985.

[FR Doc. 85–14756 Filed 6–14–85; 4:33 pm]

BILLING CODE 6210–01–M

5

INTERNATIONAL TRADE COMMISSION

[USITC SE–85–25]

TIME AND DATE: At 2:00 p.m., Monday, June 24, 1985.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratification List.
4. Petitions and Companies.
5. Investigations Nos. 701–TA–249 [Preliminary] and 731–TA–262/265 [Preliminary] (Iron construction castings from Brazil, Canada, India, and the Peoples Republic of China)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[FR Doc. 85–14780 Filed 6–17–85; 8:46 am]

BILLING CODE 7020–02–M

6

LEGAL SERVICES CORPORATION

Board of Directors Meeting

TIME AND DATE: Meeting will commence at 11:30 a.m., Friday, June 28, 1985 and continue until all official business is completed.

PLACE: The Westin Hotel, Renaissance Center, Kent Room, Detroit, Michigan 48243.

STATUS OF MEETING: Open [A portion of the meeting is to be closed to discuss personnel, personal, litigation, and investigatory matters under The Government in the Sunshine Act [5 U.S.C. 552b (c) (2), (6), (7), (9)(B), and (10) and 45 CFR 1622.5 (a), (e), (f), (g), and (h)].

MATTERS TO BE CONSIDERED:

1. Approval of Agenda
2. Approval of Minutes
   —May 24, 1985
3. Report from the Interim Corporation President
4. Report from the Special Committee on Presidential Search
5. Report from the Committee on Provision for the Delivery of Legal Services
6. The Reorganization of the Office of Field Services
7. Discussion and Action on the Recommendations of the Committee on Audit and Appropriations
   —Selection of an Auditor
   —Allocation Formula for Fiscal Year 1986 Basic Field Grants
   —Midyear Budget Review
8. Discussion and Action on the Recommendations of the Committee on Operations and Regulations
   —45 CFR 1614 (Private Attorney Involvement)
9. Discussion of litigation and investigatory matters (closed)
10. Discussion of personnel and personal matters (closed)

CONTACT PERSON FOR MORE INFORMATION: Joel Thimell, Executive Office, (202) 272–4040.

DATE ISSUED: June 14, 1985.

Dennis Daugherty,

Acting Secretary.

[FR Doc. 85–14752 Filed 6–14–85; 4:13 p.m.]

BILLING CODE 6820–35–M

7

LEGAL SERVICES CORPORATION

Committee on Audit and Appropriations

TIME AND DATE: Meeting will commence at 9:00 a.m., Thursday, June 27, 1985 and continue until all official business is completed.

PLACE: The Westin Hotel, Renaissance Center, Kent Room, Detroit, Michigan 48243.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda
2. Approval of Draft Minutes
   —May 23, 1985
3. Selection of an Auditor
4. Allocation Formula for Fiscal Year 1986
   —Basic Field Grants
5. Midyear Budget Review

CONTACT PERSON FOR MORE INFORMATION: Joel Thimell, Executive Office, (202) 272–4040.

DATE ISSUED: June 14, 1985.

Dennis Daugherty,

Acting Secretary.

[FR Doc. 85–14753 Filed 6–14–85; 4:13 pm]

BILLING CODE 6820–35–M

8

LEGAL SERVICES CORPORATION

Committee on the Provisions for the Delivery of Legal Services

TIME AND DATE: Meeting will commence at 9:00 a.m., Friday, June 28, 1985 and continue until 11:30 a.m.

PLACE: The Westin Hotel, Renaissance Center, Kent Room, Detroit, Michigan 48243.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda
2. Approval of Minutes
   —December 19, 1984
3. Report from the Office of Field Services
   —Attorney Recuritment
4. Panel Discussion on Migrant Farmworker Population Count

CONTACT PERSON FOR MORE INFORMATION: Daniel M. Rathbun (202) 272–4080.

DATE ISSUED: June 14, 1985.

Dennis Daugherty,

Acting Secretary.

[FR Doc. 85–14754 Filed 6–14–85; 4:13 pm]

BILLING CODE 6820–35–M

9

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE : 9 a.m., June 25, 1985.

PLACE: NTSB Board Room, Eighth Floor, 800 Independence Ave., SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report:* Rear End Collision of Two Chicago Transit Authority Trains Near the Montrose Avenue Station, Chicago, Illinois, August 17, 1984.
2. *Highway Accident Report:* Fatigue-Related Vehicle Accidents Near Haskell Heights, Indiana, April 20, 1984; Near Cheyenne, Wyoming, July 18, 1984; Near Junction City, Arkansas, October 19, 1984.
3. *Marine Accident Report:* Explosion and Sinking of the United States Tankship S.S. AMERICAN EAGLE, Gulf of Mexico, February 26 and 27, 1984, Recommendation Letters to Mine Safety Appliance Company and the U.S. Coast Guard.
4. *Recommendation* to Consolidated Rail Corporation and the Association of American Railroads concerning methods of preventing signal obscuring by inclement weather conditions, in connection with the collision of two freight trains at Millbury, Ohio, on November 11, 1983.

CONTACT PERSON FOR MORE INFORMATION: Catherine T. Kaputa (202) 382–6525.

Catherine T. Kaputa,

Federal Register Liaison Officer.

June 14, 1985.

[FR Doc. 85–14755 Filed 6–14–85; 4:33 pm]

BILLING CODE 7533–01–M

10

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of June 17, 24, July 1, and 8, 1985.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of June 17

Wednesday, June 19

10:00 a.m.
Briefing by Executive Branch (Closed—Ex. 1)
2:00 p.m.
Staff Briefing on Final Rule on HEU Regulations for Domestic Non-Power Reactors (Public Meeting)

Thursday, June 20

11:00 a.m.
Periodic Meeting with Advisory Panel for Decontamination of TMI-2 (Public Meeting)
2:20 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Severe Accident Policy Statement (Postponed from June 13)
b. Final Pressurized Thermal Shock Rule
c. Director's Denial of 2.206 Petition (Midland DD-84-17) (tentative)
2:30 p.m.
Discussion of Commission Position on Price-Anderson (Public Meeting)

Friday, June 21

10:00 a.m.
Continuation of 5/15 Briefing on Proposed Revision of Part 20 (Public Meeting)

Week of June 24—Tentative

Wednesday, June 26

2:00 p.m.
Discussion/Possible Vote on Final Rule on Backfitting (Public Meeting)

Thursday, June 27

1:00 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of July 1—Tentative

Tuesday, July 2

10:00 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
2:00 p.m.
Discussion of Pending Investigations (Closed—Ex. 5 & 7)

Wednesday, July 3

3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of July 8

Tuesday, July 9

2:00 p.m.
Discussion of Pending Investigations (Closed—Ex. 5 & 7)

Wednesday, July 10

10:00 a.m.
Discussion/Possible Vote on Full Power Operating License for Diablo Canyon-2 (Public Meeting)
2:00 p.m.
Discussion/Possible Vote on Full Power Operating License for Fermi-2 (Public Meeting)

Thursday, July 11

9:30 a.m.
Periodic Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting)
11:30 a.m.
Affirmation Meeting (Public Meeting) (if needed)

ADDITIONAL INFORMATION:

Discussion/Possible Vote on Full Power Operating License for Limerick scheduled for June 11, *canceled.*
Affirmation of Limerick Order (Public Meeting) was held on June 11.

TO VERIFY THE STATUS OF MEETINGS CALL (Recording): (202) 634-1498.

CONTACT PERSON OR MORE INFORMATION: Julia Corrado (202) 634-1410.

Julia Corrado,

Office of the Secretary.

June 13, 1985.

[FR Doc. 85-14765 Filed 6-14-85; 4:55 pm]

BILLING CODE 7590-01-M

11

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

(Northwest Power planning Council)

STATUS: Open.

TIME AND DATE: 9:00 a.m., June 26-27, 1985

PLACE: Federal Building, South Auditorium, 915 Second Avenue, Seattle, Washington.

MATTERS TO BE CONSIDERED:

- Council Decision to Enter Rulemaking on an Amendment Regarding the Council's Model Conservation Standards
- Additional Staff Presentation on Draft Resource Portfolio
- Public Comment on System Planning and Accounting/Modeling Discussion Papers
- Council Decision on the Northwest Power Planning Council's Revised Fiscal Year 1986 and 1987 Draft Budget
- Council Business

Public comment will follow each item.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Wong, (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 85-14783 Filed 6-17-85; 9:37 am]

BILLING CODE 0000-00-M

12

POSTAL RATE COMMISSION

Amended Notice of Meeting

TIME AND DATE: June 28, 1985.

PLACE: Room 300, 1333 H Street, NW., Washington, DC 20268-0001.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Notice published in Vol. 50, No. 113, **Federal Register**, p. 24740, June 12, 1985, is amended under. "Matters To Be Considered" to read: Docket No. RM85-1, Publication of the Domestic Mail Classification Schedule, and possible discussion of personnel matters.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Room 300, 1333 H Street, NW., Washington, D.C. 20268-0001, Telephone (202) 789-6840.

Charles L. Clapp,

Secretary.

[FR Doc. 85-14820 Filed 6-17-85; 11:24 am]

BILLING CODE 7715-01-M

13

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of June 24, 1985.

An open meeting will be held on Thursday, June 27, 1985, at 10:00 a.m., in Room 1C30, followed by a closed meeting.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Commissioner Cox, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Thursday, June 27, 1985, at 10:00 a.m., will be:

1. Consideration of a release announcing the adoption of Securities Exchange Act Rule 3a4-1 to provide that under certain specified circumstances, persons associated with an issuer of securities who participate in a sale of those securities shall not be deemed "brokers," as defined in Section 3(a)(4) of the Securities Exchange Act of 1934. For further information, please contact Susan J. Walters at (202) 272-2848.

2. Consideration of whether to grant the order by Central Power and Light Company ("CP&L") a wholly owned subsidiary of

Central and South West Corporation ("CSW"), a registered holding company, relating to the authorization of CP&L to issue and sell $90 million aggregate principal amount of first mortgage bonds through December 31, 1986. This proposal was noticed by the Commission on February 26, 1985 (HCAR No. 23615) and the City of Brownsville, Texas has intervened and requested a hearing. For further information, please contact Robert P. Wason at (202) 272–7684.

3. Consideration of (i) whether to publish for comment proposed amendments of Regulation S–X which would govern disclosure of information related to certain repurchase and reverse repurchase transactions, (ii) whether to request comments on possible future rulemaking for a broad range of financial transactions and (iii) authorization for the Chief Accountant to recommend to the Financial Accounting Standards Board that a project on "financial assets and transactions," to include repurchase and reverse repurchase transactions, be placed on its agenda. For further information, please contact Mike McLaughlin at (202) 272–2130.

The subject matter of the closed meeting scheduled for Thursday, June 27, 1985, following the 10:00 a.m. open meeting, will be:

Formal orders of investigation.
Report of investigation.
Settlement of injunctive action.
Institution of administrative proceeding of an enforcement nature.
Institution of injunctive action.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: David Powers at (202) 272–2091.

Shirley E. Hollis,

Assistant Secretary.

June 14, 1985

[FR Doc. 85–14757 Filed 6–14–85; 4:33 pm]

BILLING CODE 8010–01–M

federal register

Wednesday
June 19, 1985

Part II

Environmental Protection Agency

40 CFR Parts 202 and 205

Motor Carriers Engaged in Interstate Commerce; Noise Standards and Transportation Equipment Noise Emission Controls; Medium and Heavy Trucks; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 202 and 205

[FRL 2818-4]

Motor Carriers Engaged in Interstate Commerce; Noise Standards and Transportation Equipment Noise Emission Controls; Medium and Heavy Trucks

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) proposes to concurrently:

1. Defer the effective date of the 80 decibel (dB) noise standard for newly manufactured medium and heavy trucks (40 CFR Part 205, Subpart B) having a GVWR [1] greater than 10,000 lbs., from January 1, 1986 to January 1, 1988; and

2. Amend the noise emission regulation for motor carriers engaged in interstate commerce (40 CFR Part 202, Subpart B) to require 1986 and later model year vehicles, having a GVWR greater than 10,000 pounds, not to exceed a noise level of: 83 dB at speeds of 35 MPH or less; 87 dB at speeds above 35 MPH; and 85 dB when the truck engine is accelerated with the vehicle stationary.

These two closely related environmental actions are being proposed in response to petitions (Ref. 1) for a delay of the medium and heavy truck (MHT) 80 dB noise standard which were submitted by the International Harvester Company, the Ford Motor Company, the General Motors Corporation, and the American Trucking Association.

The petitioners requested additional time to permit the coordination of otherwise duplicative design, engineering and testing efforts necessary to comply with both the MHT 80 dB noise standard and EPA's nitrogen oxide (NO_x) and particulate emission standards for heavy-duty engines that were promulgated on March 15, 1985 (50 FR 10606).

The Administrator has concluded that the petitioners' request has economic merit and that the granting of a two-year deferral should significantly reduce duplicative design, engineering and testing, thereby producing economic benefits that should accrue to the public. However, such deferral will result in an attendant delay in health and welfare benefits to that segment of the nation's population that is regularly exposed to truck noise. To reduce the potential near term loss of benefits, due to the delayed entry into the fleet of the MHT 80 dB truck, the Administrator is concurrently proposing lower in-use noise emission levels for 1986 and later model year trucks operated by motor carriers engaged in interstate commerce.

The deferral of the MHT 80 dB noise standard should have only a minor adverse impact on near term (1986 through 1988) health and welfare benefits because of the concurrent amendment to the in-use noise emission standards.

The more stringent interstate motor carrier in-use noise emission standards should have a very beneficial effect on long-term health and welfare by significantly restricting the permitted increase (degradation) in the noise emission of 1986 and later model year quiet trucks.

The Administrator hereby gives notice that this proposed deferral of the MHT 80 dB standard is the last that will be considered.

DATE: The official docket for these concurrently proposed actions will remain open for the submission of comments until 4:30 p.m., July 19, 1950. At that time all materials submitted for the record will become part of the official record.

ADDRESS: Written comments should be submitted to: Assistant Administrator, Office of Air and Radiation (AR-443), Docket No. OPMO-0184, U.S. Environmental Protection Agency, Washington, D.C. 20460.

Persons wishing to review Docket No. OPMO-0184 and the information upon which the concurrently proposed actions are based, may do so between the hours of 8:00 a.m. and 4:00 p.m. at EPA's Public Information Reference Unit, Headquarters' Library, Room 2904, 401 M Street, SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth E. Feith, Office of Air and Radiation (AR-471C), U.S. Environmental Protection Agency, Washington, D.C. 20460, Telephone: (703) 557-8540.

SUPPLEMENTARY INFORMATION:

I. Introduction

Through the Noise Control Act of 1972, 42 U.S.C. 4901 et seq. ("the Act"), Congress established a National Policy "to promote an environment for all Americans free from noise that jeopardizes their health or welfare." In pursuit of that policy, Congress stated in section 2(a)(3) of the Act, "that, while primary responsibility for control of noise rests with State and local governments, Federal action is essential to deal with major noise sources in commerce, [the] control of which requires national uniformity of treatment."

Section 6 of the Act requires the Administrator to publish regulations for transportation equipment (among other products) which, in his judgment, are major sources of noise (pursuant to the criteria and requirements of section 5 of the Act) and for which, in his judgment, noise emission standards are feasible. The regulation (and any revisions thereof) shall include a noise emission standard(s) which set(s) limits on the noise emission that are requisite to protect the public health and welfare, taking into account the magnitude and conditions of use of the product (alone or in combination with other noise sources), the degree of noise reduction achievable through the application of best available technology, and the cost of compliance.

Section 18 of the Act requires the Administrator to publish noise emission regulations, including standards that set "limits on noise emissions resulting from operation of motor carriers engaged in interstate commerce, which reflect the degree of noise reduction achievable through application of the best available technology, taking into account the cost of compliance." These regulations are in addition to any regulations that may be published under section 6 of the Act.

Regulations issued pursuant to sections 6 and 18 preempt States and political subdivisions thereof from adopting or enforcing any law or regulation which sets a limit on noise emissions from products regulated EPA unless such law or regulation is identical to the Federal regulation.

II. Background

A. Medium and Heavy Truck Noise Emission Regulation

In April of 1976, EPA published (41 FR 15538) under section 6 of the Act, noise emission regulations (Ref. 2) for newly manufactured trucks having a GVWR over 10,000 lbs. The regulation set an 83 decibel (dB) noise emission level, under specified testing conditions, for trucks manufactured on or after January 1, 1978, and an 80 dB level effective January 1, 1982.

During the fall of 1980, the Administrator received petitions from the International Harvester Company and Mack Trucks, Incorporated, requesting that the 1982 MHT 80 dB standard be deferred for two or three

[1] GVWR—Gross Vehicle Weight Rating.

years or be rescinded because of the depressed economic condition of the trucking industry. The Agency found insufficient basis with respect to available technology and health and welfare impacts to justify a rescission of the MHT 80 dB standard. However, a deferral of one year (Ref. 3), from January 1, 1982 to January 1, 1983, was granted in January of 1981 (46 FR 8497) on the basis of the depressed economic condition of the trucking industry and the attendant reduction in truck sales during the 1979–1980 time period. The Administrator's intent in providing this deferral was to afford the industry an additional year for economic recovery and to ease the possible cash flow problems which several manufacturers claimed they would face during the latter part of 1981. EPA determined that the brief deferral would result in only a small adverse effect on the near-term health and welfare benefits expected from the MHT 80 dB standard. The 1981 deferral notice established a 90-day public comment period, after the fact, for the submission of new information that might dictate the need for further relief from the MHT 80 dB standard.

In February of 1981, the Agency received a request from the Vice President's Task Force on Regulatory Relief to review the MHT 80 dB truck standard. This action was triggered by requests to that task force from several truck manufacturers. On March 19, 1981, the Administrator solicited (46 FR 17558) public comment and technical data concerning possible withdrawal of the MHT 80 dB standard (Ref. 4). A substantial amount of data was collected by the Agency from truck manufacturers and other sources including the Department of Transportation's Bureau of Motor Carrier Safety (BMCS), relative to available technology, costs of compliance, possible economic effects, and potential impacts on public health and welfare. Several States and local governments opposed further delay of the MHT 80 dB standard. They argued that a deferral of the MHT 80 dB standard in the absence of lower "in-use" noise emission standards could have an adverse impact on public health and welfare.

The Administration determined that the one year deferral, granted in January of 1981, was inadequate in light of the continuing industry slump. The Agency's analysis suggested that cost savings might be realized by combining the design, engineering and testing needed to meet the MHT 80 dB noise standard with that required to achieve greater fuel efficiencies and in particular, to meet the more stringent EPA exhaust emission standards then anticipated for the 1986 and later model year heavy-duty trucks. On this basis a second deferral (Ref. 5) of the MHT 80 dB standard, from January 1, 1983, to January 1, 1986 was granted by the Administrator on February 6, 1982 (47 FR 7188).

The Administration also concluded that, in light of the extended deferral period and the comments and new information received during the public comment period, it was unnecessary to further consider rescission of the MHT 80 dB standard.

B. Motor Carriers Engaged in Interstate Commerce—Noise Emission Standards

On October 24, 1974, under section 18 of the Act, EPA published in-use noise emissions standards (Ref. 6) for motor carriers engaged in interstate commerce (39 FR 38208). The regulation is applicable only to vehicles of interstate motor carriers (IMC) having a GVWR in excess of 10,000 lbs.

The IMC noise emission standards specify not-to-exceed noise limits for each of three operating conditions. The operating conditions and their respective noise limits at a distance of 50 feet are:

- Low speed operation: passby speed limit of 35 MPH or less—86 dB.
- High speed operation: passby speed limit over 35 MPH—90 dB.
- Stationary: run-up test—88 dB.

Any one of more of these test procedures and a visual inspection of the exhaust system and tires may be used to determine non-compliance. On September 8, 1975 the U.S. Department of Transportation (DOT) issued a regulation (Ref. 7) that specified compliance test procedures (49 CFR Part 325) for the EPA regulation which is enforced by DOT's Bureau of Motor Carrier Safety (BMCS). The effective date of both regulations was October 15, 1975.

The purpose of the IMC regulation was two-fold. First, it served to establish nationally uniform limits on truck noise levels in place of diverse State and local noise laws and regulations. Second, it served as a procursor to Federal noise regulations under section 6 of the Act for newly manufactured medium an heavy trucks. The noise level standards specified in the IMC regulation were not intended to reduce the noise of the "typical" truck. Rather, they to "cap" the then existing fleet noise level and reduce the noise from those vehicles that were exceptionally noisy, e.g., trucks operating with a defective exhaust system, without a muffler, or with pocket retread tires (which are inherently noisy). The regulation basically required proper maintenance and/or tire replacement. The IMC noise standards were established on the basis of actual in-use truck noise level data obtained during the early 1970's. The data indicated that "exceptionally noisy" vehicles comprised between 20 and 25 percent of the medium and heavy truck fleet at that time.

In accordance with section 18 of the Act, it was the Agency's stated intention (Ref. 6) to revise downward the "in-use" noise levels as new, quieter trucks entered the nation's fleet as a result of new truck regulations under section 6 of the Act.

III. Discussion

A. Deferral of 80 dB Noise Emission Standard for Medium and Heavy Trucks

On September 26, 1983, the International Harvester Company (IH) submitted a petition to EPA requesting further reconsideration of the January 1, 1986 effective date for the MHT 80 dB standard for newly manufactured medium and heavy trucks. General Motors Corporation (GM) submitted a similar petition on September 30, followed by petitions from the Ford Motor Company (Ford) on December 15 and the American Trucking Association on January 9, 1984. The petitioners requested that the effective date be delayed on coincide with or follow the effective date(s) of EPA's anticipated new heavy-duty truck emission standards for oxides of nitrogen (NO_x) and particulates.

The petitions centered on the delay in the issuance of exhaust emission standards that were previously anticipated for the 1986 truck model year. Because the Agency had, in part, based its previous (February 1982) deferral of the MHT 80 dB standard on its anticipated 1986 model year truck exhaust emission standards, the petitioners argued that the Agency should again postpone the noise standard to coincide with or follow the effective date of the new exhaust standards.

While one petitioner continued to cite depressed sales, relative to the industries' 1978 peak sales year, as a major basis for further deferral, the significant rebound in truck sales in 1983 and 1984 caused the other petitioners to shift the focus of their argument in support of their request. The manufacturers conceded their ability to meet the MHT 80 dB standard in 1986, but pointed to potential technological changes to engines and exhaust systems that might be required to meet EPA's

revised exhaust standards and the potential effect of such changes on the noise characteristics of the vehicle. More particularly, the petitioners expressed concern that the design, engineering, testing and noise suppression work that is necessary to bring new trucks into compliance with the 1986 MHT 80 dB noise standard may be negated within one or two model years due to potential changes in engine and/or exhaust system design and operation that might be dictated by new exhaust emission standards.

On October 15, 1984, EPA proposed short- and long-term NO_x and particulate emission standards for heavy-duty engines (40 FR 40258). Subsequently, Ford submitted to the Agency a detailed listing of technological changes it believed were necessary for Ford to meet the proposed short-term exhaust emission standards. Ford claimed that the design, engineering and testing requirements necessary to meet the short-term standards are comparable to those for the more stringent exhaust standards. Ford contended that a two-year deferral of the MHT 80 dB noise standard from January 1, 1986, to January 1, 1988, would allow them to adequately coordinate activities, thus avoiding duplication of work and costs. GM had initially requested a two-year deferral but did not provide additional formal comment on the potential impact of the short-term exhaust standards on their design, engineering and testing for the MHT 80 dB standard. IH initially submitted technical data indicating a need for redesign, engineering and testing of several truck models in order to meet the proposed short-term exhaust standards. IH had requested a minimum deferral of two years with a preference for deferral until one year after the effective date of the final exhaust emission standards.

On March 15, 1985, EPA published new exhaust emission standards (50 FR 10606) which established short-term NO_x and particulate levels for 1988 and later model year heavy-duty trucks, and more stringent levels for 1991 and later model year vehicles (Ref. 8).

1. Technological Considerations For Deferral

In response (Ref. 9) to Agency inquiries (Ref. 10) Ford, IH, and GM each provided EPA their technical assessment of design changes necessary to meet anticipated new exhaust standards, listing the potential noise emission consequences. These changes include (a) retarded injector timing, (b) lower air temperature (charge air temperature), (c) higher compression ratio, (d) higher compression pressures, (e) electronic fuel systems, (f) electronic governor, (g) injectors, (h) pistons, and (i) high efficiency turbochargers. Table I delineates those specific design changes having potential vehicle noise effects based on both EPA (Ref. II) and industry engineering judgment and limited hardware testing by several manufacturers.

TABLE I.—POSSIBLE INFLUENCE OF EXHAUST EMISSION CONTROLS ON TRUCK NOISE EMISSION

Potential changes for exhaust emission control	Potential effects on noise
Emission control strategies to meet 6.0 g/BHP-hr[1] NO_x standard include optimization of ignition timing, EGR[2] rates and air/fuel ratio calibration.	Changes to EGR supply may require exhaust system revisions. *Effect on noise is dependent on final designs and requires retesting for noise.*
Non-catalyst engines may require increased air injection and thermactor, as well as vehicle chassis modifications.	Increased air injection and thermactor modifications may require re-engineering of the exhaust and air intake system. *Effect on noise is dependent on final designs and requires retesting for noise.*
Absent more stringent emission standards, the application of turbocharging, aftercooling and electronic engine controls would increase.	Turbocharging generally *reduces noise*, aftercooling generally *increases noise*, electronic controls can do either. *Noise testing/evaluation is required.*
Injection timing retard reduces NO_x and increases particulate emissions.	Injection timing retard reduces engine noise *and would necessitate re-engineering of noise hardware and retesting.*
Fuel injection nozzles and combustion chamber modifications are being investigated to reduce particulate emissions.	Combustion chamber modifications will change the noise characteristics of the engine. *Noise testing/evaluation is required.*
Full optimization of fuel control will require electronics.	Fuel injection timing changes can increase or reduce engine noise. *This possibility would necessitate re-engineering of noise hardware and retesting.*
Detroit Diesel, IH, and Caterpillar will use some combination of variable injection timing, limited use of electronic injection controls and some combustion controls and some combustion chamber modifications techniques to achieve NO_x and particulate compliance—the degree of modification will vary among engines/manufacturers.	The combination of these changes will affect noise emissions. *The direction and magnitude of that effect is unknown and requires reevaluation and testing.*

[1] g/BHP-hr: gram per brake horsepower hour.
[2] EGR: Exhaust Gas Recirculation.

2. Potential Economic Impact of Deferral

The petitioners have supplied the Agency with limited cost, sales and other economic data in response to specific questions posed to them by EPA. These new data were evaluated in light of economic data previously developed by the Agency during its consideration of previous requests for deferral of the MHT 80 dB standard (46 FR 8497 and 47 FR 7188). Key factors in EPA's assessment of potential cost savings and economic effects of a two-year deferral include:

(1) The effective data of the new exhaust emission standards in relation to that of the noise standard. Cost savings are possible if the design, engineering and testing for both regulations are combined or closely coordinated.

(2) The effect a two-year deferral will have on manufacturers' opportunity costs.

(3) The potential savings to ultimate purchasers resulting from the deferral of additional "pass-through" costs attendant to the MHT 80 dB truck.

(4) The deferral of potential lost sales due to a price increase associated with the MHT 80 db truck.

The cost and economic data presented by the industry as well as other information immediately available to EPA, generally supports the industry's claim of cost efficiencies through the combination of design, engineering and testing attendant to both the MHT 80 dB noise and exhaust emission standards.

The data suggests the following savings or conditions for each of the above factors:

(1) The truck manufacturing industry may realize, between 1986 and 1988, a cost saving of approximately $10 million by combining and coordinating the design, engineering and testing attendant to the MHT 80 dB noise and new exhaust emission standards.

(2) A two-year deferral of the MHT 80 dB noise standard could result in an estimated $5 million saving in opportunity costs.

(3) Potential cost savings to ultimate purchasers, resulting from a two-year delay of the MHT 80 dB standard, are estimated at $139.5 million. This assumes total truck sales of 500,000 between 1986 and 1988 and a potential cost differential of $279 between the MHT 80 dB and the current MHT 83 dB truck.

(4) The elasticity of demand in the truck industry has remained relatively constant at 0.1 over the years. We have no reason to believe that a deferral of the MHT 80 dB standard would produce a significant change in demand elasticity.

3. Health and Welfare Impact of Deferral

The petitioners contend that a large percentage of trucks entering the fleet since 1978 are already at or below the

MHT 80 dB level, thus suggesting that further deferral of the MHT 80 dB standard would have little adverse impact on the public's health and welfare. The Agency believes this contention is valid only if the noise emitted from these trucks does not degrade (increase significantly in-use.

The Agency's 1981 conclusion that a three year deferral from 1983 to 1986 would not have a significant adverse impact on public health and welfare was based on the fact that many post-1977 trucks were entering the fleet with noise levels less than 80 dB. The Agency did not anticipate significant fleet noise degradation prior to 1986 (7 years following entry of the first MHT 83 dB trucks). This conclusion was based, in part, on the assumption that first owners generally keep a vehicle approximately 7 years or through its first major overhaul, performing most manufacturer-recommended maintenance to meet warranty requirements. However, the Agency believes that by 1986 the noise levels of these early model trucks will begin to degrade as a result of changing use patterns and reduced maintenance by second and beyond owners.

In the absence of either an MHT 80dB replacement truck or lower in-use noise emission standards, the Agency expects a significant loss of short-term health and welfare benefits. The potential for increased impact from traffic noise is significant, particularly in urban areas where severe noise exposure already exists and where the potential increase in exposed population is the greatest. The proposed two-year deferral on the MHT 80 dB standard is expected to result in an attendant delay of benefits, beyond 1986, to approximately 5.0 million persons who are regularly exposed to truck noise (Ref. 12) unless in-use IMC standards are lowered.

B. Revision Of Motor Carrier Noise Emission Standards

The noise emission standards established in 1975 for interstate motor carriers (IMC) were necessarily restricted because of the wide age range (new to greater than 15 years) of trucks in the 1975 fleet. The noise standards were initially determined on the basis of the actual distribution of truck noise levels in the early 1970's. As noted above, the IMC regulation was intended primarily to control the noise from those vehicles that were exceptionally noisy—e.g., trucks operating with defective exhaust systems, without a muffler, or with excessively noisy tires. The IMC standards effectively placed a "cap" on the 1976 truck fleet noise level by requiring operators of exceptionally noisy trucks to correct the causes and bring their trucks into conformance with the rest of the fleet. In addition, the regulation provided an incentive for all operators to sustain the noise control performance of their vehicles through proper maintenance.

While the IMC regulation served to reduce the number of especially noisy vehicles in the truck fleet, it did not require retrofit to incorporate new noise control technology. Consequently, the average noise level of the fleet could not decrease below the average for properly maintained pre-1978 vehicles. The MHT regulation, on the other hand, prescribed lower noise limits for newly manufactured trucks that required application of best available noise control technology. More effective exhaust and muffler systems, quieter air intake systems, and limited engine shielding were the principal methods used to reduce new truck noise. The intent was to permit only "quieted" trucks to enter the fleet. Thus, over a period of time, if the lower noise levels of the MHT vehicles were sustained, the average noise level of the fleet would decrease as quieted trucks comprised more and more of the fleet.

1. Truck Fleet Noise Levels

The IMC and MHT regulations together have led to a substantial decrease in truck noise over the past decade. Other factors that also contributed to this noise reduction include the introduction of the 55 mph speed limit, which served to reduce high-speed tire noise (the principal contributor to truck noise at speeds above 35 mph), and the increased emphasis on fuel economy which resulted in the widespread use of lower-rpm engines, turbocharged engines, and ribbed-tread radial tires.

There is extensive data on the current levels and distribution of truck noise. The Bureau of Motor Carrier Safety (BMCS) has recorded in excess of 53,000 measurements of in-use truck noise levels (Ref. 13). Data on the noise emissions of newly manufactured trucks were provided to EPA by truck manufacturers in accordance with previous Production Verification (PV) Report provisions of the MHT regulation (Ref. 14). The provisions required manufacturers to report noise levels of their noisiest (worst case) truck configuration.[2] EPA surveillance activities attendant to the MHT regulation from 1978 through 1981 generated substantial low-speed and stationary test noise level data for new trucks.

Figure 1 shows the substantial decrease in the fleet average high-speed (over 35 mph) truck noise level that has occurred since 1972. A similar reduction has been realized at low speeds (35 mph and below).

[2] "Configuration" is defined in 40 CFR 205.5(a)(9), as "the basic classification unit of a manufacturer's product line [which] . . . is comprised of all vehicle designs, models or series which are identical in material aspects with respect to [specified] parameters . . . ."

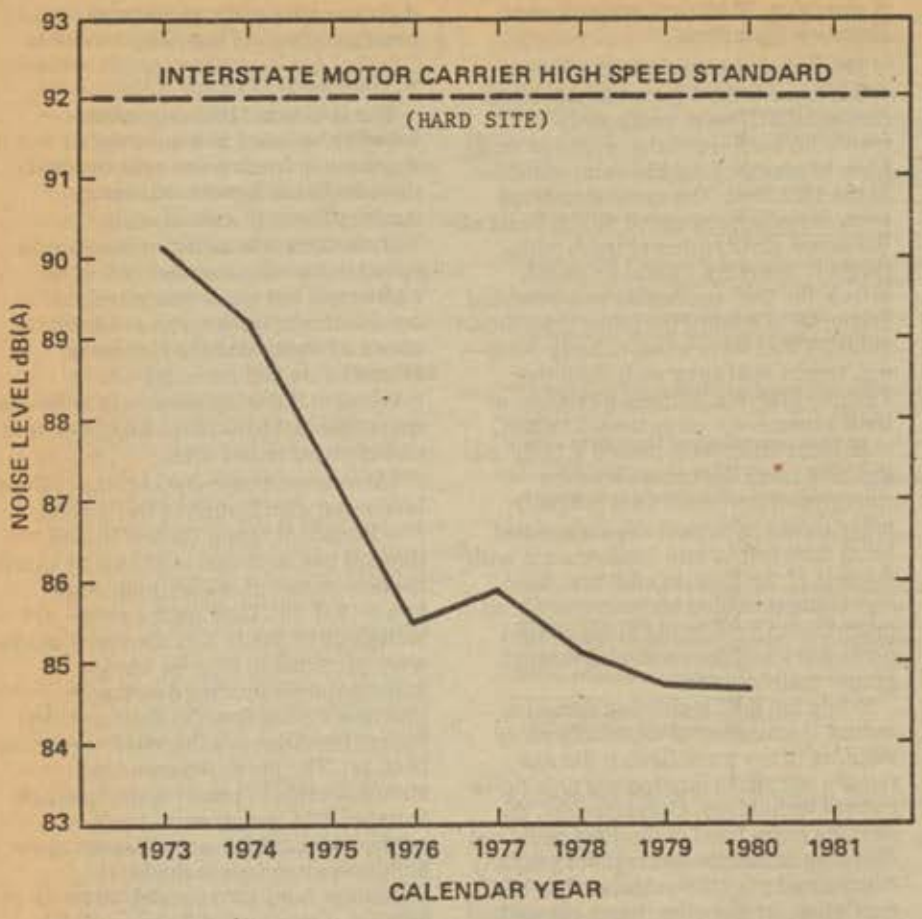

FIGURE 1. AVERAGE IN-USE TRUCK NOISE LEVELS: HIGH SPEED OPERATION, 1973-1981.

Table 1 summarizes the average noise levels, in dB, observed for the pre-1978 and post-1977 medium and heavy truck fleets. The amount of noise reduction is determined by comparing the noise levels in various time frames.

Table 1

Operating regime	IMC standard		Truck fleet (hard site)		MHT regulation trucks (hard site) 1978–81 (13 and 14)
	Hard site[1]	Soft site	1972–74 (13)	1980–81 (14)	
High speed	[1]92	[2]90	89.5	84.7	83.4
Low speed	[1]88	[2]86	86.7	N/A	80.6
Stationary	[1][2]88	86	86.2	79.9	79.2

[1] BMCS standard 49 CFR Part 325—does not include 2 dB measurement tolerance.
[2] EPA standard 40 CFR Part 202, Subpart B.

It is apparent that the average fleet noise levels shown in Table 1 are substantially below the existing IMC standards. The difference in average noise level between the fleet in the 1972–74 time frame and the MHT-regulated trucks in the 1978–81 time frame exceeds 6 dB for both high speed and stationary test conditions. Manufacturers' PV reports from 1978 to 1981 showed that the average noise emission level of the "noisiest configuration" of newly manufactured trucks was 80.6 dB. This average level compares very well with data submitted by the petitioners in 1984 in response to an EPA request. This represents a noise reduction of about 7 dB from pre-1972 new truck levels. More importantly, it represents a 3 dB reduction from the noise emissions of trucks that were manufactured between 1974 and 1978 and which complied with the IMC 86 dB (88 hard site) standard.

Based on the most recent BMCS test data (1980–81), approximately 97 percent of the trucks measured, including pre-1978 vehicles, were in compliance with the IMC stationary test standard, and 94 percent were in compliance with its high speed standard. As a result of this high level of compliance with an admittedly outdated IMC standard, the BMCS no longer maintains an active enforcement program.

The effects of the MHT regulation are only beginning to be seen in the in-use average noise level because an estimated 30 percent of the trucks in today's fleet still are of pre-1978 manufacture; the typical useful lifespan of a medium or heavy truck is about 15 years. As the MHT 83 dB trucks begin to age, their noise levels may increase in the absence of continued proper maintenance. The present IMC high-speed noise standard of 92 dB, plus the 2 dB measurement tolerance permitted by the BMCS (49 CFR Part 325), and the IMC low-speed hard site noise standard of 88 dB (comparable to the MHT 83 dB standard) plus the 2 dB tolerance, allows—indeed arguably encourages—substantial degradation (increase) of in-use noise levels for the present fleet. In the absence of more stringent IMC standards, the fleet noise level will rise above that which would otherwise be afforded by the MHT 83 dB truck.

2. Proposed Revision of the IMC Standard and Projected Compliance

The original low-speed IMC standard was primarily developed to address drive train noise, e.g., the engine, transmission, and exhaust system. The MHT regulation has significantly reduced drive train noise. The 4 dB difference between the IMC low-speed and high-speed noise limits was to account for tire noise at higher speeds (above 35 mph). That differential was to eliminate excessively noisy tire designs. The stationary test was included in the IMC regulation in order to facilitate measurements at truck weighing stations.

There were two underlying principles upon which the IMC levels were originally selected:

- The levels were based on the actual noise level of the truck fleet.

• The levels were designed to reduce the noise of the very noisiest truck, as opposed to that of the average truck.

These principles have been applied in the development of the proposed reduced noise levels presented in Table 2, which better reflect present noise control technology and fleet noise levels. The proposed levels of the IMC standards would be applicable to 1986 and later model year vehicles. While the proposed standards represent a 50 percent decrease in sound power which is equivalent, in terms of noise, to reducing the number of trucks in the fleet by 50 percent, they are consistent with the levels of the average present-day truck.

TABLE 2.—PROPOSED IN-USE (IMC) NOISE EMISSION STANDARDS FOR 1986 AND LATER MODEL YEAR VEHICLES

Operating regime	Noise level (dB)	
	Present	Proposed
High speed	[1] 90	[1] 87
Low speed	[1] 86	[1] 83
Stationary test	[2] 88	[2] 85

[1] Soft site.
[2] Hard site.

Table 3 presents the percentage of trucks that BMCS data indicate are at or below specific high-speed, low-speed and stationary test noise levels.

TABLE 3.—PERCENTAGE OF TRUCKS AT OR BELOW NOISE LEVELS IN IMC TEST MODES

Level (dB)	High speed (percent)	Low speed (percent)	Stationary (percent)
80	36	80	66
81	49	89	76
82	62	94	85
83	74	96	90
84	84	99	94
85	91		96
86	95		98
87	98		99
88			
90			

These data indicate that 98 percent of the present truck fleet could comply with the proposed IMC high-speed noise level of 87 dB without the need for retrofit. Similarly, approximately 98 percent of the MHT fleet are already in compliance with the proposed IMC low-speed noise level of 83 dB and an estimated 96 percent could comply with the proposed stationary test level of 85 dB.

3. Cost of Compliance

The proposed revision of the IMC noise standards would apply only to 1986 and later model year vehicles. Thus, the more stringent standards would not impose new costs on present motor carriers. Further, 1986 and 1987 model year trucks that have a GVWR greater than 10,000 lbs. already must comply with the MHT 83 dB standard. Other than normal maintenance costs dictated by manufacturers' warranties, no additional costs would be imposed on ultimate purchasers of these vehicles as a result of the revised IMC standards. Trucks manufactured after January 1, 1988, will have to comply with the not-to-exceed MHT 80 dB standard. The Agency would not expect the revised IMC standards to impose on owners more than the ordinary costs of proper maintenance which have already been included and accounted for in the cost-effectiveness analysis of the MHT 80 dB regulation.

In consideration of the costs and potential benefits associated with the MHT and IMC regulations, it appears that if the proposed revisions of the IMC noise standards are not effected, there is a significant risk of losing those health and welfare benefits already attained as a result of the MHT 83 dB standard. Such loss of benefits, resulting from poor maintenance of these "quiet" vehicles, can serve to significantly increase the apparent cost per unit of public benefit from the MHT standard.

The Agency determined that defective mufflers are the major cause of truck noise degradation. On the average, medium and heavy truck mufflers are replaced three times in eight years. The average difference in list price between pre-MHT 83 dB mufflers and the MHT mufflers for diesel-powered trucks is estimated at $62.46. Therefore, the annual cost of muffler maintenance is estimated to be $23.42 for 1986 and later model diesel-powered trucks. Mufflers for gasoline-powered vehicles are less expensive and annual muffler maintenance cost is estimated to be $13.50 for 1986 and later model vehicles.

These estimated annual costs have been weighted by the market shares of diesel and gasoline-powered trucks to obtain an average cost per truck, based on a ⅓–⅔ market share split between gasoline and diesel-powered trucks respectively. The amortized cost of muffler replacement in terms of cost per mile is estimated at $0.000234 per mile for diesel engine vehicles (assuming 100,000 miles per year) and $0.00027 per mile for gasoline-powered vehicles (assuming 50,000 miles per year).

4. Health and Welfare Considerations

The Agency estimates that by the year 2000, about 158 million people would be exposed to day-night average noise levels (Ld_n) above 55 decibels [3] in the absence of the MHT 83 dB truck standard. The MHT 83 dB standard is expected to reduce by about 22 million the number of people exposed by the year 2000. Much, if not all, of this reduction in noise impact could be lost if in-use noise emission standards are not sufficiently stringent to encourage continued proper maintenance.

In addition, a primary concern in the granting of a two-year deferral of the MHT 80 dB noise emission standard is the potential near-term loss of benefits and the delay of benefits in the out years.

The petitioners, in support of their request for deferral of the MHT 80 dB standard, point to the reduced in-use noise levels of trucks that have been built to comply with the MHT 83 dB standard. They claim these vehicles are entering the fleet with noise levels ranging from 77 to 82 dB. They argue that an additional deferral "would not impose an undue risk to the public's health and welfare." This conclusion presumes that the vehicles will maintain their noise level integrity with use. The Agency believes that for this to be assured, the IMC in-use noise emission standards for 1986 and later model year vehicles must be commensurate with the present fleet noise level. By keeping the fleet noise level degradation to a minimum, it is believed that the delay of benefits attendant to the MHT 80 dB standard can be reduced. In consideration of this fact, all of the petitioners have stated their support for more stringent IMC noise emission standards.

IV. Conclusion

The Administrator has concluded that the proposed deferral of the MHT 80 dB noise emission standard is in the public interest and should result in cost savings to both truck manufacturers and the public. He has further concluded that such deferral must be accompanied by actions to minimize any potential loss of health and welfare benefits to the public.

Accordingly, the Administrator is proposing to defer the effective date of the MHT 80 dB noise emission standard from January 1, 1986 to January 1, 1988 and concurrently to make more stringent the IMC noise standards for 1986 and later model year vehicles. The Administrator believes that this latter action should mitigate the potential near-term delay of health and welfare benefits arising from the deferral of the MHT 80 dB noise standard. Further, and more importantly, the proposed IMC standards should provide long-term health and welfare benefits that far

[3] Ld_n 55 is the level determined requisite to protect public health and welfare with an adequate margin of safety.

outweigh their near-term utility by requiring continuance of proper maintenance to ensure vehicle noise control integrity.

V. Administrative Designation

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. These two concurrent actions are not judged "major" because they do not impose significant new costs. All costs of technology and maintenance for the post 1985 model year trucks affected by this regulation are already largely reflected in the costs attendant to the existing medium and heavy truck regulation. Additionally, they are not judged major because:

(1) They will not have an annual adverse effect on the economy of $100 million or more;

(2) They will not cause a major increase in costs or prices to consumers, individual industries, Federal, State or local government agencies or geographic regions; and

(3) They will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States enterprises to compete with foreign enterprises in domestic or export markets.

For the same reasons, under the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, I hereby certify that these two proposed actions will not have a significant economic impact on a substantial number of small entities.

The proposed actions have been submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any OMB comments on the two proposed rulemaking actions and any EPA responses thereto will be placed in docket number OPMO-0184.

VI. Statutory Authority

These proposed regulatory actions have been prepared under the authority of sections 6(e)(3) and 18(a)(12) of the Noise Control Act, 42 U.S.C. 4917 *et seq.*

VII. List of Subjects

40 CFR Part 202

Motor carrier, noise control.

40 CFR Part 205

Labeling, Motor vehicles, Noise control, Reporting and record-keeping requirements.

Dated: May 18, 1985.

Lee M. Thomas,

Administrator.

For reasons set forth in the preamble, the noise emission rules for interstate motor carrier operations at 40 CFR Part 202, Subpart A, are amended as follows:

1. The authority citations for Parts 202 and 205 continue to read as follows:

Authority: 42 U.S.C. 4905.

PART 202—MOTOR CARRIERS ENGAGED IN INTERSTATE COMMERCE

§ 202.11 [Amended]

2. Section 202.11 is amended by adding at the end thereof a new sentence: "The provisions of § 202.20(b) of Subpart B shall become effective October 15, 1985."

§ 202.12 [Amended]

3. Section 202.12 is amended by adding a paragraph (f) that reads:

* * * * *

(f) The provisions of § 202.20(a) of Subpart B apply only to motor vehicles manufactured prior to the 1986 model year.

4. Section 202.12 is amended by adding a paragraph (g) that reads:

* * * * *

(g) The provisions of Subpart B, § 202.20(b) apply to all motor vehicles manufactured during or after the 1986 model year.

For reasons set forth in the preamble, the noise emission rules for interstate motor carrier operations at 40 CFR Part 202, Subpart B, are amended as follows:

§ 202.20 [Amended]

1. Section 202.20 is amended by adding "(a)" before the first paragraph beginning with the words "No motor carrier . . . ."

2. Section 202.20 is amended by adding a new paragraph (b) as follows:

* * * * *

(b) No motor carrier subject to these regulations shall operate any motor vehicle of a type to which this regulation is applicable which at any time or under any condition of highway travel, load, acceleration or deceleration generates a sound level in excess of 83 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of 35 MPH or less; or 87 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of more than 35 MPH.

§ 202.21 [Amended]

3. Section 202.21 is amended by adding "(a)" before the first paragraph beginning with the words "No motor carrier . . . ."

4. Section 202.21 is amended by adding a new paragraph (b) as follows:

* * * * *

(b) No motor carrier subject to these regulations shall operate any motor vehicle of a type to which this regulation is applicable which generates a sound level in excess of 85 dB(A) measured on an open site with fast meter response at 50 feet from the longitudinal centerline of the vehicle, when its engine is accelerated from idle with wide open throttle to governed speed with the vehicle stationary, transmission in neutral, and clutch engaged. This paragraph shall not apply to any vehicle which is not equipped with an engine speed governor.

PART 205—TRANSPORTATION EQUIPMENT NOISE EMISSION CONTROLS

For reasons set forth in the preamble, the noise emission rules for medium and heavy trucks at 40 CFR Part 205, Subpart B, are amended as follows:

§ 205.52 [Amended]

Section 205.52(a) is amended by removing "1986" and inserting in its place "1988".

List of References

1. EPA Docket Number OPMO-0184, Items 1 thru 4.

2. Noise Emission Standards for Transportation Equipment—Medium and Heavy Trucks (41 FR 15538), April 13, 1976 (40 CFR Part 205, Subparts A and B).

3. Noise Emission Standards: Medium and Heavy Trucks and Truck—Mounted Solid Waste Compactors (46 FR 8497) January 27, 1981.

4. **Federal Register** notice soliciting comments on 80 dB standard (46 FR 17558) March 19, 1981.

5. Noise Emission Standards: Medium and Heavy Trucks and Truck—Mounted Solid Waste Compactors (47 FR 7188) February 17, 1982.

6. Motor Carriers Engaged in Interstate Commerce—Noise Emission Standards (39 FR 38208) October 29, 1974 (40 CFR Part 202 Subpart A and B).

7. Interstate Motor Carrier Noise Emission Standards—Final Regulations on Compliance (DOT) (40 FR 42432) September 12, 1975 (49 CFR Part 325).

8. Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines . . . (50 FR 10606) March 15, 1985 (40 CFR Parts 85 an 600).

9. EPA Docket Number OPMO-0184, Items 19, 20, and 22.

10. EPA Docket Number OPMO–0184, Items 14 thru 17.

11. Regulatory Impact Analysis, Oxides of Nitrogen Pollutant Specific Study and Summary Analysis of Comments, U.S. Environmental Protection Agency, March 1985.

12. Draft Analysis of the Health and Welfare and Economic Impacts of Revision of the Interstate Motor Carrier Noise Standard Coincident with a 2-Year Deferral of the MHT 80 dB Noise Standard, U.S. Environmental Protection Agency, March 1984.

13. Information Brief on Bureau of Motor Carrier Safety Truck Noise Data for Interstate Motor Carriers, U.S. Environmental Protection Agency, June 8, 1982.

14. Draft Technical Analysis—Alignment of the Interstate Motor Carrier Noise Regulation (with the Medium and Heavy Truck Noise Standard) U.S. Environmental Protection Agency, June 1982.

[FR Doc. 85–13003 Filed 6–18–85; 8:45 am]

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federal register

Wednesday
June 19, 1985

Part III

Environmental Protection Agency

40 CFR Part 403

General Pretreatment Regulations for Existing and New Sources; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 403

[FRL 2757-7]

General Pretreatment Regulations for Existing and New Sources

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On February 10, 1984, the Environmental Protection Agency (EPA) suspended the provisions in the General Pretreatment Regulations defining the terms "interference" and "pass through" (40 CFR §§ 403.3(i) and (n), respectively). This action was taken in response to the decision of the United States Court of Appeals for the Third Circuit in *National Association of Metal Finishers (NAMF)* v. *EPA*, 719 F.2d 624 (3rd Cir. 1983). Today, EPA is proposing revised definitions of "interference" and "pass through" to replace the previously suspended provisions of the pretreatment regulations.

DATE: Comments must be submitted on or before August 19, 1985.

ADDRESS: Comments should be addressed to: Craig Jakubowics, Permits Division (EN-336), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202)426-4793.

FOR FURTHER INFORMATION CONTACT: Craig Jakubowics, Permits Division (EN-336), Environmental Protection Agency, 401 M Street SW., Washington D.C. 20460, (202) 426-4793.

SUPPLEMENTARY INFORMATION:

I. Background

On June 26, 1978, EPA promulgated the General Pretreatment Regulations establishing mechanisms and procedures for controlling the introduction of wastes from industrial and other non-domestic sources into publicly owned treatment works (POTWs) (43 FR 27736). Following promulgation, several parties brought actions in Federal court challenging these regulations. On January 28, 1981, pursuant to the terms of a settlement agreement entered into by some of the parties, EPA promulgated amendments to the 1978 regulations (46 FR 9404). After some delay of the effective date of these amendments, EPA did, in response to a court order, put all of them into effect retroactive to March 30, 1981 (47 FR 42688, September 28, 1982).

Several of the amended pretreatment provisions were challenged by various parties. Among the pretreatment provisions litigated were the definitions of "interference" and "pass through." On September 20, 1983, the Third Circuit Court of Appeals issued its decision (*NAMF* v. *EPA*, 719 F.2d 624 (3d Cir. 1983)). The court remanded the definitions to the Agency. In accordance with the court order, EPA suspended the "interference" and "pass through" definitions on February 10, 1984 (49 FR 5131).

Section 307(b)(1) of the Clean Water Act (CWA) requires EPA to establish pretreatment standards "to prevent the discharge of any pollutant through treatment works . . . which are publicly owned, which pollutant interferes with, passes through, or is otherwise incompatible with such works." EPA is implementing the statutory prohibitions against interference and pass through in two ways. The first is through promulgation of categorical pretreatment standards. These technology-based standards set specific numerical limitations on the types and amounts of pollutants which may be discharged to POTWs by indirect dischargers in each regulated industrial category.

Implementation of the categorical standards, however, is not a remedy for all the interference and pass through problems that may arise at a POTW. Many such problems are dependent on local conditions (e.g., the POTW's chosen method for handling sludge; local water quality), and need to be addressed on a case-by-case basis. In addition, interference or pass through problems can result from contributions of pollutants, whether toxic or non-toxic, not covered by a categorical standard. Furthermore, problems may be caused by other non-domestic sources not included in a specific industry category. The second prong of EPA's regulatory approach addresses these areas of concern. The General Pretreatment Regulations, at 40 CFR 403.5 (a) and (b), contain general and specific prohibitions against interference and pass through. In addition, specific limitations must be developed and enforced by POTWs to implement these regulatory prohibitions. (40 CFR 403.5(c).) These regulatory provisions were not remanded by the court in *NAMF* and continue to remain in effect.

To assist in implementation and enforcement of the prohibitions against interference and pass through, EPA is proposing definitions of these terms to be incorporated into the General Pretreatment Regulations. These new definitions will replace those that were suspended in accordance with the court's ruling in *NAMF*.

II. Interference

A. Prior Rulemakings and Litigation

EPA first promulgated a definition of interference in the June 26, 1978, General Pretreatment Regulations (43 FR 27736). Interference was defined as an "inhibition or disruption of a POTW's sewer system, treatment processes or operations which *contributes* to a violation of any requirement of its NPDES Permit" (emphasis added). This definition was challenged by various parties. It was argued that the "contributes to" language was too vague and overbroad, potentially subjecting an indirect discharger to liability even where no link existed between its discharge and the POTW's NPDES permit violation.

Responding to this argument, EPA proposed to amend the provision to define interference as applicable only where the introduction of a pollutant "is a cause of or significantly contributes to" a POTW permit violation or a POTW's ability to properly and lawfully dispose of its sludge (44 FR 62260, October 29, 1979). In addition, the proposal contained a "safe harbor" provision which stated that if an indirect discharger is in compliance with all specified Federal, State or local pretreatment requirements, its discharges to a POTW cannot be considered a violation of the prohibition against interference even if those discharges in fact cause or significantly contribute to a permit violation or sludge problem.

EPA's final amended definition, published after consideration of many public comments on the issue, retained the "cause of or significantly contributes to" language (46 FR 9404, January 28, 1981). Also in response to comments, EPA clarified the "significantly contributes to" language by specifying that it applied only if the industrial user: (1) Discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by Federal, State or local law; (2) discharges wastewater which substantially differs in nature or constitutents from the user's average discharge; or (3) knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent lawful sewage sludge use or disposal.

The amended definition did not include the proposed "safe harbor" provision. The Agency concluded that it was confusing and logically inconsistent to exclude from the definition of interference industrial users who were in fact meeting the criteria of

interference set forth in the definition. *See*, 46 FR 9414 (January 28, 1981).

Again the interference definition was one of the pretreatment provisions subject to a legal challenge. The Third Circuit Court of Appeals in *NAMF* remanded the definition to the Agency (*NAMF, supra*, 719 F.2d at 638–641). The court noted in its decision that, as written, EPA's definition of interference did not require a showing that the industrial discharge caused the permit violation or sludge problem. Finding that the definition did not require causation to establish liability, the court held that this approach contravened the intent of Congress: "[W]e conclude that given the language and purpose of the [Clean Water] Act, an indirect discharge [sic] cannot be liable under the prohibited discharge standard unless it is a *cause* of the POTW's permit violation or sludge problem" (emphasis added) (*NAMF, supra*, 719 F.2d at 641).

B. Recommendations of the Pretreatment Implementation Review Task Force

On February 3, 1984, EPA established the Pretreatment Implementation Review Task Force. The Task Force, formed in accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. (App. I) section 9(C), was established to examine the common pretreatment implementation problems experienced by industry, States and municipalities, to develop and debate options for program development, to discuss the need for guidance, training programs, technical assistance and interpretative policy, and to discuss possible regulatory changes. *See*, 49 FR 5108 (February 10, 1984). The Task Force included several members of each of the following groups that are affected by the pretreatment program: regulated industries, State regulatory agencies, POTWs, environmental interest groups and EPA's Regional offices.

On January 30, 1985, the Task Force issued its final report to the EPA Administrator that included a set of recommendations. One recommendation concerned the definition of interference. After briefly discussing the *NAMF* decision, the Task Force set forth its views as follows:

> The recommended definition below has been written to clearly establish the required causation. In addition, the three criteria illustrating what constitutes "significant contribution" to a POTW permit violation have been dropped. PIRT felt that these criteria are neither inclusive of all possibilities nor necessarily accurate. The function of a listing of "significant contributing causes" is one of guidance. It can best be fulfilled if it is instead included in a separate guidance document, as previously recommended.
>
> PIRT believes that EPA needs to issue a new definition of "interference" as soon as possible. It would be useful in the development of local limits. PIRT recommends that EPA propose and promulgate as soon as possible, through rulemaking, the following definition of the term "interference":
>
> The term "interference" means an inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal which is a cause in whole or in part of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, and the Toxic Substances Control Act.

C. The Proposed Regulation

EPA is today proposing an interference definition consistent with the Third Circuit's decision. Accordingly, EPA proposes to delete the phrase "or significantly contributes to" and the criteria further clarifying the phrase. Instead, the proposed definition states that for there to be an interference violation, an industrial user's discharge, either alone or in conjunction with the discharge from one or more indirect sources, must be found to have caused the interference at a POTW.

Interference is proposed to be generally defined as the causation of a POTW's noncompliance with its permit or inability to lawfully use or dispose of its sludge. EPA is not proposing more specific criteria because it believes, as the Task Force stated, that any such criteria would necessarily be either overinclusive or underinclusive. The most workable and equitable approach, therefore, is to establish the general principle of interference—causation of POTW noncompliance—in the regulation, and to determine instances of interference—actual causation of POTW noncompliance—by assessing the facts in each particular case.

Once the causal link between the discharge of one or more industrial users and the interference at the POTW is established, the industrial user(s) will be liable for an interference violation. The appropriate penalty to be assessed in an interference enforcement action will be determined on a case-by-case basis. For example, if multiple dischargers are suspected of causing interference but a causal link can be established for only one minor discharger, this will be taken into consideration in assessing the penalty for this small industrial user. When EPA is the enforcement authority, it will be acting under section 309 of the Act in setting the appropriate penalty. Where either the State or local POTW is taking the enforcement action, it will assess a penalty as required by its legal authority.

By requiring that the industrial user "cause" the POTW's noncompliance, EPA is assuring that an industrial user would not be held liable where a malfunction or improper operation by the POTW, rather than an industrial user's discharge, causes the POTW's noncompliance. EPA intends that its definition of interference be interpreted and implemented consistent with the congressional intent that pretreatment technology not be required as a substitute for adequate operation and maintenance of the POTW. For example, if an industrial user is discharging a consistent load of BOD to a POTW designed to treat that load (together with BOD loads discharged to the POTW from other sources), and the POTW subsequently fails to comply with its BOD permit limit due to improper POTW operation, then the industrial user would not be causing the malfunction by virtue of its continued contribution of BOD to the POTW. Thus, the industrial user would not be deemed to be causing interference at the POTW. In contrast, an excessive BOD contribution by an industrial user may cause the POTW's design capacity for BOD to be exceeded, thereby causing the POTW to violate its permit. As these examples indicate, the relevant facts must be analyzed carefully in any case of POTW noncompliance to determine the precise cause or causes of the noncompliance.

The proposed interference definition includes discharges that "alone or in conjunction with the discharge by other sources" cause a POTW permit violation or sludge problem. This will cover situations where several industrial users may each be causes of POTW noncompliance. For example, two industrial users may each discharge excessive amounts of cadmium to a POTW, thereby causing the POTW to violate the applicable sludge requirement for its chosen disposal method of application to land used to grow food chain crops. (*See*, 40 CFR 257.3–5). Similarly, two dischargers may

each contribute excessive loadings of toxics that combine to kill biota in the POTW treatment system and upset the POTW treatment operation, thereby causing a permit violation. Even if neither discharge by itself causes the noncompliance, the two combined discharges may be said to be interfering with the POTW.

Today's proposed definition does not include the three criteria that were used in the remanded definition to clarify the concept of significant contribution. The first two criteria would have held an industrial user liable for interference if its discharge exceeded that allowed by contract or applicable law, or if it discharged wastewater which substantially differed from its average discharge. Today's proposed regulation recognizes, in view of the *NAMF* decision, that the key issue in defining interference is causation. These two criteria are relevant but not dispositive in determining whether a certain discharge caused an interference violation.

For example, if an industrial user's discharge exceeds the limits specified in a POTW's pretreatment ordinance and this excess causes the POTW to violate its permit, there may be a basis for a finding of interference. Similarly, if an industrial user normally discharges 50 pounds of a pollutant during its daily operation, but because of a need to temporarily increase production, it discharges five times that amount (though still not violating, for example, an applicable concentration limit), the industrial user may be liable for interference if the increased discharge of the particular pollutant causes a disruption of the POTW's treatment system. However, if the excess does not cause any POTW violation, there is no basis for a finding of interference even though the industrial user's discharge was higher than usual.

These two criteria, while not in and of themselves absolute proof of interference or non-interference, are clearly useful guideposts in making such a determination. If a POTW is experiencing upsets or sludge compliance problems, and if one or more industrial users are discharging in excess of their normal discharge or in violation of applicable law, a closer look at whether their discharges have caused the POTW's problems is warranted.

The third criterion included in the remanded interference definition would have held an industrial user liable for interference if it knew or had reason to know that its discharge, whether alone or in conjunction with discharges from other indirect sources would result in a POTW permit violation or sludge problem. This criterion bases liability on knowledge. EPA notes that while Section 309 of the Act imposes criminal liability only in cases of willful or negligent violations, civil liability may be imposed in the case of any violation without reference to the violator's state of mind. Causation of the POTW's violation is the key factor, not proof of the state of knowledge of the actor. Indeed, proof of knowledge is often extremely difficult and could make enforcement nearly impossible in many cases where causation can be proven. Therefore, EPA is not proposing to include a knowledge criterion in the definition of interference, and is relying instead solely on the proof of causation. The Agency specifically solicits comments to address the knowledge issue.

Today's proposal also does not contain a "safe harbor" provision. As stated in the preamble to the 1981 amendments to the General Pretreatment Regulations:

> The Agency continues to agree with those commenters who found it confusing and logically inconsistent to define Interference in § 403.3(i) and then, in the same provision, exclude some sources meeting that definition. In order to avoid the confusion which apparently resulted from including the proposed limit on liability in § 403.3(i), the Agency is deleting the [proposed "safe harbor" provision]. EPA continues to support the intent behind the proposed [interference definition that included a "safe harbor" provision] and believes the intent is preserved by the language of § 403.5(e) which provides that, where an Industrial User is causing Interference, yet complying with Federal, State and local standards, the POTW has an opportunity to adjust the relevant standard. However, if the POTW fails to commence corrective action within the 30-day period provided in § 403.5(e), EPA or the State may take appropriate action.

46 FR 9414 (January 28, 1981). Although a "safe harbor" provision is not proposed to be included in the interference definition, factors such as whether an indirect discharger was in compliance at the time of the interference, or the adequacy of the established local limits would be considered in an enforcement action for interference.

III. Pass Through

As noted above, section 307(b)(1) of the CWA also prohibits the discharge of any pollutant which passes through a POTW. EPA first defined pass through in the 1981 amendments to the General Pretreatment Regulations (40 CFR 403.3(n)). Pass through was defined as "the Discharge of pollutants through the POTW into navigable waters in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation)." As in the interference definition, the pass through provision further defined what constituted a significant contribution.

This regulatory definition of pass through also was challenged in the pretreatment litigation. Petitioner's substantive arguments against the definition essentially paralleled those proffered against the interference definition. Since a pass through definition had never been proposed by EPA but only issued as a final rule, the Agency conceded procedural error and requested that the court remand the definition for repromulgation in accordance with the requirements of the Administrative Procedure Act. Because of this procedural error, the Third Circuit did remand to the Agency the pass through definition, declining to substantively review the existing definition prior to submission of public comment on the Agency's proposed rules (*NAMF, supra*, 719 F.2d at 641).

The Pretreatment Implementation Review Task Force, in its January 30, 1985, report, recommended that EPA propose and promulgate the following definition:

> The term "pass through" means the discharge of pollutants through the POTW into navigable waters in quantities or concentrations which are a cause in whole or in part of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

EPA is proposing to define the statutory concept of pass through, for purposes of the General Pretreatment Regulations, as establishing liability for the introduction of pollutants into a POTW which pass through the treatment plant in quantities that cause a violation of a POTW's NPDES permit. Unlike interference, pass through is not necessarily related to an inhibition or disruption of the POTW. Rather, it is based on the introduction of pollutants to the POTW by an industrial user which pass through to the receiving water and thereby cause a POTW permit violation. Since causation of POTW permit violations is the operative criterion, the above discussion on causation as it relates to interference is applicable to pass through as well. In addition, the proposed pass through provision, like the proposed interferences definition, does not include the phrase "significantly contributes to."

It should be noted that the way in which EPA defines and uses the concept of pass through in the General Pretreatment Regulations is different from the way in which the pass through concept is used to develop categorical pretreatment standards. Categorical standards are based upon a general finding that a pollutant in an industrial category generally passes through POTWs. For this regulatory purpose, pass through is determined by comparing the percent of the pollutant removed by a direct discharger applying best available technology economically achievable (BAT) with the percent removed by a POTW. Where a POTW removal is less than the removal achieved by a direct discharger applying BAT, a pollutant is deemed as passing through and EPA promulgates a technology-based categorical pretreatment standard. (This numerical standard is thereafter enforceable; actual proof of pass through is not required in cases to enforce categorical pretreatment standards.) In contrast, the definition of pass through proposed today will be used to implement the requirements of § 403.5 of the General Pretreatment Regulations (i.e., the general prohibitions against pass through and the requirement to establish local pretreatment limits) to address site-specific, individual instances of pass through. These two different regulatory purposes call for different, but consistent, pass through concepts.

IV. Executive Order 12291

Executive Order 12291 requires EPA and other agencies to perform regulatory analyses of major regulations. Major rules are those which impose a cost on the economy of $100 million or more annually or have certain other economic impacts. This proposed regulation is not a major rule because it merely defines terms used in the Act and existing regulations and imposes no new criteria; thus, it meets none of the criteria of a major rule as set forth in section 1(b) of the Executive Order.

V. Regulatory Flexibility Analysis

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires EPA and other agencies to prepare an initial regulatory flexibility analysis for all proposed regulations that have a significant impact on a substantial number of small entities. No regulatory flexibility analysis is required, however, where the head of the Agency certifies that the rule will not have a significant economic impact on a substantial number of entities. Based on the reasons discussed in the preceding paragraph, I hereby certify, pursuant to 5 U.S.C. 605(b), that this proposed regulation will not have a significant impact on a substantial number of small entities.

VI. List of Subjects in 40 CFR Part 403

Confidential business information, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control.

Dated: June 11, 1985.

Lee M. Thomas,

Administrator.

PART 403—GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES

For the reasons set out in the preamble, 40 CFR Part 403 is proposed to be revised as follows:

1. The authority citation for Part 403 reads as follows:

Authority: Sec. 54(C)(2) of the Clean Water Act of 1977 (Pub. L. 95–217), Sections 204(b)(1)(C), 208(b)(2)(C)(iii), 301(b)(1)(A)(ii), 301(b)(2)(A)(ii), 301(b)(2)(C), 301(h)(5), 301(i)(2), 304(e), 304(g), 307, 308, 309, 402(b), 405, and 501(a) of the Federal Water Pollution Control Act (Pub. L. 92–500), as amended by the Clean Water Act of 1977.

2. On February 10, 1984, (49 FR 5131), paragraph (i) of § 403.3 was suspended. The suspended paragraph (i) is proposed to be revised to read as follows:

§ 403.3 Definitions.

* * * * *

(i) The term "Interference" means a Discharge by an Industrial User which, alone or in conjunction with discharges by other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use of disposal and which is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use of disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D or the SWDA), the Clean Air Act, the Toxic Substance Control Act, and the Marine Protection Research and Sanctuaries Act.

* * * * *

3. On February 10, 1984, (49 FR 5131), paragraph (n) was suspended. The suspended paragraph (n) is proposed to be revised to read as follows:

§ 403.3 Definitions.

* * * * *

(n) The term "Pass Through" means the Discharge of Pollutants through the PTOW into navigable waters in quantities or concentrations, which, alone or in conjunction with Discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

* * * * *

[FR Doc. 85–14719 Filed 6–18–85; 8:45 am]

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Part IV

Environmental Protection Agency

40 CFR Part 50

Retention of the National Ambient Air Quality Standards for Nitrogen Dioxide; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[AD-FRL-2722-2]

Retention of the National Ambient Air Quality Standards for Nitrogen Dioxide

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: In 1971 identical primary and secondary standards for NO_2 were set at 0.053 ppm (100 $\mu g/m^3$) as an annual arithmetic average (36 FR 8186). In accordance with section 108 and 109 of the Clean Air Act, EPA has reviewed and revised the criteria upon which the existing primary and secondary nitrogen dioxide (NO_2) national ambient air quality standards (NAAQS) are based. On February 23, 1984, EPA proposed to retain the existing annual average standards and specifically requested comment on whether a separate short-term standard is requisite to protect public health.

This final rule retains the existing annual primary and secondary standards. The decision on the need, if any, for a separate short-term standard is being deferred pending the results from additional research focused on reducing the uncertainties associated with short-term health effects.

EFFECTIVE DATE: This action is effective July 19, 1985.

ADDRESSES: A docket (Number OAQPS 78-9) containing information relating to EPA's review of the NO_2 standards is available for public inspection and copying between 8:00 a.m. and 4:00 p.m. on weekdays at EPA's Central Docket Section, West Tower Lobby, Gallery I, 401 M Street, SW., Washington, D.C. A reasonable fee may be charged for copying.

Availability of Related Information. The final revised Criteria Document, "Air Quality Criteria for Oxides of Nitrogen" (EPA-600/8-82-026F, December 1982; PB-83-163337, $53.50 paper and $11.50 microfiche copy), and the final revised OAQPS Staff Paper, "Review of the National Ambient Air Quality Standards for Nitrogen Oxides: Assessment of Scientific and Technical Information" (EPA-450/5-82-002, August 1982; PB 83-132829, $13.00 paper copy and $4.50 microfiche), are available from: U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.

A limited number of copies of other documents generated in connection with this standard review, such as the Control Techniques Document, Regulatory Impact Analysis, and Environmental Impact Statement can be obtained from: U.S. Environmental Protection Agency Library (MD-35), Research Triangle Park, N.C. 27711, telephone (919) 541-2777 (FTS 629-2777).

FOR FURTHER INFORMATION CONTACT: Mr. Michael Jones, Strategies and Air Standards Division (MD-12), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone (919) 541-5531 (FTS 629-5531).

SUPPLEMENTARY INFORMATION:

Background

Legislative Requirements Affecting This Action

Two sections of the Clean Air Act govern the establishment, review, and revision of NAAQS. Section 108 (42 U.S.C. 7408) directs the Administrator to identify pollutants which may reasonably be anticipated to endanger public health or welfare and to issue air quality criteria for them. These air quality criteria are to reflect the latest scientific information useful in indicating the kind and extent of all identifiable effects on public health or welfare that may be expected from the presence of the pollutant in the ambient air.

Section 109(a) (42 U.S.C. 7409) directs the Administrator to propose and promulgate "primary" and "secondary" NAAQS for pollutants identified under section 108. Section 109(b)(1) defines a primary standard as, one, the attainment and maintenance of which in the judgment of the Administrator, based on the criteria and allowing for an adequate margin of safety, is requisite to protect the public health. The secondary standard, as defined in section 109(b)(2), must specify a level of air quality the attainment and maintenance of which in the judgment of the Administrator, based on the criteria, is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of the pollutant in the ambient air. Welfare effects are defined in section 302(h) (42 U.S.C. 7602(h)) to include effects on soils, water, crops, vegetation, man-made materials, animals, wildlife, weather, visibility, climate, damage to and deterioration of property, hazards to transportation, and effects on economic values and on personal comfort and well-being.

The courts have held that the requirement for an adequate margin of safety for primary standards is intended to address uncertainties associated with inconclusive scientific and technical information available at the time of standard setting. It is also intended to provide a reasonable degree of protection against hazards that research has not yet identified. *Lead Industries Association* v. *EPA*, 647 F.2d 1130, 1154 (D.C. Cir. 1980), *cert. denied*, 101 S. Ct. 621 (1980); *American Petroleum Institute* v. *Costle*, 665 F.2d 1176, 1177 (D.C. Cir. 1981) *cert. denied*, 102 S. Ct. 1737 (1982). Both kinds of uncertainties are components of the risk associated with pollution at levels below those at which human health effects can be said to occur with reasonable scientific certainty. Thus, by selecting primary standards which provide an adequate margin of safety, the Administrator is seeking not only to prevent pollution levels that have been demonstrated to be harmful, but also to prevent lower pollutant levels that he finds pose an unacceptable risk of harm, even if that risk is not precisely identified as to nature or degree.

In weighing such risks for the purpose of providing an adequate margin of safety, EPA has considered such factors as the nature and severity of the health effects involved, the size of the sensitive population(s) at risk, and the kind and degree of the uncertainties that must be addressed. Given that the "margin of safety" requirement by definition only comes into play where no conclusive showing of harm exists, such factors, which involve unknown or only partially quantified risks, have their inherent limits as guides to action. The selection of any particular approach to providing an adequate margin of safety is a policy choice left specifically to the Administrator's judgment. *Lead Industries Association* v. *EPA*, *supra*, 647 F.2d at 1161-62.

The courts, however, have set strict limits on the factors EPA may consider in providing an adequate margin of safety. The leading judicial decisions state that the economic and technological feasibility of attaining ambient standards are not to be considered in setting them, even in the context of a margin of safety. *Lead Industries Association* v. *EPA*, *supra*, 647 F.2d at 1148-1151; *American Petroleum Institute* v. *Costle*, *supra*, 665 F.2d at 1185, 1190. Such factors may, however, be considered to a degree in the development of State plans to implement the standards.

Section 109(d) of the Act (42 U.S.C. 7409(d)) requires periodic review and, if appropriate, revision of existing criteria and standards. If, in the Administrator's judgment, the Agency's review and revision of criteria make appropriate the

proposal of new or revised standards, such standards are to be revised and promulgated in accordance with section 109(b). Alternatively, the Administrator may find that revision of the standards is inappropriate and conclude the review by reaffirming them. The process by which EPA has reviewed the original criteria and standards for nitrogen oxides under section 109(d) is described in a later section of this notice. In addition, section 109(c) specifically requires the Administrator to promulgate a primary standard for NO_2 with an averaging time of not more than 3 hours unless he or she finds no significant evidence that such a short-term standard is required to protect public health.

States are primarily responsible for assuring attainment and maintenance of ambient air quality standards. Under section 110 of the Act (42 U.S.C. 7410), States are to submit to EPA for approval State implementation plans (SIPs) that provide for the attainment and maintenance of such standards through control programs directed to sources of the pollutants included. Other federal programs provide for nationwide reductions in emissions of these and other air pollutants through the federal motor vehicle control program, which involves controls for automobile, truck, bus, motorcycle, and aircraft emissions under Title II of the Act (42 U.S.C. 7501 to 7534), and through the development of new source performance standards for various categories of stationary sources under section 111 (42 U.S.C. 7411).

Nitrogen Oxides and Existing Standards for NO_2

A variety of nitrogen oxide (NO_x) compounds and their transformation products occur naturally and as a result of human activities. Nitric oxide (NO), nitrogen dioxide (NO_2), gaseous nitric acid (HNO_3), in addition to nitrite aerosols, have all been found in the ambient air. The formation of nitrosamines in the atmosphere by reaction of NO_x with amines has been suggested, but not yet convincingly demonstrated.

Despite considerable scientific research on the potential health and welfare effects of NO_x compounds, there exists little evidence linking specific health or welfare effects to near-ambient concentrations of most of these substances. The one significant exception is NO_2. Therefore, EPA has focused its review primarily on the health and welfare effects that have been reported to be associated with exposure to NO_2.

NO_2 is an air pollutant generated by the oxidation of NO which is emitted from a variety of mobile and stationary sources. At elevated concentrations, NO_2 can adversely affect human health, vegetation, materials, and visibility. NO_x compounds may also contribute to increased rates of acidic deposition. Typical long-term ambient concentrations of NO_2 range from 0.001 ppm in isolated rural areas to a maximum annual concentration of approximately 0.08 ppm in one of the nation's most populated urban areas. The origins, concentrations, and potential effects of NO_2 are discussed in more detail in the OAQPS Staff Paper (SP, EPA, 1982a) and in the revised Criteria Document (CD, EPA, 1982b).

On April 30, 1971, EPA promulgated NAAQS for NO_2 under section 109 of the Clean Air Act (36 FR 8186). Identical primary and secondary standards for NO_2 were set at 0.053 ppm (100 $\mu g/m^3$), averaged over one year. The scientific and medical bases for these standards are contained in the original criteria document, "Air Quality Criteria for Nitrogen Oxides" (EPA, 1971). The primary standard set in 1971 was based largely on a group of epidemiology studies (Shy et al., 1970a; Shy et al., 1970b; and Pearlman et al., 1971) conducted in Chattanooga which reported respiratory effects in children exposed to low-level NO_2 concentrations over a long-term period. Reevaluation of the Chattanooga studies based on later information (especially regarding the accuracy of the air quality monitoring method for NO_2 used in the studies) indicates that these studies provide only limited qualitative evidence for an association between health effects and ambient exposures to NO_2.

Development of Revised Air Quality Criteria for NO_x

As required by the Clean Air Act Amendments of 1977, EPA has been reviewing the need for new or revised NO_2 standards since September 1977. In addition to reviewing the existing annual NO_2 standard, the Administrator is required to promulgate a short-term (less than 3 hours) NO_2 primary standard unless he or she finds that there is no significant evidence that such a standard is required to protect public health. On December 12, 1978 (43 FR 58117), EPA announced that it was in the process of reviewing and updating the original criteria document for nitrogen oxides in accordance with section 109(d)(1) of the Clean Air Act. In developing the revised criteria document, EPA has provided a number of opportunities for review and comment by organizations and individuals outside the Agency. Three drafts of the revised NO_x criteria document, prepared by EPA's Environmental Criteria and Assessment Office (ECAO), have been made available for external review. EPA has received and considered numerous and often extensive comments on each of these drafts. The Clean Air Scientific Advisory Committee (CASAC) of EPA's Science Advisory Board has held two public meetings (January 30, 1979 and November 13–14, 1980) to review successive drafts of the document, "Air Quality Criteria for Oxides of Nitrogen" (Criteria Document). These meetings were open to the public and were attended by many individuals and representatives of organizations who provided critical reviews and new information for consideration. Transcripts of the two CASAC meetings are in the docket.

In accordance with its established procedures, CASAC prepared a "closure" letter that the Administrator dated June 19, 1981 (Friedlander, 1981). The closure letter stated that the revised Criteria Document presented a balanced and comprehensive critical review of the pertinent literature on human health effects and that the document accurately reflected the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare from NO_x in the ambient air.

A number of scientific and technical issues were raised during the public review of the scientific criteria. The major issues included: (1) The extent to which controlled human exposure studies suggest that asthmatics may experience respiratory effects due to short-term NO_2 exposures, (2) the implications of studies of indoor air pollution suggesting that, in some instances, an increased prevalence of acute respiratory illness in young children and small pulmonary function changes in school age children may be associated with elevated NO_2 levels produced in homes which use gas stoves for cooking, and (3) the implications of various animal studies reporting serious respiratory system effects associated with both long-term and short-term exposures to NO_2 levels higher than those generally observed in the ambient air. A summary of these and other major scientific issues is presented in the proposal notice (49 FR 6866). EPA's responses to public comments on the drafts of the Criteria Document are in the docket.

Review of the Standards: Development of OAQPS Staff Paper

In the fall of 1980, EPA's Office of Air Quality Planning and Standards

(OAQPS) prepared the first draft of a staff paper, "Review of the National Ambient Air Quality Standards for Nitrogen Dioxide: Assessment of Scientific and Technical Information (OAQPS Staff Paper)." This draft staff paper evaluated the available scientific and technical information most revelant to the review of the air quality standards for NO_2 and presented staff recommendations on alternative approaches to revising the standards, based on the revised Criteria Document. The first draft of the paper was reviewed at two CASAC meetings (November 13–14, 1980 and February 6, 1981) and a revised draft was reviewed at a third CASAC meeting (November 18, 1981). Transcripts of all three CASAC meetings are in the docket.

Following the third CASAC meeting, the staff made some additional revisions in response to comments. EPA released the final OAQPS Staff Paper (EPA, 1982a), after receipt of the formal closure memorandum in July 1982. CASAC's closure memorandum (Friedlander, 1982) states that the OAQPS Staff Paper provides the Administrator with "the kind and amount of technical guidance needed to make any appropriate revisions to the primary and secondary standards" and that the paper provides "a balanced and thorough interpretation of the scientific evidence pertaining to NO_2."

Summary of Public Comments and Agency Responses

Overview of Comments

The following discussion summarizes in general terms the comments received from the public and from Federal and State agencies regarding the current primary and secondary annual standards and the issue of whether a short-term primary standard is needed to protect public health. Many of these comments had previously been made by the public and were reviewed and addressed by EPA and CASAC during public deliberations on drafts of the criteria document and staff paper. Significant comments on all aspects of the NO_2 proposal and Agency responses to these comments are summarized by category later in this section. A more detailed description of individual comments and Agency responses has been placed in the public docket (OAQPS 78–9).

Of the 20 written comments received during the comment period (which closed May 23, 1984) that express some opinion on the annual standard, 15 support EPA's proposal to retain the current 0.053 ppm annual standard, 4 comments favor relaxing the standard and 1 comment favors reaffirming the standard and beginning a new review to consider relaxing the standard. Those supporting retaining the current annual standard include industry groups, several state and local environmental agencies, and an environmental group.

Several comments were received on the need for a separate short-term standard. Of the 20 written comments which express an opinion on the need for a short-term standard, 12 comments oppose setting a short-term standard at this time, 5 comments favor setting a short-term standard, and 3 comments urge EPA to accelerate its research efforts on health effects associated with short-term NO_2 exposures. In addition, one of the commenters, whose first choice was to set a short-term standard, indicated they could support deferring a decision on the need for a short-term standard if EPA undertook a high priority research program over the next 3 years to examine possible short-term NO_2 health effects.

Most of the industry groups and 1 State agency which commented oppose setting a separate short-term standard while three State environmental agencies, 1 environmental group, and 1 health scientist favor setting a separate short-term standard. Two commenters, an environmental group and a public health association, indicate that an acceptable alternative to setting a short-term standard at this time would be for EPA to defer a decision on the need for a separate short-term standard while proceeding with a high priority and focused research program designed to address the uncertainties about effects due to short-term NO_2 exposures. These two commenters also urge the Agency to make a decision on the short-term standard within 3 years.

In regard to the secondary standard, one Federal agency suggested that EPA reevaluate the need for a separate secondary standard to protect vegetation from short-term exposures to NO_2 in light of three studies it provided. One environmental organization urged the Agency to set a separate secondary standard for NO_2 to protect visibility. Four comments endorsed the proposal to retain the current 0.053 ppm secondary annual standard.

Summary of Significant Comments and Agency Responses

Significant comments are summarized and responded to by category below.

I. HEALTH EFFECTS CRITERIA AND SELECTION OF THE PRIMARY STANDARDS

A. Definition of An Adverse Health Effect

Comments: Some comments urged EPA to consider the symptomatic effects observed in some asthmatics in the Kerr et al. (1979) study as adverse health effects; other comments argued that the symptoms reported are mild and reversible and, therefore, should not be considered as adverse health effects and should not be used as a basis for the primary standards.

Agency Response: As indicated in the proposal notice, EPA believes that the subtle effects observed in the Kerr et al. (1979) study are of uncertain health significance. For the primary standard, the Agency is including these effects as part of the uncertain information on health effects it considers in providing an adequate margin of safety. Also, in EPA's judgment, these mild symptomatic effects clearly affect personal comfort and well being which is defined as a "welfare" effect in the Clean Air Act. These effects, therefore, are also being considered in reviewing the current secondary standard.

Comment: Increased sensitivity to a bronchoconstrictor in asthmatics and healthy adults reported in Orehek et al. (1976) and Von Nieding et al. (1977) should be considered an adverse health effect.

Agency Response: EPA concurs with CASAC's conclusion that these studies do not clearly show adverse health effects and that they should only be considered as a factor in providing an adequate margin of safety. This is due to concern about both the validity of the statistical analyses and uncertainty regarding the significance of responses observed in studies that use a bronchoconstrictor. As noted in the Criteria Document (p. 15–20), the statistical approach used in the Orehek et al. (1976) study has been criticized because the comparisons of airway resistance were made in subjects selected not at the time of NO_2 exposure, but after the fact, following exposure to a bronchoconstrictor.

B. Use Of Animal Studies

Comment: EPA should not use the results from animal studies to support the 0.053 ppm anual standard because the data cannot be quantitatively related to health effects in humans.

Agency Response: EPA agrees that the results from the animal studies in question cannot be quantitatively extrapolated to humans at this time.

However, EPA believes it is likely that the types of respiratory effects observed in several animal species also occur in humans, albeit at unknown exposure levels. As in the case with other qualitative evidence, EPA must consider the findings from the animal studies in selecting a primary NO_2 standard that provides an adequate margin of safety.

Comment: EPA should quantitatively extrapolate the findings from animal studies to human effect levels based on the assumption that humans are equally or more sensitive than animals to NO_2.

Agency Response: EPA does not agree that the animal study findings should be quantitatively extrapolated to human effect levels at this time due to the lack of information on (1) the variation of sensitivity to different exposures across species and (2) how the dose to the target organ (uptake of NO_2) varies across species.

C. Controlled Human Exposure Studies

Comments: Some comments cited recent research reports (Linn and Hackney, 1983 and Linn and Hackney, 1984), as showing no effects in exercising healthy adults and asthmatics exposed to 4 ppm No_2. Other comments cited recent studies, most of which are in abstract form only (e.g., Bauer et al., 1984; Kleinman et al., 1983; Ahmed et al., 1982), as showing pulmonary function impairment and increased response to bronchoconstricting agents following short-term exposure to concentrations in the range 0.1 to 0.3 ppm No_2. Also, commenters claimed EPA had not reviewed the most recent studies.

Agency Response: EPA has placed in the docket (OAQPS 78-9, IV-B-1) its review of the controlled human exposure studies and other studies that have become available since completion of the Criteria Document and OAQPS Staff Paper. Based on its review, EPA concludes that the more recent controlled human exposure studies present mixed and conflicting results concerning respiratory effects in asthmatics and normals in the range of 0.1 to 4.0 ppm NO_2. Unfortunately, a more complete scientific assessment of these studies is not possible at this time because many of the studies have yet to be published in the peer-reviewed scientific literature.

D. Community Epidemiology Studies

Comments: The community studies conducted in Chattanooga should be dismissed from consideration due to unreliable ambient monitoring methods and failure to account for potentially confounding variables.

Agency Responses: As indicated in the Criteria Document and OAQPS Staff Paper, EPA agrees that the monitoring methods used in the Chattanooga studies were unreliable and that there is little basis for distinguishing the relative contribution of NO_2 exposures from those of other pollutants present in the study areas. However, EPA believes that these studies still provide limited qualitative evidence of an association between elevated long-term NO_2 exposures and the occurrence of increased acute respiratory illness and lung function impairment. The CASAC concurred with EPA's judgment that the findings of these studies are not inconsistent with the hypothesis that NO_2 in a complex mix with other pollutants in the ambient air adversely affects lung function and contributes to excess respiratory illness in children.

Comments: (a) Other combustion products of gas stoves rather than NO_2 may be responsible for the respiratory effects observed in the indoor community studies.

(b) EPA should rely more heavily on the studies by Mitchell et al. (1974) and Keller et al. (1979), which showed no correlation between living in gas stove homes and rates of various health effects.

(c) More recent analyses by the Harvard Six Cities authors (Ware et al., 1984 and Ferris et al., 1983), as well as other recent studies involving gas stove homes (Melia et al., 1983 and Schenker et al., 1983) have failed to corroborate the effects on respiratory illness and symptoms reported in the indoor community studies cited by EPA in the proposal.

(d) EPA should not use or rely on short-term NO_2 monitoring data from a group of separate studies to estimate NO_2 levels that might have occurred in the residences of the subjects included in the various indoor epidemiological studies.

Agency Responses: (a) The findings from several animal studies support the hypothesis that NO_2 may be the principal agent responsible for effects observed in residents of gas stove homes. As discussed in the OAQPS staff paper and proposal preamble, a variety of animal toxicology studies in different species have demonstrated that NO_2 exposure impairs respiratory defense mechanisms and increases susceptibility to infection. While not ruling out the possible contribution of other gas stove combustion products, the findings from these animal studies do provide a plausible basis for inferring that NO_2 is associated with the respiratory effects reported in some of the studies involving gas stove homes.

(b) As indicated in the Criteria Document, the number of children used in these "negative" studies was approximately a factor of 10 smaller than in both the British and Six-City indoor epidemiology studies which reported an association between prevalence of respiratory illness and gas cooking. The relatively small sample size would tend to lessen the likelihood of these "negative" studies finding statistically significant associations, since the main health effects being investigated appear to be relatively small differences in disease and symptom prevalence rates.

(c) EPA's assessment of the more recent indoor epidemiological studies by the British and Harvard Six City groups indicates somewhat weaker findings of an association between NO_2 and acute respiratory disease in the subjects studied than the original studies conducted by these groups which were cited in the Criteria Document and proposal notice. For example, an estimated odds ratio for respiratory illness before age 2 of 1.23 ($p < 0.01$) previously reported by the Harvard Six-City Study group (Speizer et al., 1980), has been reduced to 1.12 ($p = 0.07$) by the inclusion of additional children enrolled in the study (Ware et al., 1984). This association between residence in a gas stove home and respiratory illness before age 2 is no longer statistically significant. However, the most recent Harvard study (Ware et al., 1984) does confirm the small but statistically significant decreases in lung function in school age children, although there is some evidence that parental education levels may confound this relationship. EPA agrees with the authors of the study who state that a better understanding of the health significance of indoor pollutants such as NO_2 may require more refined measurements of personal exposures. Some other indoor epidemiological studies (most with much smaller statistical power) involving residents of electric and gas stove homes have reported statistically significant increased rates of symptoms and illness in residents of gas stove homes (Comstock et al., 1981; Helsing et al., 1982; Lebowitz et al., 1982), while other studies have failed to find any statistically significant associations (Jones et al., 1982; Melia et al., 1982; Melia et al., 1983). However, none of the recent studies has provided an assessment of short-term NO_2 levels in the residences of the subjects studied.

(d) Since there was little or no short-term NO_2 monitoring data for the residences of the subjects included in the indoor epidemiological studies, EPA

staff felt that an analysis of short-term NO_2 levels in other gas stove homes would provide a rough estimate of the range of exposures that occurred in the residences of the subjects in these epidemiological studies involving gas stove homes. EPA has acknowledged in the OAQPS Staff Paper and proposal preamble the limitations and uncertainties associated with such an approach. EPA agrees that the lack of short-term NO_2 monitoring in the actual residences of the subjects studied decreases the degree of confidence in concluding that an association exists between specific NO_2 levels and effects reported in the various indoor epidemiological studies.

E. Population Groups Most Sensitive to NO_2 Exposures

Comment: EPA's suggestion that young children, asthmatics, chronic bronchitics, and individuals with emphysema or other chronic respiratory diseases are especially sensitive to NO_2 exposures is unjustified.

Agency Response: In EPA's judgment, the scientific evidence from controlled human exposure studies and indoor epidemiological studies indicates that children and asthmatics appear to respond more readily to low-level NO_2 exposures. Although there is no experimental evidence demonstrating that some of the other groups mentioned are more sensitive to NO_2 than healthy adults, EPA believes it is reasonable to include such groups in the potentially high risk category because NO_2 is known to adversely affect the capacity and performance of the respiratory system and many individuals in these groups already have an impaired breathing capacity.

F. Ambient Air Quality Analysis

Comment: EPA has overestimated the number of days when NO_2 hourly levels will exceed 0.15 and 0.30 ppm in areas attaining the current annual NO_2 standard in its ambient air quality analysis (McCurdy and Atherton, 1983) of data collected from 1979 to 1981. EPA's analysis fails to (1) account for positive instrument calibration bias in the colorimetric measurements from 1979 California data, (2) consider positive interferent bias from nitric acid, peroxyacetyl nitrate, and other compounds in the chemiluminescent measurements, and (3) correct for anomalous data.

Agency Response: (1) EPA agrees that the California colorimetric data reported in 1979, only one of the three years of data which was used in the McCurdy and Atherton (1983) analysis, probably reflects a positive calibration bias of approximately 12 percent. (2) EPA also agrees that a positive interferent bias is possible in some of the chemiluminescent measurement data, but that the impact on peak NO_2 measurements is probably very small since the highest levels of the interferent substances (e.g., nitric acid and peroxyacetylnitrate) do not occur at the same time as the highest observed NO_2 levels. (3) EPA also agrees that its data set contained a few anomalous data points that were found during the course of the commenter's indepth analysis of the data set. All of the California and anomalous data were corrected in a recent reanalysis and update of the 1979–1981 study (McCurdy, 1985). Besides correcting for bad data the new analysis also used 1982–1983 air quality information. Results of the two studies are quite similar and EPA thinks that its original conclusion is still valid: in areas where the annual NO_2 average is at or below the current 0.053 ppm standard, days with one-hour concentrations in excess of any specified level (including levels in the range of 0.15 to 0.30 ppm) will be fewer in number than at locations where the 0.053 ppm level is exceeded.

Comment: The frequency of one-hour average NO_2 concentrations exceeding 0.25 ppm in the California South Coast Air Basin is unacceptably high even when the 0.053 ppm annual standard is met.

Agency Response: EPA agrees that a few sites in Southern California appear to have considerably more days with hourly NO_2 levels exceeding 0.25 ppm than indicated by the average or expected number of days exceeding 0.30 ppm reported in EPA's ambient air quality analysis. As stated in the proposal preamble (49 FR 6866), meeting a specified annual average does not assure that a given specified short-term level will not be exceeded (or depending on the level, will not be exceeded many times). However, EPA's air quality analyses (McCurdy and Atherton, 1983; McCurdy, 1985) indicate that in standard metropolitan statistical area (SMSAs) currently attaining the current 0.053 ppm annual standard, 90 percent of the area would be expected to have fewer than 2.0 days with a daily maximum hourly value greater than or equal to 0.20 ppm NO_2.

G. Margin of Safety

Comment: EPA has proposed an annual standard with an inappropriate margin of safety. The margin of safety was criticized as being either inadequate or too great.

Agency Response: The Clean Air Act requires that EPA set air quality standards that are requisite to protect the public health, allowing an adequate margin of safety. The legislative history of the Act makes it clear that the standards must protect against both certain and uncertain harms. The decision regarding an adequate margin of safety is a judgment which must be made by the Administrator after weighing all the medical evidence bearing on the effects of NO_2. The factors to be taken into account in setting a standard which provides an adequate margin of safety include inconclusive evidence as well as findings from studies that are considered definitive and not subject to challenge. For reasons discussed later in this notice, EPA has concluded that the margin of safety provided by the current annual standard is appropriate.

H. Short-term Primary Standard

Comment: Some commenters argued that the available scientific evidence suggests that short-term exposures at ambient levels pose little or no health risk and that EPA should conclude that no short-term standard is required. Other commenters stated that the scientific evidence strongly supported the occurrence of health effects due to short-term ambient NO_2 exposure and that EPA either should set a short-term standard now or should make a decision based on results from an accelerated research program to reduce the uncertainties about short-term effects. It was also suggested that EPA hold a public meeting to receive feedback on its research plans with respect to NO_2 health effects.

Agency Response: As discussed later in this notice, both EPA and CASAC have concluded that there is insufficient scientific evidence to support decisions on a short-term standard level, averaging time, and number of allowable exceedances which would be required to propose a separate short-term standard. At the same time, the possibility of adverse health effects at ambient short-term NO_2 levels cannot be ruled out. Given the large scientific uncertainties, the Administrator has concluded that it would be prudent to defer a decision on the need for a short-term primary standard until EPA has the results of a focused research program designed to resolve or reduce some of the major uncertainties over whether short-term NO_2 exposures at ambient levels adversely affect public health. In response to the comments received on the NO_2 proposal, EPA's Office of Health and Research held a public meeting on November 2, 1984 to review a proposed research plan for studying

the health effects of NO_2 (49 FR 40097). A copy of the research plan and a transcript of the meeting have been placed in the public docket (Number OAQPS 78–9).

II. WELFARE EFFECTS CRITERIA AND SELECTION OF THE SECONDARY STANDARD

A. Vegetation Effects

Comment: EPA should evaluate the findings of four studies (Ashenden and Mansfield, 1978; Ashenden, 1979; Taylor and Eaton, 1966; Elkiey and Ormrod, 1980) reporting effects of NO_2 on vegetation and determine whether the annual secondary standard of 0.053 ppm is sufficient to protect vegetation from short-term exposure to NO_2.

Agency Response: EPA has evaluated the four studies. Three of them are in the Criteria Document and support the conclusion in the OAQPS Staff Paper that the bulk of the data do not suggest significant effects of NO_2 on vegetation at or below current ambient levels and that an annual standard of 0.053 ppm provides sufficient protection against significant effects on vegetation. The fourth study, (Elkiey and Ormrod, 1980) published after the Criteria Document, concludes that NO_2 alone has no significant effects on leaf injury or area of turfgrass.

B. Visibility

Comment: The Clean Air Act instructs EPA to establish secondary standards to protect public welfare from any known or anticipated adverse effects, applying the same precautionary approach as in setting the primary standard. Since NO_2 affects visibility, the Agency must set a secondary standard to protect visibility.

Agency Response: Although NO_2 may play a role in atmospheric discoloration under precise laboratory conditions (in the absence of atmospheric aerosols), the brown color often ascribed to NO_2 can also result from light scattering by particles. Until the responsible agent can be identified and a quantitative relationship established between NO_2 concentration at a given point and visibility impairment due to a plume or regional haze, EPA and the CASAC question the appropriateness of a separate secondary standard for NO_2 to protect visibility and for reasons discussed later in this notice, EPA has concluded that it is not warranted at this time.

III. MISCELLANEOUS

A. Form of the Annual Standard

Comment: Some comments support the current use of the highest annual arithmetic average, while others recommend that the annual standard should be changed to a statistical form which would base attainment decisions on the average of the annual average over a three year period. Those supporting retention of the current form of the standard argue that the rationale for changing to a statistical form is less compelling because there is much less variation in meteorological conditions for annual averages than for short-term averages. They also state that a change to an average of the annual averages over a three year period would be a relaxation of the current standard unless the standard level is suitably adjusted downward. Those recommending a change to the statistical form for the annual standard argue that it would improve stability and statistical confidence in the assessment of attainment.

Agency Response: Based on his decision to maintain the level of protection provided by the current annual standards, the Administrator concludes that it would be unwise at this time to change the form of the standards to a statistical one. Although such an approach could represent a modest technical improvement, its adoption would necessitate consideration of a lower standard level or the acceptance of a reduced degree of protection. This could ultimately require revisions to ongoing State programs for attaining and maintaining the standards. In the judgment of the Administrator, the disadvantages of changing the form of the standard outweigh any potential technical improvements at this time.

Review of Primary Standard

The current primary NAAQS for NO_2 is 0.053 ppm (100 $\mu g/m^3$), averaged over one year. As indicated above, the Act requires review of the existing criteria and ambient air quality standards for NO_2 and other pollutants every five years. In addition section 109(c) specifically requires the Administrator to promulgate a primary standard for NO_2 with an averaging time of not more than 3 hours unless he or she finds no significant evidence that such a short-term standard is required to protect public health. During the current standard review for NO_2, EPA has considered whether it should retain or revise the current annual NO_2 standards and has considered the issue of whether a separate short-term standard is needed. With regard to the short-term standard, EPA has considered the following options: (1) Proposing to set a new short-term primary standard, (2) concluding that no short-term primary standard is needed at this time, and (3) deferring a decision on whether a short-term standard is needed pending results from additional scientific research.

For the reasons detailed in the proposal preamble (49 FR 6866) and below, EPA has concluded that the current 0.053 ppm annual average standards adequately protect against adverse health and welfare effects associated with long-term exposures and provide some measure of protection against possible short-term health and welfare effects. EPA is continuing to evaluate the evidence bearing on whether a separate short-term standard is requisite to protect public health and is increasing its research efforts on short-term effects. Consequently, EPA is not proposing to set a separate short-term standard at this time.

As indicated above, section 109(b)(1) of the Clean Air Act requires EPA to set primary standards, based on the air quality criteria and allowing an adequate margin of safety which, in the Administrator's judgment, are requisite to protect the public health. The legislative history of the Act makes clear the Congressional intent to protect sensitive persons who in the normal course of daily activity are exposed to the ambient environment. Air quality standards are to be established with reference to protecting the health of a representative, statistically related, sample of persons comprising the sensitive group rather than a single person in such group.

EPA's objective, therefore, is to determine whether new or revised primary standards are required, based on the existing scientific evidence, assessment of the uncertainties in this evidence, and a reasonable provision for scientific and medical knowledge yet to be acquired, as as to protect sensitive population groups with an adequate margin of safety. As for other ambient standard pollutants, none of the evidence presented in the Criteria Document shows a clear threshold of adverse health effects for NO_2. Rather, there is a continuum, ranging from NO_2 levels at which health effects are undisputed, through levels at which many, but not all scientists generally agree that health effects have been convincingly shown, down to levels at which the indications of health effects are less certain and more difficult to identify. This does not necessarily mean that there is no threshold, other than zero, for NO_2 related health effects; it simply means no precise threshold can be identified with certainty based on existing medical evidence. Thus, the standard-setting decision cannot involve appending an exact margin of safety to a known threshold effect level. Rather, it

involves a public health policy judgment that must take into account both the known continuum of effect as well as gaps and uncertainties in the existing scientific evidence.

In reviewing the need for any new or revised primary NO_2 standards, EPA must make assessments and judgments in the following areas:

1. Identification of reported effect levels and associated averaging times that medical research has linked to health effects in healthy and sensitive persons.

2. Characterization of scientific uncertainties with regard to the health effects evidence and judgments concerning which effects are important to consider in reviewing or setting primary standards.

3. Description of population groups believed to be most sensitive to NO_2 and estimates of the size of those groups.

4. Consideration of NO_2 standard levels and averaging times that provide an adequate margin of safety based on NO_2 levels and exposure periods that may affect sensitive population groups, taking into account the various uncertainties.

Based on the assessment of relevant scientific and technical information in the Criteria Document, the OAQPS Staff Paper outlines a number of key factors to be considered in each of the above areas. Both the staff and CASAC made recommendations to focus consideration on a discrete range of policy options in each area. In most respects, the Administrator has adopted the recommendations and supporting reasons contained in the OAQPS Staff Paper and the CASAC closure letters (Friedlander, 1982; Lippmann, 1984). Rather than reiterating those discussions at length, the following discussion of the final standard focuses primarily on those considerations that were most influential in the Administrator's selection of a particular option, or that differ in some respect from considerations that influenced the staff and/or CASAC recommendations.

Assessment of Health Effects Evidence

The OAQPS Staff Paper, which has been placed in the public docket (Docket No. OAQPS 78-9, II-A-7), presents a detailed and comprehensive assessment by EPA staff of the key health effect studies contained in the Criteria Document and other critical scientific issues relevant to the review of the existing annual NO_2 standard and the need, if any, for a separate short-term (less than 3 hours) NO_2 standard. This assessment is summarized in the proposed preamble (49 FR 6866).

A variety of respiratory system effects have been reported to be associated with exposure to short- and long-term NO_2 concentrations less than 2.0 ppm in humans and animals. The most frequent and significant NO_2-induced respiratory effects reported in the scientific literature at the time the Criteria Document and OAQPS Staff Paper were published include: (1) Altered lung function and symptomatic effects observed in controlled human exposure studies and in community epidemiological studies, (2) increased prevalence of acute respiratory illness and symptoms observed in outdoor community epidemiological studies and in indoor community epidemiological studies comparing residents of gas and electric stove homes, and (3) lung tissue damage, development of emphysema-like lesions in the lung, and increased susceptibility to infection observed in animal toxicology studies. As the Criteria Document concludes, results from these several kinds of studies collectively provide evidence indicating that certain human health effects may occur as a result of exposures to NO_2 concentrations at or approaching recorded ambient NO_2 levels.

At the time of proposal, based on controlled human exposure studies, EPA concluded that human pulmonary function effects of clear health concern resulting from single, short-term exposures of less than 3 hours duration have been unambiguously demonstrated only at concentrations (greater than 1.0 ppm) well in excess of ambient exposure levels typically encountered by the public. More subtle health effects that were of uncertain health significance, such as mild symptomatic effects, had been reported for some asthmatics after a single 2-hour exposure to 0.5 ppm.

The principal evidence reviewed in the OAQPS Staff Paper and proposal on the effects of repeated short-term exposures came from a series of cross-sectional epidemiological (community) studies, some ongoing, which reported increased prevalence of acute respiratory illness and impaired lung function in children living in homes with gas stoves (a source of NO_2) as compared to children living in electric stove homes. Findings from several animal studies demonstrating reduced resistance to infection due to NO_2 exposures support the belief that NO_2 exposures are probably related to the effects observed in these indoor epidemiological studies. A limitation of these studies with respect to setting an NO_2 NAAQS is that the investigators did not measure short-term NO_2 concentrations in the homes of the subjects in the indoor epidemiology studies. Based on NO_2 monitoring data from other gas stove homes, EPA staff estimated that the health effects observed in gas stove homes, if due to NO_2 exposure, were likely to be associated with frequent, repeated short-term peak exposures to NO_2 levels ranging up to 0.5 to 1.0 ppm and possibly as low as 0.15 to 0.30 ppm.

Findings from several animal studies, such as development of emphysema-like lesions and increased susceptibility to infection, indicated at the time of proposal that long-term exposures to elevated NO_2 concentrations can lead to serious adverse health effects in animals. A major limitation in making quantitative use of these studies was the lack of satisfactory methods for directly extrapolating the results to effect levels in humans.

Since proposal, EPA's ECAO has reviewed the scientific studies that have become available since CASAC closure on the Criteria Document and OAQPS Staff Paper and that were identified by EPA staff and/or in public comments on the NO_2 proposal. This review was submitted to the CASAC and was discussed at a meeting held on July 19-20, 1984; a revised document reflecting CASAC and public comments has been placed in the public docket (OAQPS 78-9, IV-B-1). It should be noted that a more complete scientific assessment of these studies is not possible at this time because many of the studies have yet to be published in the peer-reviewed scientific literature or appear only as abstracts. The principal points from ECAO's review of the new studies are summarized below.

(1) The more recent controlled human exposure studies (most of which are presently in unpublished form) present mixed and conflicting results concerning respiratory effects in asthmatics and healthy individuals at concentrations in the range of 0.1 to 4.0 ppm NO_2. Some new studies have reported an increased effect on airway resistance or lung function when challenged by a bronchoconstricting agent and NO_2 (Ahmed et al., 1982; Kleinman et al., 1983; Bauer et al., 1984) while other recent studies have reported no statistically significant effects from NO_2 alone or with a bronchoconstricting agent (Hazucha et al., 1983; Ahmed et al., 1983). It is not possible, at this time, to evaluate the reasons for these mixed results. Only Kagawa and Tsuru (1979) have reported results possibly suggestive of short-term NO_2 effects on pulmonary function without combined provocative challenge by other agents (e.g., carbachol or cold air) for a group of 6 subjects exposed to 0.15 ppm NO_2.

However, the small size of the decrements reported (all less than 5 percent) in conjunction with questions regarding the statistical analyses used suggest caution in accepting the reported findings as demonstrating NO_2 effects on pulmonary function at 0.15 ppm, especially in view of the lack of confirmatory findings by other investigators at that exposure level.

(2) The most recent indoor epidemiological studies by the British and Harvard groups indicate somewhat weaker findings of an association between NO_2 and respiratory effects than the original studies conducted by these groups cited in Criteria Document and proposal notice. For example, an estimated odds ratio for respiratory illness before age 2 of 1.23 ($p < 0.01$) previously reported by the Harvard group (Speizer et al., 1980), has been reduced to 1.12 ($p = .07$) by the inclusion in the statistical analyses of data from additional children enrolled in the study (Ware et al., 1984). The association between residence in a gas stove home and respiratory illness before age 2 is, therefore, no longer statistically significant. Nonetheless, the Ware et al. study continued to find small statistically significant decreases in pulmonary function when the data for this large sample of children were analyzed.

The associations between use of gas stoves and increased respiratory illness before age 2 and the use of gas stoves and decreases in lung function levels in school age children were both reduced when the Harvard group controlled for parental education (Ware et al., 1984). More specifically, when an adjustment for parental education was included in the analysis, the odds ratio for respiratory illness before age 2 was reduced further to 1.11 ($p = 0.14$) and the decreases in lung function were 30 percent smaller and no longer statistically significant. Because level of parental education is negatively associated with the use of gas stoves and positively associated with respiratory illness and lung function level, the authors state that the adjustment for parental education "may represent confounding but may also represent overadjustment for a surrogate for gas stove use" (Ware et al., 1984).

Some other indoor epidemiological studies (with much smaller statistical power) involving electric and gas stove homes have reported statistically significant increased rates of symptoms and illness in residents of gas stove homes (Comstock et al., 1981; Helsing et al., 1982; Lebowitz et al., 1982), while other studies have failed to find any statistically significant associations with gas stove usage (Jones et al., 1982; Melia et al., 1982; Melia et al., 1983). Unfortunately, none of the recent studies has provided an assessment of short-term NO_2 levels in the residences of the subjects evaluated. Overall, then, the newly available data from indoor epidemiological studies do not appear to resolve the mixed results reported in earlier studies.

(3) The results from the more recent animal studies further substantiate the NO_2 effects on immune function and increased susceptibility to infection. However, the lack of an acceptable method at this time for quantitative extrapolation of the animal data to man greatly limits their usefulness beyond providing qualitative support for analogous effects plausibly being associated with repeated, short-term high-level and chronic exposure to NO_2.

Population Groups Most Sensitive to NO_2 Exposures

As discussed in the proposal preamble (49 FR 6866), in EPA's judgment, the available health effects data presented in the Criteria Document identify young children and asthmatics as the groups at greatest risk from ambient NO_2 exposures. EPA believes that chronic bronchitics and individuals with emphysema or other chronic respiratory diseases may also be sensitive to NO_2 exposures. In addition, based on the findings from animal studies showing increased hematological, hormonal and other systemic alterations after exposure to NO_2, there is reason to believe that persons with cirrhosis of the liver or other liver, hormonal, and blood disorders, or persons undergoing certain types of drug therapies may also be more sensitive to NO_2. Due to the lack of human experimental data for these latter groups, however, EPA is considering the potential effects on such persons only as a factor in providing an adequate margin of safety.

The U.S. Bureau of the Census (U.S. DOC, 1973) estimated that the total number of children under five years of age in 1970 was 17,163,000 and the number between five and thirteen years was 36,575,000. Data from the U.S. National Health Survey (U.S. DHEW, 1973) for 1970 indicate that there were 6,526,000 chronic bronchitics, 6,031,000 asthmatics, and 1,313,000 emphysematics at the time of the Survey. Although there is overlap on the order of about one million persons for these last three categories, it is estimated that over twelve million persons experienced these chronic respiratory conditions in the U.S. in 1970.

Margin of Safety Considerations

Selecting an ambient air quality standard with an adequate margin of safety requires that uncertainties in the health effects evidence be considered in arriving at the standard. While the lowest NO_2 concentrations reliably linked to identifiable health effects due to single or repeated peak exposures appear to be in the range of 0.5–1.6 ppm NO_2 (based on symptomatic effects (Kerr et al., 1979) and pulmonary function impairment (Suzuki and Ishikawa, 1965 and Von Nieding et al., 1971)), a clear threshold for adverse health effects has not been established. Several factors make it impossible at present to identify the minimum NO_2 level associated with adverse health effects with any confidence.

As discussed in the proposal preamble, clinical investigators have generally excluded from studies for ethical reasons individuals who may be very sensitive to NO_2 exposures, such as children, elderly individuals, and people with severe pre-existing respiratory diseases (including severe asthma). In addition, human susceptibility to health effects varies considerably among individuals. Thus, it is not certain that the available experimental evidence for NO_2 has accounted for the full range of effects and human susceptibility. Finally, there is no assurance that all adverse health effects related to low level NO_2 exposures have been identified.

Factors that have been considered in assessing whether the current NO_2 standard provides an adequate margin of safety include: (1) Concern for potentially sensitive populations that have not been adequately tested, (2) concern for the effects of repeated peak exposures and delayed effects seen in animal studies but not yet examined in controlled human exposure studies, (3) implications of the Orehek et al. (1976) study and similar studies in which bronchoconstrictors were used, (4) possible synergistic or additive effects between NO_2 and other pollutants or environmental stresses, and (5) uncertainty about the NO_2 levels and duration of exposures associated with effects reported in the "gas stove" studies.

Determinations Concerning the Averaging Time and Standard Level

As discussed previously, EPA is required both to review the adequacy of the existing 0.053 ppm annual NO_2 standard and to determine whether a

short-term (less than 3 hours) NO_2 standard is required to protect public health. Although the scientific literature supports the conclusion that NO_2 does pose a risk to human health, there is no single study or group of studies that clearly defines human exposure-response relationships at or near current ambient NO_2 levels. This situation exists because of both methodological limitations of health effects research and the lack of sufficient studies involving population groups suspected of being particularly sensitive to NO_2. Based on the review of the health effects evidence presented in the Criteria Document, however, both EPA and the CASAC have concluded that the studies reviewed in that document and the OAQPS Staff Paper have demonstrated the occurrence of health effects resulting from both short-term and long-term NO_2 exposures. As discussed below, EPA is unable to specify at this time the lowest level at which adverse health effects are believed to occur in humans due to either short- or long-term NO_2 exposures of uncertainties in the health effects data base.

Annual Standard

In reviewing the scientific basis for an annual standard, EPA finds that the evidence showing the most serious health effects associated with chronic NO_2 exposures (e.g., emphysematous-like alterations in the lung and increased susceptibility to infection) comes from animal studies conducted at concentrations well above those permitted in the ambient air by the current annual standard. The major limitation of these studies for standard-setting purposes is that currently there is no satisfactory method for quantitatively extrapolating exposure-response results from these animal studies directly to humans. However, the seriousness of these effects coupled with the biological similarities between humans and test animals suggests that there is some risk to human health from long-term exposure to elevated NO_2 levels.

Other evidence suggesting health effects related to long-term, low-level exposures, such as the community epidemiology and gas stove community studies, provides some qualitative support for concluding that there is a relationship between long-term human exposure to near-ambient levels of NO_2 and adverse health effects. However, various limitations in these studies (e.g., unreliable or insufficient monitoring data and inadequate treatment of potential confounding factors such as humidity and pollutants other than NO_2) preclude derivation of quantitative dose-response relationships.

Given the uncertainty associated with the extrapolation from animal to man, the seriousness of the observed effects, and the inability to determine from the available data an effects level for humans, EPA believes it would be prudent public health policy to maintain the current annual standard of 0.053 ppm. As discussed in the proposal notice, EPA is also concerned that any relaxation of the current annual standard would allow a rise in the frequency and severity of short-term ambient NO_2 concentrations. The results of EPA's analysis of short-term ambient concentrations in areas that meet the current 0.053 ppm annual standard and alternative annual standards in the range 0.05 to 0.08 ppm are discussed in more detail in McCurdy and Atherton (1983), McCurdy (1985), and proposal preamble (49 FR 6873). Despite the lack of a firm relationship between various averaging times, it was observed that where the annual average is at or below the current 0.053 ppm standard, days with one-hour concentrations in excess of any specified level (including levels in the range 0.15 to 0.30 ppm) tend to be fewer in number than at locations where the current annual standard is exceeded.

While it is not possible currently to quantify the margin of safety provided by the existing annual standard, two observations are relevant: (1) A 0.053 ppm standard is consistent with CASAC's recommendation (Friedlander, 1982; Lippman, 1984) to set the annual standard at the lower end of the range (0.05 to 0.08 ppm) cited in the OAQPS Staff Paper to ensure an adequate margin of safety against long-term effects and provide some measure of protection against possible short-term health effects, and (2) a 0.053 ppm standard would keep annual NO_2 concentrations considerably below the long-term levels for which serious chronic effects have been observed in animals. Maintaining the current annual primary standard is a prudent public health policy choice that will prevent any increased chronic health risk in large, populated urban areas that are now attaining the standard. Consequently, the Administrator has determined that retaining the current primary annual standard of 0.053 ppm is both necessary and sufficiently prudent to protect public health against chronic effects with an adequate margin of safety and provides some measure of protection against possible short-term health effects.

Need for a Short-Term Standard

As stated earlier in this notice, section 109(c) of the Clean Air Act specifically requires the Administrator to promulgate a primary NO_2 standard with an averaging time of not more than 3 hours unless he or she finds no significant evidence that such a short-term standard is required to protect public health. In conjunction with the review of the annual standard, EPA also has carefully examined the health effects data base to determine whether a separate short-term standard is required to protect public health. As discussed in more detail in the OAQPS Staff Paper and proposal preamble, there are considerable uncertainties about whether short-term (less than 3 hours) exposures to NO_2 at levels observed in the ambient air cause any adverse health effects in humans. Citing these uncertainties, EPA did not propose to set a separate short-term standard and solicited public comment on the need, if any, for such a standard (49 FR 6866). EPA also requested that public comments on this issue identify any scientific or technical evidence that would support any particular standard level and other relevant elements of the standard, such as averaging time, number of exceedances, and form of the standard.

EPA's assessment of the health effects evidence relevant to any decision on the need for a separate short-term standard and EPA's review of scientific studies that have become available since CASAC closure on the Criteria Document and OAQPS Staff Paper have been summarized earlier in this notice in the section, Assessment of Health Effects Evidence. More detailed information about EPA's assessment of the scientific evidence pertinent to the short-term standard issue can be found in the Criteria Document, OAQPS Staff Paper, and ECAO's review of recent studies (OAQPS 78-9, IV-B-1).

Public comments on the proposal generally argued for one of the following three positions: (1) EPA should propose a short-term primary standard, (2) EPA should conclude that no short-term standard is needed at this time, or (3) EPA should defer its decision on whether a separate short-term standard is needed until results are available from a multi-year research program focused on resolving or reducing the uncertainties surrounding the need for a short-term standard. EPA staff discussed these three options and ECAO's review of the newer scientific studies with the CASAC at the public meeting held on July 19-20, 1984. A

transcript of the meeting has been placed in the docket (OAQPS 78-9).

The CASAC, as indicated in its October 18, 1984 letter to the Administrator (Lippmann, 1984), concurred with the EPA staff that the available information was insufficient to provide an adequate scientific basis for decisions on a short-term standard level, averaging time, and number of allowable exceedances which would be required to propose a separate short-term standard. At the same time the CASAC stated that it could not rule out the possibility of adverse health effects at ambient NO_2 levels given the large uncertainties in the scientific data base. CASAC concluded that either of the remaining options, which would not propose to set a short-term standard at this time, were functionally equivalent, i.e., EPA could aggressively pursue scientific research to resolve or reduce the uncertainties about health effects related to short-term NO_2 exposures under either option selected. CASAC recommended that EPA "reaffirm the annual standard at the current level" and that EPA "defer a decision on the short-term standard while pursuing an aggressive research program on short-term effects of NO_2" (Lippmann, 1984).

Given (1) the language on the short-term standard in the Clean Air Act which requires the Administrator to establish a short-term standard unless he or she finds that there is no significant evidence that one is required to protect public health and (2) the large scientific uncertainties remaining about possible short-term effects at ambient NO_2 levels, the Administrator has concluded that it would be prudent to defer a decision on the need for a short-term standard. The Agency is committed to carrying out a focused research program designed to resolve or reduce the major uncertainties associated with the question of whether short-term NO_2 exposures at ambient levels adversely affect public health. In the meantime, the Administrator believes that continued attainment of the current 0.053 ppm annual standard will provide some measure of protection against possible short-term health effects.

Welfare Effects and the Secondary Standard

As indicated above, section 109(b) of the Clean Air Act mandates the setting of secondary NAAQS to protect the public welfare from any known or anticipated adverse effects associated with an air pollutant in the ambient atmosphere. A variety of effects on public welfare have been attributed to NO_2 and NO_x compounds. These effects include increased rates of acidic deposition, symptomatic effects in humans, vegetation effects, materials damage, and visibility impairment. The OAQPS Staff Paper (OAQPS 78-9, II-A-7) describes in detail each of the welfare effects of concern. The following discussion summarizes the welfare-related effects discussed in the OAQPS Staff Paper, and CASAC's comments relating to the secondary NO_2 NAAQS.

The issue of acidic deposition was not directly assessed in the OAQPS Staff Paper because EPA has followed the guidance which was given by CASAC on this subject at it public meeting review of the draft document, "Air Quality Criteria for Particulate Matter and Sulfur Oxides," which was held on August 20-22, 1980. The CASAC concluded that acidic deposition is a topic of extreme scientific complexity because of the difficulty in establishing firm quantitative relationships between emissions of relevant pollutants, formation of acidic wet and dry deposition products, and effects on the terrestrial and aquatic ecosystems. Secondly, acidic deposition involves, at a minimum the criteria pollutants of oxides of sulfur, oxides of nitrogen, and the fine particulate fraction of suspended particulates. Finally, the Committee felt that any document on this subject should address both wet and dry deposition, since dry deposition is believed to account for a least one-half of the total acid deposition problem. For these reasons, the Committee felt that a significantly expanded and separate document should be prepared prior to any consideration of using NAAQS as a regulatory mechanism for control of acidic deposition. CASAC suggested that a discussion of acidic precipitation be included in the criteria documents for both NO_x and particulate matter and sulfur oxides, but that plans also be made for the development of a separate, comprehensive document on acid deposition. In response to these recommendations, EPA is in the process of developing an acidic deposition document that will provide a more comprehensive treatment of this subject.

As defined in section 302(h) of the Act, welfare effects include effects on personal comfort and will being. Mild symptomatic effects were observed in 1 of 7 bronchitics and in 7 of 13 asthmatics during or after exposure to 0.5 ppm NO_2 for 2 hours in the Kerr et al. (1979) study. The authors indicate that the symptoms were mild and reversible and included slight headache, nasal discharge, dizziness, chest tightness and labored breathing during exercise. In EPA's judgment these mild symptomatic effects affect personal comfort and well being and could be considered adverse welfare effects in certain situations. CASAC generally agreed with this judgment, but felt that because short-term peaks associated with these effects are rarely observed in areas where the current annual standard of 0.053 ppm was met, the current annual standard is adequate to protect against these effects.

Evidence in the Criteria Document and information provided by plant physiologist (Heck, 1980; Tingey, 1980a; Tingey, 1980b) have indicated that visible injury to vegetation due NO_2 alone occurs at levels which are above ambient concentrations generally occurring within the U.S., except around a few point sources. Several studies (Korth et al., 1964; Haagan-Smit et al., 1952; Heck, 1964; Taylor et al., 1975; Thompson et al., 1970) on the effects of NO_2 alone on vegetation have failed to show plant injury at concentrations below 2 ppm for short-term exposures. For long-term exposures, such as a growing season, the lowest concentration reported to depress growth is approximately 0.25 ppm (Korth, 1964). The concentrations which produced injury or impaired growth in these studies are higher than those which would be expected to occur in the atmosphere for extended periods of time in areas attaining a 0.053 ppm annual standard.

In regard to vegetation from NO_2 in combination with other pollutants, plant responses to pollutant mixtures appear to vary with concentration, ratio(s) of pollutants, sequence of exposure, and other variables. Studies examining exposure to NO_2 and SO_2 as well as to O_3 and SO_2 (MacDowell and Cole, 1971; Tingey, 1973) have shown that the synergistic response is most pronounced near the threshold doses of the gas combinations tested and that, as concentrations increase beyond the threshold doses, the synergistic response diminishes, often becoming additive, or in some cases, antagonistic. In addition, studies by Ashenden (Ashenden and Mansfield, 1978; Ashenden, 1979; Ashenden and Williams, 1980) have reported growth and yield suppression from combined exposures of SO_2 and NO_2. Although the limited evidence available indicates that low levels of NO_2 and SO_2 can have a synergistic effect, this type of response is extremely variable and has not been sufficiently documented. CASAC concurred with EPA's judgment that the data do not suggest significant effects of NO_2 on vegetation at or below current ambient levels and that an annual standard of 0.053 ppm would provide

sufficient protection against significant effects on vegetation.

In regard to visibility impairment due to NO_2, the scientific evidence indicates that light scattering by particles is generally the primary cause of degraded visual air quality and that aerosol optical effects alone can impart a reddish brown color to a haze layer. Thus while it is clear that both particles and NO_2 contribute to brown haze, the CASAC concurred with EPA's judgment that the relationship between NO_2 concentrations and visibility impairment has not been sufficiently established and that a separate secondary standard to protect visibility is not warranted at this time. CASAC confirmed this judgment at its public meeting held on July 19–20, 1984.

Finally, while NO_2 has been qualitatively associated with materials damage, CASAC concurred with EPA's judgment that the available data do not suggest major effects of NO_2 on materials for concentrations at or below the current annual standard of 0.053 ppm.

Based on an evaluation of symptomatic effects, vegetation damage, visibility impairment, and materials damage, and the levels at which these effects are observed, it is EPA's judgment that the current annual standard provides adequate protection against both long- and short-term welfare effects and that there is no need for a different secondary standard. For these reasons, EPA is retaining the secondary standard at the same level as the primary standard.

Significant Harm Levels

Section 303 of the Clean Air Act authorizes the Administrator to take certain emergency actions if pollution levels in an area constitute "an imminent and substantial endangerment to the health of persons." EPA's regulations governing adoption and submittal of SIP's contain a provision (40 CFR 51.16) that requires the adoption by States of contingency plans to prevent ambient pollutant concentrations from reaching specified significant harm levels. The existing significant harm levels for NO_2 were established in 1971 (36 FR 24002) at the following levels:

2.00 ppm (3750 $\mu g/m^3$)—1-hour average
0.50 ppm (937 $\mu g/m^3$)—24-hour average

On the basis of EPA's reassessment of the earlier data and assessment of more recent scientific evidence, no modifications are being made to the existing significant harm designations. EPA has assessed the medical evidence on exposure to higher NO_2 concentrations that could lead to significant harm. This assessment can be found in Chapter 15 of the Criteria Document. Table 15–3 of the Criteria Document indicates the types and levels of effects reported for exposure to high levels of NO_2.

Regulatory and Environmental Impacts

Regulatory Impact Analysis

Under Executive Order 12291, EPA must judge whether a regulation is a "major" regulation for which a Regulatory Impact Analysis (RIA) is required. The Agency judged the NO_2 NAAQS proposal to be a major action, and, therefore, prepared a draft RIA based on information developed by several EPA contractors (Energy and Environmental Analysis, Inc., 1982 and Resources for the Future, 1982). The draft RIA was made available to the public at the time of proposal. EPA has revised and updated the RIA based on information developed by an EPA contractor (GCA, 1984). The final RIA contains estimates of the projected costs of alternative control strategies associated with attainment of alternative annual standards and the projected number of urban areas exceeding alternative annual standard levels. The final RIA is available from the address given above (see Availability of Related Information section). Neither the draft nor the final RIA or the contractor reports used to develop the RIA have been considered by the Administrator in deciding to retain the existing standards for NO_2.

The draft and final RIA's and the draft **Federal Register** notice were submitted to the Office of Management and Budget (OMB) for review under Executive Order 12291. Any written comments from OMB and any EPA responses to those comments have been placed in the public docket (Docket No. OAQPS 78–9) and are available for public inspection and copying (see Addresses section).

Impact on Small Entities

The Regulatory Flexibility Act requires that all federal agencies consider the impacts of final regulations on small entities, which are defined to be small businesses, small organizations, and small governmental jurisdictions (5 U.S.C. 601 et seq.). EPA's analysis pursuant to this Act is summarized in a section of the report, "Cost and Economic Assessment of Regulatory Alternatives for NO_2 NAAQS" (Energy and Environmental Analysis, Inc., 1982). NAAQS for NO_2 by themselves have no direct impact on small entities; however, they force each State to design and implement control strategies for those areas not in attainment. Three possible sources of impacts on small entities include (1) the federal motor vehicle control program (FMVCP) for cars and trucks, (2) the inspection and maintenance (I&M) program, and (3) the stationary source control program.

FMVCP requirements fall primarily on automobile manufacturers, none of which are classified as small businesses. Additionally, the incremental cost of NO_x control, which is passed on to purchasers of motor vehicles—including small entities—is a small fraction of the purchase price and, thus, the impact to these purchasers should be negligible.

An I&M program for NO_x control may have a slight negative economic impact on small entities, but it may also have a positive economic impact on other small entities. The estimated per vehicle average annual cost for an NO_x I&M program is expected to be between $3.15 and $11.06 depending upon the type of inspection undertaken, whether or not an I&M program is needed for other mobile source pollutants, and the starting time for the program. These cost figures assume an I&M failure rate of 30 percent. These costs should not impose a significant negative economic impact on small entities. On the other hand, some small entities, such as gas stations and garages will be repairing failed vehicles resulting in a net increase in receipts due to an NO_x I&M program. In addition, if a decentralized I&M program is implemented using small businesses to inspect motor vehicles, then their net receipts will also increase due to receipt of the inspection fee, most of which they retain. (The remainder goes to the governmental unit sponsoring the area-wide I&M program.)

Finally, only a few stationary sources of NO_x emissions hypothetically need to implement controls to attain an annual NO_2 standard. These sources, or entities, are the largest facilities within their standard industrial class, which as a class generally contains only "large entities" within the meaning of the Regulatory Flexibility Act.

Based on the analysis summarized above, EPA concludes that no small entity group will be significantly negatively affected due to retention of the 0.053 ppm NO_2 NAAQS. Therefore, pursuant to 5 U.S.C. 605(b) the Administrator certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

Impact on Reporting Requirements

This final rule does not contain any information collection requirements subject to OMB review under the

Paperwork Reduction Act of 1980, 5 U.S.C. 3501 *et seq.*

Revisions to Part 50 Regulations

In retaining the annual NO_2 standards, EPA has made some minor revisions in the Part 50 regulations concerning the NO_2 standards. These include (1) restating the NO_2 primary and secondary standards to improve understanding by the public, (2) explicitly adding a rounding convention to aid in the interpretation of the standards by State and local air pollution control agencies, (3) explicitly stating that annual averages will be determined on a calender year basis, and (4) explicitly indicating data completeness requirements. The first two changes were discussed in the proposal notice and no comments were received from the public. The last two revisions, stating that annual averages will be determined on a calendar year basis and explicitly stating the 75 percent data completeness requirement, are simply more explicit statements of current implementation policy.

Part 51 Regulations and SIP Development

Part D of the Clean Air Act Amendments of 1977 required States to submit revisions to their State implementation plans (SIP's) by January 1, 1979, which provided for attainment of the ambient air quality standards that were not being attained as of the date of those Amendments. Currently, there are several counties in one major metropolitan area (Los Angeles) that are classified in whole or part as being "nonattainment" for NO_2. Since today's action reaffirms the NO_2 ambient standards upon which the 1979 NO_2 SIP's were based, this action will not alter any requirements of those Part D SIP's.

Federal Reference Method

The measurement principle and calibration procedure applicable to reference methods for measuring ambient NO_2 concentrations to determine compliance with the standards are not affected by this final action. The measurement principle and the calibration procedure are set forth in Appendix F of 40 CFR Part 50. Reference methods—as well as equivalent methods—for monitoring NO_2 are designated in accordance with 40 CFR Part 53. A list of all methods designated by EPA as reference or equivalent methods for measuring NO_2 is available from any EPA Regional Office, or from EPA, Department E (MD-76), Research Triangle Park, N.C. 27711.

List of Subjects in 40 CFR Part 50

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

Dated: June 6, 1985.

Lee M. Thomas,

Administrator.

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PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

For the reasons set forth in the preamble, EPA amends Title 40, Chapter I, Part 50 of the Code of Federal Regulations as follows:

1. The authority for Title 40 part 50 is revised as set forth below and the authorities following §§ 50.9 and 50.12 are removed.

Authority: Sec. 109 and 301(a), Clean Air Act, as amended (42 U.S.C. 7409, 7601(a)).

2. Section 50.11 is revised to read as follows:

§ 50.11 National primary and secondary ambient air quality standards for nitrogen dioxide.

(a) The level of the national primary ambient air quality standard for nitrogen dioxide is 0.053 parts per million (100 micrograms per cubic meter), annual arithmetic mean concentration.

(b) The level of national secondary ambient air quality standard for nitrogen dioxide is 0.053 parts per million (100 micrograms per cubic meter), annual arithmetic mean concentration.

(c) The levels of the standards shall be measured by:

(1) A reference method based on Appendix F and designated in accordance with Part 53 of this Chapter, or

(2) An equivalent method designated in accordance with Part 53 of this Chapter.

(d) The standards are attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 ppm, rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm must be rounded up). To demonstrate attainment, an annual mean must be based upon hourly data that are at least 75 percent complete or upon data derived from manual methods that are at least 75 percent complete for the scheduled sampling days in each calendar quarter.

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Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual 523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JUNE

23267-23392.....3
23393-23660.....4
23661-23788.....5
23789-23890.....6
23891-24170.....7
24171-24502.....10
24503-24610.....11
24611-24756.....12
24757-24898.....13
24899-25036.....14
25037-25188.....17
25189-25412.....18
25413-25544.....19

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

The President

Administrative Orders
Presidential Findings:
June 14, 1985.....25189
Executive Orders:
1961 (Amended by EO 12518).....23661
11888 (Amended by EO 12519).....25037
12518.....23661
12519.....25037
Proclamations:
4707 (Amended by EO 12519).....25037
4768 (Amended by EO 12519).....25037
5348.....23267
5349.....23891
5350.....25065
5351.....25191
5352.....25193
5353.....25195

5 CFR

536.....23663
890.....24757

7 CFR

28.....25197
55.....23269
56.....23269
59.....23269
70.....23269
301.....23893
319.....24171
400.....24503
810.....23663
905.....23894
908.....23393, 24760, 25413
910.....24170, 24899
911.....23664
925.....24761
930.....24899
944.....23664
981.....24174, 24175
989.....23895
1040.....24611
1106.....24176
1207.....25198
1872.....23897
1900.....23897
1901.....23897
1940.....24178
1944.....23897
1951.....23897
1955.....23897
1962.....23897
3015.....24612
Proposed Rules:
319.....23815
927.....24531
928.....23312
1040.....24779
1136.....25249
1205.....25425

8 CFR

238.....23789
Proposed Rules:
245.....23959

9 CFR

78.....23393, 23937, 23938
92.....23790
94.....24187, 24612
101.....24901
113.....23791, 24904
114.....24901
313.....25199
318.....25202
322.....25203
354.....25067
381.....25203
Proposed Rules:
92.....25081
318.....25081
381.....25081

10 CFR

9.....25204
Proposed Rules:
30.....23960
40.....23960
50.....24655
61.....23960
70.....23960
72.....23960
430.....24198

12 CFR

201.....23394
207.....24613
217.....25413
220.....24613
221.....24613
226.....25068
563.....23395
571.....25205
Proposed Rules:
332.....23963, 23964
563.....23432, 25250

14 CFR

39.....23396, 23939, 24187, 24188
71.....23270-23272, 23971-23399, 23940, 23941, 24189, 24505, 25210
73.....23665, 24505
75.....25211
95.....23272
97.....25212

121 23941
125 23941
127 23941
129 23941
135 23941

Proposed Rules:
Ch. I 23433, 25252
39 ..... 23434, 23435, 23993, 23994, 25253
71 ..... 23312, 23714, 25254, 25426, 25427
73 24199
75 23714

15 CFR

20 23947
30 23400
50 23403
100 23947
370 23404
372 23404
373 23666
399 ..... 23284, 23404, 23405

16 CFR

13 ..... 23284, 23406
305 23285

Proposed Rules:
Ch. II 25082
13 ..... 23313-23316, 23437, 23440, 24200-24206, 25255
456 23996

17 CFR

1 23666
200 ..... 23286, 23287, 23668
210 25214
229 25214
230 25214
239 23287
240 25214
249 25214
250 23287
259 23287
270 ..... 24506, 24762

Proposed Rules:
1 24533
210 25259
229 25259
239 25259
240 23443
270 24540

18 CFR

4 23947
141 24906
154 23669
270 23669
271 ..... 24614, 24615
273 23669
410 25414

Proposed Rules:
2 24130
4 24779
35 ..... 23445, 24779
154 24130
157 24130
161 24130
271 25264
284 24130
385 24779

19 CFR

4 24616
6 23292
24 ..... 23292, 23947

Proposed Rules:
355 24207

20 CFR

626 24506
627 24506
628 24506
629 ..... 24506, 24764
630 24506

Proposed Rules:
404 25400
416 25400

21 CFR

73 ..... 23406, 23948
81 23294
178 ..... 23295-23297, 23948
179 24190
310 25170
314 23798
440 24906
448 24906
522 ..... 23298, 24508, 25216
540 24616
558 ..... 23949, 24509, 25217-25219
561 23675

Proposed Rules:
70 23815
74 23815
82 23815
201 23815
357 ..... 25156, 25162
610 24542
660 24542
701 23815
1301 23451
1305 23451
1307 23451

22 CFR

307 23299

Proposed Rules:
502 23453

24 CFR

20 24906
215 24616
232 25069
235 25069
236 24616
813 24616
888 23407
1800 25010

25 CFR

Proposed Rules:
31 24234
61 25082

26 CFR

1 ..... 23407, 23676, 25070, 25219
301 ..... 23407, 25070
602 ..... 23407, 23676, 25070, 25219

Proposed Rules:
301 23316

27 CFR

5 23410
18 23680
19 ..... 23410, 23680, 23949
20 23680
22 23680
170 ..... 23680, 23949
194 23949
196 23680
197 23949
250 23949
251 23949
252 ..... 23410, 23949

28 CFR

Proposed Rules:
2 ..... 24234-24236, 24782

29 CFR

1602 24622
1952 24884
2606 25221
2610 23299
2619 24914

30 CFR

914 23684
917 23686
936 24509
943 23299

Proposed Rules:
57 23612
250 24546
256 24546
701 ..... 24880, 24917
736 24917
740 24917
746 24917
750 24917
772 24917
773 24122
816 24880
817 24880
901 23996
904 24782
938 ..... 23715, 25265-25267
948 25428

32 CFR

199 23300
706 ..... 23798, 23799
719 23799
725 24622
1903 23805

33 CFR

1 23688
100 ..... 23301, 23302, 23805-23808, 24191-24193, 24764, 24765, 25070, 25071
110 24193
117 ..... 23303-23305, 24194, 24195, 25072, 25221
157 24766
165 ..... 23306, 23809, 24766
166 24766

Proposed Rules:
100 ..... 24783, 25091, 25092
110 25268
117 ..... 23316, 24238, 24239

34 CFR

373 25406

Proposed Rules:
222 25024
650 23390

36 CFR

7 24510
212 23307
281 23410

37 CFR

10 25073

Proposed Rules:
202 24240

38 CFR

3 25415
14 24767
21 24768
36 24511

Proposed Rules:
21 25430

39 CFR

Proposed Rules:
111 23317

40 CFR

30 24876
33 24876
50 25532
52 ..... 23810, 24768, 25073, 25417
60 ..... 24196, 24770
61 24196
65 24196
133 23362
147 23956
180 23689-23692

Proposed Rules:
52 25093
60 25095
81 24784
123 24784
180 23716-23720
202 25516
205 25516
261 ..... 23721, 24658
271 24362
712 25095
403 25526

41 CFR

Ch. 101 23411
101-8 23412
101-47 25222

Proposed Rules:
Ch. 201 24785
101-35 23453
101-36 23453
101-37 23453

42 CFR

435 25079
436 25079
440 25079
441 25079
447 23307

Proposed Rules:
405 ..... 24366, 25178
412 24366

43 CFR

12 25223

Public Land Order:
6602 24772
6607 23958

Proposed Rules:
Subtitle A 23818
2090 24124
3430 23997
3450 23997

44 CFR

62 24772

64.....23307, 25228, 25419
67.....24623

45 CFR

301.....23958
302.....23958
303.....23958
304.....23958
1161.....25228
Proposed Rules:
205.....25269
1614.....25270

46 CFR

5.....23693
7.....25229
Proposed Rules:
12.....23318
160.....25274
552.....23318

47 CFR

2.....25234
15.....24512, 25234
73.....23695-23697, 24515, 24638-24647, 25241, 25421, 25422
74.....23697
78.....23417, 23710
81.....23422
90.....23711, 25234
97.....23423, 25241
Proposed Rules:
1.....23999
2.....24548, 25274
22.....25274
43.....24547
73.....23728-23738, 24548, 24659, 24786, 25430-25432
74.....25274
80.....23454
81.....23454
83.....23454
90.....24548, 25274
97.....24548

48 CFR

Ch. 7.....23711
1.....23604
13.....23604
14.....23604
15.....23604
16.....23604
22.....23604
25.....23604
31.....23604
33.....23604
44.....23604
52.....23604
53.....23604
522.....24523
533.....24772
552.....24523, 24772
App. B.....24772
Proposed Rules:
Ch. 18.....25434
3.....23818

49 CFR

173.....23811
393.....24549
571.....23426, 23813
572.....25422
584.....24550
1057.....24648
1152.....24649
Proposed Rules:
531.....23738
584.....24917
1039.....23741
1241.....25282

50 CFR

17.....23872, 24526, 24649
26.....23309
611.....23712
663.....24777
655.....23310
674.....25247
Proposed Rules:
17.....23458, 24001, 24241, 24917, 25283, 25380, 25390
20.....23459
23.....24918
32.....23470, 24786
642.....24242, 24787
649.....24251
669.....24251

LIST OF PUBLIC LAWS

Last List June 18, 1985

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.J. Res. 25/Pub. L. 99-51

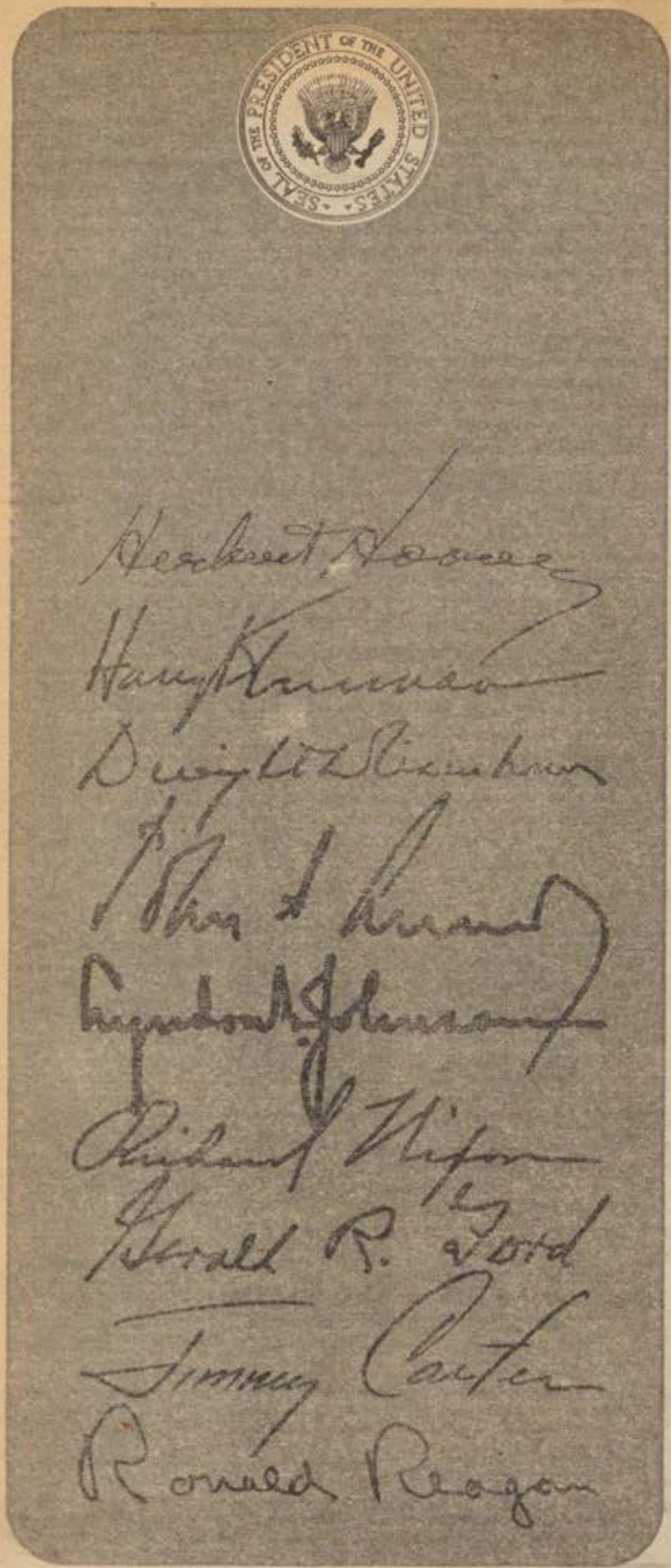
To designate the week beginning June 2, 1985, as "National Theatre Week". (June 14, 1985; 99 Stat. 91) Price: $1.00

H.J. Res. 64/Pub. L. 99-52

Designating Mother's Day, May 12, 1985, to Father's Day, June 16, 1985, as "Family Reunion Month". (June 14, 1985; 99 Stat. 92) Price: $1.00

H.R. 873/Pub. L. 99-53

To amend title 5, United States Code, to provide that employee organizations which are not eligible to participate in the Federal employees health benefits program solely because of the requirement that applications for approval be filed before January 1, 1980, may apply to become so eligible, and for other purposes. (June 17, 1985; 99 Stat. 93) Price: $1.00



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