10-15-85
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Pages 41655-41834

Federal Register

Tuesday
October 15, 1985

Briefings on How To Use the Federal Register—
For information on briefings in Atlanta, GA, see announcement on the inside cover of this issue.

Selected Subjects

Air Pollution Control
Environmental Protection Agency

Antibiotics
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Arms and Munitions
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Aviation Safety
Federal Aviation Administration

Banks, Banking
Federal Reserve System

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Credit Unions
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Housing and Urban Development Department

Labeling
Alcohol, Tobacco and Firearms Bureau

Marine Safety
Coast Guard

Marketing Agreements
Agricultural Marketing Service

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Selected Subjects

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

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.

ATLANTA, GA

WHEN: Nov. 21; at 1 pm.
Nov. 22; at 9 am. (identical session)

WHERE: Room LP-7,
Richard B. Russell Federal Building,
75 Spring Street, SW., Atlanta, GA.

RESERVATIONS: Deborah Hogan,
Atlanta Federal Information Center,
Before Nov. 12: 404-221-2170
On or after Nov. 12: 404-331-2170

FUTURE WORKSHOPS: Additional workshops are scheduled bimonthly in Washington and on an annual basis in Federal regional cities. The January 1986 Washington, D.C. workshop will include facilities for the hearing impaired. Dates and locations will be announced later.

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Presidential Documents

Title 3—

The President

Proclamation 5383 of October 9, 1985

National Spina Bifida Month, 1985

By the President of the United States of America

A Proclamation

Spina bifida is one of the most common birth defects. It affects between one and two of every 1,000 babies born in the United States. Infants with spina bifida may have partially developed spinal cords and often suffer nerve damage, muscle paralysis, and spine and limb deformities. Most develop hydrocephalus—a potentially dangerous buildup of fluid and pressure within the brain.

A generation ago, the majority of children with spina bifida died. Today, their survival rate and long-term outlook have improved dramatically. Carefully planned programs of biomedical research have led to advances in neurosurgery that help alleviate some physical problems. Through research, physicians now are able to control brain and bladder infections more effectively. Scientists have also developed lighter braces and splints to give patients greater mobility.

Further improvements in treating this crippling birth defect can be expected to result from research supported by the Federal government's National Institute of Neurological and Communicative Disorders and Stroke and the National Institute of Child Health and Human Development. Achieving the long-sought goal of prevention now appears more likely. Collaborating in this vital effort are a number of private, voluntary health agencies including the Spina Bifida Association of America, the March of Dimes Birth Defects Foundation, and the National Easter Seal Society. The combined energies of these Federal and private agencies assure the Nation of continued progress toward the conquest of spina bifida.

So that we as a Nation may increase our sensitivity to the needs of spina bifida children and the difficulties faced by their parents, the Congress, by Senate Joint Resolution 111, has designated October 1985 as "National Spina Bifida Month" and authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 1985 as National Spina Bifida Month, and I call upon all government agencies, health organizations, and the people of the United States to observe this month with appropriate ceremonies and activities.

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

Ronald Reagan

[FR Doc. 85-24723
Filed 10-11-85: 11:05 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5384 of October 9, 1985

Oil Heat Centennial Year, 1985

By the President of the United States of America

A Proclamation

It was just 100 years ago that American ingenuity developed oil heat as a practical reality. On August 11, 1885, the Patent Office granted to David H. Burrell of Little Falls, New York, a patent for the first technically sound oil burner—a furnace that could burn liquid and gaseous fuels. By 1893 oil burners were used for the first time in major public exhibit buildings at the Columbian Exposition in Chicago. By the 1970s, oil burner technology had been adapted to the heating needs of more than 15 million Americans, providing comfort for homes, schools, businesses, and factories.

There is hardly an area of the Nation where this great resource has not been a critical development factor. The oil heat industry is, and always has been, made up of a large and diverse group of competitive small businesses, many of which are in the forefront of the new energy-efficient technologies of the 1980s. They are helping develop higher-efficiency oil heat, new conservation techniques, solar heating, and other technologies.

In recognition of the many thousands of men and women who have contributed to this important industry in our Nation over the past 100 years, the Congress, by Senate Joint Resolution 115, has designated 1985 as "Oil Heat Centennial Year" and authorized and requested the President to issue a proclamation to commemorate this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim 1985 as Oil Heat Centennial Year. I call upon the people of the United States to observe the occasion with appropriate ceremonies and activities.

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

Ronald Reagan

[FR Doc. 85-24724
Filed 10-11-85; 11:06 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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Tuesday, October 15, 1985

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 906, 910, 929, 948, 966, and 984

Expenses and Assessment Rates for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes assessment rates under Marketing Orders 906, 910, 929, 948, 966, and 984 for the respective 1985–86 fiscal year for each order. Funds to administer these programs are derived from assessment on handlers.

EFFECTIVE DATES: July 1, 1985—June 30, 1986 (§§ 948.293, 948.294); August 1, 1985—July 31, 1986 (§§ 906.225, 910.223, 966.223, 984.337); September 1, 1985—August 31, 1986 (§ 929.226).

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

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

These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These actions are based upon the recommendations and information submitted by each committee, established under the respective marketing orders, and upon other information.

Accordingly, the Secretary finds that upon good cause shown it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in other public procedures, and postpone the effective dates until 30 days after publication in the **Federal Register** (5 U.S.C. 553). Each order requires that the assessment rate for a particular fiscal year shall apply to all assessable commodities handled from the beginning of such year. To enable the committees to meet current fiscal obligations, approval of the expenses is necessary without delay. Handlers have been apprised of the provisions and effective dates specified in this final rule. It is found that the specified expenses and assessment rates will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Parts 906, 910, 929, 948, 966, and 984

Marketing agreements and orders, Oranges and grapefruit (Texas), Lemons (California, Arizona), Cranberries (Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, Long Island in the state of New York), Potatoes (Colorado), Tomatoes (Florida), Walnuts (California).

Accordingly, Parts 906, 910, 929, 948, 966, and 984 are amended as follows:

1. The authority citation for 7 CFR Parts 906, 910, 929, 948, 966, and 984 continues to read as follows:

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

New §§ 906.225, 910.223, 929.226, 948.294, 966.223, and 948.337 are added and § 984.293 (50 FR 31341, August 2, 1985) is amended to read as follows (the following sections prescribe the annual expenses and assessment rates and will not be published in the Code of Federal Regulations):

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

§ 906.225 Expenses and assessment rate.

Expenses of $185,570 by the Texas Valley Citrus Committee are authorized, and an assessment rate of $0.05 per 7/10 bushel carton of oranges or grapefruit is established for the fiscal period ending July 31, 1986.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

§ 910.223 Expenses and assessment rate.

Expenses of $674,900 by the Lemon Administrative Committee are authorized and an assessment rate of $0.047 per carton of lemons is established for the fiscal year ending July 31, 1986. Unexpended funds may be carried over as a reserve.

PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

§ 929.226 Expenses and assessment rate.

Expenses of $102,130 by the Cranberry Marketing Committee are authorized, and an assessment rate of $0.03 per 100-pound barrel of cranberries is established for the fiscal year ending August 31, 1986. Unexpended funds may be carried over as a reserve.

PART 984—IRISH POTATOES GROWN IN COLORADO

§ 948.294 Expenses and assessment rate. rate.

Expenses of $35,480 by the Colorado Area 2 Potato Committee are authorized, and an assessment rate of $0.00295 per hundredweight of assessable potatoes is established for the fiscal period ending June 30, 1986. Unexpended funds may be carried over as a reserve.

PART 948—IRISH POTATOES GROWN IN COLORADO

§ 948.293 Amended expenses and assessment rate.

Expenses of $3,799 by the Colorado Area 3 Potato Committee are authorized and an amended assessment rate of $0.005 per hundredweight of potatoes is established for the fiscal period ending June 30, 1986. Unexpended funds may be carried over as a reserve.

PART 966—TOMATOES GROWN IN FLORIDA

§ 966.223 Expenses and assessment rate.

Expenses of $236,600 by the Florida Tomato Committee are authorized and an assessment rate of $0.005 per 25-pound container of tomatoes is

established for the fiscal period ending July 31, 1986. Unexpended funds may be carried over as a reserve.

PART 984—WALNUTS GROWN IN CALIFORNIA

§ 984.337 Expenses and assessment rate.

Expenses of $1,180,322 by the Walnut Marketing Board are authorized and an assessment rate payable by each handler in accordance with § 984.69 is fixed at $0.008 per kernelweight pound of merchantable walnuts for the marketing year ending July 31, 1986. Unexpended funds may be used temporarily during the first five months of the subsequent marketing year, but must be made available to the handlers from whom collected within that period.

Dated: October 9, 1985.

William J. Doyle,

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

[FR Doc. 85-24559 Filed 10-11-85; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 920

Kiwifruit Grown in California; Inspection Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The rule essentially requires that kiwifruit shipped after January 14 of any fiscal year to be reinspected prior to shipment if the fruit is not shipped within 14 days of the date when inspection was made. It is designed to provide for orderly marketing of kiwifruit for the benefit of producers and consumers.

EFFECTIVE DATE: October 15, 1985.

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

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

The rule is issued under the marketing agreement and Order No. 920 (7 CFR Part 920) regulating the handling of kiwifruit grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The rule is based on the recommendations of the Kiwifruit Administrative Committee (hereinafter referred to as the "committee") and other available information.

A notice was published in the **Federal Register** on September 4, 1985 (50 FR 35828), containing proposed inspection requirements for fresh shipments of California kiwifruit. That proposed rule provided interested persons an opportunity to file written comments through September 19, 1985. No comments were received.

The Kiwifruit Administrative Committee met on June 15, and unanimously recommended inspection requirements. The rule requires that kiwifruit inspected and certified as meeting applicable grade, size, quality or maturity requirements prior to January 1 of each year shall not be shipped later than January 14, unless such kiwifruit is reinspected prior to shipment. The rule also requires that kiwifruit inspected and certified on or after January 1 of each year and not shipped within 14 days following the date of inspection shall be reinspected prior to shipment. This rule is in accordance with § 920.55(b) of the order which provides that the committee may, with the approval of the Secretary, establish a period prior to shipment during which inspection must be performed.

The kiwifruit harvest this year began around the end of September 1985 and is expected to end around the end of December 1985, while fresh shipments of kiwifruit are expected to continue until some time in July 1986. Kiwifruit packed at the beginning of the season may be stored for several months without appreciable deterioration in quality. However, as the season progresses the condition of kiwifruit held in storage tends to deteriorate. The committee reports that by January 1 kiwifruit which is not shipped within 14 days of the date of inspection should be reinspected to assure shipment of good quality fruit to consumers.

The inspection requirements recognize the fact that kiwifruit are perishable and it is likely that kiwifruit which is inspected prior to storage will undergo changes in condition when the fruit is removed from storage. These requirements apply to shipments of kiwifruit whenever quality regulations are in effect pursuant to § 920.52 or § 920.53 of the order.

It is found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective date of this final rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because interested persons were given an opportunity to submit information and views on the requirements specified in this rule and no comments were received. No useful purpose would be served by delaying the effective date of this rule. Prompt implementation of this rule is necessary to effectuate the purposes of the act. California kiwifruit handlers have been apprised of the provisions of this rule. This final rule is the same as the proposed rule except for the later effective date.

List of Subjects in 7 CFR Part 920

Marketing agreements and orders, Kiwifruit, California.

PART 920—[AMENDED]

For the reasons given above 7 CFR Part 920 is amended as follows:

1. The authority citation for 7 CFR Part 920 continues to read as follows:

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

2. New § 920.155 is added to read as follows:

§ 920.155 Inspection requirement.

Any kiwifruit which is inspected and certified as meeting grade, size, quality or maturity requirements in effect pursuant to § 920.52 or § 920.53 prior to January 1 of each fiscal year, as defined in § 920.7, and not shipped by January 14 of such fiscal year shall be reinspected prior to shipment. Any kiwifruit which is inspected and certified on or after January 1 of each fiscal year and not shipped within 14 days following the date of inspection shall be reinspected prior to shipment. Any kiwifruit which is reinspected must be certified as meeting grade, size, quality or maturity requirements in effect pursuant to § 920.52 or § 920.53.

Dated: October 9, 1985.

William J. Doyle,

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

[FR Doc. 85-24558 Filed 10-11-85; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1079

Milk in the Iowa Marketing Area; Temporary Revision of Shipping Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rule.

SUMMARY: This action temporarily relaxes for October and November 1985 the supply plant shipping requirements under the Iowa milk order. The revision

is made in response to a request by the operator of a pool supply plant who ships milk to distributing plants regulated by the order. The revision would prevent uneconomic movements of milk.

EFFECTIVE DATE: October 15, 1985.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4829.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Temporary Revision of Shipping Percentage: Issued September 17, 1985; published September 19, 1985, (50 FR 38007).

Eddie F. Kimbrell, Deputy Administrator, Agricultural Marketing Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that the market would be adequately supplied with milk for fluid use with a smaller proportion of milk shipments from pool supply plants.

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1079.7(b)(1) of the Iowa order.

Notice of proposed rulemaking was published in the **Federal Register** (50 FR 38007) concerning a proposed decrease in the shipping requirements for pool supply plants for the months of October and November 1985. The public was afforded the opportunity to comment on the proposed notice by submitting written data, views and arguments by September 26, 1985. Only four comments were received, and all of them were in support of this action.

Statement of Consideration

After consideration of all relevant material, including the proposal set forth in the aforesaid notice and other available information, it is hereby found and determined that the supply plant shipping percentage should be lowered by 10 percentage points from the present 35 percent to 25 percent for the months of October and November 1985.

Pursuant to the provisions of § 1079.7(b)(1), the supply plant shipping percentages set forth in § 1079.7(b) may be increased or decreased by up to 10 percentage points during any month to encourage additional milk shipments to pool distributing plants or to prevent uneconomic shipments.

Beatrice Companies, Inc. (Beatrice), on behalf of Beatrice Cheese, requested the action in order to prevent uneconomic shipments of milk during October and November 1985. Beatrice said that under the current supply conditions, distributing plants in the Iowa market will have more than an adequate supply of milk for Class I use and that there will be no need for supply plants to ship 35 percent of their producer receipts to distributing plants during the months of October and November 1985. Beatrice said that a 25 percent shipping standard would be adequate for such months and would prevent uneconomic shipments of milk. If the shipping requirements were not lowered as requested, Beatrice indicated that their company would have to "backhaul" approximately 2.5 to 3.0 million pounds of milk in October and November 1985. "Backhauling" means that milk is hauled from a supply plant to a distributing plant, and then is hauled back to the supply plant. The purpose of backhauling would be to assure the continued pooling of the supply plant that has regularly supplied the market. Beatrice said such uneconomic shipments could be avoided if the shipping requirements were lowered.

Producer receipts for the months of April, May and July 1985 increased approximately 11 percent each month over the prior month. For June 1985, producer receipts were lower than May 1985 because a pool plant normally associated with the Iowa pool became regulated under another Federal milk marketing order. Although producer receipts for August 1985 were slightly lower than July 1985, they were approximately nine percent higher than August 1984.

The petitioner stated that milk receipts at their supply plant in recent months have been approximately 16 percent higher than for the same period of 1984 and that other handlers are experiencing similar increases. Beatrice said that they expect producer receipts for October and November 1985 to be substantially higher than normal.

The shipping percentage reductions are aimed at facilitating the delivery of milk to the market from supply plants for Class I use without requiring uneconomic shipments merely for pooling purposes. It is expected that less than 35 percent of the producer milk supply on the market will be needed for Class I use during the months of October and November 1985. It is concluded that the supply-demand conditions in the market warrant a lowering of the shipping requirements 10 percentage points for the months of October and November 1985.

A suspension of the diversion provisions of the Iowa order was issued on September 10, 1985, and published in the **Federal Register** on September 16, 1985 (50 FR 37505). That action increased the limits on the quantity of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order.

Pool supply plant handlers should be aware that this action does not increase the diversion limitations to 75 percent—the reciprocal of the 25 percent shipping standard. The maximum amount of milk that such pool plant handlers would be able to divert to manufacturing plants, based on both actions, is 70 percent.

Four comments were received in response to the proposed action. Three of the four comments were by operators of pool supply plants who indicated that the same supply-demand conditions cited by Beatrice would require them to make uneconomic shipment of milk for the purpose of pooling milk supplies. None of these three handlers expressed any concern that either of the two actions would create any shortage of fluid milk for distributing plants or that unneeded distant milk would be attracted to the Iowa market.

These three pool supply plant operators represent the majority of the supply plant operators presently associated with this market. No comments were received from the operators of pool distributing plants.

The fourth comment was by a cooperative association whose members supply a portion of the fluid milk needs of the market. This association, while not opposing the proposed action, expressed two concerns. The first concern was whether the earlier suspension affecting the diversion provisions together with this action would result in a shortage of fluid milk for distributing plants and secondly, whether both actions would attract unneeded distant milk. On the basis of recent market data and the comments received, we do not find reason to believe that these concerns will materialize during October and November 1985.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing in the Iowa marketing area for the months of October and November 1985;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of the proposed temporary revision was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this temporary revision. No comments were filed in opposition to this action.

Therefore, good cause exists for making this temporary revision effective upon publication of this notice in the **Federal Register**.

List of Subjects in 7 CFR Part 1079

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, that the aforesaid provisions of § 1079.7(b) of the Iowa milk order are hereby revised for the months of October and November 1985, as follows:

PART 1079—MILK IN THE IOWA MARKETING AREA

1. The authority citation for 7 CFR Part 1079 continues to read as follows:

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

§ 1079.7 [Amended]

2. In 7 CFR Part 1079 in § 1079.7(b), the provision "35 percent" is revised to "25 percent" for the months of October and November 1985.

Signed at Washington, D.C. on: October 9, 1985.

W.H. Blanchard,

Acting Director, Dairy Division.

[FR Doc. 85–24557 Filed 10–11–85; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 72

Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission, is amending its regulations to implement the hybrid hearing process set forth in section 134 of the Nuclear Waste Policy Act of 1982. That section permits the use of a modified hearing process in certain contested proceedings on an application for a license or a license amendment to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor. The hybrid hearing process would change existing agency practice by employing less formal procedures in the early stage of the hearing process and by designating only genuine and substantial issues for resolution in an adjudicatory hearing.

EFFECTIVE DATE: November 14, 1985.

FOR FURTHER INFORMATION CONTACT: Linda S. Gilbert, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 492–7678.

SUPPLEMENTARY INFORMATION:

I. Background

Section 134 of the Nuclear Waste Policy Act (NWPA) permits the use of a "hybrid" hearing process in certain contested proceedings on an application for a license or a license amendment to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor. The hybrid procedures apply to applications filed after January 7, 1983, the date the NWPA was enacted. Section 134 provides, in pertinent part:

Sec. 134. (a) Oral argument.—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after the date of the enactment of this Act, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to such party. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

(b) Adjudicatory hearing.—(1) At the conclusion of any oral agrument under subsection (a), The Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing, and

(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(2) In making a determination under this subsection, the Commission—

(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

(B) shall not consider—

(i) any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor for which a construction permit has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

(ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless (I) such issue results from any revision of siting or design criteria by the Commission following such decision; and (II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility, or activity for which such license application, authorization, or amendment is being considered.

(3) The provisions of paragraph (2)(B) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

(4) The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear power plant by the Commission.

On December 5, 1983, the Commission published for public comment two versions of a proposed rule to implement the hybrid hearing process by amending Part 2 of its regulations (48 FR 54499). Either version would have provided for the use of less formal procedures in the early stage of the hearing process and would have designated only genuine and substantial issues for resolution in an adjudicatory hearing. Option 1 would have required the use of hybrid hearing procedures in all proceedings to which section 134 of the NWA applies. Option 2 would have permitted the use of such procedures at the request of any party to the proceeding. The Commission sought

comments on both proposals to aid in its choice of procedures for the final rule.

II. The Proposed Rules

Option 1

In Option 1, the Commission proposed to add Subpart K to 10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings." The procedures specified in proposed Subpart K were limited to the types of applications specified in the statute; *i.e.*, applications filed after January 7, 1983, for a license or license amendment to permit the expansion of spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor. Included within the scope of Subpart K were applications filed pursuant to 10 CFR Part 72 for licensing of an independent spent fuel storage installation (ISFSI) located at the site of a civilian nuclear power reactor. In accordance with paragraph (b)(4) of section 134 of the NWPA, the provisions of proposed Subpart K would not have applied to the first application for a license or license amendment to expand onsite spent fuel storage capacity at a particular facility by the use of a new technology not previously approved by the Commission for use at any other nuclear power plant.

The hybrid hearing process in proposed Subpart K consisted of an informal first stage which culminated in a legislative-type oral argument designed to identify genuine and substantial disputes of fact appropriate for resolution in an adjudicatory hearing. Any party could request an oral argument, but factual issues would not be designated for formal adjudication unless they were found to be genuine and substantial. Thus, the first stage of the hybrid process was essentially a condition precedent to an adjudicatory hearing.

Proposed Subpart K closely tracked the NWPA and substantially departed from existing practice in some respects. As under existing procedure, upon receipt of an application within the scope of the subpart, the Commission would publish a notice of proposed action (or other notice, as appropriate) in the **Federal Register.**[1] Any person whose interest might be affected could file a request for hearing or petition for leave to intervene that, among other things, identified the specific aspect or aspects of the subject matter of the proceeding on which intervention was sought. Proposed § 2.1103(a). This also accorded with existing practice.

At this point in the proceeding, the proposed hybrid hearing process differed markedly from existing practice. If the petitioner adequately identified a specific aspect of the proceeding on which intervention was sought and otherwise satisfied the interest and standing requirements in proposed § 2.1103 (a) and (c) (which were identical to those in § 2.714 of the existing rules), the petitioner would be admitted as a party to the proceeding. This differed from existing practice in which a petitioner is not admitted as a party to the proceeding unless the petitioner has specified at least one valid "contention." Because the first stage of the hybrid hearing process established in the NWPA is intended to be informal, a petitioner was not required to identify "contentions" within the meaning of § 2.714 of the existing Rules of Practice at an early stage in the proceeding. Rather, it would be sufficient if, within 10 days after the presiding officer admitted the petitioner as a party, the intervening party filed a comprehensive list of issues it wished to litigate that were alleged to be within the scope of the proceeding. Requests for oral argument were also required to be filed at this time to be considered timely.[2] After holding such prehearing conferences as might be necessary, the presiding officer would designate in writing which issues were within the scope of the proceeding and would establish a schedule for discovery and subsequent oral argument with respect to those issues.

Factual issues raised in the informal stage of the proceeding would not be subject to formal adjudication unless, after discovery and oral argument, they were shown to be genuine, substantial, and material. Prior to oral argument, Licensing Boards would accept issues for purposes of discovery so long as they were clearly within the scope of the proceeding and were reasonably likely to alert the other parties to the subject matter of the intervening party's concerns. Issues would not be required to be supported with a statement of basis as now required for contentions filed under § 2.714. After the presiding officer determined which proffered issues were within the scope of the proceeding, the presiding officer would establish an appropriate schedule for discovery. Proposed § 2.1104(d). Discovery would proceed in accordance with existing discovery rules in §§ 2.720(h), 2.740, 2.740a, 2.740b, 2.741, 2.742, and 2.744, except that discovery would begin and end on a schedule established by the presiding officer.[3] The Commission recognized that, initially, discovery would be somewhat broader than under existing practice because the issues would be less focused in the early stages of the proceeding; *i.e.*, there would be no contentions admitted to the proceeding as under current practice. However, discovery would be limited to those factual issues determined by the presiding officer to be within the scope of the proceeding. As discovery proceeded, the Commission expected the issues to become more focused and specific as each party evaluated the responses of the others and narrowed its inquiries to areas arguably involving matters of disputed fact.

After discovery was completed, an oral argument would be held. The oral argument would be limited to those matters in controversy that the presiding officer determined were within the scope of the proceeding pursuant to § 2.1104(d). Fourteen (14) days before the date set for oral argument, each party, including the NRC staff, would be required to submit to the presiding officer a written summary of the facts, data, and arguments upon which the party proposed to rely that were known to the party at that time. Each party was required to serve its written submission on every other party to the proceeding. Because the purpose of the oral argument was to identify those genuine and substantial disputed issues of fact which had to be resolved in an adjudicatory hearing, each party's submission was to have focused on the specific matters alleged to constitute genuine and substantial disputes of fact and the arguments for or against, as appropriate. During oral argument, the

[1] The Commission noted that certain spent fuel expansion proceedings, *i.e.*, those that involve applications for an amendment to a facility operating license under 10 CFR Part 50, would be subject to applicable provisions of the Commission's interim final rule implementing Public Law 97-415 (the so-called "Sholly amendments"). See 48 FR 14864, 14869 (April 6, 1983). This is discussed below in the Commission's response to comments on the proposed rules.

[2] Because, under Option 1, the first stage of the hybrid process was in essence a condition precedent to an adjudicatory hearing in those proceedings to which section 134 applies, the Commission assumed that at least one party would request oral argument. If no party requested oral argument, however, the presiding officer would issue an order terminating the proceeding and the staff would process the application in accordance with existing procedures applicable to uncontested proceedings.

[3] Under existing § 2.740(b)(1), beginning and ending dates for discovery in construction permit and operating license hearings are based on prehearing conference dates. Because proposed § 2.1104(d) gave the presiding officer discretion in calling prehearing conferences, such dates were not necessarily appropriate.

parties could rely only on facts and data contained in sworn written submissions and the presiding officer could consider only those facts and data that were submitted in such form. The Commission emphasized that the oral argument was not an evidentiary hearing, but rather a forum for separating genuine factual issues (for subsequent adjudication) from frivolous factual issues and issues of policy or law. Accordingly, while parties could call technical experts to support their views, parties were not authorized to cross-examine opposing witnesses. However, the presiding officer could afford the parties an opportunity to suggest in writing questions which they would like the presiding officer to put to opposing witnesses.

Following oral argument, and after due consideration of the various arguments and written submissions, the presiding officer would make the appropriate findings with respect to each alleged dispute of fact. Proposed § 2.1106. The criteria that the presiding officer was to apply in determining which issues, if any, should be resolved in an adjudicatory hearing were identical to the statutory language. The standard was quite strict and was intended to ensure that the resources of all parties to any adjudicatory hearing were focused exclusively on real issues. Appeals from the presiding officer's designation of issues for resolution in an adjudicatory hearing were interlocutory and would have to await the end of the proceeding, except insofar as they were authorized by existing § 2.714a. Except to the extent qualified in proposed subpart K, any adjudicatory hearing would follow the existing adjudicatory procedures set forth in Subpart G of 10 CFR Part 2. However, because discovery would precede the oral argument, there would ordinarily be no need for further discovery prior to the adjudicatory hearing. Accordingly, the Commission expected that the adjudicatory phase of the hearing would begin expeditiously after the presiding officer designated the issues meeting the criteria in § 2.1106.

Option 2

In Option 2, the Commission proposed to implement section 134 of the NWPA by adding § 2.749a to 10 CFR Part 2. In essence, this option provided for a form of summary disposition procedure to be employed at the request of any party to the proceeding. Proposed § 2.749a differed from the existing summary disposition procedure in that all parties were required to submit their oral and written positions simultaneously. All other aspects of the hearing process would continue to be governed by the Commission's rules of practice in 10 CFR Part 2, Subpart G.

Under Option 2 (as under existing practice), petitioners for intervention were required to specify at least one admissible contention in order to be admitted as a party. Use of the hybrid procedures was optional rather than mandatory, and the procedures were available in all proceedings to which section 134 applies. Any party could request, in writing, a decision by the presiding officer that all or any part of the matters involved in the proceeding need not be heard in an adjudicatory proceeding. Proposed § 2.749(a). Any such request would be deemed granted upon receipt and the presiding officer would notify the parties of the date, time, and location of oral argument. Prior to oral argument, discovery would be conducted according to existing rules. Fourteen days before oral argument, each party would be required to submit a written summary of the facts, data, and arguments on which the party proposed to rely at oral argument. Proposed § 2.749a(b). Following oral argument, the presiding officer would, by written order, (1) decide all issues of law or fact not designated for adjudication, setting forth all findings, conclusions, and reasons; and (2) designate any remaining questions of fact or law for resolution in an adjudicatory hearing. Proposed § 2.749a(c).

The standards governing the presiding officer's designation of issues for resolution in an adjudicatory hearing appeared in paragraphs (d) and (e) of proposed § 2.749a. They followed the statutory language quite closely and were essentially the same as those proposed in Option 1. If the presiding officer determined that no issue was to be designated for an adjudicatory hearing, the order required by proposed § 2.749a(c) would be in the form of, and would constitute, an initial decision pursuant to existing § 2.760.

III. Response to Comments on Proposed Rules

The Commission received seventeen letters of comment. Nine were from nuclear utilities or their counsel, including one comment filed on behalf of the forty-two member Utility Nuclear Waste Management Group (UNWMG). The remaining commenters were two intervenors, two individuals, an architect engineering firm, a nuclear manufacturer, an industry group, and a federal agency.

No commenters expressly favored Option 1, and eleven were strongly opposed to it. They generally argued that Option 1 was inconsistent with section 134 of the NWPA because it would not expedite the hearing process. Instead, the low threshold for admission of contentions would lead to broad, lengthy discovery on unfocused issues with no means of rejecting frivolous claims at the outset. This would lengthen rather than shorten the time required to license spent fuel expansions and transshipments.

Four commenters expressly favored Option 2. Another eight commenters indicated that Option 2 was preferable but required modification. They generally approved the discretionary nature of Option 2 but suggested raising the threshold for admission of contentions and limiting discovery so as to encourage and expedite spent fuel proceedings. They also indicated that the enhanced summary disposition procedures of Option 2 were insufficient to fully implement the hybrid process.

Two commenters rejected both options on the ground that they were unnecessary and would simply make intervention more difficult. These commenters did not address the fact that Congress has authorized the use of hybrid procedures in section 134 of the NWPA.

The comments received are discussed in more detail below. Although most commenters directed their remarks specifically to either Option 1 or Option 2, they raised many of the same issues in connection with each option. Accordingly, the Commission has organized its response to comments in terms of the issues raised, except where discussion of a particular option is required.[4]

A. Mandatory vs. Permissive Approach

Option 1 would have required the use of hybrid hearing procedures in those spent fuel expansion and transshipment proceedings to which section 134 of the NWPA applies. Option 2 would have permitted the use of hybrid hearing procedures at the request of any party. Eleven commenters objected to the mandatory approach of Option 1 and one commenter supported it. Another commenter observed that the statutory language could be read either way. Those who were opposed argued that the language of section 134 is permissive, directing the Commission to provide, "at the request of any party, * * * an opportunity for oral argument * * *." The commenter in favor of a mandatory approach simply

[4] Some comments addressed minor procedural aspects of Option 1 that do not appear in the final rule. Because these are no longer applicable, they are not discussed here.

noted that the hybrid procedures should be required in all applicable cases.

The Commission believes that both readings of the statutory language are possible. Section 134 provides, in pertinent part, that "the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties." The oral argument can be regarded as the essential first step in the hybrid hearing process. Section 134 does not require that oral argument be held; rather, it requires the Commission to provide an opportunity for oral argument if a party so requests. Under this view, if no party requests an oral argument, the hybrid hearing procedures are not triggered and any hearing, if required under section 189a. of the Atomic Energy Act, will proceed in accordance with the Commission's rules of practice in 10 CFR Part 2, Subpart G.

The opposite view is that, under section 134, hybrid procedures are, in essence, a precondition to an adjudicatory hearing. Before an adjudicatory hearing may be held, a party must request and participate in an oral argument. At the time of oral argument, each party must submit a written summary of the facts, data, and arguments on which it proposes to reply. At the conclusion of oral argument, the Commission will examine the parties' written submissions and designate an issue for adjudication only if it determines that a genuine, substantial, and material dispute of fact exists. This view is based on the mandatory language that is used throughout section 134.

The Commission notes that there is legislative history in support of either view. The Senate Report accompanying S. 1662 describes a predecessor of section 134 as "authoriz[ing] the Commission to use hybrid procedures." S. Rep. No. 282, 97th Cong., 1st Sess. 13 (1981). In contrast, the House Report accompanying H.R. 6598, which also contained a predecessor of section 134, states: "Procedural changes are made to the NRC licensing process to encourage utilities to expand storage capacity at reactor sites." H. Rep. No. 785, 97th Cong., 2d. Sess. 39 (1982).

The Commission has concluded that, on balance, there is no advantage to requiring the use of hybrid hearing procedures if no party perceives any benefit in using them. This would be contrary to the purpose of section 134, which is to encourage and expedite the licensing of onsite spent fuel expansions and transshipments. Accordingly, the final rule is permissive rather than mandatory. If no party requests an oral argument and a hearing is otherwise required under section 189a. of the Atomic Energy Act and the Commission's regulations, the hearing will proceed in accordance with the existing rules of practice in 10 CFR Part 2, Subpart G. It should be noted, however, that the hybrid procedures must be used if a party files a timely request for oral argument. In other words, one party may trigger a hybrid hearing; the consent of all parties is not required.

B. Threshold for Admission of Issues or Contentions

Under Option 1, a petitioner would not have been required to plead contentions but could have simply filed a list of issues within the scope of the proceeding. Option 2 would have required a petitioner to specify at least one admissible contention, as under existing practice. Of the thirteen commenters who addressed the relaxed pleading requirement of Option 1, all objected to it. One noted that although more intervenors would be admitted initially, they would be able to say little because of the expedited hearing process. The remaining ten commenters argued that the low threshold for admission of issues in Option 1 was inconsistent with the NWPA because it would lengthen rather than expedite the hearing process. They generally perferred Option 2 because it would retain the existing contention requirement.

Nine commenters went further, urging that the threshold for admission of contentions be raised. Several suggested a *prima facie* test or the submission of sufficient evidence to require reasonable minds to inquire further. Two noted that, because in most cases a previously-licensed technology will be involved, there is sufficient publicly available information to require a stronger factual showing in support of contentions.

Option 1 was intended to provide a simpler, less formal alternative to the initial stages of the existing hearing process. It was developed in consideration of the time that is typically spent arguing about the admissibility of contentions, which could be saved by requiring merely a statement of issues within the scope of the proceeding. It was also designed to provide intervenors with an opportunity to obtain necessary information regarding their concerns through participation in discovery, recognizing that at the oral argument stage they would be required to show the existence of a genuine and substantial dispute of fact in order to trigger a formal adjudicatory hearing. It was believed that, overall, this approach would save time and would enhance the fairness of the hybrid process.

In view of the substantial opposition to this approach to the initial stages of the hybrid hearing process, the Commission has reconsidered and has decided to abandon it. By requiring the degree of specificity embodied in the existing rule regarding contentions, the delay that would inevitably result from conducting discovery on loosely-stated issues can be avoided. Accordingly, intervenors will be held to existing requirements regarding petitions to intervene and the filing of contentions. The Commission does not believe that the threshold for admission of contentions should be raised at this time for these hybrid hearing procedures. However, the issue of adjusting the threshold for admission of contentions is being reviewed by the Commission in the context of other possible revisions to the hearing process.

C. Limitations on Discovery

Either version of the proposed rules would have followed the Commission's existing practice with regard to discovery. Seven commenters urged that the conduct of discovery should not be left entirely to the presiding officer's discretion and that limitations were needed to encourage and expedite spent fuel proceedings. Five suggested that discovery be limited to two rounds and be completed within 90 days unless the presiding officer granted an extension for good cause. One commenter, believing that the time limits throughout the rules were too short, suggested that a minimum of 30 days be allowed for discovery.

The Commission agrees that discovery can be a significant source of delay and that the presiding officer should exercise greater control over the discovery process in hybrid hearings. Some discretion is needed, however, to allow the presiding officer to adjust the schedule to the demands of a particular case. Accordingly, the final rule has been amended to provide that, ordinarily, discovery will be completed in 90 days. The presiding officer may grant an extension for good cause based on exceptional circumstances after providing the parties an opportunity to respond.

It is unclear, as a pratical matter, how "two rounds" of discovery should be defined. The limitation could be applied per issue, per contention, or per type of discovery, for example. The Commission believes it is preferable to limit the time available for discovery and to allow the

parties to decide how best to allocate their resources within that constraint.

D. Prefiled Sworn Testimony and Written Submissions

Seven commenters urged that the Commission require the filing of sworn testimony and sworn written submissions prior to oral argument. They also pointed out that the proposed rule should be modified to make clear that written submissions must be sworn. One commenter added that a provision for responsive pleadings prior to oral argument should be included.

The Commission agrees that parties must prefile both the detailed written summary of their position and all supporting facts and data. The final rule has been clarified to reflect this. The time for filing has been changed to fifteen days prior to oral argument to provide consistency with other time limits in Part 2.

The detailed written summary of a party's position, which is essentially a preargument brief, need not be sworn. The Commission agrees, however, that section 134 requires all supporting facts and data to be in the form of sworn testimony or other sworn written submission. Section 134 provides that, if the supporting facts and data are not sworn, the parties may not rely on them at oral argument and the presiding officer may not consider them in arriving at a decision. Without sworn facts and data, the presiding officer would have no evidence to consider and a party would be unable to demonstrate the existence of a material fact requiring resolution in an adjudicatory hearing. Thus, the final rule requires that all facts and data in support of a party's written summary be sworn.

The Commission has not provided for responsive pleadings in the final rule. Prior to oral argument, each party must disclose all the facts, data, and arguments available to it in support of its position. Based on that information, the presiding officer must determine whether a genuine and substantial dispute of fact exists and whether an adjudicatory hearing is required. Responsive pleadings would delay oral argument and would not materially aid the presiding officer's decision. For this reason, the Commission has decided that they should not be allowed.

E. Cross Examination at Oral Argument

Under Option 1, parties were permitted to suggest to the presiding officer questions in the nature of cross examination to be posed to opposing witnesses, although they were prohibited from conducting such questioning themselves. (Option 2 made no mention of witnesses at oral agrument.) Six commenters objected to this provision, arguing that cross examination at oral argument should not be permitted. One observed that questioning of witnesses by the presiding officer was acceptable, but that the parties should be prohibited from doing so. Two commenters disagreed, arguing that cross examination by the parties should be permitted at oral argument to assist the presiding officer in designating issues for an adjudicatory hearing. One commenter simply noted that if the presiding officer declined to ask a question suggested by one of the parties, the text of the question should be placed in the record of the proceeding.

The Commission agrees that parties should not be permitted to question witnesses at oral argument. Furthermore, in response to comments of the Atomic Safety and Licensing Board Panel on a draft of the final rule, the Commission has reexamined this provision and has concluded that it should be abandoned. Option 1 envisioned oral argument as a sort of legislative-type hearing, affording the presiding officer the discretion to question witnesses supplied by the parties in order to develop a complete record. This would enable the presiding officer to resolve minor inconsistencies or ambiguities in the sworn testimony or sworn written submissions without the need for a formal hearing. In actuality, however, the legislative model is inappropriate. Unlike a legislator, the presiding officer is not in a position to determine which witnesses should appear or what questions should be asked. Rather, each party will obtain the witnesses needed to provide sworn written testimony in support of its case.

As the Licensing Board Panel pointed out, the procedure set forth in the proposed rule for allowing the parties to suggest questions for the presiding officer to pose to witnesses, while prohibiting the parties from conducting the questioning, is cumbersome and unnecessary. Because all supporting facts and data must be submitted in the form of sworn written testimony or other sworn written submission, there should be no need for the presiding officer to question witnesses at oral argument. Minor matters can still be resolved without formal adjudication by directing the parties to file supplemental sworn testimony or affidavits. If there is a need to hear and examine witnesses, the issue should meet the standards set out in the rule for a genuine dispute of fact requiring resolution in an adjudicatory hearing. For these reasons, the Commission has deleted the provision for questioning of witnesses by the presiding officer at oral argument.

F. Criteria for Designation of Issues for Hearing

The proposed rules followed the statutory criteria for the presiding officer's designation of issues for an adjudicatory hearing. Those criteria require that there be a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing and that the Commission's decision be likely to depend in whole or in part on the resolution of that dispute. In addition, they exclude certain issues relating to the siting, design, construction, or operation of a previously licensed reactor.

Seven commenters urged that additional criteria were needed to guide the presiding officer's designation of issues for an adjudicatory hearing. Five suggested that the Commission adopt, in one form or another, the following criteria:

1. Where an issue has previously been considered in another proceeding regarding the licensing of the same technology for spent fuel storage or transshipment, the party sponsoring the contention must demonstrate the existence of significant new or differing information that is likely to render the earlier findings of the Commission incorrect.

2. A party must make a showing that its contentions will be supported by sworn testimony or exhibits sponsored by a qualified expert.

3. Where a contention involves only differing technical judgments applied to an undispited set of facts, the Atomic Safety and Licensing Board may determine that adjudication is not necessary where NRC Staff Regulatory Guides or other credible published technical information established a clear consensus of the scientific community regarding the issue raised by such as contention.[5]

The Commission believes that these additional criteria are either unnecessary or go beyond the statutory requirements. Criterion 1 is urged as a sort of presumption of the technical acceptability of a previously licensed technology, which an intervenor would be required to rebut. The criteria set forth in section 134 are adequate to ensure that there is a real issue with regard to the use of a previously licensed technology at the particular site in question. Not only must there be a

[5] *See, e.g.*, comment letter no. 10 at 17–18.

genuine and substantial dispute of fact, but the dispute must be material; *i.e.*, the decision must be likely to depend on resolution of the dispute. In addition, the dispute must be one that can be resolved with sufficient accuracy only by the introduction of evidence in an adjudicatory proceeding. Resolution of an issue for one site does not necessarily mean that the issue has been conclusively resolved for all other sites. Otherwise, there would be no need for a site-specific licensing action. Accordingly, the Commission declines to adopt proposed criterion 1.

Criterion 2 is unnecessary. At the oral argument, a party must submit a summary of the facts, data, and arguments on which it proposes to rely. Parties may rely only on facts and data in the form of sworn testimony or sworn written submission at oral argument and, of those materials, the presiding officer may consider only facts and data submitted in that form. If a party does not submit facts and data in the form of sworn testimony or sworn written submission, the presiding officer will be unable to find the existence of a genuine and substantial issue of material fact requiring resolution in an adjudicatory hearing. Because the rules already require that a party produce, at oral argument, the sworn facts and data on which it proposes to rely at the hearing, there is no need for the additional showing that the party will produce sworn testimony or exhibits by a qualified expert in support of its contention at the hearing. Therefore, the Commission has rejected proposed criterion 2.

Criterion 3 is similarly unnecessary and may go beyond the intent of Congress in promulgating section 134. Staff regulatory guides are not regulations and compliance with them is not required. *See Porter County Chapter of the Izaak Walton League* v. *AEC*, 533 F.2d 1011, 1018 (7th Cir.), *cert. denied*, 429 U.S. 945 (1976); *Vermont Yankee Nuclear Power Corp.* (Vermont Yankee Nuclear Power Station), ALAB-229, 8 AEC 425, 439, *rev'd on other grounds*, CLI-74-40, 8 AEC 809 (1974). Accordingly, the Commission may not endorse their use to resolve differences of technical opinion among qualified experts. Similar problems arise with the use of "other credible published technical information" such as technical reports or industry standards. The appropriate evidentiary weight to be given an expert's technical judgment will depend, for the most part, on the expert's testimony and professional qualifications. In some circumstances, it may be possible to make such a determination without the need for an adjudicatory hearing. The presiding officer must decide, based on the sworn testimony and sworn written submissions, whether the differing technical judgment gives rise to a genuine and substantial dispute of fact that must be resolved in an adjudicatory hearing. Under section 134, the focus should remain on this inquiry rather than on the substance of a regulatory guide, industry standard, or perceived "consensus of the scientific community." Thus, the Commission has decided not to adopt proposed criterion 3.

The Commission continues to believe that the statutory criteria are sufficient. As the Commission pointed out in connection with the proposed rules, the statutory criteria are quite strict and are designed to ensure that the hearing is focused exclusively on real issues. They are similar to the standards under the Commission's existing rule for determining whether summary disposition is warranted. They go further, however, in requiring a finding that adjudication is necessary to resolution of the dispute and in placing the burden of demonstrating the existence of a genuine and substantial dispute of material fact on the party requesting adjudication. In short, the Commission believes that the final rule provides sufficient guidance for the presiding officer's designation of issues for resolution in an adjudicatory hearing.

G. Formal Findings of Fact and Conclusions of Law

Five commenters pointed out that there is no need for formal findings of fact and conclusions of law in the presiding officer's decision disposing of issues or designating them for an adjudicatory hearing. They explained that because the oral argument stage of the hybrid hearing process is intended to be informal, trial-type procedures are not needed. Rather, the presiding officer should simply provide an adequate statement of the reasons for determining whether an issue should be designated for adjudication.

The Commission agrees that formal findings of fact and conclusions of law are not required in the presiding officer's decision designating issues for an adjudicatory hearing. However, section 134(b)(2) requires the presiding officer to designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision is likely to depend on the resolution of such dispute, and the reason why an adjudicatory hearing is likely resolve the dispute. For issues not designated for adjudication, all that is required by the Administrative Procedure Act is a brief statement of the reasons for denial of the request. *See* 5 U.S.C. 555(e). Thus, the presiding officer may simply dispose of issues not designated for adjudication with an adequate explanation of the reasons why a hearing is not required.

H. License Amendments Involving No Significant Hazards Considerations

In connection with the proposed hybrid hearing rules, the Commission noted that certain spent fuel proceedings, *i.e.*, those involving applications for an amendment to a facility operating license under 10 CFR Part 50, would be subject to applicable provisions of the Commission's interim final rule implementing Public Law 97-415 (the so-called "Sholly amendments"). See 48 Fed. Reg. 14864, 14869 (April 6, 1983). As the Commission explained in connection with that rule, reracking of spent fuel pools may or may not involve significant hazards considerations. Pending reevaluation of that aspect of the rule, the Commission indicated that it intended to make such findings on a case-by-case basis. Proposed § 2.1102 provided that a notice of proposed action or other notice, as appropriate, would be published in accordance with 10 CFR 2.105 or § 2.106. If the Commission determined that a particular license amendment request involved a significant hazards consideration, it would provide an opportunity for a prior hearing; otherwise a hearing could be held after issuance of the amendment. See 10 CFR 50.58, 50.91 and 50.92. In either case, the notice would provide that if a hearing were held, it would be conducted in accordance with the procedures set forth in proposed Subpart K.

Six commenters agreed with the Commission's interpretation of the Sholly rule concerning the time of a hybrid hearing, if held. They also urged the Commission to continue to make its determinations of no significant hazards on a case-by-case basis. One commenter urged that the Commission make a generic determination of no significant hazards for spent fuel proceedings, where appropriate.

With regard to the time of a hybrid hearing, § 2.1103 of the final rule provides for a notice of proposed action under 10 CFR 2.105. Because § 2.105 already refers to §§ 50.58 and 50.91, the reference to the latter sections that was contained in the proposed rule has been deleted as unnecessary. As stated in connection with the proposed rule, the Sholly provisions will continue to govern the timing of a hybrid hearing, if requested.

Concerning the matter of a generic as opposed to a case-by-case approach, the staff has submitted a report suggesting criteria for determining whether a request to expand the spent fuel storage capacity at the site of a nuclear power reactor involves significant hazards considerations. The Commission is considering those criteria in connection with its final Sholly rule. In the interim, the Commission will continue to make these determinations on a case-by-case basis.

I. Generic Approval of Technologies for Dry Storage of Spent Nuclear Fuel

Five commenters urged that procedures were needed to implement section 133 of the NWPA. That section requires the Commission to establish procedures for the licensing of any technology approved by the Commission under section 218(a) of the NWPA for use at the site of any civilian nuclear power reactor. Section 218(a) requires the Secretary of Energy to establish a demonstration program for the dry storage of spent nuclear fuel at reactor sites, with the objective of establishing one or more technologies that the Commission may, by rule, approve for use at reactor sites without, to the maximum extent practical, the need for additional site-specific approvals by the Commission.

The hybrid hearing procedures are not an appropriate means of implementing section 133 of the NWPA. Rather, they are intended to encourage and expedite the hearing process when a hearing is requested on an application for a license or license amendment. Implementation of section 133 will proceed in connection with the demonstration program set forth in section 218. Using information obtained through that program, the Commission will initiate a rulemaking to provide for the generic approvals contemplated by the NWPA.

J. Miscellaneous Comments

Five commenters recommended that the rule and supplementary information mention the purpose of the hybrid hearing procedures in order to assist presiding officers in interpreting the final rule. The Commission agrees, and has amended the final rule to state that the purpose of the hybrid procedures is to encourage on site expansion and expedite the licensing of spent fuel storage expansions and transshipments.

One commenter urged the Commission to adopt an interim policy of employing Option 2 in applicable cases, because section 134 applies to proceedings on applications filed after January 7, 1983. Pending development of the final rule, the Commission provided notice to interested persons of the availability of the hybrid hearing process in applicable proceedings. Initially, this was done in staff pleadings filed in the proceedings if a hearing was requested. More recently, the notices of opportunity for a hearing called attention to the availability of hybrid hearing procedures. *See, e.g.*, 49 FR 23715, 23718 (June 7, 1984) (Turkey Point Plant, Units 3 and 4); 49 FR 26846, 26847 (June 29, 1984) (Virgil C. Summer Nuclear Station, Units 1 and 2). While not expressly adopting Option 2, these notices took a permissive approach, explaining that an opportunity for oral argument would be provided at the request of any party. Accordingly, the Commission's interim policy has been essentially as the commenter suggested.

Option 1 would have applied the hybrid procedures to all issues within the scope of a spent fuel proceeding. In contrast, Option 2 would have permitted a party to request the use of hybrid procedures with respect to one or more issues in the proceeding. One commenter questioned the latter approach, noting that section 134 could be construed as requiring a hybrid hearing for all matters in controversy. The Commission has examined this issue and has concluded that, if requested, an opportunity for oral argument should be provided with respect to all matters in controversy. Section 134 provides that an issue shall not be designated for adjudication unless the presiding officer makes certain determinations and specifies, in writing, the facts in dispute and the reasons why adjudication is required. This indicates that Congress did not intend for an issue to be adjudicated unless the statutory criteria were met. Therefore, the Commission believes that once a party invokes the hybrid process by requesting an oral argument, all matters in controversy among the parties should be examined for the existence of a genuine and substantial dispute of material fact that can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing. The final rule has been amended to reflect this conclusion.

One commenter urged the Commission to eliminate the prehearing conference from Option 1, arguing that it was unnecessary and contrary to section 134. Because Option 2 was designed to fit into the existing prehearing process in Part 2, it too would have provided for one or more prehearing conferences prior to oral argument, in the presiding officer's discretion. See 10 CFR 2.752. The Commission believes that it may be necessary for the presiding officer to hold one or more such conferences to consider intervention petitions and the admissibility of contentions. This will enable the presiding officer to establish the "matters in controversy" with respect to which any party may request an oral argument under section 134. Therefore, no change in the final rule is warranted.

Five commenters observed that the proposed rules could be read to preclude the presiding officer from taking official notice of facts, as permitted by 10 CFR 2.743(i). The Commission agrees that the language of the proposed rule could be so misconstrued, and has clarified the final rule accordingly.

One commenter argued that the restrictions of section 134(b)(2)(B), which preclude the presiding officer from designating certain issues for resolution in an adjudicatory hearing, should also be applied to the admission of contentions. Section 134(b)(2)(B) provides that in determining whether an adjudicatory hearing is required, the presiding officer shall not consider:

> (i) any issue relating to the design, construction or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor for which a construction permit has been granted at the site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or
>
> (ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless (I) such issue results from any revision of siting or design criteria by the Commission following such decision; and (II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

Section 134(b)(2)(B) applies to the presiding officer's designation of issues for adjudication. It requires the presiding officer to make certain findings if those issues are to be considered. The Commission believes that a party should be free to demonstrate at oral argument that issues relating to reactor siting, design, construction, or operation meet the statutory criteria and should be designated for adjudication. For this reason, it would be inappropriate to apply the section 134(b)(2)(B) criteria to the admission of contentions.

Option 1 would have prohibited the presiding officer from designating *sua sponte* (*i.e.*, on its own motion) any issues for resolution in an adjudicatory

hearing. One commenter objected to the use of the term "*sua sponte*," finding it overly legalistic. The Atomic Safety and Licensing Board Panel commented that this provision was unnecessary in view of the existing procedures that must be followed when a Board raises an issue not placed in controversy by the parties. In essence, a serious safety, environmental, or common defense and security question must exist and the Board must inform the Commission of its action. *See, e.g.*, 10 CFR 2.760a; *Houston Lighting and Power Co.* (South Texas Project, Units 1 and 2), LBP–81–54, 14 NRC 918, 922–23 (1981).

The Commission agrees that this provision is unnecessary. Section 134 clearly restricts the designation of issues for adjudication to those genuine, substantial, and material disputes of fact that can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing. It would appear that any issue that a Board might consider raising on its own motion could not ever be viewed as a material dispute of fact which would meet the statutory standard. In all likelihood, the staff could satisfactorily examine and resolve any uncontested matters without the need for a formal hearing. Because of the possibility, however remote, that the presiding officer's authority to raise issues *sua sponte* could be appropriately exercised in a hybrid hearing, the Commission has deleted the prohibition from the final rule.

IV. The Final Rule

The final rule adds a new subpart K to 10 CFR Part 2, with sections numbered §§ 2.1101 to 2.1117. (The sections have been renumbered to allow room for expansion, if needed.) Subpart K establishes the procedure for initiating and conducting the first part of a hybrid hearing. The second part of a hybrid hearing—the resolution of genuine and substantial disputes of fact—will be conducted in accordance with procedures already established in 10 CFR Part 2, Subpart G.

Section 2.1101 defines the purpose of Subpart K, to establish procedures to be used at the request of a party in certain contested proceedings for the expansion of spent fuel storage capacity or transshipment, as authorized by section 134 of the Nuclear Waste Policy Act of 1982. The procedures are intended to encourage and expedite those proceedings.

Section 2.1103 defines the scope of Subpart K. It governs applications filed after January 7, 1983 to expand the spent fuel storage capacity at civilian nuclear power plants through the use of (i) High density fuel storage racks, (ii) fuel rod compaction, (iii) transshipment to another facility in the same utility system, (iv) construction of additional spent fuel pool capacity or dry storage, or (v) other means. It includes licensing of an independent spent fuel storage installation under 10 CFR Part 72. Subpart K does not apply to the first application to use a new technology not previously licensed by the Commission.

Section 2.1105 adds two definitions of terms used in the subpart, "civilian nuclear power reactor," and "spent nuclear fuel." These terms are used and defined in the Nuclear Waste Policy Act. A "civilian nuclear power reactor" is a civilian nuclear power plant required to be licensed as a utilization facility under section 103 or 104b of the Atomic Energy Act of 1954, as amended. This approximates the NWPA definition but relates it to the term "utilization facility," as used in the Atomic Energy Act and Commission regulation.[6] "Spent nuclear fuel" is defined exactly as in the NWPA. It is fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

Section 2.1107 has been considerably shortened to avoid duplicating existing provisions in Part 2. It provides for a notice of proposed action in accordance with 10 CFR 2.105 if the Commission has not found that a hearing is required in the public interest, a hearing has not already been convened on the application, and a notice of proposed action has not yet been published as of the effective date of Subpart K.[7] The notice will identify the availability of the hybrid procedures and specify that any party may invoke them by requesting an oral argument under § 2.1109. As noted earlier, § 2.1107 should be read in conjunction with 10 CFR 50.58 and 50.91. Application of the Commission's rules implementing Public Law 97–415 (the so-called "Sholly" amendments) is not affected by the fact that a hybrid proceeding is offered.

Section 2.1109 outlines the procedure for initiating a hybrid hearing. A party must make a timely request for oral argument under Subpart K. A timely request must be granted. An untimely request for oral argument will require a showing of good cause for the lateness with an opportunity for other parties to rebut. In either case, the presiding officer shall issue a written order granting or denying the request and, if the request is granted, establishing a schedule for discovery and oral argument on admitted contentions. Thus, as noted earlier, present Commission practice requiring at least one valid contention is maintained in hybrid proceedings. Finally, if no request for an oral argument is made or all untimely requests are denied, the proceeding will be conducted in accordance with 10 CFR Part 2, Subpart G.

In the oral argument phase of a hybrid hearing, § 2.1109 is intended to be an exclusive means of limiting issues for litigation. That is, if a request for oral argument were granted, a party could not then file a motion for summary disposition seeking to dispose of certain issues without the need for oral argument. This is because oral argument, like summary disposition, is designed to identify whether there is a genuine issue a material fact that must be resolved in an adjudicatory hearing. If an untimely request for oral argument were denied, however, the procedures of Subpart G would apply and a party could seek to limit the issues to be litigated by filing a motion for summary disposition under 10 CFR 2.749. Similarly, Subpart G would apply to the adjudicatory phase of a hybrid hearing. Thus, subject to any limitations that the presiding officer might impose under § 2.749(a), a party could also file a motion for summary disposition during the adjudicatory phase of a hybrid hearing. As a practical matter, however, an issue designated for resolution in an adjudicatory hearing after oral argument could not meet the standard for summary disposition unless the movant could present sufficient additional evidence to change the presiding officer's determination that a hearing was required.

Section 2.1111 provides that discovery shall be conducted according to the schedule set by the presiding officer and is to be completed in 90 days. Additional time will require a showing of good cause. The forms of discovery permitted are those in Subpart G. In view of the continued applicability of Subpart G under § 2.1117, the list of discovery sections in the proposed rules has been eliminated as unnecessary.

Section 2.1113 establishes the ground rules for oral argument. Fifteen days prior to the oral argument the parties must submit a preargument brief

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[6] A power reactor is commonly understood to be a utilization facility whose primary function is to produce atomic energy for the generation of electricity. A "civilian nuclear activity" is any atomic energy activity other than an "atomic energy defense activity," as defined in sections 2(5) and 2(3) of the NWPA, respectively.

[7] If the Commission finds that a hearing is required in the public interest, a notice of hearing will be published under 10 CFR 2.104 and the hybrid procedures will not be available.

summarizing the facts, data, and arguments on which they will rely at oral argument. The brief must be supported by facts and data in the form of sworn testimony or other sworn written submissions. Only sworn facts and data may be cited during oral argument, and the presiding officer may consider those facts and data only if they are submitted in that form.

Section 2.1115 states the manner in which issues will be designated for adjudicatory hearing under Subpart G. After the oral argument, the presiding officer will: (1) Designate disputed questions of fact and unresolved questions of law for a Subpart G hearing, and (2) dispose of all other issues. To be designated for an adjudicatory hearing an issue must present a genuine and substantial dispute of fact that requires the presentation of evidence in an adjudicatory hearing for its resolution, and the Commission's decision must be likely to be dependent in whole or part on that resolution. For hybrid hearings on any application filed before December 31, 2005, the presiding officer may not consider any issue that was or could have been litigated in any proceeding to issue a construction permit or operating license for the civilian nuclear power reactor at the site. This strict application of the principles of *res judicata* to hybrid hearings on spent fuel storage expansions may be relaxed, however, if the presiding officer determines that the issue deriving from the spent fuel storage expansion application substantially affects the design, construction, or operation of the facility. For siting and design issues that were actually considered and decided, it must also be shown that the Commission has subsequently revised its siting and design criteria. A presiding officer's decision under § 2.1115 disposing of issues and designating issues for hearing is interlocutory. However, an order disposing of all issues and dismissing the proceeding is final for purposes of filing an appeal.

Section 2.1117 establishes that Subpart K is not a substitute for other procedural regulations of the Commission. Rather, it qualifies those regulations for the conduct of hearings on spent fuel storage expansion applications. To the extent not qualified by Subpart K, all other relevant procedural rules apply. The section has been revised to state this more clearly.

The final rule also includes an amendment to 10 CFR 72.34(a). This section of the Commision's regulations provides for public hearings on applications for independent spent fuel storage installations. The amendment adds the procedures of Subpart K to those hearings.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusions 10 CFR 51.22(c) (1) and (3). Therefore neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule contains no new or amended information collection requirements subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Certification

The final rule will not have a significant economic impact upon a substantial number of small entities. Nuclear power plant licensees do not fall within the definition of small businesses found in section 3 of the Small Business Act, 15 U.S.C. 632, or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. The impact on intervenors or potential intervenors will be neutral. The oral argument may increase case preparation costs by requiring intervenors to demonstrate the existence of a genuine and substantial dispute of fact in order to trigger an NRC adjudicatory hearing. Once the adjudicatory hearing commences, however, an intervenor's costs should decrease because the issues will be more clearly focused than under existing practice. Thus, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), the NRC hereby certifies that this rule, if adopted, will not have a significant economic impact upon a substantial number of small entities.

Regulatory Analysis

The Commission has prepared a Regulatory Analysis of the final rule assessing the costs and benefits and resource impacts. It may be examined at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalty, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the Nuclear Waste Policy Act of 1982, and Sections 552 and 553 of Title 5 of the United States Code, the NRC is adopting the following amendments to 10 CFR Parts 2 and 72.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for Part 2 is revised to read as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955 as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239) Sections 2.200–2.206 also issued under secs. 186, 234, 68 Stat. 955, 83 Stat. 444, as amended (42 U.S.C. 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.300–2.309 also issued under Pub. L. 97–415, 96 Stat. 2071 (42 U.S.C. 2133). Sections 2.600–2.606 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770 also issued under 5 U.S.C. 557. Sections 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85–256, 71 Stat. 579, as amended. (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Appendix A also issued under sec. 6, Pub. L. 91–560, 84 Stat. 1437 (42 U.S.C. 2135).

2. Part 2 is amended by adding a new Subpart K to 10 CFR Part 2 to read as follows:

Subpart K—Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors

Subpart K—Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors

§ 2.1101 Purpose.

The regulations in this subpart establish hybrid hearing procedures, as authorized by section 134 of the Nuclear Waste Policy Act of 1982 (96 Stat. 2230), to be used at the request of any party in certain contested proceedings on applications for a license or license amendment to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power plant. These procedures are intended to encourage and expedite onsite expansion of spent nuclear fuel storage capacity.

§ 2.1103 Scope.

The procedures in this subpart apply to contested proceedings on applications filed after January 7, 1983, for a license or license amendment under Part 50 of this chapter, to expand the spent fuel storage capacity at the site of a civilian nuclear power plant, through the use of high density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means. This subpart also applies to proceedings on applications for a license under Part 72 of this chapter to store spent nuclear fuel in an independent spent fuel storage installation located at the site of a civilian nuclear power reactor. This subpart shall not apply to the first application for a license or license amendment to expand the spent fuel storage capacity at a particular site through the use of a new technology not previously approved by the Commission for use at any other nuclear power plant.

§ 2.1105 Definitions.

As used in this part:

(a) "Civilian nuclear power reactor" means a civilian nuclear power plant required to be licensed as a utilization facility under section 103 or 104(b) of the Atomic Energy Act of 1954.

(b) "Spent nuclear fuel" means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

§ 2.1107 Notice of proposed action.

In connection with each application filed after January 7, 1983, for a license or an amendment to a license to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power plant, for which the Commission has not found that a hearing is required in the public interest, for which an adjudicatory hearing has not yet been convened, and for which a notice of proposed action has not yet been published as of the effective date of this subpart, the Commission will, prior to acting thereon, cause to be published in the **Federal Register** a notice of proposed action in accordance with § 2.105. The notice of proposed action will identify the availability of the hybrid hearing procedures in this subpart, specify that any party may invoke these procedures by filing a timely request for oral argument under § 2.1109, and provide that if a request for oral argument is granted, any hearing held on the application shall be conducted in accordance with the procedures in this subpart.

§ 2.1109 Requests for oral argument.

(a)(1) Within ten (10) days after an order granting a request for hearing or petition for leave to intervene, any party may invoke the hybrid hearing procedures in this subpart by requesting an oral argument. Requests for oral argument shall be in writing and shall be filed with the presiding officer. The presiding officer shall grant a timely request for oral argument.

(2) The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for failure to file on time and after providing the other parties an opportunity to respond to the untimely request.

(b) The presiding officer shall issue a written order ruling on any requests for oral argument. If the presiding officer grants a request for oral argument, the order shall include a schedule for discovery and subsequent oral argument with respect to the admitted contentions.

(c) If no party to the proceeding requests oral argument, or if all untimely requests for oral argument are denied, the presiding officer shall conduct the proceeding in accordance with Subpart G of 10 CFR Part 2.

§ 2.1111 Discovery.

Discovery shall begin and end at such times as the presiding officer shall order. It is expected that all discovery shall be completed within 90 days. The presiding officer may extend the time for discovery upon good cause shown based on exceptional circumstances and after providing the other parties an opportunity to respond to the request.

§ 2.1113 Oral argument.

(a) Fifteen (15) days prior to the date set for oral argument, each party, including the NRC staff, shall submit to the presiding officer a detailed written summary of all the facts, data, and arguments which are known to the party at such time and on which the party proposes to rely at the oral argument either to support or to refute the existence of a genuine and substantial dispute of fact. Each party shall also submit all supporting facts and data in the form of sworn written testimony or other sworn written submission. Each party's written summary and supporting information shall be simultaneously served on all other parties to the proceeding.

(b) Only facts and data in the form of sworn written testimony or other sworn written submission may be relied on by the parties during oral argument, and the presiding officer shall consider those facts and data only if they are submitted in that form.

§ 2.1115 Designation of issues for adjudicatory hearing.

(a) After due consideration of the oral presentation and the written facts and data submitted by the parties and relied on at the oral arguments, the presiding officer shall promptly by written order:

(1) Designate any disputed issues of fact, together with any remaining issues of law, for resolution in an adjudicatory hearing; and

(2) dispose of any issues of law or fact not designated for resolution in an adjudicatory hearing.

With regard to each issue designated for resolution in an adjudicatory hearing, the presiding officer shall identify the specific facts that are in genuine and substantial dispute, the reason why the decision of the Commission is likely to depend on the resolution of that dispute, and the reason why an adjudicatory hearing is likely to resolve the dispute. With regard to issues not designated for resolution in an adjudicatory hearing, the presiding officer shall include a brief statement of the reasons for the disposition. If the presiding officer finds that there are no disputed issues of fact or law requiring resolution in an adjudicatory hearing, the presiding officer shall also dismiss the proceeding.

(b) No issue of law or fact shall be designated for resolution in an adjudicatory hearing unless the presiding officer determines that:

(1) There is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

(2) the decision of the Commission is likely to depend in whole or in part on the resolution of that dispute.

(c) In making a determination under paragraph (b) of this section, the presiding officer shall not consider:

(1) any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at the site, or any civilian nuclear power reactor for which a construction permit has been granted at the site, unless the presiding officer determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which a license application, authorization, or amendment to expend the spent nuclear fuel storage capacity is being considered; or

(2) any siting or design fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at that site, unless (i) such issue results from any revision or siting or design criteria by the Commission following such decision; and (ii) the presiding officer determines that such issue substantially affects the design, construction, or operation of the facility or activity for which a license application, authorization, or amendment to expand the spent nuclear fuel storage capacity is being considered.

(d) The provisions of paragraph (c) of this section shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations applied for under the Atomic Energy Act of 1954, as amended, before December 31, 2005.

(e) Unless the presiding officer disposes of all issues and dismisses the proceeding, appeals from the presiding officer's order disposing of issues and designating one or more issues for resolution in an adjudicatory hearing are interlocutory and must await the end of the proceeding.

§ 2.1117 Applicability of other sections.

In proceedings subject to this subpart, the provisions of Subparts A and G of 10 CFR Part 2 are also applicable, expect where inconsistent with the provisions of this subpart.

PART 72—LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUEL IN AN INDEPENDENT SPENT FUEL STORAGE INSTALLATION (ISFSI)

3. The authority citation for Part 72 is revised to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2282); sec. 274, Pub. L. 86–273, 73 Stat. 688, as amended (42 U.S.C. 2021); secs. 201, 202, 206, 88 Stat. 1242, 1243, 1246, as amended (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Section 72.34 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154).

4. In § 72.34, paragraph (a) is revised to read as follows:

§ 72.34 Public hearings.

(a) In connection with each application for a license or an amendment to a license under this part, the Commission shall issue or cause to be issued a notice of hearing in accordance with § 2.104 of this chapter, or a notice of proposed action in accordance with § 2.105 or 2.1103 of this chapter, as appropriate. Except as provided in paragraph (b) of this section, a hearing may not be held until after 30 days' notice and publication once in the Federal Register.

* * * * *

Dated at Washington, D.C. this 8th day of October 1985.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 85–24584 Filed 10–11–85; 8:45 am]

BILLING CODE 7590–01–M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R–0553]

Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty

AGENCY: Board of Governors of the 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 Hurricane Elena in the designated counties of Alabama, Florida and Mississippi.

EFFECTIVE DATE: September 4, 1985 for the Mississippi counties of Harrison, Jackson, and Hancock; September 7, 1985 for the Alabama counties of Baldwin and Mobile; September 11, 1985 for Pearl River County, Mississippi; September 12, 1985, for the Florida counties of Franklin, Levy, Pinellas, and Manatee; September 18, 1985, for Stone County, Mississippi; and September 23, 1985, for the Florida counties of Dixie, Hillsborough, and Wakulla.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Senior Attorney (202/452–3711), Legal Division, or Joy W. O'Connell, Telecommunication Device for the Deaf (202/452–3244), Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: On September 4, 1984, 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 Mississippi counties of Harrison, Jackson, and Hancock major disaster areas. This declaration was amended on September 11 to include Pearl River County and on September 18 to include Stone County. A Presidential declaration of a major disaster was issued on September 7, 1985, for the Alabama counties of Baldwin and Mobile which experienced damage resulting from Hurricane Elena beginning on or about September 2. A Presidential declaration of a major disaster was also issued for the Florida counties of Franklin, Levy, Pinellas, and Manatee which suffered damage resulting from Hurricane Elena beginning on or about August 29; this declaration was amended on September 23 to include the counties of Dixie, Hillsborough, and Wakulla. The Board regards the President's actions as recognition by the Federal government that disasters of major proportions have occurred. The President's designations enable 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 depositor has suffered property or other financial loss in the disaster

areas as a result of Hurricane Elena. 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 September 4, 1985 for the Mississippi, counties of Harrison, Jackson, and Hancock; September 7, 1985 for the Alabama counties of Baldwin and Mobile; September 11, 1985 for Pearl River County, Mississippi; September 12, 1985, for the Florida counties of Franklin, Levy, Pinellas, and Manatee; September 18, 1985, for Stone County, Mississippi; and September 23, 1985, for the Florida counties of Dixie, Hillsborough, and Wakulla, and will remain in effect until 12 midnight, March 22, 1986.

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 designated counties of Alabama, Florida, and Mississippi directly affected by Hurricane Elena, 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 immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, October 8, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-24412 Filed 10-11-85; 8:45 am]

BILLING CODE 6210-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 792

Employee Responsibility and Conduct

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: This final rule exempts member accounts in and loans from credit unions that are subject to supervision, regulation, and examination by the Agency from the type of financial interest that might otherwise be prohibited for Agency employees. The basis for the exemption is that, in matters of a general or policy nature, such financial interests are too remote or inconsequential to affect the integrity of an employee's service.

EFFECTIVE DATE: October 7, 1985.

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

FOR FURTHER INFORMATION CONTACT: James J. Engel, Assistant General Counsel, at the above address. Telephone (202) 357-1030.

SUPPLEMENTARY INFORMATION: Generally, under 18 U.S.C. 208(a), a Federal employee is prohibited from having personal and substantial involvement in any official matter in a government proceeding, ruling or determination if, to his knowledge, the employe or the employee's spouse, minor child, partner, or organization in which the employee is an officer or employee, or organization with whom the employee is negotiating or has an arrangement concerning prospective employment, has a financial interest. Employees may be exempted from the above prohibition where the financial interest is too remote or too inconsequential to affect the integrity of the Federal employee's government service. The NCUA Board has determined that member accounts or loans with Federal or federally insured credit unions generally represent financial interests that will not affect the integrity of NCUA employee's services when participating in matters of a general or policy nature. Therefore, the NCUA Board has, pursuant to 18 U.S.C. 208(b)(2), adopted the following general rule to exempt credit union accounts and loans from the type of financial interest that would otherwise be technically prohibited. This waiver does not apply to matters directed at or specifically applicable to a credit union in which an employee holds a financial interest.

Additionally, § 792.106 presently provides that an employee may have a financial interest and engage in financial transactions to the same extent as a private citizen not employed by the Government as long as it is not prohibited by law. Credit union accounts and loans have been considered permissible financial transactions in the past, and the present action merely formalizes what has been Agency practice and policy.

NCUA staff is presently conducting a comprehensive review of NCUA's rules and policies concerning employee responsibility and conduct and further changes may be forthcoming at a later date. This rule is an interim measure to clearly establish that employees having share and loan account relationships with insured credit unions are not in violation of 18 U.S.C. 208(a), but only to the extent that their involvement relates to matters of broad applicability to credit unions in general.

Administrative Procedure Act Requirements

Since the rule merely permits an allowable exception under existing law and clarifies language presently in the Agency's regulations, the rule is being published without comment and is made effective October 7, 1985.

Regulatory Flexibility Act

The NCUA Board certifies that this final rule will have no economic impact on small credit unions.

List of Subjects in 12 CFR Part 792

Financial interests of employees.

By the NCUA Board on the 7th day of October, 1985.

Rosemary Brady,

Secretary of the Board.

PART 792—[AMENDED]

1. The authority citation for Part 792 continues to read as follows:

Authority: 12 U.S.C. 1766.

§ 792.106 [Amended]

2. Accordingly, § 792.106 is amended by adding paragraph (c) to read as follows:

* * * * *

(c) For purposes of the consideration of matters of a general or policy nature which may have a direct and predictable effect upon an employee's financial interest in a credit union, the following financial interests will not be considered to be in violation of 18 U.S.C 208(a):

(1) Member accounts, including share, share certificate, share draft, or similar type accounts in, or

(2) Loans granted, held, or serviced by a credit union subject to the jurisdiction of the Board.

Such financial interests are deemed, pursuant to 18 U.S.C. 208(b)(2), to be too remote or too inconsequential to affect the integrity of an NCUA employee's services. This waiver shall not extend to an employee's participation in the consideration of any action by the Administration that is directed at or specifically applicable to a credit union in which a financial interest is held by the employee or other person or organization referred to in 18 U.S.C. 208(a).

[FR Doc. 85-24332 Filed 10-11-85; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-CE-19-AD; Amdt. 39-5146]

Airworthiness Directives; Beech Model 34C, 50, 60, 65, 70, 90, 99, 100 and 200 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Beech Model 34C, 50, 60, 65, 70, 90, 99, 100 and 200 series airplanes which requires inspection and coating of the nut, tension bolt and adjacent parts in certain wing attachment joints every five years, annual injections of a corrosion preventative compound into each joint which contains a barrel nut and transmittal of rejected parts for examination by the FAA

Need for this action stems from finding evidence of unsafe stress corrosion cracks in some bolts and nuts that had been removed from wing attachment joints and a determination that the above condition is likely to exist or develop in affecting wing attachment joints. The AD will counteract susceptibility to stress corrosion cracking in the previously mentioned parts and preclude loss of structural integrity.

EFFECTIVE DATE: November 12, 1985.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Beech undated Service Instructions T-C34C-1-0083, T-34C-0158 Revision 2, T-44A-0049 Revision 1; Beech Part Number (P/N) 98-39006 Structrual Inspection and Repair Manual dated December 20, 1984; or Beech Maintenance Manual P/N 60-590001-25 dated June 13, 1984; as applicable, may be obtained through Beechcraft Aero and Aviation Centers; Beech Aircraft Corporation, 9709 East Central, Post Office Box 85, Wichita, Kansas 67201. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Mr. Larry E. Engler, Federal Aviation Administration, Wichita Aircraft Certification Office, Room 100, 1801 Airport Road, Wichita, Kansas 67209; Telephone (316) 946-4409.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a AD requiring inspection and coating of wing attachment components and submittal of rejected components to the FAA on certain Beech Model 34C, 50, 60, 65, 70, 90, 99, 100, and 200 series airplanes was published in the **Federal Register** on June 20, 1985, 50 FR 25579-25582. The proposal resulted from studies of conditions that are described below.

Stress corrosion cracking of the H-11 steel alloy in a tension bolt in a lower forward wing attachment joint has caused one bolt failure in a four year old Beech Model 200 airplane and one bolt failure in a seven year old Beech Model E90 airplane. In each case the failure of these bolts caused an accident. Ensuing inspections have disclosed unsafe stress corrosion cracking in the H-11 steel alloy in a lower forward wing attachment barrel nut in five Beech Model 200 series airplanes that had been in service for 0.8 or more years. To counteract susceptibility to such cracking, emergency ADs were issued, and these ADs codified as ADs 80-07-05 and 81-23-01R1, reference **Federal Register** 45 FR 20774 dated March 31, 1980 and 46 FR 63210 dated December 31, 1981. The above ADs require a one-time application of a protective coating in lower forward wing attachment joints that are like the ones in which parts were found to be cracked. After the above ADs were issued, studies were made concerning durability of the protective coating and susceptibility of various steel alloys to stress corrosion cracking. The sequence of development of these cracks is: (1) Moisture enters the fitting, (2) corrosion causes plating to decrease in thickness, (3) corrosion begins in the parent metal, (4) a stress corrosion crack develops and grows, (5) a brittle fracture occurs across the shank of a bolt or across one wall of a nut, and (6) joint failure occurs or becomes likely to occur. Based on the above studies, the FAA proposed this AD to preclude stress corrosion cracking in wing attachment bolts and nuts. Interested persons have been afforded an opportunity to comment on the proposal. Comments were received from the manufacturer and the National Transportation Safety Board (NTSB). Each respondent considered aspects that were not considered by the other respondent. The comments are summarized and discussed below.

The NTSB stated the proposal is adequate for steel bolts but should also apply to Inconel bolts. During the FAA's review of laboratory tests and sevice experience, no unsafe condition in any Inconel bolt was disclosed. Therefore, the proposal is not being changed in light of the above comment.

Beech commented that the heading, **"SUMMARY"**, and **Discussion** should mention Model 34C series airplanes instead of Model 34 series airplanes. The FAA agrees that this would be consistent with Table I of the proposed rule. The proposal is being changed in light of the above comment.

The manufacturer suggested the **"SUMMARY"** show that, among all bolts with reported cracks, cracks were only verified in the two bolts that failed. The FAA agrees that the foregoing is true for bolts that were reinspected after cracks were orginally reported. Nevertheless, cracks were reported in some bolts that were not reinspected, and cracks may have been found during original inspection of the latter bolts. Because the proposal fairly summarizes the above situation, it is not being changed in light of the above comment.

Beech suggested that the **"ADDRESSES"** section show that publications may be obtained "through" (instead of "from") their Aviation Centers. Because the FAA agrees that use of "through" is reasonable, the proposal is being changed in several areas in light of the above comment.

The manufacturer stated that since both failures did not result in accidents, in the classical sense the **Discussion** should be changed to clearly reflect this. The FAA considers this point specious since in both instances cited, accident reports were in fact prepared by the NTSB. Therefore, the proposal is not being changed in light of the above comment.

Beech further suggested the **Discussion** should show the years (i.e., 1980 and 1981) in which bolt failures caused accidents. The FAA agrees, however, these years are shown in **Federal Register** references to ADs 80-07-05 and 81-23-01R1 that are being added to the proposal for compliance with standard rule making procedures. To the above extent, the proposal is being changed in light of the above comment.

The manufacturer suggested **Discussion** show that one of the six numbered events that leads toward joint failure occurs only if the preceding event is allowed to progress. The FAA position on this comment is that the existing **Discussion** is adequate. Accordingly, the proposal is not being changed in light of the above comment.

Beech stated the **Discussion** should be emphasize that schedules for inspections in the proposal should be coordinated with such schedules in existing ADs 70-25-01, 70-25-04, and

77-05-01. The FAA position on this comment is that adequate information is given by a note under Paragraph (a) of the proposed rule and in the existing **Discussion**. Accordingly, the proposal is not being changed in light of the above comment.

Beech further suggested the **Discussion** show basic model designations (i.e., 90, 99, 100, and 200) of airplanes in which Inconel bolts may be installed. The FAA position on this comment is that the existing **Discussion** is adequate. Accordingly, the proposal is not being changed in light of the above comment.

The Manufacturer suggested Table I of the proposed rule show serial numbers of Model T-34C airplanes as GL-1 and up instead of GP-1 and up. Also, Table I should show serial numbers of some Model C90 airplanes as LJ-1039 thru LJ-1044 instead of LJ-1039 LJ thru LJ-1044. The FAA agrees that the above changes are necessary for accuracy, and the proposal is being changed in light of the above comment.

Beech expressed concern that paragraph (c) of the proposed rule would allow joint tightness to be checked too soon after bolts had been inspected. Their proposed recording, however, did not include any minimum interval between the bolt inspection and the check of joint tightness. Consequently, the FAA position on this comment is that paragraph (c) is adequate as proposed. Accordingly, the proposal is not being changed in light of the above comments.

The manufacturer suggested that the proposed rule show that a barrel nut is used at an upper or lower forward location. The FAA disagrees in that some of the airplanes can be altered with respect to barrel nut locations, and also because complete disclosures of the original and altered locations are contained in instructions that are cited by Table I of the proposal. Substantial complexity would be introduced into the proposal if it were to be changed so as to make a complete disclosure of the locations of barrel nuts. If the proposal were to be changed so as to contain an incomplete disclosure, readers could be led toward mistaken belief that some "Table I" instructions about injections into steel barrel nuts can be disregarded. Incorporation of this change would substantially increase the complexity of the AD. Accordingly, the proposal is not being changed in light of the above comment.

The Manufacturer stated that paragraph (f) of the proposed rule should show that parts will be destroyed if cracks are confirmed, and only uncracked parts may be returned. It is the FAA's position that by pull-testing and/or sectioning for metallurgical examination, parts with confirmed cracks will render unserviceable during examination by or for the FAA. On the otherhand, if owners want cracked parts to be returned in the resulting condition, the FAA is not aware of any reason to refuse to return the parts. In light of the above comment, the proposal should be and is being changed only to show that FAA's examinations may be destructive or nondestructive.

The comments of the manufacturer suggested that the location of Note 4. was causing confusion in reading the AD. The AD is being clarified with respect to this matter.

Accordingly, the final rule will reflect changes as indicated above.

There are approximately 4000 privately operated airplanes affected by the following AD. The average cost of compliance with requirements for repetitive inspections and "on condition" replacements during the first ten years is estimated to be $1000 per airplane, for a total cost of $4 million to the private sector over a ten year period or a yearly average cost of $100 per airplane.

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new AD:

Beech: Applies to Beech airplanes listed in Table I below, certificated in any category, upon accrual of five years in service. This AD does not apply to those airplanes in which bolts and nuts made of Inconel have been installed in the wing attachment joints that are specified in Table I below.

TABLE I

Beech Model (Military Model)	Serial No.	Joints (1)	Instruction (2)
34C	GP-1 and up	LF, UF, UR, LR	T-34C-1-0083.
T-34C	GL-1 and up	LF, UF, UR, LR	T-34C-0158R2.
T-34C-1	GM-1 and up	LF, UF, UR, LR	T-34C-1-0083.
50	H-1 thru H-11	LF*	P/N 98-39006.
50 (L-23A, U-8A)	LH-1 thru LH-55	LF*	See Note 3a.
50	CH-12 thru CH-110	LF*	P/N 98-39006.
50 (L-23B)	LH-56 thru LH-95	LF*	See Note 3b.
C90	CH-111 thru CH-360	LF*	P/N 98-39006.
D50 (L-23E, L-23G)	DH-1 thru DH-154	LF*	P/N 98-39006.
D50A, D50B, D50C	DH-155 thru DH-300	LF*	P/N 98-39006.
D50E, D50E-5990	DH-301 thru DH-347	LF*	P/N 98-39006.
E50	EH-1 thru EH-70	LF*	P/N 98-39006.
E50 (L-23D, U-8D)	LH-96 and up	LF*	See Note 3b.
E50 (RL-23D, RU-8D)	RLH-1 and up	LF*	See Note 3b.
E50 (RL-23D, RU-8D)	LHC-1 and up	LF*	See Note 3b.
E50 (RL-23D, RU-8D)	LHD-1 and up	LF*	See Note 3b.
E50 (RL-23D, RU-8D)	RLHE-1 and RLHE-2	LF*	See Note 3b.
E50 (RL-23D, RU-8D)	LHE-3 and up	LF*	See Note 3b.
F50	FH-71 thru FH-96	LF*	P/N 98-39006-A13.
G50	GH-94 thru GH-119	LF*	P/N 98-39006.
H50	HH-120 thru HH-149	LF*	P/N 98-39006.
J50	JH-150 thru JH-176	LF*	P/N 98-39006.
60, A60, B60	P-4 and up	LF, UF, LR	P/N 60-590001-25.
65	LC-1 thru LC-239	LF*	P/N 98-39006.

TABLE I—Continued

Beech Model (Military Model)	Serial No.	Joints (1)	Instruction (2)
65 (L-23F, U-6F)	L-1 thru L-6	LF*	See Note 3b.
65 (L-23F, U-6F)	LF-7 and up	LF*	See Note 3b.
A65, A65-8200	LC-240 thru LC-335	LF*	P/N 98-39006.
65-80, 65-A80, 65-A80-8800	LD-1 thru LD-269	LF*	P/N 98-39006.
65-B80	LD-270 and up	LF*	P/N 98-39006.
65-88	LP-1 thru LP-47	LF*	P/N 98-39006.
65-A90-1 (U-21A, RU-21A, RU-21D, JU-21A, U-21G, RU-21H)	LM-1 and up	LF*	See Note 3c.
65-A90-2 (RU-21B)	LS-1 and up	LF*	See Note 3c.
65-A90-3 (RU-21C)	LT-1 and up	LF*	See Note 3c.
65-A90-4 (RU-21E, RU-21H)	LJ-1 and up	LF*	See Note 3c.
70	LB-1 thru LB-35	LF*	P/N 98-39006.
65-90, 65-A90, B90, C90	LU-1 thru LJ-993	LF*	P/N 98-39006.
	LJ-995 thru LJ-1007	LF*	P/N 98-39006.
	LJ-1009 thru LJ-1034	LF*	P/N 98-39006.
	LJ-1037 and LJ-1039 thru LJ-1044	LF*	P/N 98-39006.
E90	LW-1 thru LW-347	LF*	P/N 98-39006.
F90	LA-2 thru LA-90	LF, UR, LR	P/N 98-39006.
	LA-92 thru LA-156	LF, UR, LR	P/N 98-39006.
	LA-158 thru LA-169	LF, UR, LR	P/N 98-39006.
	LA-171 thru LA-173	LF, UR, LR	P/N 98-39006.
	LA-175 thru LA-182	LF, UR, LR	P/N 98-39006.
	LA-185, LA-187	LF, UR, LR	P/N 98-39006.
	LA-189 thru LA-191	LF, UR, LR	P/N 98-39006.
	LA-193 thru LA-196 and LA-199	LF, UR, LR	P/N 98-39006.
H-90 (T-44A)	LL-1 thru LL-18	LF	T-44A-0049R1
	LL-20 thru LL-40	LF	T-44A-0049R1
	LL-42 thru LL-48	LF	T-44A-0049R1
	LL-50 thru LL-61	LF	T-44A-0049R1
99, 99A, 99A (FACH)	U-1 thru U-49 and U-51 thru U-164	LF*	P/N 98-39006.
A99, A99A, & B99 C99	U-50 and U-165 thru U-179	LF, UF	P/N 98-39006.
	U-181 thru U-184	LF, UF	P/N 98-39006.
	U-186 thru U-192	LF, UF	P/N 98-39006.
	U-194 thru U-196	LF, UF	P/N 98-39006.
100, A100 and A100A	B-1 thru B-247	LF*	P/N 98-39006.
B100	BE-2 thru BE-131, and BE-135	LF*	P/N 98-39006.
		LF*	P/N 98-39006.
A100-1 (RU-21J), 200, and B200	BB-2, thru BB-342	LF, UF	P/N 98-39006.
	B344 thru BB-983	LF, UF	P/N 98-39006.
	BB-985 thru BB-1038	LF, UF	P/N 98-39006.
B200	BB-1040 thru BB-104	LF, UF	P/N 98-39006.
	BB-1047 thru BB-1049	LF, UF	P/N 98-39006.
	BB-1053 thru BB-1078 and BB-1080	LF, UF	P/N 98-39006.
200C, B200C (C-12F)	BL-1 thru BL-51	LF, UF	P/N 98-39006.
	BL-53, BL-55	LF, UF	P/N 98-39006.
200 CT	BN-1	LF, UF	P/N 98-39006.
200 T	BT-1 thru BT-22	LF, UF	P/N 98-39006.
A200 (C-12A, C-12C)	BC-1 thru BC-75	LF, UF	P/N 98-39006.
	BD-1 thru BD-30	LF, UF	P/N 98-39006.
A200C (UC-12B)	BJ-1 thru BJ-47	LF, UF	P/N 98-39006.
A200CT (C-12D, FWC-12D)	BP-1 thru BP-27	LF, UF	P/N 98-39006.

* See Note 4.

Note 1: Wing attachment joints, on left and right sides of each airplane, are abbreviated as: LF = lower forward, UF = upper forward, UR = upper rear, LR = lower rear.

Note 2: T-34C-1-0083-1, T-34C-0158 Rev. 2, and T-44A-0049 Rev. 1 are Beech Service Instructions. Cited Beech Manuals, and their earliest applicable revision dates are:

Part No.	Name	Date
60-590001-25	Maintenance Manual	June 13, 1984.
98-39006	Structural inspection and repair manual.	Dec. 20, 1984.

Note 3: Apply the following portions of P/N 98-39006 manual even though applicability to military models is not shown within the P/N 98-39006 manual:

Note	Manual section	Reference Figure	Bolt P/N	Nut P/N
3a	57-10-00	209	NAS495-14-27	EB-144
3b	57-11-00	210	MS20014-29	EB-144
3c	57-13-00	212	LWB-14-32	FN22-1414

Compliance: Required initially, upon accrual of five years after first airworthiness certification or within 60 days after the effective date of this AD (whichever is later), unless already accomplished, and thereafter at intervals which do not exceed five years.

To assure structural integrity of attachments of outer wing panels to the wing center section, use procedures in instructions identified in Table I of this AD to accomplish the following at each wing attachment joint that is specified for a particular airplane by Table I of this AD:

(a) Remove each steel nut and each steel tension bolt. Use visual and magnetic particle methods to inspect the bolt and nut for cracking and corrosion in parent steel, and replace each bolt and nut found cracked or corroded.

Note 4: In lower forward joints that are asterisked in Table I of this AD, while bolts are removed for accomplishment of paragraph (a), above, it is recommended that inboard and outboard fittings be inspected, by a fluorescent penetrant method, for fatigue cracks in washer face areas of the fittings. For some of the asterisked joints, inspections of fitting are required by other ADs, but inspections of fittings are not required by this AD.

(b) During reassembly of each joint, coat the bolt, nut, and adjacent parts with MIL-C-16173 Grade 2 corrosion preventative compound.

(c) Within the next 150 hours of flight time, check joint tightness, and tighten as necessary.

(d) Inject MIL-C-16173 Grade 2 corrosion preventative compound into a lubrication fitting on each barrel nut (wherever a barrel nut is used) when joint tightness is checked per paragraph (c), above, and thereafter at intervals which do not exceed one year.

(e) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD can be accomplished.

(f) For destructive or nondestructive examination and any specified return, each nut and each bolt that is replaced in response to this AD must be identified with the related years in service, joint, and airplane serial number and sent to FAA/AVN-112, Room 203, Airmen Records Building, Mike Monroney Aeronautical Center, 6500 South MacArthur Boulevard, Post Office Box 26460, Oklahoma City, Oklahoma 73125. Parts so sent will be destroyed if return to a specified

address is not requested. Reporting requirements approved by OMB pursuant to clearance No. 2120 0056.

(g) An equivalent means of compliance with this AD may be used if approved by the Manager, FAA, Wichita Aircraft Certification Office, Room 100, 1801 Airport Road, Wichita, Kansas 67209; Telephone (316) 946–4400.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to Beechcraft Aero and Aviation Centers; Beech Aircraft Corporation, 9709 East Central, Post Office Box 85, Wichita, Kansas 67201, or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on November 12, 1985.

Issued in Kansas City, Missouri, on September 25, 1985.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 85–24456 Filed 10–11–85; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3164]

National Customs Brokers & Forwarders Association of America; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a national association whose members provide services to clients in connection with the importation of merchandise into the United States, among other things, to cease adopting, maintaining, or enforcing any by-law, code of ethics, provision, rule or regulation that restricts or attempts to restrict the ability of a member to offer price discounts or reach independent pricing decisions relating to custom brokerage services. The Association is also barred from commencing or continuing any affiliation or formal relationship with an organization that engages in the prohibited conduct. Further, the order requires that the Association timely send a copy of the complaint and order, to each of its current members, together with the attached explanatory letter; publish the order in its "Bulletin" or newsletter; and provide a copy of the order to all new members and affiliates for a period of three years.

DATE: Complaint and Order issued Sept. 18, 1985.[1]

FOR FURTHER INFORMATION CONTACT: Ross D. Petty, Seattle Regional Office, Federal Trade Commission, 2806 Federal Bldg., 915 Second Ave., Seattle, WA 98174. (206) 442–4656.

SUPPLEMENTARY INFORMATION: On Wednesday, June 26, 1985, there was published in the **Federal Register**, 50 FR 26375, a proposed consent agreement with analysis In the Matter of National Customs Brokers & Forwarders Association of America, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing and Intimidating: § 13.367 Members. Subpart—Combining or Conspiring: § 13.384 Combining or conspiring; § 13.430 To enhance, maintain or unify prices; § 13.433 To fix prices. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–45 Maintain records.

List of Subjects in 16 CFR Part 13

Customs brokerage services, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,

Secretary.

[FR Doc. 85–24501 Filed 10–11–85; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. C-3165]

John Treadwell d.b.a. Trans-Continental Industries; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires John Treadwell, doing business as Trans-Continental Industries, to cease, among other things, making any performance claims for any gasoline additive without competent and reliable evidence; claiming that tests support its performance claims without proper substantiation; and misrepresenting the results or conclusions of any tests pertaining to gasoline additives or the potential profits or marketing assistance that will be provided for distributors of its products. Further, respondent is required to maintain records of substantiation for three years; file a compliance report with the Commission within 60 days; and notify the Commission of the discontinuance of his present employment and any future employment in similar areas for five years.

DATE: Complaint and Order issued Sept. 23, 1985.[1]

FOR FURTHER INFORMATION CONTACT: Paul W. Turley, Director, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Blvd., Los Angeles, CA 90024. (213) 209–7575.

SUPPLEMENTARY INFORMATION: On Wednesday, July 17, 1985, there was published in the **Federal Register**, 50 FR 28951, a proposed consent agreement with analysis In the Matter of John Treadwell d.b.a. Trans-Continental Industries for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.170 Qualities or properties of product or service; § 13.170–34 Economizing or saving; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests; § 13.280 Unique nature or advantages. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–45 Maintain records. Subpart—Misrepresenting Oneself and

[1] Copies of the Complaint and the Decision and Order are filed with the original document.

[1] Copies of the Complaint and the Decision and Order are filed with the original document.

Goods—Goods: § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1770 Unique nature or advantages. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Fuel efficiency claims, Gasoline additives, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,

Secretary.

[FR Doc. 85-24502 Filed 10-11-85; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 12

Rules Relating to Reparation Proceedings

Correction

In FR Doc. 85-23580 beginning on page 40330 in the issue of Thursday, October 3, 1985, make the following correction:

On page 40331, in the third column, the mathematical computation of daily interest compounding which appears after the third line of the column should have appeared at the bottom of the column at the end of footnote 12.

BILLING CODE 1505-01

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 436 and 446

[Docket No. 85N-0392]

Antibiotic Drugs; Doxycycline Hyclate Pellet-Filled Capsules

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new dosage form of doxycycline hyclate, doxycycline hyclate pellet-filled capsules. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective October 15, 1985; comments, notice of participation, and request for hearing by November 14, 1985; data, information, and analyses to justify a hearing by December 16, 1985.

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

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, Center for Drugs and Biologics (HFN-815), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of a new dosage form of doxycycline hyclate, doxycycline hyclate pellet-filled capsules. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Parts 436 and 446 (21 CFR Parts 436 and 446) to provide for the inclusion of accepted standards for the product.

Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Submitting Comments and Filing Objections

This final rule announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this final rule is not controversial and because when effective it provides notice of accepted standards, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The final rule, therefore, is effective October 15, 1985. However, interested persons may, on or before November 14, 1985, submit written comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this final rule may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before November 14, 1985, a written notice of participation and request for hearing, and (2) on or before December 16, 1985, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 314.300. A request for a hearing may not rest upon mere allegations or denials, but must set forth specified facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 314.300.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m. Monday through Friday.

List of Subjects

21 CFR Part 436

Antibiotics.

21 CFR Part 446

Antibiotics, tetracycline.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Parts 436 and 446 are amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. The authority citation for 21 CFR Part 436 continues to read as follow:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

2. In § 436.201 by adding a sentence after the first sentence in paragraph (d)(1) to read as follows:

§ 436.201 Moisture determination.

* * * * *

(d)(1) * * * In the case of capsules containing enteric-coated pellets, grind the pellets to a fine power. * * *

* * * * *

3. By adding new § 436.543 to read as follows:

§ 436.543 Acid resistance test for pellet-filled doxycycline hyclate capsules.

(a) *Equipment.* Use Apparatus 1 as described in the United States Pharmacopeia XXI dissolution test.

(b) *Acid resistance medium.* Use 0.06*N* hydrochloric acid, pH 1.2. May be degassed by heating immediately prior to use.

(c) *Procedure.* Warm the acid resistance medium to a temperature of 37±2.0 °C. Place the contents of one pellet-filled capsule into the basket. Lower the basket into a beaker containing 900 milliliters of acid resistance medium. Ensure that all air is displaced from the immersed basket and that the contents of the pellet-filled capsule remain in the basket. Rotate the basket at the speed of 50 revolutions per minute for an accurately time period of 20 minutes. Withdraw a 5-milliliter sample of the acid resistance medium from a point midway between the stirring shaft and the wall of the vessel and approximately midway in depth (this is the sample solution). Assay the sample solution for doxycycline as described in paragraph (d) of this section. Repeat the test on five additional pellet-filled capsules.

(d) *Doxycycline content*—(1) *Preparation of working standard solution.* Dissolve an accurately weighed portion of doxycycline hyclate working standard with 0.1*M* hydrochloric acid to obtain a concentration of 0.01 milligram per milliliter.

(2) *Preparation of sample solution.* Dilute the 5-milliliter sample portion to 25 milliliters with 0.1*M* hydrochloric acid.

(3) *Procedure.* Using a suitable spectrophotometer and 0.1*M* hydrochloric acid as the blank, determine the absorbance of each standard and sample solution at the absorbance peak at approximately 345 nanometers. Determine the exact position of the absorption peak for the particular instrument used.

(4) *Calculations.* Determine the total amount of doxycycline dissolved as follows:

$$\text{Milligrams of doxycycline dissolved} = \frac{A_u X c X d X 900^*}{A_s}$$

where:

A_u = Absorbance of sample;
A_s = Absorbance of standard;
c = Concentration of working standard in milligrams; and
d = Dilution factor of sample withdrawn from beaker.

*If more than 15 milliliters of dissolution medium is removed, correct for the volume removed.

(e) *Evaluation.* The pellet-filled capsule passes the test if no more than 50 percent of the drug is dissolved at 20 minutes. If on pellet-filled capsule fails to meet this requirement, repeat the test on six additional pellet-filled capsules. No more than 2 pellet-filled capsules in 12 may exceed 50 percent of the drug dissolved at 20 minutes.

4. By adding new § 436.544 to read as follows:

§ 436.544 Dissolution test for pellet-filled doxycycline hyclate capsules.

(a) *Equipment.* Use Apparatus 1 as described in the United States Pharmacopeia XXI dissolution test.

(b) *Dissolution medium.* Prepare the dissolution medium as follows: Dissolve 10.21 grams of potassium biphthalate and 1.4 grams of sodium hydroxide in approximately 950 milliliters of distilled water and adjust the pH to 5.5 using 1*M* sodium hydroxide solution. Dilute with distilled water to 1,000 milliliters.

(c) *Procedure.* Proceed as directed in the United States Pharmacopeia XXI dissolution test. Ensure that all air is displaced from the immersed basket and that the contents of the pellet-filled capsule remain in the basket. Rotate the basket at the speed of 50 revolutions per minute for an accurately timed period of 30 minutes. Withdraw a 5-milliliter sample of the dissolution medium from a point midway between the stirring shaft and the wall of the vessel and approximately midway in depth (this is the sample solution). Assay the sample solution for doxycycline as described in paragraph (d) of this section. Repeat the test on five additional pellet-filled capsules.

(d) *Doxycycline content*—(1) *Preparation of working standard solution.* Dissolve an accurately weighed portion of doxycycline hyclate working standard with 0.1*M* hydrochloric acid to obtain a concentration of 0.01 milligram per milliliter.

(2) *Preparation of sample solution.* Dilute the 5-milliliter sample portion to 25 milliliters with 0.1*M* hydrochloric acid.

(3) *Procedure.* Using a suitable spectrophotometer and 0.1*M* hydrochloric acid as the blank, determine the absorbance of each standard and sample solution at the absorbance peak at approximately 345 nanometers. Determine the exact position of the absorption peak for the particular instrument used.

(4) *Calculations.* Determine the total amount of doxycycline dissolved as follows:

$$\text{Milligrams of doxycycline dissolved} = \frac{A_u X c X d X 900^*}{A_s}$$

where:

A_u = Absorbance of sample;
A_s = Absorbance of standard;
c = Concentration of working standard in milligrams; and
d = Dilution factor of sample withdrawn from beaker.

*If more than 15 milliliters of dissolution medium is removed, correct for the volume removed.

(e) *Evaluation.* Use the dissolution acceptance table and interpretation in the United States Pharmacopeia XXI.

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

5. The authority citation for 21 CFR Part 446 continues to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

6. By adding new § 446.120d to read as follows:

§ 446.120d Doxycycline hyclate pellet-filled capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Doxycycline hyclate pellet-filled capsules contain pellets which are composed of doxycycline hyclate and suitable and harmless diluents, binders, and lubricants. Each capsule contains doxycycline hyclate equivalent to 100 milligrams of doxycycline. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of doxycycline that it is represented to contain. The moisture content is not more than 5.0 percent. It passes the acid resistance test. It passes the dissolution test. The doxycycline hyclate conforms to the standards prescribed by § 446.20(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the

requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The doxycycline hyclate used in making the batch for potency, safety, moisture, pH, doxycycline content, identity, and crystallinity.

(*b*) The batch for potency, moisture, acid resistance, and dissolution.

(ii) Samples, if required by the Director, Center for Drugs and Biologics:

(*a*) The doxycycline hyclate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 100 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar containing 0.1*N* hydrochloric acid to obtain a stock solution of convenient concentration containing not less than 150 micrograms of doxycycline per milliliter (estimated). Blend for 3 to 5 minutes. Remove an aliquot of the stock solution and further dilute with sterile distilled water to the reference concentration of 0.100 microgram of doxycycline per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Acid resistance.* Proceed as directed in § 436.543 of this chapter.

(4) *Dissolution.* Empty the contents of one pellet-filled capsule into the basket and proceed as directed in § 436.544 of this chapter. The quantity *Q* (the amount of doxycycline dissolved) is 85 percent at 30 minutes.

Dated: October 2, 1985.

Daniel L. Michels,

Director, Office of Compliance, Center for Drugs and Biologics.

[FR Doc. 85-24471 Filed 10-11-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

24 CFR Part 107

[Docket No. R-85-1237; FR-2020]

Nondiscrimination and Equal Opportunity in Housing Under Executive Order 11063

Correction

In FR Doc. 85-18428, beginning on page 31359 in the issue of Friday, August 2, 1985, make the following correction:

On page 31360, second column, § 107.30(b), first line, "leaders" should read "lenders".

BILLING CODE 1505-01-M

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Part 990

[Docket No. R-85-1255; FR-2075]

Implementation of the Single Audit Act of 1984; Correction

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Interim rule; correction.

SUMMARY: The Department published in the Federal Register of September 27, 1985 (50 FR 39083) an interim rule that implements, with reference to HUD program authorities, the requirements of the Single Audit Act of 1984 and OMB Circular A-128. Concerning the single audit requirements for public housing agencies (PHAs) under 24 CFR Part 990 (Annual Contributions for Operating Subsidies), the Department promulgated a new 24 CFR 990.117 (Audit) in the September 1985 rule. However, § 990.117 in the September 1985 rule conflicts with HUD's prior promulgation of 24 CFR 990.117 (Determining Actual Occupancy Percentage) as part of an interim rule published in the Federal Register of June 24, 1985 (50 FR 25951) to revise HUD regulations for the determination of a PHA's operating subsidy. This correction resolves this conflict by redesignating § 990.117 in the September 1985 rule as § 990.120. In addition, this correction revises the preamble of the September 1985 rule to ge remedy certain typographical errors.

EFFECTIVE DATE: November 1, 1985.

SUPPLEMENTARY INFORMATION: Accordingly, the following correction is made in FR Doc. 85-1255, published in the Federal Register on September 27, 1985 at page 39083:

1. On page 39092, in the second from the last line of column two and on the first line of column three, "§ 990.117" is corrected to read "§ 990.120".

2. On page 39085, in line four of column two, "in" is corrected to read "an". In line twelve of column two, "that" is removed.

Dated: October 8, 1985.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 85-24567 Filed 10-11-85; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 179

[TD ATF-214]

Removal of References to United States Attorneys and United States Marshals as Possible Certifying Officials and Minor Changes Updating Identification Procedures

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule amends the regulations by deleting the references to United States Attorneys and United States Marshals as law enforcement officials who may certify applications to make or transfer National Firearms Act (NFA) firearms; by changing the required identification forms and by requiring some information previously required on the identification form to be placed on the application form itself.

EFFECTIVE DATE: October 15, 1985.

FOR FURTHER INFORMATION CONTACT: Lawrence G. White, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7591).

SUPPLEMENTARY INFORMATION:

Background

The National Firearms Act (NFA), 26 U.S.C. Chapter 53, imposes taxes on the making and transfer of certain firearms. 26 U.S.C. 5811 and 5821. Firearms covered by this Act include machineguns, short-barrelled shotguns and rifles, and destructive devices. In addition, this chapter of the Internal Revenue Code also establishes a system of registration of firearms covered by the Act whereby firearms are registered to the owner in a central registry. 26 U.S.C. 5841. Further, the Act sets forth the procedures for the transfer of NFA weapons. 26 U.S.C. 5812. Pursuant to this section, registered NFA weapons may not be transferred except upon an application approved by the Secretary. The implementing regulations, 27 CFR Part 179, provide that applications to make an NFA weapon are filed on ATF Form 1, while tax-paid transfers are filed on ATF Form 4. (27 CFR 179.62 and 179.84.) Additionally, when the maker or transferee is an individual, certain identification information is required. (27 CFR 179.63 and 179.85.) These

sections require, in part, that the maker or transferee obtain certification from the local chief of police, sheriff of the county, United States Attorney, United States Marshal or such other person whose certificate may be acceptable to the Director, certifying that the law enforcement official has no information indicating that receipt or possession of the firearm by the maker or transferee would place the maker or transferee in violation of State or local law or that the maker or transferee will use the firearm for other than lawful purposes. Forms 1 and 4 enumerate the officials recognized by ATF for certification purposes.

The Executive Office for United States Attorneys and the United States Marshals Service advised ATF that they would no longer execute the law enforcement certification and requested the references to United States Attorneys and United States Marshals be deleted from ATF Forms 1 and 4. They stated that the certifications required them to perform services outside their normal operations as they did not have direct access to the background data necessary to provide proper certifications.

Administrative Procedures Act

Because this Treasury decision merely removes the positions of U.S. Attorney and U.S. Marshal at their request from the list of persons who may execute the law enforcement certification associated with NFA applications and makes other minor editorial and nonsubstantive procedural changes, it is hereby found to be impractical and unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553(d).

Executive Order 12291

It has been determined that this final rule is not classified as a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it 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.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this document, because it was not required to be preceded by a notice of proposed rulemaking under 5 U.S.C. 553. These regulations will not have a significant economic impact or compliance burden on a substantial number of small entities.

Drafting Information

The principal author of this Treasury decision is Lawrence G. White, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

List of Subjects In 27 CFR Part 179

Administrative practice and procedure, Arms and Munitions, Authority delegations, Claims, Customs duties and inspection, Excise taxes, Exports, Imports, Penalties, Reporting requirements, Research, Seizures and forfeitures, Transportation, U.S. possessions.

PART 179—[AMENDED]

27 CFR Part 179, Machineguns, Destructive devices and Certain Other Firearms, is amended as follows:

Paragraph 1. The authority citation for Part 179 is revised to read as follows:

Authority: 5 U.S.C. 552a; 18 U.S.C. 926; 22 U.S.C. 2778; 26 U.S.C. Chapter 53, 6091, 6511, 6676, 6805, 7805; 27 U.S.C. 205; 44 U.S.C. 3504(h).

Par. 1a. Section 179.63 is amended by removing the references to the United States Attorney and United States Marshal, by changing the name of the fingerprint card, and by updating the identification procedures, the revised section to read as follows:

§ 179.63 Identification of applicant.

If the applicant is an individual, he or she shall securely attach to each copy of the ATF Form 1 (Firearms), in the space provided on the form, a clear, head and shoulders, full face photograph, approximately 2" × 2" of the applicant, taken within one year prior to the date of the application. The applicant shall attach two properly completed FBI Forms FD-258 (Fingerprint Card) to the application. The fingerprints must be clear for accurate classification and should be taken by someone properly equipped to take them. A certification by the local chief of police, sheriff of the county, or such other person for example, head of the State police, State or local district attorney or prosecutor, Judge, etc., whose certification may in a particular case be acceptable to the Director, must be completed on each copy of the Form 1. The certification must state that the law enforcement official is satisfied that the fingerprints and photograph accompanying the application are those of the applicant, and that the certifying officer has no information indicating that possession of the firearm by the maker would be in violation of State or local law or that the maker will use the firearm for other than lawful purposes.

Par. 2. Section 179.85 is amended by removing the references to United States Attorney and United States Marshal, by changing the name of the fingerprint card, and by updating the identification procedures, the revised section to read as follows:

§ 179.85 Identification of Transferee.

If the transferee is an individual, he or she shall securely attach to each copy of the application, ATF Form 4 (Firearms), in the space provided on the form, a clear head and shoulders, full face photograph approximately 2" × 2" of the transferee, taken within one year prior to the date of the application. The transferee shall attach two properly completed FBI Forms FD-258 (Fingerprint Card) to the application. The fingerprints must be clear for accurate classification and should be taken by someone properly equipped to take them. A certification by the local chief of police, sheriff of the county, or such other person, for example, head of the State police, State or local district attorney or prosecutor, Judge, etc., whose certification may in a particular case be acceptable to the Director, must be completed on each copy of the Form 4. The certification must state that the law enforcement official is satisfied that the fingerprints and photograph accompanying the application are those of the transferee, and that the certifying officer has no information indicating that the receipt or possession of the firearm would place the transferee in violation of State or local law, or that the transferee will use the firearm for other than lawful purposes.

Signed: August 1, 1985.

Stephen E. Higgins,

Director.

Approved: September 12, 1985.

Edward T. Stevenson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 85-24582 Filed 10-11-85; 8:45 am]

BILLING CODE 4810-31-M

Office of Foreign Assets Control

31 CFR Part 545

South African Transactions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: On October 1, 1985, the President issued Executive Order No. 12535, imposing a ban on the importation of Krugerrands into the United States. In implementation of that order, the Office of Foreign Assets Control is issuing the South African Transactions Regulations, prohibiting the importation of Krugerrands into the United States.

EFFECTIVE DATE: 12:01 a.m. Eastern Daylight Time, October 11, 1985.

FOR FURTHER INFORMATION CONTACT: Marilyn L. Muench, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220; 202/376-0408.

SUPPLEMENTARY INFORMATION: Since the regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply. Because the regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal Regulations. The information collection requests contained in this document are being submitted to the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Notice of OMB action on these requests will be published in the **Federal Register.**

List of Subjects in 31 CFR Part 545

South Africa, Imports, Krugerrands, Penalties, Reporting and recordkeeping requirements.

Accordingly, 31 CFR Chapter V is amended as set forth below:

New Part 545 is added as follows:

PART 545—SOUTH AFRICA TRANSACTIONS REGULATIONS

Subpart A—Relation of this Part to Other Laws and Regulations

Sec.

Authority: 50 U.S.C. 1701 et seq.; E.O. 12535, 50 FR 40325, Oct. 3, 1985.

Subpart A—Relation of this Part to Other Laws and Regulations

§ 545.101 Relation of this part to other laws and regulations.

(a) This part is independent of the other parts of this chapter and all other provisions of law. No license or authorization under another part of this chapter or any other provision of law authorizes any transaction prohibited by this part.

(b) No license or authorization under this part authorizes any transaction prohibited by one of the other parts of this chapter or any other provision of law, or relieves the parties involved from complying with any other applicable laws or regulations.

Subpart B—Prohibitions

§ 545.201 Prohibition on the importation of Krugerrands.

Except as authorized under this part, the importation into the United States of South African Krugerrands is prohibited.

§ 545.203 Effective date.

(a) The effective date of the prohibition in section 545.201 shall be 12:01 a.m. Eastern Daylight Time, October 11, 1985.

§ 545.204 Evasions.

Any transaction for the purpose of, or which has the effect of, evading any of the prohibitions in this part is prohibited.

Subpart C—General Definitions

§ 545.301 Krugerrands.

The term "Krugerrands" includes Krugerrands of all denominations and sizes, and Krugerrands that have been modified, as by addition of a clasp or loop, into items that can be worn as jewelry.

§ 545.302 United States.

The term "United States" means the United States and all territories under the jurisdiction thereof, including the Trust Territory of the Pacific Islands.

Subpart D—Interpretations

§ 545.401 Reference to amended sections.

Reference to any section of this chapter or to any regulation, ruling, order, instruction, direction or license issued pursuant to this chapter shall be deemed to refer to the same as currently amended unless otherwise so specified.

§ 545.402 Effect of amendment of sections of this chapter or of other orders, etc.

Any modification of this chapter or of any regulation, ruling, order, instruction, direction or license issued by the Secretary of the Treasury pursuant to Executive Order No. 12535 shall not, unless otherwise specifically provided, be deemed to affect any act performed or omitted, or any civil or criminal proceeding commenced, prior to such modification, and all penalties, forfeitures, and liabilities under any such provision shall continue and may

be enforced as if such modification had not been made.

§ 545.403 Krugerrand jewelry.

Section 545.201 prohibits the importation into the United States of Krugerrands that have been modified, as by the addition of a clasp or loop, into items that can be worn as jewelry. For example, importation of a necklace consisting of a Krugerrand mounted on a chain would be prohibited. Section 545.201 does not prohibit the reimportation into the United States of Krugerrand jewelry which was originally imported into the United States prior to October 11, 1985.

Subpart E—Licenses, Authorizations and Statements of Licensing Policy

§ 545.501 Effect of subsequent license or authorization.

No license or other authorization contained in this chapter or otherwise issued by or under the authority of the Secretary of the Treasury pursuant to Executive Order 12535 shall be deemed to authorize or validate any transaction effected prior to the issuance thereof, unless such license or other authorization specifically so provides.

§ 545.502 Exclusion from licenses and authorizations.

The Secretary of the Treasury reserves the right to exclude any person or property from the operation of any license or to restrict the applicability thereof to any person or property. Such action shall be binding upon all persons receiving actual or constructive notice thereof.

Subpart F—Reports

§ 545.601 Required records.

Every person engaging in any transaction subject to this part shall keep a full and accurate record of each transaction in which he engages, including any transaction effected pursuant to license or otherwise, and such records shall be available for examination for at least two years after the date of such transaction.

§ 545.602 Reports to be furnished on demand.

Every person is required to furnish under oath, in the form of reports or otherwise, at any time as may be required, complete information relative to any transaction subject to this part, regardless of whether such transaction is effected pursuant to license or otherwise. Such reports may be required to include the production of any books of account, contracts, letters, and other papers connected with any transaction in the custody or control of the persons required to make such reports. Reports with respect to transactions may be required either before or after such transactions are completed. The Secretary of the Treasury may, through any person or agency, conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

Subpart G—Penalties

§ 545.701 Penalties.

(a) A civil penalty of not to exceed $10,000 may be imposed on any person who violates any license, order, or regulation issued under this title.

(b) Whoever willfully violates any license, order, or regulation issued under this title shall, upon conviction, be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(50 U.S.C. 1705)

(c) Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

(18 U.S.C. 1001)

Subpart H—Procedures

§ 545.801 Licensing.

(a) *General licenses.* [Reserved]

(b) *Specific licenses.* Transactions prohibited under subpart B may be effected only under specific license.

(1) The specific licensing activities of the Office of Foreign Assets Control are performed by its Washington Office and by the Foreign Assets Control Division of the Federal Reserve Bank of New York.

(2) *Applications for specific licenses.* Applications for specific licenses to engage in any transaction prohibited under this part are to be filed in duplicate with the Federal Reserve Bank of New York, Foreign Assets Control Division, 33 Liberty Street, New York, NY 10045. Any person having an interest in a transaction or proposed transaction may file an application for a license authorizing such transaction, and there is no requirement that any other person having an interest in such transaction shall or should join in making or filing such application.

(3) *Information to be supplied.* The applicant must supply all information specified by the respective forms and instructions. Such documents as may be relevant shall be attached to each application except that documents previously filed with the Office of Foreign Assets Control may, where appropriate, be incorporated by reference. Applicants may be required to furnish such further information as is deemed necessary to a proper determination by the Office of Foreign Assets Control. Failure to furnish necessary information will not be excused because of any provision of South African law. If an applicant or other party in interest desires to present additional information or discuss or argue the application, he may do so at any time before or after decision. Arrangements for oral presentation should be made with the Office of Foreign Assets Control.

(4) *Effect of denial.* The denial of a license does not preclude the reopening of an application or the filing of a further application. The applicant or any other party in interest may at any time request explanation of the reasons for a denial by correspondence or personal interview.

(5) *Reports under specific licenses.* As a condition of the issuance of any license, the licensee may be required to file reports with respect to the transaction covered by the license, in such form and at such times and places as may be prescribed in the license or otherwise.

(6) *Issuance of license.* Licenses will be issued by the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury or by the Federal Reserve Bank of New York, acting in accordance with such regulations, rulings, and instructions as the Secretary of the Treasury or the Office of Foreign Assets Control may from time to time prescribe, or licenses may be issued by the Secretary of the Treasury acting directly or through a designated person, agency, or instrumentality.

§ 540.802 Decisions.

The Office of Foreign Assets Control or the Federal Reserve Bank of New

York will advise each applicant of the decision respecting filed applications. The decision of the Office of Foreign Assets Control with respect to an application shall constitute a final agency action.

§ 545.803 Amendment, modification, or revocation.

The provisions of this part and any rulings, licenses, authorizations, instructions, orders or forms issued hereunder may be amended, modified, or revoked at any time.

§ 545.804 Rulemaking.

(a) All rules and other public documents are issued by the Secretary of the Treasury upon recommendation of the Director of the Office of Foreign Assets Control. Except to the extent that there is involved any military, naval, or foreign affairs function of the United States or any matter relating to the agency management or personnel or to public property, loans, grants, benefits, or contracts, and except when interpretive rules, general statements of policy, or rules of agency organization, practice, or procedure are involved, or when notice and public procedure are impracticable, unnecessary, or contrary to the public interest, interested persons will be afforded an opportunity to participate in rulemaking through the submission of written data, views, or arguments, with oral presentation in the discretion of the Director. In general, rulemaking by the Office of Foreign Assets Control involves foreign affairs functions of the United States. Wherever possible, however, it is the practice to hold informal consultations with interested groups or persons before the issuance of any rule or other public document.

(b) Any interested person may petition the Director of the Office of Foreign Assets Control in writing for the issuance, amendment or revocation of any rule.

§ 545.805 Delegation by the Secretary of the Treasury.

Any action which the Secretary of the Treasury is authorized to take pursuant to Executive Order 12535 may be taken by the Director of the Office of Foreign Assets Control, or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

§ 545.806 Rules governing availability of information.

(a) The records of the Office of Foreign Assets Control which are required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the definitions, procedures, payment of fees, and other provisions of the regulations on the disclosure of records of the Office of the Secretary and of other bureaus and offices of the Department issued under 5 U.S.C. 552 and published as part 1 of this Title 31 of the Code of Federal Regulations.

(b) Any form issued for use in connection with this part may be obtained in person from or by writing to the Office of Foreign Assets Control, Treasury Department, Washington, DC 20220, or the Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, NY 10045.

Subpart I—Miscellaneous [Reserved]

Dated: October 9, 1985.

Dennis M. O'Connell,

Director, Office of Foreign Assets Control.

Approved: October 9, 1985.

David D. Queen,

Acting Assistant Secretary Enforcement & Operations.

[FR Doc. 85-24640 Filed 10-10-85; 2:17 pm]

BILLING CODE 4810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD8-85-12]

Drawbridge Operation Regulation; Bayou Sara, AL

AGENCY: U.S. Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Seaboard System Railroad, the Coast Guard is changing the regulation governing the operation of the swing span railroad bridge over Bayou Sara, mile 0.1, near Saraland, Mobile County, Alabama, by requiring that at least eight hours advance notice be given for an opening of the draw from 6 p.m. to 10 a.m. The bridge would open on signal outside these hours. The bridge presently is required to open on signal from 6 a.m. to 10 p.m. and on four hours advance notice from 10 p.m. to 6 a.m., except that, during periods of severe storms or hurricanes the bridge is required to open on signal. This change is being made because of infrequent requests to open the draw during the advance notice period. This action will relieve the bridge owner of the burden of having a person available at the bridge between 6 p.m. and 10 a.m., and will still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This regulation becomes effective on November 14, 1985.

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

SUPPLEMENTARY INFORMATION: On 9 July 1985, the Coast Guard published a proposed rule (50 FR 27990) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a public notice dated 19 July 1985. In each notice interested persons were given until 23 August 1985 to submit comments.

Drafting Information: The drafters of this regulation are Perry Haynes, project officer, and Lieutenant Commander James Vallone, project attorney.

Discussion of Comments: Eight letters were received in response to the notice. One response was from a state agency and offered no objection. The other respondents objected to the proposed regulation as an undue hardship for boaters who currently use the bridge, and claimed that the regulation would deny access to Bayou Sara by users of the Tennessee-Tombigbee Waterway. The Coast Guard advised these respondents that the number of bridge openings which occur during the advance notice period of 6 p.m. to 10 a.m. (4.4 openings per month on average, or one opening every seven days), does not justify the expense of a full time bridgetender. It was also pointed out that access to the Tennessee-Tombigbee Waterway users will not be denied because the bridge will open on signal for all vessels between 10 a.m. and 6 p.m., and will open on signal for all vessels between 6 p.m. and 10 a.m. if at least eight hours advance notice is given by a toll-free telephone call to the bridge owner.

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

The economic impact of this change is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that the average number of vessels passing this bridge during the advance notice period, 6 p.m. to 10 a.m., is one vessel every seven days. These vessels can reasonably give advance notice for a bridge opening by placing a collect call to the bridge owner at any time. The advance notice for an opening of the

draw is to be given to the railroad Chief Dispatcher's office in Mobile, Alabama, telephone (205) 432–0725. To provide for leeway in the appointed arrival time, Seaboard System Railroad will have a tender at the bridge at least one-half hour before the appointed time, who would remain at least one-half hour after that time for a late arriving vessel. The mariners requiring the bridge openings are repeat users of the waterway and scheduling their arrival at the bridge at the appointed time during the advance notice period should involve little or no additional expense to them. Since the economic impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Regulation

In consideration of the foregoing, the Coast Guard is amending Part 117 of Title 33, Code of Federal Regulations as follows:

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; and 49 CFR(c)(5) and 33 CFR 1.05–1(g).

2. Section 117.105 is revised to read as follows:

§ 117.105 Bayou Sara.

The draw of the Seaboard System Railroad bridge, mile 0.1 near Saraland, shall open on signal; except that, from 6 p.m. to 10 a.m. the draw shall open on signal if at least eight hours notice is given. During periods of severe storms or hurricanes, from the time the National Weather Service sounds an "alert" for the area until the "all clear" is sounded, the draw shall open on signal.

Dated October 2, 1985.

E.B. Acklin,

Captain, U.S. Coast Guard, Acting Commander, 8th Coast Guard District.

[FR Doc. 85–24536 Filed 10–11–85; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[CCGD7–85–44]

Security Zone; Naval Submarine Base Kings Bay, GA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a security zone at Naval Submarine Base Kings Bay, Georgia to protect the critical defense assets located at or near the Base waterfront from unauthorized personnel and vessels. The submarines operating from the Subase constitute a substantial part of the nation's deterrent forces. Ashore and afloat capabilities, located at the Subase are crucial to maintaining the readiness and reliability of those deterrent forces.

DATES: This regulation becomes effective on November 15, 1985. Comments on this regulation must be received on or before November 29, 1985.

ADDRESS: Comments should be mailed to Commander (mps), Seventh Coast Guard District, 51 S.W. First Avenue, Room 1231. The comments will be available for inspection and copying at 51 S.W. First Avenue, Room 827, telephone (305) 350–5651. Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday thru Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Roland Perkins, (305) 350–5651.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making was not published for this regulation and it is being made effective in less than 30 days from the date of publication. Because it involves military or foreign affairs of the United States, this rulemaking is exempt under 5 USC 553 (a)(1) from notice and comment requirements.

Although this regulation is published as a final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure that the regulation is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "ADDRESS" in the preamble. Commenters should include their names and addresses, identify the docket number for the regulation, and give reasons for the comments. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. Based upon comments received, the regulation may be changed.

Drafting Information: The drafters of this regulation are Lieutenant Ralph W. Cromley, project officer, U.S. Coast Guard Marine Safety Office, Jacksonville, Florida, and project attorney, Lieutenant Commander Kenneth E. Gray, Seventh Coast Guard District Legal Office.

Discussion of Regulation: Subase Kings Bay currently supports the operations of a squadron of 627 class strategic submarines armed with Trident I (C–4) missiles. These submarines receive support during refits from a moored submarine tender and a floating drydock located at the Kings Bay waterfront. TRIDENT I missile loading and offloading operations for submarines and resupply ships are a continuing requirement at Subase Kings Bay. Beginning in 1989, 726 Trident class submarines armed with Trident II missiles also will operate from Kings Bay. Extensive TRIDENT support facilities ashore are being acquired, including the Strategic Weapons Facility, Atlantic. The submarines operating from Subase Kings Bay constitute a substantial part of the nation's deterrent forces; and the support capabilities, both ashore and afloat, located at Subase Kings Bay are crucial to maintaining the readiness and reliability of these deterrent forces. These vital defense assets must be protected from intentional or accidental harassment, damage, or loss. A security zone is considered necessary to protect the submarines, support vessels, waterfront facilities, and other support facilities at Subase Kings Bay from unauthorized personnel and watercraft.

List of Subjects in 33 CFR Part 165

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

PART 165—[AMENDED]

Final Regulation:

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1 (g), 6.04–1, 6.04–6 and 160.5.

2. A new § 165.07–44 is added to read as follows:

§ 165.07–44 Security Zone Naval Subase Kings Bay, Georgia.

(a) The area within the following coordinates is a security zone, an area enclosed by a line starting at latitude 30–44.55N, longitude 81–29.39W; thence to 30–44.55N, 81–29.18W; thence to 30–46.35N, 81–29.18W; thence to 30–47.02N, 81–29.34W; thence to 30–47.21N, 81–29.39W; thence to 30–48–00N, 81–29.41W; thence to 30–49.07N, 81–29.56W; thence to 30–49.55N, 81–30.35W; thence to 30–50.15N, 81–31.08W; thence to 30–50.14N, 81–31.30W; thence to 30–49.58N,

81–31.45W; thence to 30–49.58N, 81–32.03W; thence to 30–50.12N, 81–32.17W; thence following the land-based perimeter boundary to the point of origin.

(b) The security zone is necessary for the protection of vital United States defense assets located at United States Naval Subase Kings Bay, Georgia.

(c) No person or vessel may enter or remain in the security zone without the permission of the Captain of the Port Jacksonville, Florida except those persons or vessels operating under the authority of the United States Navy or the United States Coast Guard.

Dated: October 4, 1985.

M. Woods,

Captain, U.S. Coast Guard, Captain of the Port, Jacksonville, Florida.

[FR Doc. 85–24537 Filed 10–11–85; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–5–FRL–2907–6]

Ohio: Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: USEPA is today rescinding the federally promulgated emission limitations for sulfur dioxide (SO_2) for the General Motors Corporation and Armco, Inc. sources in Butler County, Ohio.

USEPA is rescinding these limits because of data base errors in the original modeling for these rules. Because of those errors, USEPA agreed to an informal remand of these rules by the U.S. Court of Appeals for the Sixth Circuit in 1977.

As a result of this action, there are no effective SO_2 emission limitations in the Ohio State Implementation Plan (SIP) for General Motors Corporation (GM) and Armco, Inc. in Butler County. USEPA's action on revised emission limits for these sources will be the subject of a separate **Federal Register** notice.

EFFECTIVE DATE: This final rulemaking becomes effective on December 16, 1985, unless notice is received within 30 days that someone wishes to submit adverse or critical comments, or requests an opportunity for the oral presentation of data, views, or arguments.

ADDRESSES: The docket for this revision (#5A–85–1) is on file at the following locations and may be inspected and copied during normal business hours.

(It is recommended that you telephone Debra Marcantonio, at (312) 886–6088, before visiting the Region V Office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street SW., Washington, D.C. 20460.

Written comments and requests for a public hearing should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR–26), U.S. Environmental Protection Agency, Region V, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air and Radiation Branch (5AR–26), Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886–6088.

SUPPLEMENTARY INFORMATION: USEPA promulgated SO_2 emission limitations for most counties in Ohio, including Butler County on August 27, 1976 (41 FR 36323) and amendments thereto for the GM and Armco, Inc. Butler County sources on May 31, 1977 (47 FR 27568). GM and Armco challenged these limits in the U.S. Court of Appeals for the Sixth Circuit. On October 21, 1977, at oral argument, USEPA agreed to an informal remand of these rules by the Sixth Circuit Court of Appeals. In its post-argument memorandum filed on November 23, 1977, USEPA stipulated that it would reanalyze a portion of Butler County because of a misdescription of the GM plant and to account for data changes at the Armco plants. Since this informal remand, these limits have been effectively unenforceable.

The companies' specific objections during that litigation are discussed below.

General Motors Corporation

Under the 1977 regulations, the GM plant near Hamilton, Ohio is covered by the general county-wide emission limit for fossil fuel-fired steam generating units of 1.4 lbs SO_2/MMBTU. GM objected to this limit since the plant was not included in the dispersion modeling analysis used by USEPA to demonstrate that the emission limits are necessary to protect the NAAQS.

USEPA agrees that the GM plant was not included in the original Butler County modeling (i.e., this source is not listed in the modeled emisson inventory). Consequently, there is no technical support in the record for the 1976 promulgation, as amended in 1977, to show that an emission limitation of 1.4 lbs/MMBTU for GM is necessary to attain and maintain the NAAQS. Thus, the 1.4 lbs/MMBTU limit for GM should be rescinded.

Armco Steel Company

Armco objected to the 1977 emission limits (146 gr H_2S/100 dscf (0.73 lbs. SO_2/MMBTU) from combustion of coke oven gas and 1.4 lbs SO_2/MMBTU from any other stack at the Hamilton facility; 100gr H_2S/100 dscf (0.50 lbs.SO_2/MMBTU) from combustion of coke oven gas, 2.11 lbs/MMBTU from four specified boilers, 1.79 lbs/MMBTU from four other specified boilers, and 1.40 lbs/MMBTU from any other stack at the Middletown plant) on the basis of data errors. Armco pointed out two errors in the modeled emission inventory: (1) Hamilton plant—incorrect SO_2 content in Coke Oven Gas, and (2) Middletown plant—the boiler house cannot operate greater than 50 percent load, whereas USEPA assumed operation at 100 percent load. In its 1977 post—argument memorandum, USEPA agreed to reanalyze Armco's Butler County plants to account for data changes.

In view of the errors in the 1977 modeled emission inventory, there is insufficient technical support in the record for the 1977 Armco limits. Thus, USEPA is rescinding the 1977 Armco limits set forth at 40 CFR 52.1881(b)(17)(iii) and (iv) and exempting Armco from the Butler County—wide limits set forth at 40 CFR 52.1881(b)(17) (i) and (ii).

Subsequent Events

It should be noted that pursuant to the Court's order for resolution to the factual disputes among the parties, USEPA collected a new data base and remodeled emissions from sources in Butler County, specifically including GM and Armco. Based on this remodeling, USEPA proposed new emission limits (43 FR 43729 September 27, 1978). After proposal, USEPA became aware of several errors in the revised model inventory and committed to once again reanalyze the County. Prior to initiating this reanalysis, Ohio EPA submitted a SIP for Butler County. USEPA proposed to approve Ohio's SIP for the County on January 27, 1981 (46 FR 8575), if the State provided a required Prevention of Significant Deterioration (PSD) analysis. USEPA is still awaiting receipt of an acceptable PSD analysis.

In early 1985, the U.S. Court of Appeals for the Sixth Circuit established a schedule for litigating GM's and Armco's petitions for review of USEPA's 1977 limits for the two plants. In

response, USEPA entered into stipulations of settlement with the two companies under which the Agency agreed to rescind these limits and thereby implement in part the agreement in the 1977 post-argument memorandum mentioned above. Today's action carries out those latest settlements.

Conclusion

USEPA is today rescinding the federally promulgated emission limitations for the General Motors Corporation and the Armco Steel Company (Hamilton and Middletown Plants) in Butler County, because, as discussed above, there is insufficient technical support for those limits.

In spite of the fact that this action will leave no federally enforceable emissions limitations for these sources, USEPA will neither promulgate new limits nor issue a call for a SIP revision to the State of Ohio at the time of this rulemaking. This is appropriate since as discussed previously, USEPA proposed to approve Ohio's SIP for Butler County and is awaiting submittal of the State's PSD analysis.

Should USEPA find these submittals inadequate or if the State fails to submit a PSD analysis, it may promulgate new emission limits under section 110(c) of the Clean Air Act.

USEPA considers today's action noncontroversial. It rescinds limits that have been effectively unenforceable since USEPA filed the 1977 court memorandum mentioned above. Therefore, USEPA is promulgating this revision today without prior proposal. This action will become effective on (60 days from the date of publication). However, if USEPA receives notice by November 14, 1985, that someone wishes to submit critical comments or that someone has requested an opportunity for the oral presentation of data, views, or arguments, then USEPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget for review.

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

List of Subjects in 40 CFR Part 52

Intergovernmental relations, Air pollution control, Sulfur oxides.

Dated: October 2, 1985.

Lee M. Thomas,

Administrator.

Subpart KK—Ohio

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1881(b)(17) (i), (ii), (iii) and (iv) are revised as follows:

§ 52.1881 Control strategy: sulfur oxides (sulfur dioxide).

* * * * *

(b) Regulations for the control of sulfur dioxide in the State of Ohio.

(17) In Butler County: (i) No present or subsequent owner or operator unless otherwise specified in this subparagraph, of any fossil fuel-fired steam generating unit(s) located in Butler County, Ohio shall cause or permit sulfur dioxide emissions from any stack in excess of 1.40 pounds of sulfur dioxide per million BTU actual heat input. The fossil fuel-fired steam generating units at General Motors Corporation's Butler County plant, Armco's Hamilton plant, and Armco's Middetown plant are all exempted from this emission limitation in this subparagraph.

(ii) USEPA has rescinded the sulfur and sulfur dioxide emission limits for owners or operators of by-product coke ovens located in Butler County.

(iii) USEPA has rescinded the sulfur and sulfur dioxide emission limits for Armco Steel Company's Hamilton Plant located in Butler County.

(iv) USEPA has rescinded the sulfur dioxide emission limits for Armco Steel Company's Middletown Plant located in Butler County.

* * * * *

[FR Doc. 85–23888 Filed 10–11–85; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6630]

List of Communities Eligible for the Sale of Flood Insurance; Arkansas et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The date listed in the fourth column of the table.

ADDRESS: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706, Phone: (800) 638–7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646–2717, 500 C Street, Southwest, Donohoe Building—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 flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of 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. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions 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. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance—floodplains.

PART 64—[AMENDED]

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.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 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 areas identified
Arkansas: Carroll	Green Forest, city of	050329	June 1, 1976, Sept. 6, 1985, Emerg.; Withdrawn	Apr. 25, 1975.
New York:				
Oswego	Amboy, town of	361260	Sept. 6, 1985, Emerg.	Nov. 15, 1974.
Do	Hannibal, town of	360651	do	Oct. 1, 1976.
Do	Palermo, town of	361263	do	Feb. 7, 1975.
Do	Williamstown, town of	361267	do	Nov. 1, 1974.
North Carolina: Richmond	Unincorporated areas	370348	do	July 26, 1978.
Tennessee: Harderman	Bolivar, city of	470081	do	Nov. 12, 1976.
Texas: Fort Bend	Fort Bend County Levee, improvement District No. 7.	481594-New	do	
Colorado: Garfield	Parachute, town of	080215	Sept. 11, 1985, Emerg.	Aug. 13, 1976.
Oregon: Lane	Westfir, city of	410289B	Sept. 6, 1985, Emerg.; Sept. 6, 1985, Reg.	Dec. 4, 1984 and Aug. 19, 1985.
Indiana:				
Hancock	Spring Lake, town of	180346B	Sept. 3, 1985, Emerg.; Sept. 3, 1985, Reg.	Feb. 1, 1974 and Apr. 3, 1984.
Dekalb	Altona, town of [1]	180045B	Sept. 10, 1974, Emerg.; Aug. 19, 1985, Reg.; Aug. 19, 1985, Susp.; Sept. 11, 1985, Rein.	Sept. 20, 1974, Apr. 2, 1976, and Aug. 19, 1985.
Idaho:				
Boundary	Bonners Ferry, city of	160031C	Aug. 13, 1974, Emerg.; Apr. 22, 1977, Reg.; Aug. 19, 1985, Susp.; Sept. 3, 1985, Rein.	June 28, 1974, Apr. 22, 1977 and Aug. 19, 1985.
Franklin [1]	Unincorporated areas	160050A	Mar. 26, 1984, Emerg.; Aug. 19, 1985, Reg.; Aug. 19, 1985, Susp.; Sept. 3, 1985, Rein.	Aug. 19, 1985.
Arkansas: Perry	Adona, city of	050376	June 30, 1976, Emerg.; Sept. 6, 1985, Withdrawn	Apr. 18, 1975.
Wisconsin: Iowa	Barneveld, village of	550174	Mar. 24, 1977, Emerg.; Sept. 6, 1985, Withdrawn	
Iowa: Harrison	Little Sioux, town of [1]	190145A	Sept. 25, 1975, Emerg.; Aug. 19, 1985, Reg.; Aug. 19, 1985, Susp.; Sept. 11, 1985, Rein.	Oct. 25, 1974 and Aug. 19, 1985.
Kentucky: Montgomery	Unincorporated areas	210326B	Sept. 17, 1985, Emerg.	Sept. 22, 1978 and Oct. 21, 1977.
Oklahoma: Grady	do	400483A	do	Apr. 3, 1985.
New York: Oswego	Redfield, town of	361265	do	Nov. 22, 1974.
Texas: Swisher	Unincorporated areas	481010	Sept. 20, 1985, Emerg.	Dec. 13, 1977.
Illinois: Clark	do	170940	Sept. 23, 1985, Emerg.	Jan. 16, 1981.
North Carolina: Pamlico	Minnesott Beach, town of	370418B	Sept. 23, 1985, Emerg.; Sept. 23, 1985, Reg.	Mar. 2, 1979 and Aug. 5, 1985.
South Dakota: Lincoln	Unincorporated areas	460277A	Sept. 27, 1985, Emerg.	Oct. 25, 1977.
New York: Oswego	Boylston, town of	361415	do	Jan. 3, 1975.
California: Contra Costa	San Ramon, city of	060710	Sept. 27, 1985, Emerg.; Sept. 27, 1985, Reg.	Sept. 27, 1985.
Maine: Oxford	Hanover, town of [1]	230333A	Aug. 11, 1975, Emerg.; Sept. 4, 1985, Reg.; Sept. 4, 1985, Susp.; Sept. 25, 1985, Rein.	Dec. 24, 1976 and Sept. 4, 1985.
Pennsylvania: Erie	LeBoeuf, township of	422415B	Oct. 10, 1975, Emerg.; May 15, 1984, Reg.; May 15, 1984, Susp.; Sept. 23, 1985, Rein.	Jan. 10, 1975, May 15, 1984.
New York:				
Jefferson	LeRay, town of [1]	360341C	June 12, 1975, Emerg.; July 3, 1985, Reg.; July 3, 1985, Susp.; Sept. 27 1985, Rein.	June 28, 1974, Dec. 12, 1975, Oct. 8, 1976 and July 3, 1985.
Herkimer	Stark, town of [1]	360319B	June 11, 1975, Emerg.; May 15, 1985, Reg.; May 15, 1985, Susp.; Sept. 27, 1985, Rein.	June 7, 1974, July 30, 1976 and May 15, 1985.
Illinois: Randolph	Kaskaskia, village of	170736A	Dec. 27, 1973, Emerg.; Sept. 4, 1985, Reg.; Sept. 4, 1985, Susp.; Sept. 23, 1985, Rein.	Dec. 17, 1973 and Sept. 4, 1985.
Oklahoma: Muskogee	Unincorporated areas	400491A	Sept. 27, 1985, Emerg.	Mar. 14, 1978.
Maine: Franklin	Weld, town of [1]	230053A	July 30, 1975, Emerg.; Aug. 19, 1985, Reg.; Aug. 19, 1985, Susp.; Sept. 19, 1985, Rein.	Feb. 14, 1975.
Florida: Levy	Cedar Key, city of [1]	120073B	Aug. 8, 1975, Emerg.; Mar. 1, 1984, Reg.; Mar. 1, 1984, Susp.; Sept. 20, 1985, Rein.	Jan. 13, 1978 and Mar. 1, 1984.
Pennsylvania: Wayne	Buckingham, township of [1]	422159A	May 12, 1975, Emerg.; Aug. 19, 1985, Reg.; Aug. 19, 1985, Susp.; Sept. 27, 1985, Rein.	Nov. 15, 1974, Aug. 19, 1985.
Illinois:				
Effingham	Carbon Hill, village of [1]	170257B	Aug. 21, 1975, Emerg.; Sept. 4, 1985, Reg.; Sept. 4, 1985, Susp.; Sept. 30, 1985, Rein.	Mar. 8, 1975, Oct. 17, 1975 and Sept. 4, 1985.
Do	Teutopolis, village of [1]	170231B	Sept. 5, 1975, Emerg.; Aug. 19, 1985, Reg.; Aug. 19, 1985, Susp.; Sept. 30, 1985, Rein.	Feb. 22, 1974 and June 4, 1976.
Region III				
Maryland:				
Queen Annes	Centreville, town of	240056B	Sept. 27, 1985, suspension withdrawn	July 26, 1974, May 21, 1976 and Sept. 27, 1985.
Wicomico	Sharptown, town of	240081B	do	Aug. 9, 1974 Dec. 26, 1975 and Sept. 27, 1985.
Queen Annes	Queen Annes, town of	240059B	do	Aug. 9, 1974, July 9, 1976 and Sept. 27, 1985.

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Region IV				
Georgia: Glynn	Brunswick, city of	130093B	Sept. 27, 1985, suspension withdrawn	May 24, 1974, Jan. 19, 1978 and June 19, 1985.
Region VI				
Texas:				
Harris	Unincorporated areas	480287E	Sept. 27, 1985, suspension withdrawn	May 26, 1970, Mar. 10, 1972, July 1, 1974, July 30, 1976, Mar. 30, 1982 and Sept. 27, 1985.
Do	Houston, city of	480296D	do	May 26, 1970, Mar. 10, 1972, July 1, 1974, July 30, 76, Dec. 11, 1979, Sept. 21, 1982 and Sept. 27, 1985.
Region VIII				
North Dakota:				
Cass	Briarwood, town of	380651A	Sept. 27, 1985, suspension withdrawn	Sept. 27, 1985.
Ransom	Fort Ransom, city of	380332A	do	Sept. 27, 1985.
Grand Forks	Grand Forks, city of	385365D	do	June 28, 1974, Sept. 30, 1977, Aug. 25, 1978 and Sept. 27, 1985.
Ransom	Lisbon, city of	380091	do	Nov. 23, 1973, Jan. 23, 1976 and Sept. 27, 1985.
Region IX				
Arizona: Gila	Unincorporated areas	040026B	Sept. 27, 1985, suspension withdrawn	Nov. 1, 1974, Apr. 8, 1977 and Sept. 27, 1985.
California				
Sonoma	Cloverdale, city of	060376B	do	Feb. 22, 1974, Feb. 6, 1976 and Sept. 27, 1985.
Santa Barbara	Unincorporated areas	060331C	do	Dec. 20, 1974, Mar. 15, 1979 and Sept. 27, 1985.
Shasta	Unincorporated areas	060358B	do	Dec. 13, 1977 and Sept. 27, 1985.
Region X				
Washington: Pierce	Orting, city of	530143B	Sept. 27, 1985, suspension withdrawn	Dec. 28, 1973, July 30, 1976 and Sept. 27, 1985.
Region I Minimal Conversions				
Maine:				
Franklin	Ashfield, town of	250109B	Sept. 27, 1985 suspension withdrawn	June 28, 1974, Nov. 14, 1975 and Sept. 27, 1985.
Somerset	Athens, town of	230354B	do	Jan. 17, 1975, July 30, 1976 and Sept. 27, 1985.
Waldo	Knox, town of	230258A	do	Jan. 17, 1975 and Sept. 27, 1985.
Do	Liberty, town of	230259A	do	Mar. 14, 1975 and Sept. 27, 1985.
Piscataquis	Monson, town of	230411A	do	Feb. 14, 1975 and Sept. 27, 1985.
Somerset	Ripley, town of	230368B	do	Jan. 3, 1975, Dec. 31, 1976 and Sept. 27, 1985.
Do	St. Albans, town of	230369A	do	Apr. 11, 1975 and Sept. 27, 1985.
Waldo	Unity, town of	230131B	do	Aug. 16, 1974 and Sept. 24, 1976.
Piscataquis	Willimantic, town of	230417B	do	Feb. 7, 1975, July 2, 1976 and Sept. 27, 1985.
Vermont:				
Rutland	Benson, town of	500259B	do	Dec. 13, 1974, Oct. 8, 1976, and Sept. 27, 1985.
Orange	Brainiree, town of	500235B	do	Dec. 13, 1974, May 8, 1979 and Sept. 27, 1985.
Orleans	Conventry, town of	500246A	do	Feb. 21, 1975 and Sept. 27 1985.
Do	Derby, town of	500248B	do	Dec. 13, 1974, Nov. 19, 1976, and Sept. 27, 1985.
Essex	East Haven, town of	500209B	do	Dec. 13, 1974, May 7, 1976, and Sept. 27, 1985.
Chittenden	Hinesburg, town of	500322B	do	Jan. 31, 1975, Feb. 7, 1978 and Sept. 27, 1985.
Bennington	Readsboro, town of	500017B	do	May 31, 1974, Feb. 18, 1977 and Sept. 27, 1985.
Caledonia	Sheffield, town of	500164A	do	Feb. 7, 1975 and Sept. 27, 1985.

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Region IV				
Alabama: Tallapoosa	Alexander, city of	130127B	Sept. 27, 1985, suspension withdrawn	Mar. 17, 1978 and Sept. 27, 1985.
Georgia: Long	Unincorporated areas	130127B	do	Mar. 17, 1978 and Sept. 27, 1985.
Kentucky:				
Breathitt	do	210023B	do	Jan. 3, 1975, July 15, 1977 and Sept. 27, 1985.
Lincoln	Hustonville, city of	210144B	do	Aug. 2, 1974, June 18, 1976 and Sept. 27, 1985.
Estill	Irvine, city of	210064B	do	May 17, 1974, June 18, 1976 and Sept. 27, 1985.
Breathitt	Jackson, city of	210024B	do	May 17, 1974, Jan. 2, 1976 and Sept. 27, 1985.
Marion	Lebanon, city of	210162B	do	May 31, 1974, June 4, 1976 and Sept. 27, 1985.
Bourbon	Millersburg, city of	210014B	do	May 10, 1974, Feb. 20, 1976, and Sept. 27, 1985.
Powell	Unincorporated areas	210194B	do	Nov. 29, 1974, Dec. 23, 1977 and Sept. 27, 1985.
Carroll	Sanders, town of	210048B	do	Jan. 23, 1974, Apr. 16, 1976 and Sept. 27, 1985.
Mississippi:				
Tallahatchie	Glendora, city of	280210B	do	Jan. 10, 1975, Dec. 8, 1978 and Sept. 27, 1985.
Bolivar	Merigold, town of	280019C	do	June 7, 1974, June 18, 1976, Feb. 8, 1980 and Sept. 27, 1985.
Do	Mound Bayou, city of	280020B	do	June 7, 1974, Aug. 22, 1975 and Sept. 27, 1985.
Do	Pace, town of	280021A	do	Oct. 25, 1974 and Sept. 27, 1985.
Leflore	Schlater, town of	280105C	do	Aug. 23, 1974, July 23, 1976, Mar. 21, 1980 and Sept. 27, 1985.
Bolivar	Shelby, city of	280024A	do	Oct. 29, 1976 and Sept. 27, 1985.
Yalobusha	Water Valley, city of	280187B	do	Feb. 1, 1974, Oct. 24, 1975, and Sept. 27, 1985.
Region V				
Illinois:				
Grundy	Coal City, city of	170258	Sept. 27, 1985, suspension withdrawn	Sept. 27, 1985.
Do	Mazon, village of	170262B	do	Oct. 18, 1974, Mar. 5, 1976 and Sept. 27, 1985.
Pulaski	Ullin, village of	170568B	do	Apr. 12, 1974, May 14, 1976 and Sept. 27, 1985.
Minnesota:				
Hennepin	Eden Prairie, city of	270159B	do	Mar. 1, 1974, Sept. 26, 1975 and Sept. 27, 1985.
Washington	Marine-on-St. Croix, city of	270509B	do	Mar. 15, 1974, Nov. 28, 1975 and Sept. 27, 1985.
Mille Lacs	Unincorporated areas	270624B	do	Feb. 2, 1979 and Sept. 27, 1985.
Hennepin	Minnestrista, city of	270175B	do	Jan. 13, 1978 and Sept. 27, 1985.
Wisconsin:				
Green Lake	Green Lake, city of	550376A	do	Oct. 22, 1976 and Sept. 27, 1985.
Rusk	Sheldon, village of	550376B	do	Aug. 2, 1974, May 28, 1976 and Sept. 27, 1985.
Shawano	Wittenberg, village of	550423B	do	May 24, 1974, Aug. 27, 1976 and Sept. 27, 1985.
Region VII				
Missouri: Scott	Chaffee, city of	290300B	Sept. 27, 1985, suspension withdrawn	Mar. 15, 1974, May 7, 1976 and Sept. 27, 1985.
Nebraska:				
Buffalo	Amherst, village of	310245A	do	Jan. 31, 1975 and Sept. 27, 1985.
Do	Shelton, village of	310019B	do	Mar. 19, 1976, Sept. 3, 1976 and Sept. 27, 1985.

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Do	Gibbon, city of	310015B	do	May 31, 1974, July 23, 1976 and Sept. 27, 1985.

[1] Minimal conversions.
Code for reading 4th column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension; Rein.—Reinstatement.

Issued: October 7, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85-24489 Filed 10-11-85; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6679]

List of Communities Eligible for the Sale of Flood Insurance; Tennessee et al.

Correction

In FR Doc. 85-23974 beginning on page 41146 in the issue of Wednesday, October 9, 1985, make the following correction: On page 41151, in the table, under Wisconsin, the first entry for Columbia should read:

County	Location	Community No.	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Special flood hazard area identified
* * *	* * *	*	* * *	
Columbia	Cambria, Village of	550057C	do	Apr. 12, 1974, June 11, 1976, Apr. 6, 1979 and Sept. 18, 1985.
* * *	* * *	*	* * *	

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85-158; RM-4868]

FM Broadcast Station in Falmouth, MA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action allocates FM Channel 266A to Falmouth, Massachusetts, and modifies the permit for Station WFAL to specify operation on Channel 266A, in response to a petition filed by Schooner Broadcasting, Inc.

EFFECTIVE DATE: November 14, 1985.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations, (Falmouth, Massachusetts); MM Docket No. 85-158 and RM-4868.

Adopted: October 3, 1985.
Released: October 8, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it the *Notice of Proposed Rule Making*, 50 FR 24659, published June 12, 1985, in response to a petition filed by Schooner Broadcasting, Inc.[1] ("petitioner"). The *Notice* proposed the substitution of FM Channel 266A for 265A at Falmouth, Massachusetts, to alleviate siting problems which are set forth in more detail in the *Notice of Proposed Rule Making*. Petitioner also seeks modification of its permit to specify operation on Channel 266A. Petitioner filed comments in support of the *Notice*.

2. Channel 266A can be allocated to Falmouth in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules provided there is a site restriction 4.7 miles northeast of Falmouth. The site restriction will prevent a short spacing to Station WKKT, Boston, Massachusetts.

3. The Commission believes that the public interest would be served by the allocation of FM Channel 266A to Falmouth, Massachusetts, in order to enable the permittee to obtain a transmitter site which could provide that community with an additional broadcast service. We shall also modify the permit of Station WFAL, Channel 265A, as requested by the petitioner, to specify operation on Channel 266A.

4. Accordingly, pursuant to the authority contained in Section 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 November 14, 1985, the FM Table of Allotments, § 73.202(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Falmouth, MA	266A

5. It is further ordered, that pursuant to section 316(a) of the Communications Act of 1934, as amended, the permit of Station WFAL is modified to specify operation on Class A Channel 266 in lieu of Class A Channel 265, subject to the following conditions:

(a) At least 30 days before operating on Channel 266A, the permittee shall submit to the Commission a minor change application for a construction permit (Form 301);

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620;

[1] Petitioner is the permittee of Station WFAL, Channel 265A, Falmouth, Massachusetts.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

6. It is further ordered, that the Secretary shall send a copy of this *Order* by certified mail, return receipt requested, to: Linda R. Baines, Vice President and Treasurer, Schooner Broadcasting, Inc., P.O. Box 671, Pocasset, MA 02559.

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

8. For further information concerning the above, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-24575 Filed 10-11-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

Use of Alternate Text in Conducting EBS Test; Letter Granting Waiver

AGENCY: Federal Communications Commission.

ACTION: Letter granting waiver.

SUMMARY: The Commission granted a waiver of § 73.961(d) of the rules to allow the broadcasters in the San Diego/Imperial Counties Emergency Broadcast System (EBS) Operational Area to optionally use an alternate text when conducting their weekly EBS test.

This action is taken because it is believed that it will improve the public's awareness of the EBS and it's capability to provide various types of emergency information.

This action should improve the readiness of broadcasters in the San Diego-Imperial Counties to respond to a National level EBS Emergency Activation Notification by creating an enhanced environment for the EBS at the local level.

FOR FURTHER INFORMATION CONTACT: Michael Pollak/Raymond Seddon Emergency Communications Div. (202) 634-1600.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Federal Communications Commission

September 27, 1985.

[Released: October 4, 1985; FCC 85-528]

Mr. Steve Danon,

Operations Officer, Office of Disaster Preparedness, Unified San Diego County Emergency Services Organization, 5201-Q Ruffin Road, San Diego, CA 92123

Dear Mr. Danon: This is in reference to your letter of August 23, 1985 in which you request a waiver of § 73.961(c) of the Commission's rules to permit the broadcasters in the San Diego County area to use optional wording when conducting the weekly Emergency Broadcast System (EBS) test announcement.

Your waiver request is hereby granted to allow the radio and television stations located in the San Diego/Imperial Counties EBS Operational Area to *optionally* use an alternate text for their EBS Weekly Transmission of the Attention Signal and Test Script. The Commission feels that there is sufficient justification to warrant this waiver request for the San Diego/Imperial Counties area due to the proximity of the San Andreas Fault and the preparation that the Federal, State, and local governments and the public have taken regarding earthquake hazards. The following language may be used in lieu of the script on page 6 of the EBS Checklist for Participating stations and on page 4 of the EBS Checklist for Non-Participating stations:

"This is a test of the Emergency Broadcast System. Many of the broadcasters in the San Diego/Imperial Counties Area in cooperation with Federal and Local Officials have developed this system to keep you informed in the event of an earthquake or other emergency. If there had been an earthquake or other emergency, the Attention Signal you just heard would now be followed by news, official information or instructions. Be prepared! Study the section in your telephone directory that provides information on how to safeguard yourself and your family in the event of an earthquake or other emergency. Contact your local disaster preparedness office for additional information. This concludes this test of the Emergency Broadcast System."

By Direction of the Commission.

William Tricarico
Secretary.

cc: John Barcroft, KGB/KPQP
Chairman, EBS/LIFE Committee

[FR Doc. 85-24576 Filed 10-11-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 76

Oversight of the Radio and TV Broadcast Rules; Correction

AGENCY: The Federal Communications Commission.

ACTION: Correction to order.

SUMMARY: In the Order: Oversight of the Radio and TV Broadcast Rules, published in the **Federal Register** on October 1, 1985 at 50 FR 40012, there is an error in paragraph 21 of the Appendix. It is corrected herein.

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

FOR FURTHER INFORMATION CONTACT: Steve Crane, Mass Media Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 76

Cable TV service.

Erratum

In the matter of oversight of the Radio and TV Broadcast Rules.

Released: October 9, 1985.

In the above captioned *Order*, released September 27, 1985 and published in the **Federal Register** on October 1, 1985 at 50 FR 40012, there is an error in paragraph 21 of the Appendix found on page 40015, column 3.

It is corrected to read:

§ 76.5 [Amended]

21. 47 CFR 76.5, Definitions, is amended by removing Note 1 following paragraph (a) *Cable Television System:* and redesignating Note 2 as Note:.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-24578 Filed 10-11-85; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 646

[Docket No. 50330-5121]

Snapper-Grouper Fishery of the South Atlantic

Correction

In FR Doc. 85-22870 beginning on page 38818 in the issue of Wednesday, September 25, 1985, make the following correction:

On page 38820, first column, § 646.22(b)(5), first line, "traps" should appear after "fish".

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 50, No. 199
Tuesday, October 15, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket Nos. 85-AWA-4, 85-AWA-5, 85-AWA-6, 85-AWA-7, 85-AWA-8, 85-AWA-9, 85-AWA-10]

Proposed Establishment of Airport Radar Service Areas

Correction

In FR Doc. 85-23102 beginning on page 39822 in the issue of Monday, September 30, 1985, make the following corrections:

1. On page 39832, in the second column, in Airspace Docket No. 85-AWA-10, in the fourth line from the bottom of the paragraph, "38°T" should read "038°T".

2. On the same page and in the same column, in the fourth line from the bottom of the page, "1985" should read "1986".

BILLING CODE 1505-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 841 0116]

Health Care Management Corp., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require the Columbus, Ga. owner and operator of North Mobile Community Hospital near Mobile, Ala., and the hospital's medical staff, among other things, to cease imposing unlawful restrictions relating to the practice of podiatry at the hospital. The hospital and its staff would be prohibited from imposing such restrictions by not enacting any bylaw or policy that would have the effect of: (1) Coercing or intimidating any staff member not to co-admit podiatrists' patients; (2) requiring an amount of residency training for podiatrists that is not reasonably related to legitimate quality-of-care grounds; or (3) prohibiting podiatrists with hospital privileges from attending medical staff meetings.

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

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

FOR FURTHER INFORMATION CONTACT: Paul K. Davis, Director, Atlanta Regional Office, Federal Trade Commission, 1718 Peachtree St., NW., Atlanta, GA 30367 (404) 881-4836.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Hospital privileges, Podiatrists, Trade practices.

[File No. 841-0116]

UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION.

In the matter of Health Care Management Corporation, a corporation, and Medical Staff of North Mobile Community Hospital, an unincorporated association. *Agreement Containing Consent Order To Cease and Desist*

The Federal Trade Commission having initiated an investigation of certain acts and practices of the North Mobile Community Hospital, a division of Health Care Management Corporation, and of its Medical Staff ("proposed respondents"), and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by the between proposed respondents, by their duly authorized officers and attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent Health Care Management Corporation, a Georgia corporation, is located at 1007 First Avenue, Columbus, Georgia 31902, and operates North Mobile Community Hospital as a division. North Mobile Community Hospital carries out its business at Hartley and Baker Roads, Satsuma, Alabama 36572.

2. Proposed respondent Medical Staff of North Mobile Community Hospital is an unincorporated association organized and existing under the laws of the State of Alabama, with its mailing address at Hartley and Baker Roads, Satsuma, Alabama 36572.

3. Proposed respondents admit all the jurisdictional facts set forth in the draft complaint here attached.

4. Proposed respondents waive:

a. Any further procedural steps;

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

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

d. Any claim under the Equal Access to Justice Act.

5. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information with respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute

an admission by proposed respondents that the law has been violated as alleged in the draft complaint attached.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft complaint attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public with respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint attached hereto may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

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

Order

I

For purposes of this Order, the following definitions shall apply:

A. "Health Care Management Corporation" means the respondent, Health Care Management Corporation, a Georgia corporation, its officers, committees, representatives, directors, agents, employees, successors, and assigns.

B. "The Hospital" means North Mobile Community Hospital, a division of Health Care Management Corporation, its officers, committees, representatives, agents, employees, successors, and assigns. The Hospital is a general acute care hospital at Satsuma, Alabama. It does not include other hospitals owned or operated by Health Care Management Corporation that are not successors or assigns of North Mobile Community Hospital.

C. "The Medical Staff" means the respondent Medical Staff of North Mobile Community Hospital, its officers, committees, representatives, delegates, agents, employees, successors, and assigns. The Medical Staff is an unincorporated association of physicians and other practitioners who have been granted privileges by the Hospital to admit and attend patients at the Hospital.

D. "Corrective action" means action taken pursuant to and in conformance with the Medical Staff's bylaws against any person with clinical privileges at the Hospital who fails to provide evidence of malpractice insurance coverage or whose professional conduct or activities are detrimental to patient safety or to the delivery of quality patient care or are unreasonably disruptive to the operation of the Hospital.

II

It is ordered that Health Care Management Corporation, in connection with the ownership and operation of the Hospital, shall cease and desist from, directly or indirectly or through any device, entering into, continuing, maintaining, adhering to, acquiescing in, or aiding and abetting any agreement, combination, or conspiracy to unreasonably restrict the practice of podiatry permitted under Alabama law, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, including but not limited to any agreement, combination, or conspiracy to:

A. Coerce or encourage any staff member not to coadmit a podiatrist's patient or otherwise associate professionally in the treatment of that patient with a podiatrist who is lawfully licensed in the State of Alabama and has been granted surgical privileges by the Hospital for the procedures for which the patient is admitted;

B. Enact, impose, or approve any bylaw, rule, regulation, policy, or practice that requires an amount of residency training for podiatrists that is not reasonably related to legitimate quality of care grounds with regard to the specific surgical procedures for which privileges are requested;

C. Enact, impose, or approve any bylaw, rule, regulation, policy, or practice relating to the practice of podiatry that is not reasonably related to legitimate quality of care grounds and that unreasonably restricts the practice of podiatry at the Hospital or unreasonably discriminates against podiatrists; or

D. Enact, impose, or approve any bylaw, rule, regulation, policy, or practice that restricts any podiatrist who has been granted privileges by the Hospital from attending Medical Staff meetings.

III

It is further ordered that the Medical Staff shall cease and desist from, directly or indirectly or through any device, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, the following:

A. Coercing or encouraging any staff member not to co-admit a podiatrist's patient or otherwise associate professionally in the treatment of that patient with a podiatrist who is lawfully licensed in the State of Alabama and has surgical privileges at the Hospital for the procedures for which the patient is admitted;

B. Enacting, imposing, participating in, recommending, or suggesting any restriction, bylaw, rule, regulation, policy, or practice that requires an amount of residency training for podiatrists that is not reasonably related to legitimate quality of care grounds with regard to the specific surgical procedures requested;

C. Enacting, imposing, participating in, recommending, or suggesting any restriction, bylaw, rule, regulation, policy, or practice relating to the practice of podiatry that is not reasonably related to legitimate quality of care grounds and that unreasonably restricts the practice of podiarty or unreasonably discriminates against podiatrists; or

D. Enacting, imposing, participating in, recommending, or suggesting any restriction, bylaw, rule, regulation, policy, or practice that restricts any podiatrist who has been granted privileges by the Hospital from attending Medical Staff meetings.

IV

It is provided that this Order shall not be construed to prohibit the Hospital or the Medical Staff or its members from engaging in credentialling, corrective action, utilization review, quality assurance, peer review, or hospital policy-making activities at the Hospital, where such conduct by the Hospital or the Medical Staff neither constitutes nor is part of any agreement, combination, or conspiracy whose purpose, effect, or likely effect is to impede unreasonably the practice of podiatry at the Hospital as permitted under Alabama law.

V

It is further provided that nothing in this Order shall require the Medical Staff or the Hospital to violate any Federal or State law.

VI

It is further ordered that:

A. Within thirty (30) days after the date of service of this Order, Health Care Management Corporation, in connection with its ownership and operation of the Hospital, shall provide a copy of this Order and of the Complaint in this proceeding to each current officer and director of the Hospital, and, for a period of five (5) years after that date, provide a copy of such Order and Complaint to each new officer or director of the Hospital within thirty (30) days after each new officer or director is appointed or elected;

B. Within thirty (30) days after the date of service of this Order, the Medical Staff shall provide a copy of this Order and of the Complaint in this proceeding to each officer of the Medical Staff and to each member of the Medical Staff who was an officer or a member, respectively, on the date of service of this Order and, for a period of five (5) years after that date, provide a copy of such Order and Complaint to each person who becomes a member of the Medical Staff at the time that the person is notified of his or her acceptance to the Medical Staff;

C. Within ninety (90) days after the date of service of this Order, each respondent shall file or cause to be filed with the Commission a written report setting forth in detail the manner and form in which it has complied with this Order; and

D. In addition to the report required by Section VI(C), each respondent shall file, one (1) year after the date of service of this Order and at such other times as the Commission or its staff may by written notice require, a written report setting forth in detail the manner and form in which it has complied and is complying with this Order.

VII

It is further ordered that within sixty (60)days after the date of service of this Order, the Medical Staff and Health Care Management Corporation shall revise or change the respective restrictions, bylaws, rules, regulations, policies, and practices of the Medical Staff and the Hospital to conform with the provisions of this Order and shall eliminate, modify, and change any restrictions, bylaw, rules, regulations, policies, or practices that unreasonably restrict the practice of podiatry at the Hospital. A copy of all such changes shall be included in the report required under Section VI (C) of this Order.

VIII

It is further ordered that each respondent notify the Commission of any proposed change in its organization that may affect compliance obligations arising out of this Order at least thirty (30) days prior to such proposed change.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Health Care Management Corporation, which owns and operates North Mobile Community Hospital ("the Hospital"), and the Medical Staff of North Mobile Community Hospital ("the Medical Staff"). The agreement would settle charges by the Commission that the proposed respondents, through certain acts and practices, have restrained competition between medical doctors and podiatrists in the Mobile, Alabama area in violation of Section 5 of the Federal Trade Commission Act.

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

The Complaint

A complaint has been prepared for issuance by the Commission along with the proposed order. It alleges that on September 2, 1981, the Hospital granted privileges to an Alabama podiatrist to perform certain surgical privileges within the scope of his state license. However, it is alleged that members of the Medical Staff began a drive in 1982 to prevent podiatrists from using the Hospital by pressuring some members of the Medical Staff not to associate professionally with podiatrists. The complaint also alleges that the Medical Staff enacted a series of unreasonable restrictions on podiatry not reasonably related to quality of care, including requiring supervision of podiatrists that was not reasonably related to quality of care; requiring a three-year residency requirement for podiatrists without considering the appropriateness of that standard for the specific procedures requested by podiatrists; and prohibiting podiatrists from attending Medical Staff meetings. The complaint also alleges that the Hospital approved or enforced these unreasonable restriction on podiatry.

The complaint also states that the purposes or effects of these actions by the Medical Staff and the Hospital against podiatrists have been to unreasonably restrict the ability of podiatrists to use the Hospital and to prevent other podiatrists from obtaining privileges there. These actions unreasonably restrained competition in one or more of the following ways, among others:

A. Patients have been limited in their ability to choose among a variety of alternative types of health care providers competing on the basis of price, service, and quality;

B. Other hospitals may be deterred from granting reasonable surgical privileges to podiatrists; and

C. Podiatrists may be deterred from entering into practice in the Mobile area because of the lack of reasonable surgical privileges.

The proposed Order

The substantive provisions of the proposed order regarding the Hospital apply only to the North Mobile Community Hospital, its officers, committees, representatives, directors, agents, employees, successors, and assigns, and the Medical Staff of North Mobile Community Hospital. Other hospitals or facilities owned by Health Care Management Corporation are not bound by the substantive provisions of the order. However, the Health Care Management Corporation is required to fulfill certain procedural requirements of the order, such as filing compliance reports.

Both the Hospital and the Medical Staff are prohibited from exerting pressure on staff members in order to induce them not to associate professionally with podiatrists with regard to procedures for which the podiatrists have been granted privileges.

The order also prohibits the Hospital and Medical Staff from enacting or imposing unreasonable restrictions on podiatry that are not related to legitimate quality of care grounds. Specifically, minimum residency requirements not reasonably related to quality of care grounds are prohibited, as are actions to exclude from Medical Staff meetings podiatrists who have been granted privileges by the Hospital.

The order has two provisos:

Part IV of the order to a proviso that allows the Hospital, the Medical Staff, and the members of the Medical Staff to engage in credentialling, corrective action, peer review and policymaking activities so long as that conduct neither

constitutes nor is part of any agreement, combination, or conspiracy whose purpose, effect, or likely effect is to impede unreasonably the practice of podiatry at the Hospital as permitted under Alabama law. Part V of the order is a proviso that makes it clear that the order does not require respondents to violate any federal or state law.

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

Emily H. Rock,

Secretary.

[FR Doc. 85-24504 Filed 10-11-85; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Act; Periodic Review of Rules

AGENCY: Commodity Futures Trading Commission.

ACTION: Amendment of plan for periodic review of commission rules.

SUMMARY: On June 4, 1981, the Commodity Futures Trading Commission, in accordance with the Regulatory Flexibility Act, published a plan for the periodic review of rules which may have a significant economic impact on a substantial number of small entities. Under that plan, review of Commission rules primarily relating to futures commission merchants would be due to commence on November, 1985. Many of these rules were amended in August, 1983 to reflect changes necessitated by statutory amendments to the Commodity Exchange Act in 1982, including for example, the regulation of a new category of market professionals. The Commission believes it advisable to defer review of those rules relating to futures commission merchants and introducing brokers until November, 1988, at which time the Commission would be better able to assess the impact of those rules, as amended, on small entities.

FOR FURTHER INFORMATION CONTACT: Harold L. Hardman, Esq., Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Telephone: (202) 254-9880.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*, ("RFA"), requires each agency to consider the effect on small entities of the substantive rules it promulgates. In this regard, Section 610 of the RFA, 5 U.S.C. 610, requires that each agency shall publish in the **Federal Register** a plan for the periodic review of the rules issued by the agency which have or will have a significant economic impact on a substantial number of small entities. That review plan must provide for the review of all rules existing on January 1, 1981 by January 1, 1991.[1]

Pursuant to section 610 of the RFA, the Commission published its plan for review of rules which may have significant impact on small entities regulated by the Commission in the **Federal Register** on June 4, 1981, attached hereto as Appendix A.[2]

As noted, the first group of the Commission's rules are subject for review between November, 1985 and October, 1986.[3] These rules primarily relate to futures commission merchants, a group of market professionals regulated by the Commission which are not generally considered to be small entities for purposes of the RFA. Under these circumstances, these rules would not in any event be subject to the periodic review envisioned under section 610(a) of the RFA.[4]

On August 3, 1983 the Commission amended these rules to cover a new category of market professionals known as introducing brokers.[5] In adopting the revisions to the regulations to govern introducing brokers, the Commission determined "to evaluate within the context of a particular rule proposal whether all or some introducing brokers should be considered to be small entities and, if so, to analyze the economic impact on introducing brokers of any such rule at that time."[6] In that connection, the Commission noted that the regulations had been drafted with efforts to "minimize any significant economic impact upon these entities."[7]

Thus, the rules subject to review in November 1985 through October 1986 were evaluated in terms of significant impact in 1983. In view of the Commission's careful consideration of these amended regulations at that time, the consideration of effects on a significant number of small entities, and the fact that the amendments to these rules have been in place for only two years, the Commission has determined to amend its June 4, 1981 review plan.[8] Under the amended review plan, the Commission will review this first category of rules relating to futures commission merchants (and now introducing brokers) during the review period of November, 1988 to October, 1989 along with the rules relating primarily to large traders.[9] The Commission's amended review plan is as follows: [10]

[1] All rules adopted after January 1, 1981 must be reviewed within ten years of the publication of such rules as final rules. *See* 5 U.S.C. 610(a).

[2] 46 *F.R.* 29952. In its plan, the Commission announced its intention to review all substantive rules in accordance with their existing organization. Thus, under the review plan, all Parts of the Commission rules relating to one of the major categories of entities regulated by the Commission—contract markets, floor brokers, futures commission merchants, commodity pool operators, commodity trading advisors and large traders—would be reviewed together.

[3] 47 *F.R.* 18618 (Apr. 30, 1982).

[4] *See* section 610(a). *See also* 49 *F.R.* at 29952, n.2.

[5] *See* 48 *F.R.* 35248.

[6] 48 *F.R.* at 35276-35277.

[7] *Id.*

[8] In its plan of review the Commission noted that since it planned to review rules in the context of the category of regulated entity to which it applied, it expected that rules promulgated since January 1, 1981 would be reviewed at the some time as other rules concerning that category. 46 FR 29952, n.6. The Commission further noted that if, however, that proved unfeasible because the new rule was promulgated shortly before the review period for the that category or because the rule represented a major revision in itself, a separate date for review would be established in accordance with section 610(a). *Id.*

[9] Section 610(a) provides that an agency may amend its review plan at any time by publishing the revisions in the **Federal Register.** Section 610(b) also allows the completion date to extended by one year at a time for a total of not more than five years upon certification by the head of an agency that review of the existing rule is not feasible by the established date.

[10] The Commission's plan for review also was amended to include certain new rules adopted since June, 1981, including Parts 5, 31, 33 and 190. While Part 146 also has been adopted since June, 1981, it relates primarily to agency organization, procedure and practice and therefore, does not require regulatory flexibility analysis within the meaning of the RFA. *See* 46 FR 57669 (Nov. 25, 1981). Parts 143 (procedure regarding the disclosure of information and the testimony of present or former Commission members and employees in response to subpoenas or other demands of a court or other authority) and 144 (collection of claims owed the United States arising from activities under the Commission's jurisdiction) relate mainly to agency organization, procedure and practice and do not have a significant economic impact on a substantial number of small entities and thus, are not included in the review plan. *See also* 5 U.S.C. 601(2).

Subject	Commission rules	Review period
Rules primarily related to CPOs and CPAs	Part 4	November 1986–October 1987
Registration rules	Part 3	November 1987–October 1988
Rules primarily related to FCMs and large traders	Parts 1, 17, 21, 155, 166, 190, 15, 18, 19, and 150	November 1988–October 1989
Rules primarily related to contract markets, floor brokers and leverage transaction merchants.	Parts 5, 7, 8, 16, 20, 33, 100, 180, and 31	November 1989–October 1990

Issued in Washington, DC this day of October 1985, by the Commission.

Jean A. Webb,

Secretary of the Commission.

Subject	Commission rules	Review period
Rules primarily related to FCMs	Parts 1 (except Rules 1.35(c)–(h), 1.38–1.39, 1.41–1.45, 1.47–1.54, 1.60), 17, 21, 155 (except Rule 155.2) and 166, and Rule 15.05	November 1985–October 1986.
Rules primarily related to CPOs and CTAs	Part 4	November 1986–October 1987
Registration rules	Part 3	November 1987–October 1988.
Rules primarily related to large traders	Parts 15 (except Rule 15.05) 18, 19 and 150, and Rules 1.47, 1.48	November 1988–October 1989.
Rules primarily related to contract markets and floor brokers	Parts 7, 8, 16, 20, 100 and 180, and Rules 1.35(c)–(h), 1.38–1.39, 1.41–1.45, 1.50–1.54, 1.60 and 155.2.	November 1989–October 1990.[1]

[1] Certain Parts of the Commission's rules were not included in the plan for review. *See* 46 FR at 29953, n.8.

[FR Doc. 85–24556 Filed 10–11–85; 8:45 am]
BILLING CODE 6351–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–22505; File No. S7–44–55]

National Market System Securities; Designation Criteria

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule amendments and solicitation of public comment.

SUMMARY: The Commission is proposing to amend its rule governing the designation of securities qualified for trading in a national market system by including as designation criteria additional eligiblity criteria established by the NASD to require that issuers of NMS Securities meet certain corporate governance standards.

DATE: Comments to be received by November 10, 1985.

ADDRESSES: All comments should be submitted in triplicate and addressed to John Wheeler, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: Leland H. Goss, Esq., (202) 272–2827, Room 5204, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Background

On July 19, 1985 the National Association of Securities Dealers, Inc. ("NASD") filed with the Commission a proposed rule change (SR–NASD–85–20) [1] to amend Schedule D, Part II of the NASD By-Laws [2] to require that issuers of National Market System ("NMS") [3] Securities meet certain "corporate governance" standards.[4] In connection with the proposed rule change, the NASD on July 18, 1985, filed a petition [5] requesting that the Commission amend Rule 11Aa2–1 ("Rule") [6] under the Securities Exchange Act of 1934 ("Act") governing the designation of securities qualified for trading in a national market system. This request was based on the NASD's determination that effective implementation of its proposed corporate governance provisions would also require an amendment to the Rule by the Commission.

II. Discussion

Section 11A(a)(2) of the Act directs the Commission to designate, by rule, securities eligible for trading in a national market system ("NMS"). On February 17, 1981, the Commission adopted Rule 11Aa2–1 under the Securities Exchange Act of 1934 ("Act") [7] providing criteria and procedures by which certain securities traded exclusively in the over-the-counter ("OTC") market are designated as NMS Securities. The primary effect of being designated as an NMS Security at the present time is that transactions in such security are reported in a real-time system and that quotations for the security are firm as to the quoted price and size.

The Rule provides that "any NASDAQ security" [8] that meets the Tier I criteria set forth in paragraph (b)(4)(i) of the Rule is to be automatically designated as an NMS Security. Those NASDAQ securities that meet the Tier II criteria set forth in paragraph (b)(4)(ii) of the Rule may be designated as NMS Securities at the election of the issuer. Neither set of criteria include any corporate governance standards at present.

The NASD has limited its corporate governance proposal to NMS Securities apparently because of its belief that many of the requirements may be unwielding or unnecessary for the smaller, less mature companies composing a significant portion of the remainder of the NASDAQ list. Under Rule 11Aa2–1, however, any NASDAQ issuer meeting Tier I financial criteria must be designated an NMS security. Therefore, the effect of an issuer not

[1] *See* Securities Exchange Act Release No. 22506 (October 4, 1985). ("Proposal Release").

[2] NASD By-Laws Schedule D, Part II.

[3] "NASDAQ" refers to the NASD's electonic inter-dealer quotation system. "NMS Securities" are those securities quoted through NASDAQ and designated as qualified for trading in the National Market System pursuant to Rule 11Aa2–1.

[4] The term "corporate governance" in this regard refers to a self-regulatory organization's ("SRO") rules or listing standards that define shareholder rights and corporate management's responsibilities. The New York Stock Exchange ("NYSE") and, to a lesser extent the American Stock Exchange ("Amex") and the regional exchanges historically have had requirements for initial and continued listing in the corporate governance area. For a complete description of the NASD's proposed corporate governance standards, *see* Proposal Release, *supra* note 1.

[5] Letter from Frank J. Wilson, Executive Vice President and General Counsel, NASD, to Richard Ketchum, Director, Division of Market Regulation, SEC (July 18, 1985).

[6] 17 CFR 240.11Aa2–1.

[7] *See* Securities Exchange Act Release No. 17549 (February 17, 1981), 46 FR 13992.

[8] "NASDAQ security" is defined in Rule 11Aa2–1(a)(3).

complying with the NASD's Corporate Governance Criteria would be removal from NASDAQ with potentially adverse effects on the market liquidity for that security. For this reason and to provide it enabling authority to set additional restrictions on NMS designation, the NASD requested that the Commission amend the Tier I criteria to recognize additional eligibility criteria (i.e., corporate governance) for NMS Securities established by rule by the NASD and approved by the Commission.[9]

The Commission historically has supported strengthening self-regulatory organizations' (SRO) corporate governance standards, and on past occasions has encouraged the NASD and other SROs to consider adding new standards or reinforcing existing standards. Specifically, in 1977 the Commission recommended that the NASD (and other SRO's) adopt an audit committee requirement,[10] and the Commission continues to support these standards. Accordingly, the Commission is proposing an amendment to Rule 11Aa2–1 to enable the NASD to adopt additional eligibility requirements for NMS Securities with respect to corporate governance.[11]

The Commission emphasizes, however, that the amendment to the Rule is not intended to delegate to the NASD authority to establish designation criteria for NMS Securities that may materially alter or conflict with the Rule's present Tier 1 and Tier 2 criteria, or Commission amendments thereto. The Commission also emphasizes that by amending the Rule it is not intending to create directly Commission corporate governance standards; rather it is facilitating the development of NASD corporate governance standards. The establishment of corporate governance standards continues to remain primarily the responsibility of the NASD or other SRO's.

The Commission solicits comments regarding the proposed amendment. In the past, the Commission has retained exclusive responsibility under Rule 11Aa2–1 for establishing the eligibility criteria for NMS Securities. The proposed amendment, even though it is limited to criteria related to corporate governance matters, would represent a significant departure from this approach. Thus, as an initial matter the Commission requests comment on the appropriateness of the structure of the proposed amendment and related NASD rule. In particular, commentators are asked to identify any benefits that would result from granting the NASD explicit authority under Rule 11Aa2–1 to establish corporate governance standards, as well as any disadvantages that would result from granting an SRO authority to establish eligibility criteria for NMS Securities. The Commission also invites comment on alternative approaches to the proposed amendment which could be taken to attain the same end. The Commission notes that, under the proposed amendment, securities of issuers who do not substantially comply with the NASD corporate governance standards will lose NMS designation thereby depriving investors of last sale reporting and potential exchange trading on an unlisted trading privileges basis in those issues.[12] In this regard, issuers of securities that otherwise would come within Tier 1—and for which designation as NMS Securities otherwise would be mandatory—would be able to avoid Tier designation simply by refusing to comply with the NASD's proposed corporate governance standards. Such action would deny investors in those securities the benefits of both last sale reporting and the NASD's corporate governance provisions. Based on the substantial number of issuers who have voluntarily sought NMS designation for their securities pursuant to Tier [13] it appears that issuers by and large find NMS designation to be highly beneficial. Accordingly, comment is sought on the desirability of permitting Tier security issuers to opt out of NMS designation in this manner. The Commission also seeks comment on any alternatives that would require NMS issuers to conform to NASD corporate governance standards while preserving last sale reporting by non-complying issuers.

[9] Although the NASD only requested that the Commission amend the Tier I criteria to allow for additional NASD-imposed requirements for inclusion in the NMS, the Commission is also proposing to amend the Rule to provide that issuers which elect NMS designation pursuant to Tier II criteria must also comply with NASD corporate governance standards in order to provide the NASD with clear authority to adopt its proposed rule change.

[10] Letter from George Fitzsimmons, Secretary, SEC to the NASD, (March 11, 1977).

[11] These criteria would cover all NMS securities including those NMS securities also listed on a national securities exchange. *See* Release No. 34–22413 (September 16, 1985).

[12] The Commission consistently has found that providing investors with last sale information is of substantial benefit. *See* Securities Exchange Act Releases No. 21583 (December 18, 1984), 50 FR 730; and 17549 (February 17, 1981), 46 FR 13992.

[13] 1,812 of the 2,095 NMS Securities as of September 12, 1985 were Tier 2 securities.

III. Summary of the Initial Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis ("IRFA"), pursuant to the requirements of the Regulatory Flexibility Act ("RFA")[14] regarding the proposed amendment to Rule 11Aa2–1. The IRFA notes that the proposed amendment may affect issuers deemed to be small entities for purposes of the RFA[15] who meet Tier 1 or Tier 2 criteria but do not comply with NASD corporate governance Standards, by denying these issuers the benefits of NMS designation and real-time last sale reporting. The IRFA also notes that the amendment could impose an economic burden on broker-dealers through a loss in trading volume where the security of an issuer is denied NMS designation. The IRFA notes, however, that these burdens on broker-dealers would be minimized, due to the fact that (1) most NMS companies already comply with the NASD's proposed corporate governance standards, and (2) broker-dealers could continue to trade securities of such issuers through the NASDAQ system.

A copy of the IRFA may be obtained by contacting Leland H. Goss, (202) 272–2827, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

IV. Statutory Basis and Text of the Amendments

The Commission proposes to amend Chapter 11 of Title 17 of the Code of Federal Regulations as follows:*

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for Part 240 continues to read as follows:

Authority: Sec. 23, 48 Stat. 901, as amended; 15 U.S.C. 78w. * * * Part 240.11Aa2–1 is also authorized under Sections 2, 3, 6, 9, 10, 11, 15, 17 and 23, Pub. L. 78–291, 48 Stat. 881, 882, 885, 891, 895, 897, and 901, as amended by sections 2, 3, 4, 11, 14 and 18, Pub. L. 94–29, 89 Stat. 97, 104, 121, 137 and 155 (15 U.S.C. 78b, 78c, 78f, 78i, 78j, 78k, 78o, 78q and 78w); section 15A as added by section 1, Pub. L. 75–719, 52 Stat. 1070, as amended by sections 12, Pub. L. 94–29, 89

[14] 5 U.S.C. 604.

[15] *See* 17 CFR 240.0–10.

* **NOTE:** Arrows indicate text proposed to be added. Brackets indicate text proposed to be deleted.

Stat. 127 (15 U.S.C. 78o-3); section 11a, as added by section 7, Pub. L. 94-29, 89 Stat. 111 (15 U.S.C. 78k-1).

2. Section 240.11Aa2-1 is amended by revising paragraphs (b)(1) and (b)(2)(i) to read as follows:

§ 240.11Aa2-1 Designation of national market system securities.

* * * * *

(b) *Designation criteria.* (1) Any NASDAQ security which on the most recent qualification date meets each of the criteria set forth in paragraph (b)(4)(i) of this section ("Tier 1 Criteria") ► and additional eligibility criteria for securities designated as national market system securities established by rule by the NASD, and approved by the Commission ◄ is hereby designated as a national market system security, such designation to be effective, pursuant to the terms of an effective designation plan, not later than the thirty-fifth business day following such qualification date, but in any event not earlier than April 1, 1982.

(2) Any NASDAQ security not described in paragraph (b)(1) of this section which (i) substantially meets the criteria set forth in paragraph (b)(4)(ii) or (b)(4)(iii) of this section ("Tier 2 Criteria") ► and additional eligibility criteria for securities designated as national market system securities established by rule by the NASD, and approved by the Commission ◄:

* * * * *

By the Commission.

Dated: October 4, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-24491 Filed 10-11-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R-85-1243; FR-2104]

Use of Materials Bulletin No. 44d; HUD Building Product Standards and Certification Program for Carpet and Carpet with Attached Cushion

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

ACTION: Proposed rule.

SUMMARY: This Rule would adopt as part of HUD's Minimum Property Standards (MPS), a Use of Materials Bulletin (UM) that references nationally recognized standards issued by the American Society for Testing and Materials (ASTM), General Services Administration (GSA), American Association of Textile Chemists and Colorists (AATCC) and National Bureau of Standards for the manufacture of carpet and carpet with attached cushion. The UM also would provide a labeling and third party certification program to assure that the product used in buildings under HUD programs meets these nationally recognized standards.

The proposed rule would supplement HUD's Building Product Standards and Certification Program by requiring that certain additional information be included on a label, mark, or stamp which each manufacturer would apply to the certified products. It would specify the frequency with which the carpet and carpet with attached cushion would be tested in order to be acceptable to HUD.

DATE: Comments must be submitted on or before December 16, 1985.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410-5000. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie H. Breden, Office of Manufactured Housing and Regulatory Functions, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410-5000; telephone (202) 755-5929. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: In response to industry requests, HUD has evaluated the technical standards prepared by the American Society for Testing Materials (ASTM), General Services Administration (GSA), American Association of Textile Chemists and Colorists (AATCC) and the National Bureau of Standards covering carpet and carpet with attached cushion. As a result of its evaluation, HUD will accept these standards and is specifying the frequency of testing samples. In doing so, the Department follows the requirements of 24 CFR 200.935 regarding Administrator Qualifications and Procedures under the HUD Building Products Certification Program, and the Technical Suitability of Products Program, HUD Handbook 4950.1, REV-1. In addition, UM 44d would add to the labeling requirements of § 200.935(d)(6) to include the manufacturer's name, the manufacturer's statement of compliance to UM 44d, and the manufacturer's code identifying the manufacturing plant location. Finally, UM 44d specifies that five samples shall be tested annually. Three samples of each certified quality shall be taken from the plant annually. Of these, two shall be interim samples (taken every six months) and one an annual sample. In addition, two samples of each certified quality shall be taken annually from sources other than the manufacturer, *i.e.* bought in the market place from distributors or stores, not from the factory. These added requirements relate only to this particular certification program, and they are set out in a new § 200.942, not as amendments to existing § 200.935, which governs all certifications. Thus, § 200.942 would augment 200.935; it would not supplant it.

The Department originally referenced a standard for carpet in 1966. The certification program was adopted later based on complaints of carpet failures and an evaluation of over 100 carpet installations made in 1970. A report was published by the Better Fabrics Testing Bureau, Inc. on June 30, 1970 (Report No. 31335). The evaluation indicated that 60% of the carpet provided to HUD-insured mortgage homes did not comply with the existing standard even though manufacturers declared their carpets complied with the standards. (See Table III of Report No. 31335). After approximately one year many of these carpets deteriorated and necessitated costly replacement. (See consumer letters sent to HUD during 1973). Many reputable carpet manufacturers lowered their quality levels because they could not compete on an equitable basis with manufacturers that did not actually comply with the standard. The purchase of carpet was particularly difficult for users because, at the time of delivery, it was impossible to visually determine if the carpet was in compliance with the standard.

With the advent of a carpet certification program in UM44c (the predecessor to UM44d), the percentage of carpet in the HUD program not complying with the existing standard was reduced to less than seven percent. It appears this level of compliance cannot be lowered without a more intensive testing and monitoring program which would be expensive for manufacturers and customers. We do not believe this is appropriate.

The Department is now considering whether to revise and update the current carpet standard. However, in

conformance with the general deregulatory policies of this administration, the Department is seeking information concerning any possible consequences should the Department choose some other option, one of which would be to eliminate UM44. We request that the industry, consumers and other members of the public comment concerning whether it would be appropriate to eliminate all standards relating to carpet and that such commenters suggest other alternatives available to the Department.

The primary purpose of this Proposed Rule is to insure that the specified grade of carpet gets to the job site and that the product continues to conform to the existing standards. For manufacturers, the program removes the likelihood of unfair competition based on spurious claims and promotes a fair and equitable basis for marketing this product, while allowing consumers the ability to make value judgments by providing accurate information about the product. The Department seeks comments on whether these objectives will be met.

The text of UM 44d is not being reproduced in this rule because its substance is embodied in a new § 200.942, which HUD is proposing to adopt as set forth below. However, a copy of UM44d is available for public inspection during regular business hours in the Technical Support Branch, Office of Manufactured Housing and Regulatory Functions, Room 9156, and in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, Washington, D.C.

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

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

Pursuant to the provisions of 5 U.S.C. 605(b) (The Regulatory Flexibility Act), the Undersigned hereby certifies that this Rule would not have a significant economic impact on a substantial number of small entities. UM 44d adopts standards that are nationally recognized throughout the affected industry and will not create a burden on manufacturers currently meeting the standards.

List of Subjects in 24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan programs: Housing and community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Minimum property standards, and Incorporation by reference.

Accordingly, the Department proposes to amend 24 CFR Part 200 as follows:

PART 200—INTRODUCTION

1. The authority citation for Part 200 continues to read as follows:

Authority: Titles I and II of the National Housing Act (12 U.S.C. 1701 through 1715z-18); section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. 24 Part CFR Part 200 is proposed to be amended by adding a new § 200.942, to read as follows:

§ 200.942 Supplementary specific procedural requirements under HUD Building Product Standards and Certification Program for Carpet and Carpet with Attached Cushion, Use of Materials Bulletin No. 44d.

(a) *Applicable standards.* (1) Carpet and carpet with attached cushion certified for this program shall be designed, manufactured and tested in accordance with the following standards:

(i) AATCC 8–84
(ii) AATCC 16E–84
(iii) AATCC 24–84
(iv) ASTM D 418–82
(v) ASTM D 1335–82
(vi) ASTM D 1448–79
(vii) ASTM D 2130–78
(viii) ASTM D 2257–80
(ix) ASTM D 3936–81
(x) ASTM E 648–82
(xi) GAS Federal Test Method 191–5100–78
(xii) National Bureau of Standards DOC FF 1–70.

(2) These standards have been approved by the Director of the Federal Register for incorporation by reference, and are available from the (i) American Association of Textile Chemists and Colorists (AATCC) P.O. Box 12215, Research Triangle Park, NC 27709; (ii) American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA. 19103; (iii) General Services Administration (GSA) Building 197, Washington, D.C. 20407; and (iv) National Bureau of Standards (NBS), Office of Product Standards, Washington, D.C. 20234.

The standards are also available for inspection at the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

(b) *Labeling.* (1) Under the procedures set forth in § 200.935(d)(6), concerning labeling of a product the administrator's validation mark and the manufacturer's certification of compliance with the applied standard is required to be on the certification label issued by the administrator to the manufacturers. In the case of carpet and carpet with attached cushion the following additional information shall be included on the certification label, mark or stamp:

(i) Manufacturer's name and/or code identifying the manufacturing plant location; and

(ii) Manufacturer's statement of compliance with UM 44d.

(2) The certification mark shall be applied to each carpet at least every six feet; not less than one foot from the edge.

(c) *Periodic tests and quality control inspections.* (1) Under the procedures set forth in § 200.935(d)(8) concerning periodic tests and quality control inspections, the frequency of testing for a product shall be described in the specific Building Product Standards and Certification Program. In the case of carpet and carpet with attached cushion, five samples shall be tested annually. Three samples of each certified quality shall be taken from the plant annually. Of these, two shall be interim samples (taken every six months) and one an annual sample. In addition, two samples of each certified quality shall be taken annually from sources other than the manufacturer, *i.e.* bought in the market place from distributors or stores, not from the factory. The administrator shall select samples for testing and testing shall be conducted in accordance with the applicable standards in a laboratory accredited by the National Voluntary Laboratory Accreditation Program

(NVLAP) of the National Bureau of Standards, U.S. Department of Commerce.

(2) The Administrator shall visit the manufacturer's facility at least once every six months to assure that the initially accepted quality control procedures continue to be followed.

Dated: October 2, 1985.

Janet Hale,

Acting General Deputy Assistant Secretary, Federal Housing Commissioner.

[FR Doc. 85-24475 Filed 10-11-85; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 7 and 245

[Notice No. 573]

Principal Place of Business on Beer Labels

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms is proposing to allow multiplant brewers to show their principal place of business on beer labels. This address would be shown in lieu of the actual place of production of the beer or in lieu of a listing of all of a brewer's producing locations. Under this proposal the principal place of business could only be a brewery location and could not be a corporate office where brewery production operations do not occur. This proposal is a result of a petition from Anheuser-Busch Companies.

This proposal would benefit multiplant brewers by allowing them to use a "universal" label at all of their breweries. It would relieve industry and Government of the necessity of approving new beer labels whenever a brewing company bought, built, acquired, sold, closed, or otherwise disposed of a brewing location.

DATE: Written comments must be received by December 16, 1985.

ADDRESSES: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco, and Firearms, P.O. Box 385, Washington, DC 20044-0385.

Copies of the Anheuser-Busch petition and written comments to this notice will be available for public inspection and copying during normal business hours at: ATF Reading Room, Office of Public Affairs, and Disclosure, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John A. Linthicum, FAA, Wine and Beer Branch, (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Current Label Requirements

At the present time, ATF regulations require the name and address of the brewer to appear on labels of bottles and cans of domestic beer. This requirement stems from two separate laws relating to beer and malt beverages.

The Internal Revenue Code of 1954 as amended, 26 U.S.C. 5412, gives the Secretary of the Treasury authority to require by regulations the marking, branding or labeling of packages used for removal of beer from the brewery. Regulations in 27 CFR 245.125, 245.126 and 245.127 prescribe markings for barrels, bottles, and cases of beer removed from a brewery for consumption or sale. Among required markings are the name of the brewer and the "place of production" for barrels and bottles of beer. The place of production is an optional marking on cases of beer.

In 1968, § 245.126 was amended to permit a brewer that owns or operates two or more breweries to show the actual place of production as part of a listing of all breweries owned and operated by the brewer in lieu of showing the actual place of production only. Brewers that opt for this alternative, however, are also required to indicate the actual place of production by means of a coding system which cuts, notches, stamps or otherwise marks the label, crown, lid, chime or other part of a beer bottle or can. Under this system, a brewer may use a label showing all locations where breweries are located; for example, "Premium Brewing Company. . . . Boston, Rochester, Philadelphia." This system allows a brewer to use the identical label at all breweries when the actual place of production is identified by means of a coding system. Section 245.125 contains a similar provision for marking barrels and kegs.

This coding system allows the brewer and ATF to determine who produced and taxpaid beer in a particular package. This information is necessary for the protection of the revenue. For example, it allows ATF to verify the payment of excise taxes on beer and to verify tax credits for beer lost, destroyed off of brewery premises, or returned to a brewery.

Under the Federal Alcohol Administration Act, 27 U.S.C. 205(e)(2), the Secretary of the Treasury is required to issue regulations to provide the consumer with adequate information as to the manufacturer or bottler or importer of malt beverages sold or offered for sale in interstate commerce. Regulations under the FAA Act, 27 CFR 7.25, require that containers of domestic malt beverages show the name of the bottler or packer and the place where they are bottled or packed. ATF has permitted the listing on the label of all brewery locations operated by the brewer as long as the actual place of production of the malt beverage appears as part of the list. This FAA Act requirement permits the consumer to know what person or company is responsible for producing the malt beverage.

Anheuser-Busch Petition

Anheuser-Busch Companies, Inc. has petitioned ATF to amend 27 CFR 245.126 to allow showing the brewer's principal place of business on the label in lieu of listing the actual place of production or listing all of the breweries. Under their proposal, the actual brewing location would not be required to appear on a label but would be identified by means of the coding system under § 245.126. As an example, all of the petitioner's breweries could utilize an identical label showing "Anheuser-Busch, Inc., St. Louis, Missouri" as the name and address of the brewer. The actual producing brewery would be indicated by means of their existing coding system.

Anheuser-Busch stated they now use a universal label, i.e., the identical label is used at all of their breweries. This label lists all of their plants with the producing brewery indicated by a coding system. Petitioner states this label has numerous advantages over a label showing only the place of production because the universal label eliminates separate label inventories for each brewery, avoids misshipments of labels to breweries, and avoids mislabeled product which can result in product destruction or special label permissions.

In support of their petition, Anheuser-Busch states that the listing of all brewery locations on a beer label is aesthetically undesirable and produces label clutter. They further state that the coding system employed under § 245.126 would continue to be used in order to identify the producing brewery where the beer was taxpaid. Thus, the principal place of business label together with the coding system is sufficient to protect the revenue. From the consumer standpoint, Anheuser-

Busch notes that the present listing of all brewery locations does not inform the consumer where beer in a particular package was produced. They further state that public inquiries are generally directed to their corporate offices in St. Louis, and that the principal place of business address on a beer label would satisfy FAA requirements by enabling consumers to know who is responsible for manufacturing the beer.

Anheuser-Busch cites regulations of the Food and Drug Administration, 21 CFR 101.5(e), as a precedent to allow principal place of business address labeling on beer. Those FDA regulations state "If a person manufactures, packs, or distributes a food at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such food was manufactured or packed or is to be distributed, unless such statement would be misleading."

Discussion

ATF believes Anheuser-Busch's petition has merit and that there are additional reasons in support of it. If major brewers were to use a label showing only the principal place of business, the number of submissions of labels for approval under the FAA Act would be substantially reduced. Presently, new labels must be submitted when the listing of breweries is affected by brewery openings, closing, sales, or other changes. For brewers operating multiple breweries, producing several brands of beer, and producing numerous package sizes and styles, this may result in several hundred label submissions necessitated by the addition or deletion of a single brewery. Thus, switching to the principal place of business on the label would save paperwork for both brewers and the Government.

ATF does not believe the listing of only the brewer's principal place of business on the label would be deceptive to consumers. We believe that consumers today know that many large brewers operate more than one brewery. Moreover, the present listing of all brewing locations on the label does not inform the public where beer in a specific bottle was produced because the public generally does not understand brewers' coding systems. ATF notes that many brewers market brands of beer nationwide and that they strive to achieve a uniform taste in their products regardless of the actual brewing location. Thus, ATF does not believe the actual place of production of beer produced by today's multiplant brewers is meaningful to consumers.

Proposal

ATF believes the listing of the principal place of business on a beer label in lieu of the actual place of business would meet statutory criteria under both the Internal Revenue Code and the Federal Alcohol Administration Act. Thus, we are proposing to amend regulations in Parts 7 and 245 to permit listing of the principal place of business.

In order to prevent consumer deception, ATF believes the brewer's principal place of business should be the location of a brewery. This in necessary to prevent, for example, a multiplant brewer from using a corporate office in some other city as the principal place of business. A label statement of "Tru Blu Brewing Co., Milwaukee, Wisconsin" would be misleading if that company did not operate a brewery in Milwaukee. This restriction is incorporated in proposed §§ 7.25(a)(1) and 245.126.

ATF is also concerned that use of some addresses as the principal place of business of a brewer could be misleading or deceptive in conjunction with certain geographic brand names or slogans used on malt beverage labels. We therefore propose to amend § 7.25(a) to give the Director, ATF, the authority to require the actual place of production be shown on a malt beverage label if use of the principal place of business would cause confusion or deception as to the geographic origin of the beer. In addition, it is proposed to amend §§ 124.126 Bottles, and 245.127 Cases.

Public Participation

ATF requests comments from all interested persons concerning the proposed regulatory change. ATF especially requests comments on alternative methods of amending the regulations to provide for listing the principal place of business, and comments on whether such listing could be misleading or deceptive. Furthermore, ATF requests comment on whether § 245.125, Barrels and kegs, should be amended to permit principal place of business listing on bungs or tap covers.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the respondent considers to be confidential or inappropriate for disclosure to the public should not be included in comments. The name of any person submitting comments is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 60 day comment period. The request should include reasons why the respondent believes a public hearing is necessary. The Director reserves the right to determine whether a public hearing should be held.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because this proposed rule, if issued as a final rule, will not have significant economic impact on a substantial number of small entities.

This proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

It has been determined that this proposed rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual affect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment activity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The requirements to collect information proposed in this notice have been submitted to the Office of Mangement and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35. Comments relating to ATF's compliance with 5 CFR Part 1320—Controlling Paperwork Burdens on the public, should be submitted to:

Office of Information and Regulatory Affairs, Attention: ATF Desk Officer, Office of Management and Budget, Washington, DC 20503.

List of Subjects

27 CFR Part 7:

Advertising, Beer, Consumer protection, Customs duties and inspection, Imports, Labeling.

27 CFR Part 245:

Administrative practice and procedure, Authority delegations, Beer, Claims, Electronic fund tranfers, Excise taxes, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Research, Surety bonds, Transportation.

Drafting Information

The principal author of this document is Charles N. Bacon FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

27 CFR Part 7 is amended as follows:

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

Authority: August 29, 1935, Chapter 814, sec. 5, 49 Stat. 981, as amended (27 U.S.C. 205).

Par. 2. Section 7.25(a) is revised by adding a subsection which permits use of the principal place of business as the address of the bottler or packer, the revised section to read as follows:

§ 7.25 Name and address.

(a) *Domestic malt beverages.* (1) On labels of containers of domestic malt beverages there shall be stated the name of the bottler or packer and the place where bottled or packed. The bottler's or packer's principal place of business may be shown in lieu of the actual place where bottled or packed if the address shown is a location where bottling or packing operation takes place. The Director may disapprove the listing of a principal place of business if its use would create a false or misleading impression as to the geographic origin of the beer.

(2) If malt beverages are bottled or packed for a person other than the actual bottler or packer there may be stated in addition to the name and address of the bottler or packer (but not in lieu of), the name and address of such other person immediately preceded by the words "bottled for," "distributed by," or other similar appropriate phrase.

* * * * *

PART 245—BEER

27 CFR Part 245 is amended as follows:

Par. 3. The authority citation for Part 245 continues to read as follows:

Authority: August 16, 1954, Chapter 736, 68A Stat. 917, as amended (26 U.S.C. 7805); 44 U.S.C. 3504(h).

Par. 4. Section 245.126 is revised to authorize the use of the principal place of business on a beer label in lieu of the place of production, and to improve readibility by adding designated paragraphs. As revised, § 245.126 reads as follows:

§ 245.126 Bottles.

(a) *Label requirements.* Each bottle of beer shall show by label or otherwise the name or trade name of the brewer, the net contents of the bottle, the nature of the product such as beer, ale, porter, stout, etc., and the place of production (city and, when necessary for identification, State). No statement as to payment of internal revenue taxes may be shown.

(b) *Breweries of same ownership.* (1) If two or more breweries are owned or operated by the same person, firm, or corporation (as defined in § 245.140), the place of production:

(i) May be shown as the only location on the label;

(ii) May be included in a listing of the locations of breweries qualified under this part if the place of production is not given less emphasis than any of the other locations; or

(iii) Need not be shown if the brewer's principal place of business is shown in lieu of any other location. The brewer's principal place of business will be the location of a brewery operated by the brewer and qualified under this part.

(2) If the location of two or more breweries is shown on the label, or if the brewer's principal place of business is shown on the label in lieu of the actual place of production, the brewer shall indicate the actual place of production by printing, coding or other markings on the label, bottle, crown or lid. The coding system employed will permit an ATF officer to determine the place of production (including street address if two or more breweries are located in the same city) of the beer. The brewer shall notify the regional director (compliance) prior to employing a coding system.

(c) *Distinctive names.* If the brewer's name, trade name or brand name includes the name of a city which is not the place where the beer was produced, the Director may require the brewer to state the actual place of production on the label.

(d) *Tolerances.* The statement of net contents shall indicate exactly the volume of beer within the bottle except for variations in measuring as may occur in filling conducted in compliance with good commercial practice.

(e) *Label approval required.* Labels used by brewers shall be covered by certificates of label approval when required by Part 7 of this chapter.

(f) *Short-fill bottles.* A brewer may dispose of taxpaid short-fill bottles of beer to employees for their use but not for resale. These bottles need not be labeled, but if labeled they need now show an accurate statement of net contents.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1389, as amended (26 U.S.C. 5412))

Par. 5. Section 245.127 is revised to authorize the use of the principal place of business on a beer case in lieu of the place of production, and to improve readibility by adding designated paragraphs. As revised, § 245.127 reads as follows:

§ 245.127 Cases.

(a) *Brewer's name.* The brewer's name or trade name will be shown on each case or other shipping container of bottled beer. A brewer may use unmarked cases to hold:

(1) cartons of beer, if the visible portion of the cartons shows the required name; or

(2) bottles or cans with plastic carriers, if the visible portion of the bottles or cans shows the required name.

(b) *Other information.* The brewer may show on a case or shipping container the place of production (city and, when necessary for identification, State), and the addresses of other breweries owned by the same person, firm, or corporation (as defined in § 245.140). If only one address is shown, it will be that of the producing brewery or of the brewer's principal place of business.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1389, as amended (26 U.S.C. 5412))

Signed: April 30, 1985.

Stephen E. Higgins,

Director.

Approved: May 23, 1985.

Edward T. Stevenson,

Acting Assistant Secretary Enforcement and Operations.

[FR Doc. 85-24581 Filed 10-11-85; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CCGD09 85-21]

Drawbridge Requirements; Black River, MI

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the City of South Haven, Michigan, the Coast Guard is considering a change to the operating regulations governing the Dyckman Avenue bridge, mile 1.9 over the Black River at South Haven, Michigan, by permitting the number of openings to be limited during certain times and by permitting the bridge to remain closed at certain other times unless advance notice is given to open for the passage of a vessel. This change is being considered because of an increase in land traffic during the day and a decrease of requests to have the bridge open for the passage of vessels at night and during the winter months. This action should accommodate the needs of vehicular traffic and still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before November 29, 1985.

ADDRESSES: Comments should be mailed to Commander (obr), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199. The comments and other materials referenced in this notice will be available for inspection and copying at 1240 East Ninth Street, Room 2083D, Cleveland, Ohio. Normal office hours are between the hours of 6:30 a.m. and 3:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Robert W. Bloom, Jr., Chief, Bridge Branch, telephone (216) 522-3993.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Ninth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Fred H. Mieser, project officer, and Lt. R.A. Pelletier, project attorney.

Discussion of Proposed Regulations

Presently, the Dyckman Avenue bridge opens on signal at all times and bridgetenders are required to be in constant attendance.

From May 1 through October 14, the proposed regulations would allow the bridge owner to open the draw only on the hour and half-hour between the hours of 7 a.m. and 11 p.m., seven days a week, with no openings at 12:00 noon and 1:00 p.m., Monday through Friday. Also, during this portion of the year, the draw would be required to open on signal between the hours of 11 p.m. and 7 a.m. if at least a three hour advance notice is given. From October 15 to April 30, the draw would be required to open on signal if at least a twelve hour advance notice is given because no bridgetender will be attendance. However, at all times, the bridge would be required to open as soon as possible for the passage of public vessels of the United States, state or local government vessels used for public safety and vessels in distress.

This requested change is being proposed at the request of the City of South Haven because of an increase of land traffic using the bridge and because of complaints received by the City due to land traffic tie-ups caused by random bridge openings for the passage of vessels. Also, requests for opening the draw between the hours of 11 p.m. and 7 a.m during the navigation season and at all times during the winter months are so minimal that removing the bridgetender and requiring an advance notice during these periods of time should meet the reasonable needs of navigation.

Temporary operating regulations, identical to those contained in this proposal, were issued to the City of South Haven during the 1984 and 1985 navigation season. While the bridge was operating under the temporary regulations, no adverse comments were received.

Economic Assessment And Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulations and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. During the periods of time when the bridge is unattended, there is little or no significant navigation on the river. The periods of time when the bridge opens for the passage of vessels on a regulated schedule will help relieve the problem of land traffic tie-ups due to random openings of the draw while still allowing boaters to navigate the river. Since the impact of this proposal is expected to be so minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE REQUIREMENTS

Proposed Requirements

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended as follows:

1. The authority citation for Part 117 continues as follows:

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

2. It is proposed that Part 117 be amended by adding a new section, § 117.624, under the listing for the State of Michigan immediately before § 117.625 to read as follows:

§ 117.624 Black River (South Haven).

The draw of the Dyckman Avenue Bridge, mile 1.9 at South Haven, shall open as follows:

(a) From May 1 through October 14, from 7 a.m. to 11 p.m., the draw need open only on the hour and half-hour; however, Mondays through Fridays, the draw need not open at 12 noon and 1 p.m. From 11 p.m. to 7 a.m., the draw shall open on signal if at least a three hours advance notice is given.

(b) From October 15 through April 30, the draw shall open on signal if at least a twelve hour advance notice is given.

(c) At all times, the draw shall open as soon as possible for public vessels of the United States, state or local government vessels use for public safety and vessels in distress.

Dated: October 3, 1985.

A.M. Danielsen,

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

[FR Doc. 85-24534 Filed 10-11-85; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP Southeast Alaska REG 85-01]

Safety Zone; Ketchikan Harbor, Ketchikan, AL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to establish a Safety Zone in Ketchikan Harbor, Ketchikan, Alaska, from 1 May 1986 to 30 September 1986 and annually thereafter. The proposed safety zone is the only suitable area for the maneuvering and anchoring of large passenger vessels in the Ketchikan area. When this area is used as an anchorage by private and other commercial vessels at the same time as a large cruise ship, the risk of collision between vessels is greatly increased due to the limited maneuverability of the larger vessels. The safety zone is needed to reduce this risk of collision and the inherent danger to life and property that this situation causes.

DATES: Comments must be received on or before November 29, 1985.

ADDRESSES: Comments should be mailed to Captain of the Port Southeast Alaska, 62 Willoughby Avenue, Juneau, Alaska 99801. The comments and other materials referenced in this notice will be available for inspection and copying at the Coast Guard Safety Office, 612 Willoughby Avenue, Juneau, Alaska 99801. Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Scot W. Tiernan (907) 586-7288.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice [COTP Southeast Alaska REG 85-01] and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of the notice are Lt. R. N. Janelle, project officer, Marine Safety Office Juneau, Alaska, and Lt. A. O. Denny, project attorney, Coast Guard District Legal Office.

Discussion of Proposed Regulations

The Southeast Alaska Pilots Association and Southeast Alaska Stevedoring Corp. believe that the lack of current regulations allows small tonnage vessels to anchor in areas which often impede the approach of larger vessels to the city berths. In the past several years, the number and size of passenger vessels visting Southeast Alaska and Ketchikan has increased dramatically and this tourist industry continues to grow. At the same time, fish processors have begun to anchor in the area of the proposed safety zone. This has created a hazardous situation as the large passenger vessels have to maneuver around or through the smaller vessels anchored in the proposed safety zone. This proposed safety zone also provides the only suitable anchorage area for the cruise ships that are too large to tie up at the city waterfront or are forced to anchor because of a lack of space at the city waterfront.

Economic Evaluation And Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The impact on smaller vessels in terms of cost and inconvenience would be minimal because of the large number of anchorages suitable to that class of vessel outside of the proposed Safety Zone.

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

List of Subjects in 33 CFR Part 165

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

PART 165—SAFETY ZONE REGULATIONS

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 165 of Title 33, Code of Federal Regulations, by adding § 165.1705 to read as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46, and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. Part 165 is amended by adding § 165.1705 to read as follows:

§ 165.1705 Ketchikan Harbor, Ketchikan, Alaska.

(a) That portion of Ketchikan Harbor, Ketchikan, Alaska enclosed by the following boundary lines is a Safety Zone: A line from Thomas Basin Entrance Light "2", latitude 55°20'3" N., longitude 131°38'5" W., to East Channel Lighted Buoy "4A", latitude 55°20'4" N., longitude 131°38'9" W., to Pennock Island Reef Lighted Buoy "PR", latitude 55°10'3" N., longitude 131°40' W., to Wreck Lighted Buoy "WR6", latitude 55°20'7" N., longitude 131°40'3" W., then following a line bearing 064 degrees true to shore. This zone is effective 24 hours per day from 1 May through 30 September, annually. Annual notices of these regulations will be issued in Local Notices to Mariners.

(b). Special Regulations:

(1) All vessels may transit or navigate within the safety zone.

(2) No vessels, other than a larger passenger vessel over 1600 gross tons (including ferries), may anchor within the Safety Zone without the express consent of the Captain of the Port, Southeast Alaska.

Dated: September 10, 1985.

D. M. Waldron,

Commander, U.S. Coast Guard, Marine Safety Office, Juneau, Alaska, Captain of the Port Southeast, Alaska.

[FR Doc. 85-24535 Filed 10-11-85; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6682]

Proposed Flood Elevation Determinations; Arizona et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Acting Chief, Risk Studies Division Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

PART 67—[AMENDED]

The authority citation for Part 67 continues to read as follows:

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

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ARIZONA	
Bullhead City (City), Mohave County	
Davis Wash: At State Highway 95	#2
Williams Wash: At the intersection of Palm Way and Locust Boulevard	#2
Highland Wash: At the intersection of Locust Boulevard and State Highway 95	#2
Green Wash: At the intersection of Grande Road and Bueno Road	#2
Thumb Butte Wash: At Bullhead City Airport	#2
Buck Wash: At Bullhead City Airport	#1
Black Wash: At the intersection of Long Avenue and 6th Street	#3
Bullhead Wash: At the intersection of 5th Street and Palm Avenue	#2
Secret Pass Wash: At the intersection of Topock-Davis Dam Road and Secret Pass Canyon Road	#4
Dump Wash: At State Route 95	#2
Silver Creek Wash: At State Route 95	#3
Montana Wash: At the intersection of Ramar Road and Colina Drive	#2
Big Montana Wash: At the intersection of Alta Vista Road and State Route 95	#2
Chaparral Wash: At Mohave Circle	#2
Bojorquez Fox Wash: At Friendly Place	#1
Soto Wash: At Mohave Valley Highway	#1
Fort Mohave Wash: 2,600 feet east of Richardo Avenue/Mohave Valley Highway intersection on Richardo Avenue	#3
Maps Available for inspection at Planning and Zoning Department, City Hall, Bullhead City, Arizona.	
Send comments to Honorable Arvid Hoppas, P.O. Box 1048, Bullhead City, Arizona 86430.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ILLINOIS	
Crawford County (Unincorporated Areas)	
Embarras River:	
About 4.1 miles downstream of confluence of Honey Creek	*439
About 4.3 miles upstream of County Route 1	*458
Hutson Creek: Within community	*447
Lamotte Creek:	
At mouth	*440
At confluence with Tributary A	*441
Sugar Creek:	
At mouth	*440
About 0.74 mile upstream of County Route 5	*451
Tributary A:	
At confluence of Lamotte Creek	*441
About 0.9 mile upstream of Main Street	*443
Wabash River:	
About 3.2 miles downstream of confluence of Sugar Creek	*434
About 1.8 miles upstream of confluence of Raccoon Creek	*450
Maps available for inspection at the County Clerk's Office, Crawford County Courthouse, Robinson, Illinois.	
Galatia (Village), Saline County	
Gasaway Branch:	
About 1,000 feet downstream of Public Road	*386
About 1,700 feet upstream of confluence of Tributary B	*405
Tributary A:	
At mouth	*396
About 260 feet upstream of McKinley Street	*431
Tributary B:	
At mouth	*400
Just downstream of McKinley Street	*436
Maps available for inspection at Brown-Ruffman Consulting Engineers, Inc., 500 Popular, Harrisburg, Illinois 62946. Send comments to Honorable Jack Fowler, Village President, Village of Galatia, Village Hall, Galatia, Illinois 62935.	
Unincorporated Areas of Monroe County	
Mississippi River:	
About 2.8 miles downstream to southern county boundary	*402
About 2.4 miles upstream of U.S Route 50	*421
Kaskaskia River: Within county boundary	*395
Maps available for inspection at the County Commission's Office, Monroe County Courthouse, Waterloo, Illinois. Send comments to Honorable Harry Reikchart, Jr., Chairman, Monroe County Board, Monroe County Courthouse Waterloo, Illinois 62298.	
New Haven (Village), Gallatin County	
Ohio River: Within community	*369
Maps available for inspection at the Town Hall, Vine Street, New Haven, Illinois. Send comments to Honorable Joe Acord, Village President, Village of New Haven, Town Hall, Vine Street, New Haven, Illinois 62867	
Unincorporated Areas of Randolph County	
Mississippi River:	
At southern county boundary	*385
At northern county boundary	*403
Maps available for inspection at the Data Processing Office, 2nd Floor, Randolph County Courthouse, Chester, Illinois. Send comments to Honorable Leonard Ernsting, Chairman, Randolph County Board, Randolph County, Randolph County Courthouse, Chester, Illinois 62233.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Washington (City), Tazewell County	
Farm Creek:	
About 0.9 miles downstream of Peoria Street	*705
About 400 feet downstream of Toledo Peoria and Western Railroad (near Peoria Street)	*717
Just upstream of Toledo Peoria and Western Railroad (near Peoria Street)	*726
Just downstream of Abandoned Railroad	*727
Just upstream of Abandoned Railroad	*732
About 2300 feet upstream of Lawndale Avenue	*742
Tributary No. 1:	
At mouth	*727
About 1600 feet upstream of Westgate Road	*749
Maps available for inspection at the City Administrator's Office, City Hall, 115 West Jefferson Street, Washington, Illinois. Send comments to Honorable Ron Marshall, Mayor, City of Washington, City Hall, 115 West Jefferson Street, Washington, Illinois 61571.	
Whiteside County (Unincorporated Areas)	
Mississippi River:	
About 6.1 miles downstream of Chicago and North Western railroad	*587
About 2.1 miles upstream of Lock and Dam No. 13	*594
Rock River:	
About 2.0 miles downstream of Hurd Road	*583
At upstream county boundary	*643
Maps available for inspection at the Zoning Administrator's Office, Whiteside County Courthouse, Morrison, Illinois. Send comments to Honorable Donald Frary, Chairman, Whiteside County Board, Whiteside County Courthouse, Morrison, Illinois 61270.	
KANSAS	
Ellis County (Unincorporated Areas)	
Big Creek:	
About 1900 feet upstream of Toulon Road	*1936
About 8600 feet upstream of Munjor Road	*1954
About 2700 feet downstream of confluence of Chetolah Creek	*1977
About 600 feet upstream of Old U.S. Highway 40	*2046
About 3900 feet downstream of East 6th Street	*2105
About 1.2 miles upstream of confluence of Big Creek Tributary No. 2	*2131
Big Creek (Landward of Levee):	
Just upstream of South Main Street	*1992
Just downstream of West 8th Street	*1998
Big Creek Tributary No. 1:	
Mouth at Big Creek	*2011
Just downstream of Interstate 70	*2040
Big Creek Tributary No. 2:	
About 1400 feet upstream of confluence with Big Creek	*2123
About 3300 feest upstream of confluence with Big Creek	*2131
Big Creek Tributary No. 3:	
At confluence with Big Creek	*2111
About 5000 feet upstream of confluence with Big Creek	*2116
Big Creek Overflow:	
At confluence with Big Creek	*2105
At divergence from Big Creek	*2110
Lincoln Draw Diversion:	
About 1100 feet downstream of divergence from Lincoln Draw	*1985
At divergence from Lincoln Draw	*1988
Chetolah Creek:	
At confluence with Big Creek	*1978
Just downstream of Interstate 70	*2025
Lincoln Draw: Within community	*1988
Maps available for inspection at the County Courthouse, Hays, Kansas. Send comments to Honorable Emery Rome, Chairman, Board of Commissioners, Ellis County, P.O. Box 720, Hays, Kansas 67601.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ford County (Unincorporated Areas)	
Arkansas River:	
About 1.3 miles downstream of Coronado Road	*2429
About 2.8 miles upstream of 14th Avenue	*2506
Tributary A:	
At mouth	*2456
About 6.9 miles upstream of Wilroads Garden Road	*2557
Tributary B:	
At mouth	*2455
About 1.2 miles upstream of Wilroads Garden Road	*2488
Sand Creek:	
At mouth	*2437
About 1.6 miles upstream of Wilroads Garden Road	*2488
Maps available for inspection at the County Clerk's Office, County Courthouse, Dodge City, Kansas. Send comments to Honorable Ed Gibb, Chairman, Board of Commissioners, Ford County, Ford County Courthouse, Dodge City, Kansas 67601.	
Hays (City), Ellis County	
Chetolah Creek:	
Mouth at Big Creek	*1978
Just downstream of East 27th Street	*2016
Big Creek:	
At confluence of Chetolah Creek	*1978
About 1.1 miles upstream of West 12th Street	*2004
Big Creek (Landward of Levee):	
Just upstream of U.S. Highway 183 Alternate	*1969
Just downstream of West 8th Street	*1998
Lincoln Draw Diversion:	
Mouth at Chetolah Creek	*1979
At divergence from Lincoln Draw	*1988
Lincoln Draw:	
Mouth at Big Creek	*1968
Just downstream of 27th Street	*2011
Just upstream of 27th Street	*2018
Just downstream of 41st Street	*2041
Shallow Flooding (overflow from storm sewer on Lincoln Draw):	
About 200 feet upstream of Union Pacific Railroad	*1989
At intersection of West 19th Street and Ash Street	*2006
Maps available for inspection at the City Hall, Hays, Kansas. Send comments to Honorable Tim Carter, City Manager, City of Hays, City Hall, Hays, Kansas 67601.	
Pawnee Rock (City), Barton County	
Ash Creek Tributary B:	
About 300 feet northeast of intersection of Bismark Avenue and Barton Street	*1945
About 300 feet north of the western end of Bismark Avenue	*1959
Maps available for inspection at City Hall, Pawnee Rock, Kansas. Send comments to Honorable Howard Bauman, Mayor, City of Pawnee Rock, City Hall, Pawnee Rock, Kansas 67530.	
KENTUCKY	
Henderson (City), Henderson County	
Ohio River:	
About 2.6 miles downstream of Louisville and Nashville Railroad	*376
About 2.6 miles upstream of Louisville and Nashville Railroad	*377
Canoe Creek:	
Just downstream of U.S. Route 60	*376
About 1.7 miles upstream of confluence of North Fork Canoe Creek	*381
North Fork Canoe Creek:	
At mouth	*379
Just downstream of Kimsey Lane	*387

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Sugar Creek:	
At mouth	*377
About 0.6 mile upstream of Marywood Drive	*408
Adams Street Tributary:	
At mouth	*385
About 0.73 mile upstream from mouth	*399
Highway 60 Tributary:	
About 500 feet downstream of Gaslight Drive	*414
About 500 feet upstream of Gaslight Drive	*420
Kimsey Lane Right Tributary: Within community	*387
Kimsey Lane Left Tributary:	
At mouth	*387
Just upstream of Kimsey Lane	*389
Highway 812 Tributary:	
At mouth	*379
Just downstream of State Route 812	*383
North Fork Canoe Creek Tributary:	
At mouth	*383
About 0.15 mile upstream of Clark Street	*389
Audubon Park Creek:	
About 0.53 mile downstream of U.S. Route 41	*377
About 850 feet upstream of Watson Lane	*422
Maps available for inspection at the Municipal Center, 222 First Street, Henderson, Kentucky. Send comments to Honorable Russell Sights, City Manager, City of Henderson, Municipal Center, 222 First Street, Henderson, Kentucky 42420.	
Winchester (City), Clark County	
Strodes Creek:	
Just upstream of Interstate 64	*915
Just downstream of Chessie System	*927
Tributary S1:	
At mouth	*921
Just downstream of Chessie System	*924
Tributary S2:	
At mouth	*922
Just downstream of Chessie System	*933
Just upstream of Chessie System	*953
Tributary S3:	
At mouth	*916
Just downstream of Van Meter Road	*916
About 450 feet upstream of U.S. Route 60	*929
About 500 feet upstream of Kittison Drive	*962
Tributary S4:	
Just upstream of Interstate 64	*939
About 220 feet upstream of Bon Haven Avenue	*965
Tributary S5:	
At mouth	*918
About 1000 feet upstream of mouth	*920
Town Branch:	
About 200 feet upstream of the confluence of Tributary T3	*914
Just downstream of the Louisville and Nashville Railroad	*926
Just upstream of the Louisville and Nashville Railroad	*937
About 400 feet upstream of Pearl Street	*939
Tributary T1:	
At mouth	*937
Just upstream of Washington Street	*953
Tributary T2:	
At mouth	*916
Just downstream of Interstate 64	*920
Just upstream of Interstate 64	*926
Just downstream of U.S. Route 60	*947
Just upstream of U.S. Route 60	*952
About 250 feet upstream of Mutual Avenue	*964
Tributary T3:	
Just upstream of Interstate 64	*934
About 700 feet upstream of Waveland Avenue	*969
Tributary T4:	
At mouth	*945
Just upstream of West Washington Street	*954
Lower Howard Creek:	
About 250 feet upstream of confluence of Tributary H5	*906
Just downstream of State Route 1958	*913
Just upstream of State Route 1958	*921
Just upstream of Lina Lane	*956
Tributary H1:	
At mouth	*941

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Just downstream of Hood Avenue	*955
Just upstream of Hood Avenue	*960
About 500 feet upstream of Boone Avenue	*972
Tributary H2:	
At mouth	*939
Just downstream of Colby Road	*950
Just upstream of Colby Road	*959
About 500 feet upstream of Colby Road	*961
Tributary H3:	
About 500 feet upstream of mouth	*930
About 400 feet upstream of Ashford Drive	*949
Tributary H4:	
At mouth	
Just downstream of Windridge Drive	*936
Just upstream of Windridge Drive	*945
Tributary H5:	
About 175 feet upstream of mouth	*908
About 800 feet upstream of confluence of Tributary H6	*934
Tributary H6:	
At mouth	*924
Just downstream of Vaught Road	*925
Just upstream of Vaught Road	*930
Just downstream of Vocational School Road	*930
Just upstream of Vocational School Road	*935
About 1100 feet upstream of Vocational School Road	*945
Sinkhole A:	
Just upstream of Louisville and Nashville Railroad	*960
About 200 feet upstream of Rowland Avenue	*964

Maps available for inspection at the Planning Department, City Hall, Winchester, Kentucky. Send comments to Honorable Carroll E. Echton, Mayor, City of Winchester, P.O. Box 4056, Winchester, Kentucky 40391.

MAINE

Portland (City), Cumberland County

Casco Bay:	
Shoreline of Martin Point	*27
Shoreline at Lennox Road (extended)	*14
Shoreline at Fish Point	*13
Shoreline at Moody Street (extended)	*16
Shoreline of Great Diamond Island at Lamson Cove	*11
West shoreline of Great Diamond Island	*9
Shoreline of Great Diamond Island at Indian Cove	*14
Shoreline of Great Diamond Island approximately 1,000 feet south of Diamond Cove	*27
Southeast shoreline of Cushing Island	*26
Shoreline of Cushing Island at Big Beach	*11
West shoreline of Peaks Island	*9
Shoreline of Peaks Island approximately 600 feet east of Wharf Cove	*21
Shoreline of Peaks Island approximately 500 feet north of Josiah's Cove	*28
Shoreline of Long Island at Fern Avenue (extended)	*11
Shoreline of Long Island at Beach Avenue (extended)	*21
Shoreline of Long Island at Cushing Point	*11
Shoreline of Long Island at Eastern Avenue (extended east)	*24
Shoreline of Long Island at Andrews Nubble	*25
Shoreline of Long Island at Beach Avenue (extended southeast)	*15
Southeast side of Overset Island	*28
West shoreline of Cliff Island	*11
Easternmost side of Cliff Island	*28
Shoreline of Cliff Island approximately 0.35 mile northeast of Island Avenue (extended east)	*16
West shoreline of Jewell Island	*9
East shoreline of Jewell Island	*28
Back Cove: Northwest shoreline of Back Cove	*11
Fore River: Shoreline at Thompson Point	*10
Shallow Flooding:	
Area 150 feet southwest of intersection of Olympia and Victoria Roads	#2
Area 300 feet east of Jerry Point	#2
Area approximately 0.6 mile northeast of southern end of Island Avenue on Cliff Island	#1
Area approximately 0.55 mile northeast of southern end of Island Avenue on Cliff Island	#2
Presumpscot River:	
At downstream corporate limits	*22
At second upstream crossing of corporate limits	*24
At Interstate Route 95	*32
At Forest Avenue	*34
At fourth upstream corporate limits	*35
Stroudwater River:	
Downstream side of Westbrook Street	*10
Downstream side of Congress Street	*25
Approximately 0.7 mile upstream of Congress Street	*27
Fall Brook:	
Approximately 650 feet upstream of Baxter Boulevard	*11
Upstream side of Murray Street	*31
Upstream side of Washington Avenue	*53
At Ray Road	*58
Upstream side of Drake Street	*69
Approximately 300 feet upstream of Allen Street	*83
Capisic Brook:	
At Congress Street	*10
Downstream side of Capisic Street	*34
Downstream side of Lucas Street	*36
Upstream side of Dennett Road	*44
At Penwood Drive (extended)	*49
Approximately 0.5 mile upstream of Penwood Drive (extended)	*52
Nasons Brook:	
At confluence with Capisic Brook	*10
Downstream side of Webb Street	*46
Upstream side of Portland Terminal Railroad	*54

Maps available for inspection at the City Hall Planning Department, Portland, Maine.

Send comments to Honorable Stephen Honey, City Manager of the City of Portland, City Hall, 389 Congress Street, Portland, Maine 04101.

MARYLAND

Rising Sun (Town), Cecil County

Stone Run Tributary 1:	
Approximately .06 mile downstream of CONRAIL	*312
Downstream side of CONRAIL	*328
Approximately 0.2 mile upstream of State Route 273	*352
Stone Run Tributary 2:	
Approximately 0.4 mile downstream of State Route 273	*281
Approximately 930 feet downstream of State Route 273	*298
Approximately 130 feet upstream of State Route 273	*311

Maps available for inspection at the Town Hall, 114 South Queen Street, Rising Sun, Maryland.

Send comments to Honorable Raymond Stuart, Mayor of the Town of Rising Sun, P.O. Box 456, Rising Sun, Maryland 21911.

MASSACHUSETTS

Everett (City), Middlesex County

Atlantic Ocean: Entire shorelines of Mystic River and Island End River within community	*10
Malden River:	
Upstream side of Amelia Earhart Dam	*4
At northwestern corporate limits (extended), located approximately 775 feet north of Woodville Street (extended)	*4

Maps available for inspection at the City Engineering Department, Everett, Massachusetts.

Send comments to Honorable Edward G. Connoly, Mayor of the City of Everett, City Hall, 484 Broadway, Everett, Massachusetts 02149.

Medford (City), Middlesex County

Mystic River:	
At southern corporate limits and upstream side of MBTA Bridge	*4
Upstream side of High Street	*9
Lower Mystic Lake: North of Lake View Road and south of Mystic River Road (extended)	*9
Upper Mystic Lake: North of Mystic River Road (extended) and west of Mystic Valley Parkway	*14
Malden River:	
At southern corporate limits and downstream side of MBTA Bridge	*4
At eastern corporate limits and approximately 3,300 feet north of Revere Beach Parkway	*4

Maps available for inspection at the Community Development Department, City Hall, Medford, Massachusetts.

Send comments to Honorable John Ghilioni, Manager of the City of Medford, Middlesex County, City Hall, Medford, Massachusetts 02155.

Scituate (Town), Plymouth County

Massachusets Bay:	
At intersection of Spaulding Avenue and Otis Street	*10
At intersection of Egypt Avenue and Priscilla Lane	*13
Shoreline at Cavet Avennue (extended)	*18
Shoreline at east end of Prospect Avenue (extended)	*25
Shoreline east of intersection of Parker Avenue and Collier Road	*95
Dune areas along Massachusetts Bay Shoreline	and 2
500 feet south of Ocean Side Drive between 5th and 11th Avenue	*13
North River:	
Shoreline 100 feet east of State Route 3A	*10
Approximately 0.5 mile south of intersection of Collier Road and Brown Road	*16
South River:	
Approximately 1,500 feet west of intersection of Silver Road and Central Avenue	*12
At intersection of Central Avenue and Cliff Road	*10
Herring River:	
Approximately 1,000 feet south of intersection of The Driftway and Old Driftway	12
Approximately 900 feet southwest of intersection of Cliff Avenue and Moorland Road	*16
Musquashcut Brook:	
Shoreline approximately 500 feet upstream of Hollet Street	*8
Shoreline approximately 1,000 feet downstream of Hollet Street	*12
Musquashcut Pond:	
At Old Farm Road	*13
At Seagate Circle	*12
Branch of Musquashcut Brook:	
At Gannet Road	*8
Approximately 1,000 feet upstream of Hollet Street	*9
The Gulf:	
Approximately 750 feet north of intersection of Wood Island Road and Gardner Road	*11
Approximately 500 feet downstream of Mordecai Lincoln Road	*8
Bound Brook:	
Upstream side of Mordecai Lincoln Road	*15
Upstream side of Country Way	*19
At upstream corporate limits	*31
Satuit Brook:	
Approximately 1,000 feet upstream of Front Street	*10
At downstream side of Stockbridge Road	*21
At downstream side of Beaver Dam Road	*25
At upstream side of Abandoned Railroad Culvert	*34
First Herring Brook:	
Approximately 50 feet upstream of The Driftway	*11
Approximately 50 feet downstream of State Route 3A	*43
Approximately 150 feet upstream of Grove Street	*65
At upstream Corporate limits	*67

Maps available for inspection at the Town Engineering Department, Town Hall, Route 3A, Scituate, Massachusets.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Send comments to Honorable Joseph Norton, Chairman of the Board of Selection for the Town of Scituate, Town Hall, Route 3A, Scituate, Massachusetts 02066.	
Somerville (City), Middlessex Country	
Mystic River:	
Upstream side of Amelia Earhart Dam	*4
At interstate Route 93 and corporate limit	*5
At confluence of Alewife Brook	*8
Alewife Brook: At Henderson Street	*8
Atlantic Ocean: Downstream side of Amelia Earhart Dam aand at corporate limit	*10
Maps available for inspection at the Clerk's Office, City Hall, Somerville, Massachusetts.	
Send comments to Honorable Eugene C. Mayor of Somerville, Middlessex County, City Hall, Somerville, Massachusetts 02143.	
Stoneham (Town), Middlesex County	
Sweetwater Brook:	
Approximately 400 feet downstream of Maple Avenue	*49
Upstream side of Montvale Avenue	*54
Approximately 270 feet downstream of Lindenwood Road	*55
Downstream side of Lindenwood Road	*61
Approximately 70 feet upstream of Lindenwood Road	*65
Maps available for inspection at the City Clerk's Office, 35 Central Street, Massachusetts.	
Send comments to Honorable Michael G. Rolli, Chairman of the Board of Selectmen of the Town of Stoneham, Middlesex County, 35 Central Street, Stoneham, Massachusetts 02180.	
MINNESOTA	
Big Stone County (Unincorporated Areas)	
Minnesota River: At eastern county boundary	*945
Just downstream of US Highway 75 dam	*948
Just upstream of US Highway 75 dam	*957
At Big Stone Lake inlet	*970
Little Minnesota River:	
At Big Stone Lake inlet	*970
At northern county boundary	*971
Maps available for inspection at Big Stone County Courthouse, 20 S.E. Street, Ortonville, Minnesota. Send comments to Honorable C.O. Thompson, Chairman, County Commissioner, Big Stone County Courthouse, 20 S.E. Second Street, Ortonville, Minnesota 56278.	
Browns Valley (City), Traverae County	
Little Minnesota River:	
About 0.4 mile downstream of Fourth Street	*976
About 0.7 mile upstream of Broadway	*986
Unnamed Coulee:	
About 1500 feet downstream of Broadway	*976
About 350 feet upstream of Burlington Northern railroad	*980
Maps available for inspection at City Hall, 3rd Street South, Browns Valley, Minnesota. Send comments to Honorable Dan Giede, Mayor, City of Browns Valley, City Hall, 3rd Street South, Browns Valley, Minnesota 56219.	
Chippewa County (Unincorporated Areas)	
Minnesota River:	
At downstream county boundary	*881
Just downstream of Northern States Power Company Dam	*886
Just upstream of Northern States Power Company Dam	*893
At upstream county boundary	*943

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Chippewa County Courthouse, Montevideo, Minnesota. Send comments to Honorable Lloyd Peterson, Chairman, County Commissioners, Chippewa County Courthouse, Montevideo, Minnesota 56265.	
Ortonville (City), Big Stone County	
Minnesota River:	
About 0.50 mile downstream of Chicago, Milwaukee, St. Paul, and Pacific Railroad (near Mill Road)	*964
About 1.90 miles upstream of County Highway 30	*970
Maps available for inspection at City Hall, 315 Madison Avenue, Ortonville, Minnesota. Send comments to Honorable Harold Van Winkle, Mayor, City of Ortonville, City Hall, 315 Madison Avenue, Ortonville, Minnesota 36278.	
NEBRASKA	
Blue Springs (City), Gage County	
Big Blue River:	
About 0.45 mile downstream of the confluence of Bills Creek	*1216
About 0.44 mile upstream of Broad Street	*1218
Maps available for inspection at the City Hall, Blue Springs, Nebraska. Send comments to Honorable Eugene Swanson, Mayor, City of Blue Springs, City Hall, P.O. Box 25, Blue Springs, Nebraska 68318.	
Stromsburg (City), Polk County	
Big Blue River:	
About 3.39 miles downstream of U.S. Highway 81	*1614
About 1.38 miles upstream of U.S. Highway 81	*1626
Maps available for inspection at City Hall, Stromsburg, Nebraska. Send comments to Honorable Don E. Nordberg, Mayor, City of Stromsburg, City Hall, P.O. Box 407, Stromsburg, Nebraska 68666.	
NEW HAMPSHIRE	
Rye (Town), Rockingham County	
Atlantic Ocean:	
Shoreline at Causeway Road (extended)	*19
Entire shoreline of Eel Pond	*9
Shoreline at Cable Road (extended)	*17
Shoreline at Concord Point	*14
Shoreline approximately 700' south of intersection of Pioneer and Parsons Roads	*22
Shoreline at Sheates Point	*12
Entire shoreline of Sagamore Creek within community	*9
Entire shoreline of Lunging Island	*15
Entire shoreline of White Island	*20
Eastern shoreline of Star Island	*20
Shallow Flooding:	
Area along Ocean Boulevard from Causeway Road to Jenness Road	#1
Area along Old Beach Road	#1
Rye Harbor Road near mouth of Rye Harbor	#2
Area along Ocean Boulevard approximately .2 mile south of Concord Point	#1
Area along Pioneer Road between Fairhill Avenue and Tuna Drive	#1
Area approximately 0.2 mile south of Frost Point and 300' from shoreline in Fort Dearborn	#1
Maps available for inspection at the Planning Board, Town Clerk's Office, Town Hall, Rye, New Hampshire.	
Send comments to Honorable Maynard Young, Chairman of the Board of Selectmen of the Town of Rye, Town Hall, Rye, New Hampshire 03870.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Seabrook (Town), Rockingham County	
Atlantic Ocean:	
Shoreline at north corporate limits	*14
Approximately 1,700 feet east of Eisenhower Street along corporate limits	*12
Shoreline at south corporate limits	*14
Entire shoreline of Mill Creek	*9
Entier shoreline of Brown River within community	*9
Entire shoreline of Blackwater River within community	*9
Maps available for inspection at the Building Inspector's Office, Town Hall, 99 Lafayette Road, Seabrook, New Hampshire.	
Send commehts to Honorable James Falconer, Chairman of the Board of Selectmen of the Town of Seabrook, Town Hall, P.O. Box 456, Seabrook, New Hampshire 03874.	
NEW YORK	
Bolton (Town), Warren County	
Schroon River:	
Downstream corporate limits	*689
Upstream side of Bolton-Riverbank Road	*703
Upstream corporate limits	*726
Maps available for inspection at the Bolton Town Hall, Stewart Avenue, Bolton Landing, New York.	
Send comments to Honorable Frank Leonbruno, Supervisor of the Town of Bolton, Warren County, Brook Street, Bolton Landing, New York 12814.	
Brewster (Village), Putnam County	
East Branch Croton River:	
At confluence of Tonetta Brook	*315
At upstream corporate limits	*334
Tonetta Brook:	
At confluence with East Branch Croton River	*315
Upstream side of Marvin Avenue	*350
Downstream side of New York Route 6	*404
At upstream corporate limits	*411
Maps available for inspection at the Brewster Village Hall, 208 East Main Street, Brewster, New York.	
Send comments to Honorable E. Stannard Tuttle, Mayor of the Village of Brewster, 208 East Main Street, Brewster, New York 10509.	
Chester (Town), Orange County	
Black Meadow Creek:	
At most downstream corporate limits	*405
Approximately 1,200 feet upstream of New York Route 94	*474
At most upstream corporate limits	*480
Black Meadow Creek Tributary 4:	
At confluence with Black Meadow Creek	*475
Upstream side of Pine Hill Road	*512
Seely Brook:	
At downstream corporate limits	*428
Upstream side of New York Route 17	*431
Trout Brook:	
Approximately 0.75 mile downstream of Able Noble Drive	*443
Upstream side of Able Noble Drive	*461
Approximately 40 feet upstream of Bull Mills Road	*481
Upstream side of Laroe Road	*520
Upstream side of Trout Brook Road	*580
Upstream side of Tyler Place	*605
Upstream side of New York Route 5	*632
Upstream corporate limits	*642
Maps available for inspection at the Chester Town Hall, Kings Highway, Chester, New York.	
Send comments to Honorable John J. Collins, Supervisor of the Town of Chester, P.O. Box 542, Kings Highway, Chester, New York 10918.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Dresden (Town), Washington County	
Lake Champlain: Entire shoreline within community	*102
Maps available for inspection at the Town Hall, Clemons, New York.	
Send comments to Honorable Joseph Rota, Supervisor of the Town of Dresden, Washington County, Sunset Bay Road, Hulletts Landing, New York 12841.	
Easton (Town), Washington County	
Hudson River:	
Downstream corporate limits	*94
At confluence of Flatsly Brook	*98
Upstream corporate limits	*101
Maps available for inspection at the Easton Town Hall, Easton, New York.	
Send comments to Honorable Jon F. Stevens, Supervisor of the Town of Easton, Washington County, R.D. #2, Johnsville, New York 12094.	
Greenwich (Town), Washington County	
Hudson River:	
Downstream corporate limits	*101
Approximately 600 feet downstream of Thomson Dam	*103
Upstream side of Thomas Dam	*109
Upstream corporate limits	*112
Maps available for inspection at 2 Academy Street, Greenwich, New York.	
Send comments to Honorable Michael Karp, Supervisor of the Town of Greenwich, Washington County, 2 Academy Street, Greenwich, New York 12834.	
Kent (Town), Putnam County	
Middle Branch: At downstream corporate limits	*511
Croton River:	
Upstream side of New York Route 45	*586
Approximately 60 feet upstream of dam	*622
Stump Pond Stream:	
At confluence with Lake Carmel	*622
Upstream side of Bowan Road	*673
Upstream side of Route I-84	*703
At upstream corporate limits	*750
Maps available for inspection at the Kent Town Hall, 260 Smadbeck Avenue, Carmel, New York 10512.	
Send comments to Honorable Anthony Cazzari, Supervisor of the Town of Kent, 260 Smadbeck Avenue, Carmel, New York 10512.	
Whitehall (Town), Washington County	
Lake Champlain: Entire shoreline within community	*102
Maps available for inspection at the Whitehall Town Hall, Whitehall, New York.	
Send comments to Honorable Robert Rozelle, Supervisor of the Town of Whitehall, New York 12887.	
OHIO	
Bucyrus (City), Crawford County	
Sandusky River:	
About 2,700 feet upstream of Kersetter Road	*970
About 1.0 mile upstream from Norfolk Southern Railway	*985
Maps available for inspection at the Engineer's Office, 500 South Sandusky Avenue, Bucyrus, Ohio.	
Send comments to Honorable Paul Outhwaite, Mayor, City of Bucyrus, 500 South Avenue, Buckyrus, Ohio 44820.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Dresden (Village), Muskingum County	
Main Ditch:	
About 750 feet downstream of 12th Street	*738
About 450 feet upstream of 11th Street	*740
Muskingum River:	
About 2,250 feet downstream of State Route 208	*714
About 1,000 feet upstream of confluence of Wakatamika River	*716
Maps available for inspection at the Municipal Building, Ninth and Chestnut, Dresden, Ohio.	
Send comments to Honorable Norbert Kurtz, Mayor, Village of Dresden, Municipal Building, Ninth and Chestnut, Dresden, Ohio 43821.	
Tiffin (City), Seneca County	
Sandusky River:	
About 2,950 feet downstream of Huss Street	*719
Just upstream of Water Plant Dam	*744
Maps available for inspection at the Engineer's Office, Municipal Building, Tiffin, Ohio.	
Send comments to Honorable Thomas A. Yager, Mayor, City of Tiffin, Municipal Building, Tiffin, Ohio 44883.	
OREGON	
Eugene (City), Lane County	
Willamette River: 100 feet upstream from the center of Interstate Highway 105	*409
Dedrick Slough: 100 feet upstream from the center of the downstream Goodpasture Island Road	*396
Amazon Creek: 50 feet upstream from the center of Olive Street	*420
Shallow Flooding: At the intersection of Polk Street and 15th Avenue	#1
Channel A3: 200 feet upstream from the center of Berteisen Road	*392
Maps available for inspection at Engineer's Office, 777 Pearl Street, Eugene, Oregon.	
Send comments to Honorable Brian Obie, 777 Pearl Street, Eugene, Oregon 97401.	
Lane County (Unincorporated Areas)	
Siuslaw River: 250 feet north from the intersection of Duncan Island Road and Bernhardt Creek Road	*14
Willamette River: 250 feet south from the intersection of Compton Lane and Riverview Drive	*346
Coast Fork Willamette River: 150 feet north from the intersection of River Drive and Orchard Avenue	*548
Coast Fork Willamette River Overflow: 100 feet southwest from the intersection of Patricia Lane and North Delight Valley Road	*598
Oxley Slough: 200 feet downstream from the center of Seavey Loop Road	*459
Berkshire Slough: 200 feet west from the intersection of Pioneer Road and Matthews Road	*492
Row River: At the intersection of Snauer Lane and Oregon Pacific and Eastern Railroad	*662
Silt Creek: At the center of Gowdyville Road	*657
Middle Fork Willamette River (Near Springfield): 200 feet upstream of the center of Southern Pacific Railroad	*547
Middle Fork Willamette River Overflow: 100 feet west from intersection of Mahogany Lane and Springfield-Creswell Highway	*497
Fall Creek: 50 feet upstream from the center of Place Road	*581
Middle Fork Willamette River (Near Oakridge): 50 feet downstream from the center of Willamette Highway	*1,073
North Fork Middle Fork Willamette River: 50 feet upstream from the center of Southern Pacific Railroad	*1,075
Salmon Creek-With Levees: 25 feet upstream from the center of the downstream Southern Pacific Railroad	*1,199

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Salmon Creek-Without Consideration of Levees: 700 feet southwest from the intersection of Salmon Creek Road and Southern Pacific Railroad	*1,210
McKenzie River:	
100 feet upstream from the center of Bridge Street	*652
100 feet downstream from the center of McKenzie Highway	*1,361
McKenzie River East Channel: 350 feet southwest from the intersection of McKenzie Highway and McKenzie River Drive	*1,192
Mohawk River: At the intersection of Goats Road and Sunderman Road	*489
Amazon Creek: 100 feet upstream from the center of Southern Pacific Railroad	*384
Long Tom River: 100 feet upstream from the center of Territorial Highway (State Highway 126)	*382
Maps available for inspection at the Department of Land Management, 125 E. 8th Street, Eugene, Oregon.	
Send comments to the Honorable Peter DeFazio, 125 East 8th Street, Eugene, Oregon 97401.	
Oakridge (City), Lane County	
Salmon Creek: Center of Hill Street, approximately 1,100 feet east of its intersection with Beech Meadow Way	*1,189
Middle Fork Willamette River: At the intersection of Beaver Street and Garden Road	*1,117
Maps available for inspection at the City Manager's Office, City Hall, Oakridge, Oregon.	
Send comments to the Honorable Arlon Redmond, P.O. Box 385, Oakridge, Oregon 97463.	
PENNSYLVANIA	
Bentleyville (Borough), Washington County	
Pigeon Creek:	
Downstream corporate limits	*907
Confluence with North Pigeon Creek	*929
Upstream side of Main Street (1st crossing)	*934
Upstream side of Main Street (2nd crossing)	*947
Upstream corporate limits	*956
Maps available for inspection at the Municipal Building, 900 Main Street, Bentleyville, Pennsylvania.	
Send comments to Honorable Joseph F. Gaso, Sr., Bentleyville Borough Council President, Municipal Building, 900 Main Street, Pennsylvania 15314.	
Bradys Bend (Township), Armstrong County	
Sugar Creek:	*829
Confluence with Allegheny River	*880
Upstream side of third upstream crossing of State Highway 68	*946
Upstream side of the seventh upstream of State Highway 68	*987
Upstream side of T-338	1,113
Upstream side of Kaylor Road	
Approximately 1,775 feet upstream of the eleventh upstreams crossing of State Highway 68 (near intersection with T-324)	*1,152
Maps available for inspection at the Bradys Bend Township Secretary's House, R.D. #1, Box 49, East Brady, Pennsylvania.	
Send comments to Honorable Karl Rottman, Chairman of the Board of Supervisors of the Township of Bradys Bend, R.D. #2, Box 207, Karns City, Pennsylvania 16041.	
Freeport (Borough), Armstrong County	
Allegheny River:	
Downstream county boundary	*769
Upstream county boundary	*770

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. ^Elevation in feet (NGVD)
Shoreline of Buffalo Creek from its confluence with Allegheny River to approximately 1.1 miles upstream	*769
Maps available for inspection at the Municipal Building, 414 Market Street, Freeport, Pennsylvania.	
Send comments to Honorable Robert Ravotti, Mayor of the Borough of Freeport, Municipal Building, 414 Market Street, Freeport, Pennsylvania 16229.	
Kittanning (Borough), Armstrong County	
Allegheny River:	
Downstream corporate limits	*793
Approximately 80 feet downstream of Lock and Dam No. 7	*795
Approximatgely 80 feet upstream of Lock and Dam No. 7	*798
Upstream corporate limits	*801
Maps available for inspection at the Borough Building, 300 South McKean Street, Kittanning, Pennsylvania.	
Send comments to Honorable Donna Kirkwood, Acting Council President of the Borough of Kittanning, 300 South McKean Street, Kittanning, Pennsylvania 16201.	
Meyersdale (Borough), Somerset County	
Casselman River:	
Approximately 0.6 mile downstream of Chessie System bridge	*1,944
Upstream side of Broadway Street	*1,948
Approximately 840 feet upstream of Eighth Street (extended)	*1,953
Flaugherty Creek:	*1,948
At confluence with Casselman River	*1,954
Upstream side of Beachley Street	*1,966
Upstream side if Walnut Street	*1,977
Upstream corporate limits	
Maps available for inspection at the Meyersdale Borough, 151 Center Street, Meyersdale, Pennsylvania.	
Send comments to Honorable Helen L. Beal, Meyersdale Borough Council President, 213 North Street, Meyersdale, Pennsylvania 15552.	
Monongahela (City), Washington County	
Monongahela River:	
Downstream corporate limits	*754
Upstream corporate limits	*755
Entire shoreline of Pigeon Creek within community	*755
Maps available for insepction at the City Hall, 449 West Main Street, Monongahela, Pennsylvania.	
Send comments to Honorable John Moreschi, Mayor of the City of Monongahela, 449 West Main Street, Monongahela, Pennsylvania 15063.	
Point Marion (Borough), Fayette County	
Monongahela River:	
Downstram corporate limits	*804
Upstream side of U.S. Route 119 over Camp Run	*804
Upstream corporate limits	*805
Cheat River:	
Confluence with Monongahela River	*804
Upstream corporate limits	*805
Maps available for inspection at the Point Marion Borough Building, 426 Morgantown Street, Point Marion, Pennsylvania.	
Send comments to Honorable Louis E. Rudolph, Mayor of the Borough of Point Marion, 15 Main Street, Point Marion, Pennsylvania 15474.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. ^Elevation in feet (NGVD)
South Greensburg (Borough), Westmoreland County	
Jacks Run:	
Downstream corporate limits	
Approximately 100 feet downstream of Keystone Avenue bridge	*976
Upstream side of CONRAIL bridge	*977
Approximately 300 feet downstream of Huff Avenue bridge	*979
Approximately 50 feet upstream of Huff Avenue bridge	*982
Upstream corporate limits	*983
State Creek:	*986
Downstream corporate limits	
Downstram side of State Route 819	*976
Upstream corporate limits	*976
	*980
Maps available for inspection at the Municipal Building, 1515 Poplar Street, South Greensburg, Pennsylvania.	
Send comments to Honorable Jams Clarimboli, Council President of the Borough of South Greensburg, Westmorland County, c/o Municipal Building, 1515 Poplar Street, South Greensburg, Pennsylvania 15601.	
Waynesburg (Borough), Greene County	
South Fork Tenmile Creek:	
Downstream corporate limits	*934
Confluence of Purman Run	*935
Upstream side of Morgan Street bridge	*937
Upstream corporate limits	*940
Purman Run:	
Downstream side of Green Street bridge	*936
Upstrem side of High Street bridge	*938
Approximately 100 feet downstream of East Street bridge	*940
Approximately 50 feet upstream of East Street bridge	*942
Walnut street (extended)	*948
Approximately 100 feet South of Race Street	*954
Upstream corporate limits	*965
Maps available for inspection at the Waynesburg Borough Building, 90 East High Street, Waynesburg, Pennsylvania.	
Send comments to Honorable Charles A. Berryhill, Waynesburg Borough Council President, c/o Borough Building, 90 East High Street, Waynesburg, Pennsylvania 15370.	
Zelienople (Borough), Butler County	
Connoquenessing Creek:	
Downstream corporate limits	*899
Upstream side of Beaver Road over Muntz Run	*899
Upstream side of Market Street over Glade Run	*900
Upstream side of State Route 288/588	*902
Upsteam corporate limits	*906
Maps available for inspection at the Municipal Building, 111 West New Castle Street, Zelienople, Pennsylvania.	
Send comments to Honorable William E. Slack, Mayor of the Borough of Zelienople, 111 West New Castle Street, Zelienople, Pennsylvania 16063.	
TEXAS	
Corinth (Town), Denton County	
Bryant Branch:	
At downstream corporate limits	*537
Upstream face FM 2181	*547
Upstream face Lake Sharon Dam Road	*573
At upstream corporate limits	*574
Griffiths Creek:	
At confluence with Veal Springs Branch	*537
Upstream face FM 2181	*557
Approximately 1,440' upstream of FM 2181	*559

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. ^Elevation in feet (NGVD)
Lynchburg Creek:	
Approximately 400' downstream of downstream corporate limits	*539
Approximately .54 mile downstream of Missouri-Kansas Texas Railroad	*553
Upstream face Missouri-Kansas Texas Railroad	*566
Upstream face Interstate Route 35	*574
Approximately 100' upstream of Shady Shores Road	*579
Stream PEC-1: Entire length affecting community	*594
Swisher Creek:	
Approximately 100' downstream of corporate limits	*556
Approximately 200' upstream of Missouri-Kansas Texas Railroad	*566
At Interstate Route 35 & U.S. Route 77	*575
Approximately 150' upstream of South Garrison Drive	*578
Veal Springs Branch:	
At downstream corporate limits	*537
Approximately 660' downstream of FM 2181	*544
Approximately 100' upstream of FM 2181	*563
Lewisville Lake: Entire shoreline	*537
Maps available for inspection at the City Hall, 2003 South Corinth, Route 3, Denton, Texas.	
Send comments to Honorable Shirley Stellerberg, Mayor of the Town of Corinth, 2003 South Corinth, Route 3, Denton, Texas 76205.	
Kingsbridge Municipal Utility District, Fort Bend and Harris Counties	
Keegans Bayou:	
Upstream side of Sugarland Howell Road	*86
Downstream side of Gaines Road	*87
Maps available for inspection at the Office of Mr. Nettles, Vinson & Elkins Law firm, 2800 First City Tower, 1001 Fanning Street, Houston, Texas.	
Send comments to Honorable Larry Nettles, Vinson & Elkins, Attorneys at Law, 2800 First City Tower, 1001 Fannin Stret, Houston, Texas 77002-6760.	
The Colony (City), Denton County	
Office Creek:	
200 feet downstream of downstream corporate limits	*537
Upstream side of FM 423	*571
950 feet upstream of Blair Oaks Road	*585
Stream SC-1:	
Approximately 875 feet downstream of corporate limits	*540
Upstream side of North Colony Boulevard	*563
Approximately 870 feet upstream of Paige Road	*586
Stream SC-1A:	
At downstream corporate limits	*537
Approximately 100 feet upstream of Squires Drive	*561
Upstream side of Taylor Street	*584
Approximately 1,300 feet upstream of North Colony Boulevard	*594
Stream SC-2:	
Approximately 240 feet downstream of downstream corporate limits	*566
Upstream side of Turner Street	*577
At upstream corporate limits	*591
Lewisville Lake: Entire portion of community affected by Lewisville	*537
Maps available for inspection at the City Hall, 5576 North Colony Boulevard, The Colony, Texas.	
Send comments to Honorable Larry Sample, Mayor of the City of The Colony, 5576 North Colony Boulevard, The Colony, Texas 75056.	
Westworth Village (Village), Tarrant County	
West Pork Trinity River:	
Approximately 150' downstream of downstream corporate limits	*552

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Upstream side of channel dam located approximately 1,1000' upstream of River Oaks Boulevard	*556
Approximately 40' upstream corporate limits	*558
Farmer's Branch:	
At confluence with West Fork Trinity River	*556
At Texas and Pacific Railroad	*572
At upstream corporate limits near Loop 341	*635
Kings Branch:	
At most downstream Government Property line	*566
Upstream side Roaring Springs Road	*582
Approximately 140' upstream of upstream corporate limits	*595

Maps available for inspection at the City Hall, 311 Burton Hill Road, Fort Worth Village, Texas.

Send comments to Honorable Jodi Colvard, Mayor of the Village of Westworth, Tarrant County, City Hall, 311 Burton Hill Road, Fort Worth, Texas 76114.

VERMONT

Arlington (Town) Bennington County

Batten Kill:	
Downstream corporate limits	*522
Upstream side of River Road	*539
Upstream side of Covered Bridge	*559
Upstream side Benedict Crossing	*577
Upstream side West Mountain Road	*596
Upstream corporate limits	*637
Green River:	
Confluence with Batten Kill	*563
Approximately 540 feet downstream of upstream corporate limits	*635
Roaring Brook:	
Confluence with Batten Kill	*629
Upstream side of Vermont Railway	*646
Confluence of Warm Brook	*685
Warm Brook:	
Confluence with Roaring Brook	*685
Upstream side of East Arlington Road	*721
Upstream side of Maple Hill Road	*756
Upstream corporate limits	*773
Fayville Branch:	
Confluence with Warm Brook	*717
Upstream side of Church Street	*736
Upstream corporate limits	*761

Maps available for inspection at the Town Hall, Route 7A, Arlington Vermont.

Honorable Clarence Curtis, Chairman of the Board of Selectmen of the Town of Arlington, Bennington County, P.O. Box 304, Arlington, Vermont 05250.

Manchester (Village), Bennington County

Batten Kill:	
Approximately 900 feet downstream of River Road	*650
Upstream side of Union Street	*683
Approximately 0.4 mile upstream of confluence of Munson Brook	*691

Maps available for inspection at The Mark Skinner Library, Manchester, Vermont.

Send comments to Honorable Joseph Fowler, President of the Board of Trustees of the Town of Manchester, Bennington County, P.O. Box 472, Manchester, Vermont 05255.

St. Johnsbury (Town), Caledonia County

Passumpsic River:	
Downstream corporate limits	*537
Upstream side of Interstate 91	*548
Upstream side of Portland Street	*560
Upstream of Arnold Falls Dam	*579
Upstream side of St. Johnsbury Center bridge	*591
Upstream side of U.S. Route 5	*595
Upstream of Pierce Mills Dam	*613
Upstream corporate limits	*623
Moose River:	
Confluence with Passumpsic River	*561
Upstream side of Portland Street	*604
Upstream Route 2	*727
Upstream side of Lock Bridge	*750
Upstream side of East St. Johnsbury bridge	*792
Upstream corporate limits	*900
Sleepers River:	
Confluence with Passumpsic River	*553
Upstream side of Danville Road	*581
Upstream side of Interstate 91	*584
Approximately 1,400 feet upstream of Al Wright bridge	*686

Maps available for inspection at the Town Manager's Office, Municipal Building, St. Johnsbury, Vermont.

Send comments to Honorable Gabriel Handy, Chairman of the Board of Selectmen of the Town of St. Johnsbury, Municipal Building, 34 Main Street, St. Johnsbury, Vermont 05819.

Waltham (Town), Addison County

Otter Creek:	
At downstream corporate limits	*142
At upstream corporate limits	*148

Maps available for inspection at the Town Clerk's Office, Mildred Fleming's House, Waltham, Vermont.

Send comments to Honorable Albert Abair, Chairman of the Board of Selectmen of the Town of Waltham, Addison County, R.D. #2, P.O. Box 323, Vergennes, Vermont 05491.

VIRGINIA

Rockingham County

North Fork Shenandoah River:	
At downstream County Boundary	*952
Downstream side of State Route 617	*1,033
Downstream side of State Route 612	*1,143
At confluence of Capon Run	*1,332
At confluence of German River	*1,413
Little Dry River:	
At confluence with North Fork Shenandoah River	*1,172
Approximately 50 feet unstream of State Route 631	*1,400
At confluence of Old Road Hollow	*1,570
Approximately 30 feet upstream of confluence of Big Bear Hollow	*1,875
Runion Creek:	
At confluence with North Fork Shenandoah River	*1,092
Upstream side of State Route 612	*1,143
At confluence of Eaton Hollow	*1,185
Approximately 2.7 miles upstream of confluence of Eaton Hollow	*1,300
Approximately 1,350 feet downstream of County Boundary	*1,407
Capon Run:	
At confluence with North Fork Shenandoah River	*1,332
Downstream side of State Route 259 (First crossing)	*1,488
At State Route 259 (Second crossing)	*1,507
German River:	
At confluence with North Fork Shenandoah River	*1,413
Upstream side of State Route 826 (Second crossing)	*1,514
Downstream side of State Route 826 (Third crossing)	*1,604
At confluence of Persimmon Run	*1,661
At confluence of Cold Spring River	*1,763
Bennett Run:	
At confluence with Crab Run	*1,432
At confluence or Overly Run	*1,508
Downstream side of State Route 825 (Second crossing)	*1,569
Downstream side of State Route 824 (First crossing)	*1,600
Downstream side of State Route 824 (Second crossing)	*1,773
Crab Run:	
At confluence with North Fork Shenandoah River	*1,413
Approximately 1.0 mile upstream of confluence of Bennett Run	*1,480
At confluence of Sirks Run	*1,516
At upstream County Boundary	*1,582
Overly Run:	
At confluence with Bennett Run	*1,508
Upstream side of State Route 823	*1,560
Approximately .7 mile upstream of State Route 823	*1,651
South Fork Shenandoah River:	
At downstream County Boundary	*901
At confluence of Quail Run	*939
At confluence of Hawksbill Creek	*966
At State Route 649	*999
At confluence of Lower Lewis Run	*1,045
At confluence of North River and South River	*1,061
Elk Run:	
Confluence with South Fork Shenandoah River	*952
At confluence of West Swift Run	*1,069
Downstream side of State Route 624	*1,170
Approximately 1.2 miles upstream of State Route 624	*1,346
West Swift Run:	
At confluence with Elk Run	*1,069
Approximately 125 feet upstream of U.S. Route 33 (eastbound)	*1,239
Approximately 1.0 feet upstream of U.S. Route 33 (westbound)	*1,380
Wolf Run:	
At confluence with Elk Run	*1,093
Approximately 720 feet upstream of State Route 623	*1,140
Naked Creek:	
At confluence with South Fork Shenandoah River	*923
Approximately 50 feet upstream of State Route 603	*948
Downstream side of State Route 607	*1,005
At confluence of South Branch Naked Creek	*1,075
South Branch Naked Creek:	
At confluence with Naked Creek	*1,075
Approximately .6 mile upstream of confluence with Naked Creek	*1,110
Approximately 1.2 miles upstream of confluence with Naked Creek	*1,165
Dry Run:	
At confluence with South Fork Shenandoah River	*941
Approximately 1.1 miles downstream of State Route 759	*1,070
Upstream side of State Route 759	*1,178
Approximately 1.1 miles upstream of State Route 759	*1,300
Approximately 2.2 miles upstream of State Route 759	*1,443
Lee Run:	
At confluence with Elk Run	*1,145
Approximately .4 mile upstream of confluence with Elk Run	*1,202
Hawksbill Creek:	
At confluence with South Fork Shenandoah River	*966
At confluence of East Hawksbill Creek	*1,151
Approximately 250 feet upstream of State Route 628	*1,250
Approximately 2.0 miles upstream of State Route 628	*1,445
East Hawksbill Creek:	
At confluence Hawksbill Creek	*1,151
Upstream side of State Route 628	*1,213
Approximately 1.4 miles upstream to State Route 628	*1,457
Big Run:	
Confluence with South Fork Shenandoah River	*1,014
Approximately .9 mile upstream of State Route 390	*1,089
Madison Run:	
At confluence with South Fork Shenandoah River	*1,059
Approximately 1.0 mile upstream of U.S. Route 340	*1,191
Approximately 2.1 miles upstream of U.S. Route 30	*1,272

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Onemile Run:	
At confluence with South Fork Shenandoah River	*1,008
Approximately 1.1 miles upstream of confluence with South Fork Shenandoah River	*1,115
Twomile Run:	
At confluence with South Fork Shenandoah River	*999
Approximately 1,150 feet upstream of U.S. Route 340	*1,040
Approximately 1.5 miles upstream of U.S. Route 340	*1,192
Cub Run:	
At confluence with South Fork Shenandoah River	*1,018
Upstream side of State Route 652	*1,059
Approximately 50 feet upstream of State Route 672	*1,100
Approximately 150 feet upstream of State Route 665	*1,174
At Chesapeake and Western Railroad	*1,293
Approximately 1.6 miles upstream of Chesapeake and Western Railroad	*1,405
Boone Run:	
At confluence with Quail Run	*948
Downstream side of State Route 602	*990
Approximately 1.0 mile upstream of State Route 602	*1,067
Approximately 2.3 miles upstream of State Route 602	*1,266
Quail Run:	
At confluence with South Fork Shenandoah River	*939
Downstream side of State Route 636	*959
Upstream side of State Route 602	*1,040
Approximately .7 mile upstream of State Route 646	*1,156
Bloomer Springs Run:	
At confluence with Boone Run	*988
Approximately 1.2 miles upstream of confluence with Boone Run	*1,023
Stony Run:	
At confluence with North Fork Shenandoah River	*1,005
Approximately 75 feet upstream of State Route 641	*1,050
Approximately 100 feet upstream of State Route 986	*1,128
Approximately 1.2 miles upstream of State Route 23	*1,295
Shoemaker River:	
At confluence with South Fork Shenandoah River	*1,103
Approximately 3.3 miles upstream of confluence with South Fork Shenandoah River	*1,190
At State Route 612 (First crossing)	*1,260
Approximately 1.4 miles upstream of State Route 612 (Second crossing)	*1,330
Approximately 1,220 feet upstream of confluence of Long Run	*1,491
North River:	
At confluence with South Fork Shenandoah River	*1,061
Approximately 550 feet upstream of State Route 668	*1,090
Approximately 100 feet upstream of State Route 276	*1,104
At confluence of Pleasant Run	*1,139
Downstream side of State Route 727	*1,154
At confluence of Dry River	*1,199
Upstream side of State Route 613	*1,236
At upstream County Boundary	*1,227
Mill Creek:	
At confluence with North River	*1,070
Approximately 1,500 feet upstream of State Route 659 (Second crossing)	*1,158
Congers Creek:	
At confluence with Mill Creek	*1,120
Approximately 1.0 mile downstream of State Route 674	*1,178
Approximately .7 mile upstream of State Route 276	*1,278
Pleasant Run:	
At confluence with North River	*1,139

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 90 feet downstream of State Route 968 (First crossing)	*1,214
Approximately .6 mile upstream of State Route 704 (Second crossing)	*1,327
Duck Run:	
At confluence of Mill Creek	*1,116
Approximately 1,260 feet upstream of State Route 708	*1,123
Cooks Creek:	
At confluence of Blacks Run	*1,171
Downstream side of State Route 701	*1,201
At confluence of West Fork Cooks Creek	*1,231
Approximately 140 feet downstream of U.S. Route 33	*1,283
Approximately 1.5 miles upstream of U.S. Route 33	*1,344
Black Run:	
At confluence with Cooks Creek	*1,171
Upstream side of State Route 704	*1,180
Approximately 675 feet upstream corporate limits	*1,207
West Fork Cooks Creek:	
At confluence of Cooks Creek	*1,231
Approximately 1,730 feet upstream of State Route 732	*1,250
Sunset Heights Branch:	
At confluence of Cooks Creek	*1,202
Approximately 150 feet upstream of State Route 42	*1,250
At upstream County Boundary	*1,264
Dry River:	
At confluence with North River	*1,199
Upstream side of State Route 752	*1,293
Approximately 75 feet downstream of State Route 613	*1,433
Approximately 2.0 miles upstream of State Route 613	*1,531
Approximately 1.2 miles upstream of State Route 847	*1,676
Muddy Creek:	
At confluence with Dry River	*1,275
At U.S. Route 33	*1,338
Approximately 80 feet downstream of State Route 726	*1,372
Approximately 140 feet upstream of State Route 613	*1,440
Approximately .4 mile upstream of State Route 772	*1,576
Buttermilk Run:	
At confluence with War Branch	*1,355
Approximately 1.1 miles upstream of State Route 613	*1,454
Snapp Creek:	
At confluence with Muddy Creek	*1,409
Approximately .9 mile upstream of State Route 752	*1,488
War Branch:	
At confluence with Muddy Creek	*1,334
Approximately 1.0 mile upstream of U.S. Route 33	*1,389
Linville Creek:	
At confluence with North Fork Shenandoah River	*1,032
Approximately 500 feet upstream of State Route 809	*1,085
At State Route 782	*1,138
Downstream side of State Route 780	*1,161
Approximately 1,000 feet upstream of State Route 42 (Second crossing)	*1,213
West Fork Creek:	
At confluence with Linville Creek	*1,181
Approximately 1.3 miles upstream of confluence with Linville Creek	*1,231
Joes Creek:	
At confluence with Linville Creek	*1,151
Approximately 1.0 mile upstream of confluence with Linville Creek	*1,190
Approximately 1.8 miles upstream of confluence with Linville Creek	*1,241
Smith Creek:	
At downstream County Boundary	*973
Upstream side of State Route 798	*1,034
At confluence of Dry Fork	*1,084
At confluence of Mountain Run	*1,180

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 3.8 miles upstream of Mountain Run	*1,383
Mountain Run:	
At confluence with Smith Creek	*1,180
At State Route 620	*1,243
Approximately .6 mile upstream of State Route 620	*1,303
Dry Fork:	
At confluence with Smith Creek	*1,084
Approximately 70 feet downstream of U.S. Route 11 (First crossing)	*1,150
Approximately 225 feet downstream of Interstate Route 81 access ramp	*1,230
Approximately 2.3 miles upstream of Interstate Route 81 access ramp	*1,305
South River:	
At confluence with South Fork Shenandoah River	*1,061
Approximately 4.1 miles upstream of confluence with South Fork Shenandoah River	*1,099
Briery Branch:	
At confluence with North River	*1,228
Upstream side of State Route 613	*1,305
Approximately 0.6 mile upstream of State Route 613	*1,345
Upstream side of State Route 755	*1,405
Upstream side of State Routes 257 and 731	*1,490
Approximately 0.9 mile upstream of State Routes 257 and 731	*1,550
Approximately 2.3 miles upstream of State Routes 257 and 731	*1,545
Mossy Creek:	
At confluence with North River	*1,221
Upstream side of State Route 747	*1,231
Approximately 0.8 mile upstream of State Route 747	*1,235

Maps available for inspection at the Public Works Department, County Office Building, Harrisonburg, Virginia.

Send comments to Honorable William G. O'Brien, Rockingham County Administrator, County Office Building, Harrisonburg, Virginia 22801.

WASHINGTON

Eatonville (Town), Pierce County

Mashel River: 25 feet downstream from center of Eatonville-LaGrande Highway	*772

Maps available for review at Town Hall, Eatonville, Washington.

Send comments to Honorable A.E. Kiso, Box 309, Eastonville, Washington 98328.

Ruston (Town), Pierce County

Puget South (Commencement Bay): Approximately 1050 feet east of the intersection of Bennett Street and North 54th Street, extended to shoreline of Commencement Bay	*9

Maps available for inspection at Ruston Town Hall, Tacoma, Washington.

Send comments to Honorable Peter Brudwald, 5117 North Winnfred, Tacoma, Washington 98407.

Woodway (Town), Snohomish County

Puget Sound: At Deer Creek Confluence	*10

Maps available for inspection at Woodway Town Hall, Edmonds, Washington.

Send comments to Honorable Richard Day, 23920 113th Place West, Edmonds, Washington 98020.

Issued: October 2, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85-24488 Filed 10-11-85; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. 1

[CC Docket No. 83-1376; RM-4436; FCC 85-520]

Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The *Notice* refers issues relating to the compatibility of rate integration and competition for the Alaska interstate telecommunication market to a Federal-State Joint Board. The Joint Board is requested to make recommendations as to any revisions necessary for the market structure for Alaska and of any changes necessary in the separations procedures to implement any revised market structure proposals. The Commission also concluded that the record did not disclose any need to continue a similar inquiry into the compatibility of rate integration and competition for interstate communications between the contiguous states and Hawaii, Puerto Rico, and the Virgin Islands. Therefore, the inquiry with respect to these three points was terminated.

DATES: The Joint Board will establish comment dates in a future order.

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

FOR FURTHER INFORMATION CONTACT: Douglas Slotten, Common Carrier Bureau, Policy and Program Planning Division, 202-632-9342.

Notice of Proposed Rulemaking

In the matter of Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers between the Contiguous States and Alaska, Hawaii, Puerto Rico and the Virgin Islands; CC Docket No. 83-1376, RM 4436, FCC 85-520.

Adopted: September 24, 1985.

Released: September 27, 1985.

By the Commission.

I. Introduction

1. On December 22, 1983, we adopted a *Notice of Inquiry* in the above-captioned proceeding [1] in response to a petition for rulemaking filed by the State of Alaska and the Alaska Public Utilities Commission (hereinafter jointly referred to as Alaska). The *December Notice* invited comments regarding the long-run interrelationships between rate integration and competition for rates and services between the noncontiguous points (Alaska, Hawaii, Puerto Rico and the Virgin Islands) and the contiguous states in light of the divestiture of the Bell Operating Companies by the American Telephone and Telegraph Company (AT&T) and the recent decisions in CC Docket No. 78-72, *MTS and WATS Market Structure Inquiry (Phase I)*, relating to access charges and CC Docket No. 80-286, *Amendment of Part 67 of the Commission's Rules and Order Establishing a Joint Board*, relating to exchange plant separations procedures. Initial comments were filed in March 1984 [2] and reply comments were filed in May 1984.[3]

2. In summary, the comments concerning Hawaii, Puerto Rico and the Virgin Islands do not raise any issues concerning the compatibility of the current rate integration policies and competition in the provision of telecommunications service between these points and the contiguous states. Therefore, we conclude that continuation of the existing policies will serve the public interest and the docket is terminated with respect to these three points. On the other hand, the comments relating to Alaska raise significant issues that require further analysis. To assist us in evaluating the relative merits of the various proposals for the Alaska market, we are referring the issues relating to Alaska to a Federal-State Joint Board pursuant to section 410(c) of the Communications Act of 1934, as amended, 47 U.S.C. section 410(c). Referral of the market structure issues to a Joint Board is discretionary, while referral of issues related to possible changes in the separations procedures in conjunction with market structure recommendations is mandatory. Section III addresses the issues relating to Hawaii, Puerto Rico and the Virgin Islands. Section IV discusses the issues relating to Alaska that are being referred to the Joint Board.

II. Background

3. The Commission's rate integration policies date back to the early 1970's when rates for telephone service to the noncontiguous points were premised on international ratemaking concepts which resulted in rates substantially higher than comparable domestic rates. In conjunction with the introduction of satellite technology in the domestic telecommunication market, we concluded that:

> The advent of service via domestic satellite facilities should be accompanied by an integration of services, and more particularly the charges for such services, between Alaska, Hawaii and Puerto Rico and the contiguous 48 states into the domestic rate pattern. . . . It is our considered view that the public interest requires that the distinctions, particularly with respect to level of charges and rate patterns, should be eliminated. . . . [T]he advent of domestic satellite communications with their distance insensitive features provides a sound economic basis for such conclusion.[4]

We recognized that rate integration would involve some rate averaging when we indicated that we intended these points be integrated "into the uniform mileage rate pattern that now obtains for the contiguous states, with all that such approach implies in terms of nationwide cost averaging and equalizations for interstate ratemaking purposes." [5] We concluded that "AT&T should provide MTT [toll] services via domestic satellite to these three points, in conjunction with the appropriate local carrer. . . ." [6] The Commission thus

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[1] Integration of Rates and Services, 96 FCC 2d 567 (1984) (*December Notice*).

[2] Alaska, Alascom, Inc. (Alascom), General Communication Incorporated (GCI), AT&T, the Municipality of Anchorage, d/b/a Anchorage Telephone Utility (ATU), the Alaska Consumer Advocacy Program, The State of Hawaii (Hawaii), Hawaiian Telephone Company (Hawtel), The Puerto Rico Telephone Company (PRTC), All American Cables and Radio, Inc., and ITT Communications, Inc.-Virgin Islands (hereinafter jointly referred to as AACR/ITT), the New York Telephone Company and the New England Telephone and Telegraph Company (hereinafter jointly referred to as NYNEX), and Satellite Business Systems (SBS) filed comments in response to the *December Notice*. Additionally, each member of the Alaska congressional delegation filed informal comments.

[3] Parties filing reply comments were AT&T, Alascom, GCI, Alaska, ATU, Hawaii, Hawtel, and AACR. Alaska's motion to accept late filed reply comments is granted since the delay has not adversely affected any party and the consideration of its comments will assist the Commission in resolving the issues in this docket.

[4] Establishment of Domestic Communications Satellite Facilities, 35 FCC 2d 844, 856-57 (*Domsat II*), *Aff'd on recon.*, 38 FCC 665 (1972), *aff'd sub nom.* Network Project v. FCC, 511 F. 2d 786 (D.C. Cir. 1975). The rate integration policies were later extended to the Virgin Islands. Integration of Rates and Services, 61 FCC 2d 380 (1976), *recon. in part*, 65 FCC 2d 324 (1977).

[5] *Domsat II*, 35 FCC 2d at 857 (footnote omitted).

[6] *Id* at 858.

began a process designed to lead to fully integrated rates within a reasonable period of time for the involved carriers.[7]

4. MTS–WATS rates for service between Puerto Rico and the Virgin Islands and the contiguous states were fully integrated into the domestic rate structure on July 1, 1980. Full rate integration between Hawaii and the contiguous states was achieved on January 1, 1985. The final step of the rate integration process for Alaska that had been scheduled for January 1, 1985, was deferred by the Commission pending the resolution of the issues in this docket.[8] In the same order, we extended the payment by AT&T of a transitional supplement to Alascom in the amount of $1.25 million per month—an amount approximating the 1984 supplemental payment—pending the resolution of this docket.

5. Hawaii, Puerto Rico and the Virgin Islands were opened to competition in 1980.[9] The Alaskan interstate MTS–WATS market, with a limited exception prohibiting duplicative facilities to bush communities, was opened to competitive entry in 1982.[10] Finally, we have promoted marketplace competition with the noncontiguous points by extending the dominant/nondominant and forbearance policies applicable to the contiguous states to the noncontiguous points.[11]

6. In December 1984, GCI filed a petition for interim relief requesting reduced distribution rates from AT&T from Seattle, Washington, to the remainder of the contiguous states because of alleged economic and technical discrimination in the form of interconnection it received from AT&T. We granted GCI interim relief in the form of WATS distribution from AT&T for GCI's southbound traffic originating in Alaska at a rate of 8.5 cents per minute pending the resolution of the issues in this docket.[12] Subsequent to the issuance of the *GCI Order*, GCI and AT&T entered into an agreement settling AT&T's portion of an antitrust suit filed by GCI against Alascom and AT&T [13] and agreeing to seek dismissal of the outstanding challenges to the implementation of the two December decisions granting GCI relief and requiring continuation of a supplemental payment. On March 20, 1985, GCI and AT&T filed a join motion for approval of a Carrier Lease Agreement which was part of a broader settlement agreement. The agreement, *inter alia*, provided that GCI would receive a digital, trunk-side interconnection at an AT&T Class IV switch in Seattle, Washington, and distribution from Seattle to the remainder of the contiguous states at rates specified in the Carrier Lease Agreement. The agreement provided for the provision of a specified number of circuits over a seven-year period at AT&T's average cost of exchange access, with additional circuits being provided at rates based on time of day, duration, and distance. The Commission granted the joint motion and accepted the Carrier Lease Agreement.[14]

III. Hawaii, Puerto Rico and The Virgin Islands

7. Hawaii submits that the Commission should reaffirm its policy of rate and service integration, conclude that rate integration is not subordinant to the promotion of competition or any other national policy objective, and assure that all services are provided at affordable rates for the citizens of Hawaii and those who communicate with the state.[15] It states that there has been no irreconcilable conflict between rate and service integration and competition in the Hawaii/mainland market. Hawaii also asserts that the state should not be disadvantaged by being singled out for a special rate structure, stating that the policies and rules applicable to the provision of domestic telecommunications services and facilities in the mainland, including the promotion of competition, should be applicable to Hawaii. Hawtel submits that the rate integration policy, which it supported, has substantially achieved its objective of lowering rates between the noncontiguous points and the contiguous states. It states that the industry changes taking place may require some adjustments in the mechanisms for achieving lower rates for customers in noncontiguous areas, although it does not identify any specific examples.

8. AACR/ITT and PRTC argue that no material changes should be made in the Commission's rate integration policies or the settlement arrangements associated with those policies. AACR/ITT concludes that rate integration has promoted the goal of universal service for all United States citizens. PRTC states that there is no rational basis for treating Puerto Rico differently than any of the contiguous states. AACR/ITT states that it does not believe that any serious conflict exists between rate integration and competition under present conditions, although it submits that if a conflict is found to exist, it must be resolved in favor of rate integration. PRTC argues that a market-by-market analysis of the compatibility of rate integration and competition should not be undertaken. Instead, it states that the question of the compatibility of rate integration and service competition must be assessed by reference to the impact on the contiguous states' markets as well as the markets in the noncontiguous points.

9. AT&T states that it appears the costs of providing interstate service between the noncontiguous points other than Alaska and the contiguous states can continue to be recovered through AT&T's nationwide averaged rates, assuming that additional cost savings can be realized from the utilization of more efficient facilities and procedures for service to Puerto Rico and the Virgin Islands. It states that the revenues for interstate MTS–WATS service for Hawaii approximate the cost of providing the service and indicates that there is a deficiency of about $15 million for service to Puerto Rico and the Virgin Islands. Based on the belief that cost reductions for service to Puerto Rico and the Virgin Islands can be achieved, AT&T supports continuation of rate integration for these two points. It expects that the implementation of subscriber line charges and the recent changes to the Separations Manual will have the same effect on the carriers serving the noncontiguous points as it has no carriers in the contiguous states.

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[7] A description of the development of rate integration and the mechanisms for implementing it is contained in Sectin II "Existing Policies" of the *December Notice*.

[8] Integration of Rates and Services, FCC 84–616 (released Dec. 11, 1984), *appeal dismissed sub nom.* American Telephone and Telegraph Co. v. FCC, 84–1606 (D.C. Cir. May 15, 1985).

[9] MTS and WATS Market Structure Inquiry, 81 FCC 2d 177 (1980).

[10] MTS and WATS Market Structure Inquiry (Phase II), 92 FCC 2d 787 (1982), *recon. denied*, FCC 83–213 (released May 9, 1983).

[11] Competitive Carrier Rulemaking (Fourth Report and Order), FCC 83–481 (released November 2, 1983).

[12] Integration of Rates and Services, FCC 84–512 (released Dec. 11, 1984) (*GCI Order*), *appeal dismissed sub nom.* American Telephone and Telegraph Co. v. FCC, No. 84–1605 (D.C. Cir. May 14, 1985).

[13] General Communication Incorporated v. Alascom, Inc., and American Telephone and Telegraph Co., No. C84–523 (W.D. Wash. filed Apr. 24, 1984), *amended complaint*, (filed Nov. 29, 1984).

[14] Integration of Rates and Services, FCC 85–235 (released May 1, 1985), *appeal pending sub nom.* Alascom, Inc. v. FCC, No. 85–1279 (D.C. Cir. filed May 6, 1985).

[15] Hawaii also raises questions concerning differences between submarine cable and satellite costs as reflected in different tariff rates for service provided over these two types of facilities. This question, to the extent it is not a tariff question, is more closely related to issues involving the allocation of interexchange plant which are already before the Joint Board in CC Docket No. 80–286 than to the question of rate integration. *See* Amendment of Part 67, FCC 84–133 (released Apr. 11, 1984), 49 FR 18318 (Apr. 30, 1985). Accordingly, this issue is not being addressed in this docket.

and therefore will not have any adverse long-term impact on the Commission's rate integration policies.

10. The Comments in response to the *December Notice* concerning service to Hawaii, Puerto Rico and the Virgin Islands raise no significant concerns regarding the compatibility of rate integration and competition for interstate service to and from those points. Rate integration, as established in *Domsat II*, implicitly is a recognition that a rate structure that averages rates in forty-eight states and deaverages rates in two states could subject the residents of those two states to an unreasonable disadvantage and that, therefore, a rate structure that uses different ratemaking methods to determine the rates that different users pay for comparable services is inconsistent with the national policy prohibiting unjust or unreasonable rate discriminations, as expressed in section 202(a), 47 U.S.C. section 202(a).[16] Our review of the record and our involvement in the rate integration process for more than a decade lead us to the conclusion that the existing rate integration policies and competition in the provision of service to these three points are compatible. Accordingly, we reaffirm that rate integration is consistent with sections 201(b) and 202(a), 47 U.S.C. sections 201(b) and 202(a), given the utilization of averaged rate structures in the mainland states.[17] We also reaffirm our findings that competitive entry, as it has been extended to these three noncontiguous points, furthers the public interest. Accordingly, we are terminating the inquiry with respect to these three jurisdictions.

11. Two points, however, will be addressed briefly. Hawaii's comments raise concerns about the breadth of the application of the rate integration policy and indicate that attention should be paid to the impact of any changes on universal service. The application of the rate integration policies to a specific service are beyond the scope of this proceeding and can best be considered in conjunction with a specific tariff filing. Since we are making no changes to the rate integration or competitive policies as they apply to the three noncontiguous points, there will be no adverse impact on universal service. However, we note that considerable attention has been given to such matters in the recent proceedings in CC Docket No. 80-286.[18]

12. AT&T indicates that additional cost savings for service between Puerto Rico and the Virgin Islands and the contiguous states are desirable since the cost of interstate MTS-WATS service to these two points exceeds revenues by approximately $15 million. Cost savings from operational efficiencies are clearly desirable and we encourage the carriers to make every effort to achieve such efficiency gains. Based on the apparent belief that such cost reductions can be achieved, AT&T supports continuation of the rate integration policies for the two Caribbean points. Accordingly, we will not conduct further proceedings concerning these issues.

III. Alaska

13. The comments in response to the *December Notice* offer no consensus concerning the compatibility of our rate integration and competitive policies in the Alaska interstate telecommunication market. Several alternatives for structuring the Alaska interstate MTS-WATS markets are presented. Alascom supports continuing the existing rate integration process essentially unchanged. ATU supports providing a subsidy to any facility-based competitive carrier operating in the Alaska market. AT&T recommends dividing the Alaska market at the Class IV switch. Under its proposal, the Class IV switching facilities and all facilities between these switches and the contiguous states would be treated pursuant to existing rate integration principles, while the remainder of the interexchange facilities would be treated essentially as access facilities with recovery of the asserted high costs spread among all interexchange carriers.[19] GCI proposes phasing out support for competitive routes over a period of years, with noncompetitive routes subject to competitive bidding. Alaska takes the position that rate integration is vital, emphasizing that the mechanism underlying rate integration must be adequate to support it without adverse impact on the goal of universal service. Alaska also states that the mechanism should be as consistent with competition as possible.

14. The parties supporting each of the alternatives view them as being compatible with rate integration and a competitive environment in Alaska. Each proposal is also criticized by other commenting parties as failing to achieve these objectives, or as merely furthering the self-interest of its proponent. A proper evaluation of the proposals, and the development of any modifications to existing policies and rules, if necessary, requires more information than is contained in the existing record. Additionally, if a restructuring of the market rules is found to be necessary, it will probably be necessary to make some adjustments to the separations procedures in order to harmonize rate integration and competition in a revised market structure. The decision will also involve consideration of the effects any changes will have on intrastate rates and service within Alaska. Accordingly, we are making a discretionary referral to a Joint Board for a recommendation on any market structure changes necessary to harmonize rate integration and competition in the Alaska interstate market. The Joint Board, pursuant to the mandatory provisions of section 410(c), is also being asked to recommend any changes in separations procedures relating specifically to Alaska that may be required to implement any market structure changes it recommends.[20] The Joint Board will begin the process of collecting the necessary data in the near future.[21] Interested persons will have an opportunity to file comments, including revised proposals for reconciling rate integration and competition in light of this data.

15. The Joint Board is to prepare a recommended decision on the prospective aspects of the issues raised by the allegations of incompatibility

[16] MTS and WATS Market Structure Inquiry, 81 FCC 2d at 192 (1980).

[17] *See* Guidelines for Dominant Carriers' Optional MTS Rates and Rate Structure Plans (Notice of Proposed Rulemaking), 100 FCC 2d 363 (1985); *see also*, MTS and WATS Market Structure Inquiry (Phase I), *supra*.

[18] Amendment of Part 67, FCC 84-637 (released Dec. 28, 1984), 50 Fed. Reg. 939 (Jan. 8, 1985).

[19] On December 21, 1984, AT&T filed a motion seeking expedited action on its plan for reallocating the alleged support burden among all interexchange carriers and requested the establishment of a timetable for action. By this Notice we are referring AT&T's plan, among others, to the Joint Board for review. Accordingly, its motion is granted to that extent. However, we do not find it necessary to establish a timetable for resolving the issues in this docket since no reason has been presented suggesting that the Joint Board will act in other than an expeditious manner.

[20] We have referred separations issues relating to a broad range of interexchange plant and expense categories to a separate Federal-State Joint Board in CC Docket No. 80-286, including consideration of whether changes are necessary in the manner in which satellite facilities and expenses are allocated between the state and federal jurisdictions. Amendment of Part 67, FCC 84-133 (released Apr. 11, 1984), 49 Fed. Reg. 18318 (Apr. 30, 1984). However, this Joint Board will be focusing on matters specific to Alaska, while the Joint Board in CC Docket No. 80-286 will be examining broader questions concerning nationwide separations policy.

[21] Each Joint Board is encouraged to utilize any data that may be available as a result of data requests of the other Joint Board in order to reduce burdens on carriers or other interested parties. We are not, however, cross-docketing the two proceedings. Appropriate reference will be made to any data that is to be utilized.

between rate integration and competition in Alaska. Issues relating to the Alaska interstate telecommunication market are currently pending in several forums. In addition to the issues in this docket, allegations of a variety of anticompetitive acts have been raised in an antitrust suit filed by GCI against AT&T and Alascom.[22] The United States District Court in Seattle has referred several issues in the antitrust suit to the Commission under the doctrine of primary jurisdiction in response to a Commission motion requesting such referral.[23] Accordingly, we urge the Joint Board to expedite its review of the issues being referred in this order. In evaluating the various factors, the Joint Board generally may be guided by the discussion in the *December Notice*. However, we shall highlight several points for consideration by the Joint Board.

16. The comments generally support the desirability of continuing the rate intergration and procompetitive policies for Alaska, although they propose different approaches for achieving that end. The high cost of serving Alaska, particularly the bush communities, and the importance of support for Alaska telecommunication service to ensure affordable rates is consistently recognized. We have in previous decisions recognized the high costs associated with service to much of Alaska.[24] The broad principles underlying our decision to adopt the rate integration policy in *Domsat II* appear to remain valid and we do not at this time propose to abandon our rate integration policy. This should not suggest that the existing mechanism is the only one that will achieve this objective. It is also possible that the high costs may necessitate a longer transition period for the implementation of full rate integration for Alaska than was previously contemplated.

17. Several commenting parties suggest that the costs of supporting the high cost service to all or some of Alaska be identified and recovered from all interexchange, facility-based carriers to avoid unfairly burdening AT&T in the contiguous states' market. We request the Joint Board to study the amount of assistance necessary to support telecommunication service to Alaska, and, if necessary to prevent an unfair burden on AT&T, to recommend a method of recovering the high costs of serving Alaska from interexchange carriers. Any such mechanism should take into account NYNEX's concern that recovery of additional support amounts from the interexchange carriers through the access charge mechanism increases the potential for bypass, and should minimize any negative impact on the potential for competitive entry in Alaska.

18. In evaluating the alternative market structures proposed in the comments and recommending a market structure that will be compatible with rate integration principles, the Joint Board should carefully consider the impact of the present distance sensitive allocation of satellite and earth station costs on the underlying market incentives of carriers seeking to serve Alaska. It should also consider what network structure is likely to produce the most efficient competitive operations, with any recommendation reflecting these efficiency considerations. The market structure recommended should avoid encouraging uneconomic facility duplication. Additionally, Alascom's obligation to serve the entire state is a significant factor in evaluating the various public interest considerations raised in the comments.

19. The Joint Board, in evaluating the various market structures, should consider the total cost involved in supporting telecommunication service to Alaska. This includes both direct and indirect costs. It should also consider the impact on intrastate rates for Alaska as a consequence of changes in traffic patterns associated with the structure under consideration.[25]

20. GCI asserts that Alascom's interconnection arrangements with AT&T are economically discriminatory when compared to the interconnection GCI receives from AT&T. This results, according to GCI, from Alascom's participation in settlement arrangements with AT&T that provide Alascom with more cash support than is generated from the revenues associated with interstate MTS–WATS service to and from Alaska, as well as from AT&T's provision to Alascom of distribution in the contiguous states at no cost. Several parties challenge GCI's characterization and legal conclusions, contending that the joint rate arrangement, and underlying settlement procedures, are not unjustly or unreasonably discriminatory. These parties contend that the existing joint rates are lawful, and that the provision of a preferential rate to GCI would constitute an unjust or unreasonable discrimination in violation of section 202(a). We will not recount the detailed contentions. However, in evaluating the various allegations in this area, the Joint Board is to consider the requirements of sections 201(b) and 202(a) as they relate to the determination of just, reasonable and nondiscriminatory rates. In this regard, we note that the Joint Board's mandate relates to the fashioning of a prospective market structure. It is not being asked to consider the lawfulness of any existing Commission policy, or the compliance of any carrier with such policy.[26]

21. While we have specified several considerations affecting the issues being referred to the Joint Board, we are not in any way precluding the Joint Board from considering other relevant factors or from recommending other changes that will make the existing mechanism, or a revised mechanism, more workable. The Joint Board should recommend any changes in the Commission's Rules that may be necessary to implement its recommendations.

V. Ordering Clauses

22. For purposes of this nonrestricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contracts, except as modified by the Joint Board for the Joint Board portion of the proceeding, are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments or pleadings and formal arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff that addresses the merits of the proceeding. (State Commissioner and staff members will be treated as FCC Commissioners and staff for purposes of the *ex parte* rules.) Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Secretary, Federal Communications Commission, for inclusion in the public file. Any person who makes an oral *ex*

[22] *See* Note 13, *supra*.

[23] General Communication Incorporated v. Alascom, Inc., No. C84-523 (W.D. Wash. referred Aug. 26, 1985).

[24] MTS and WATS Market Structure Inquiry (Phase II), 92 FCC 2d at 793–94, 838–39

[25] For example, under the existing arrangements, a shift in traffic to a competitor affects the allocation factors in the separations procedures, resulting in additional costs being assigned to the intrastate jurisdiction.

[26] The Joint Board could conclude that a revised mechanism for the future would be consistent with the public interest, without necessarily finding, or even implying, that the previous procedures had been unlawful.

parte presentation addressing matters not fully covered in any previously filed written comments in the proceeding must prepare a written summary of that presentation. On the day of the oral presentation, that written summary must be served on the Commission Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation summary described above must state on its face that the Secretary has been served, and must also state, by docket number, the proceeding to which it relates.[27] The Joint Board in CC Docket No. 80-286 has modified the Commission's *ex parte* rules somewhat for purposes of the proceedings before it.[28] To avoid confusion, we are asking this Joint Board to use the same *ex parte* procedures as the CC Docket No. 80-286 Joint Board unless it finds that those procedures should be modified.

23. Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. section 605(b), it is certified that sections 603 and 604 of the Act do not apply because resolution of this matter will not have a significant economic impact on a substantial number of small entities. The Commission has found that local exchange carriers do not come within the Regulatory Flexibility Act's definition of a small entity.[29] Although competitive entrants may also be affected by the Commission's decisions in this proceeding, our determinations will not have a significant effect on a substantial number of small entities.

24. Accordingly, it is ordered, pursuant to sections 1, 4 (i) and (j), 201-205, 221, 403, and 410(c) of the Communications Act of 1934, as amended, 47 U.S.C. sections 151, 154 (i) and (j), 201-205, 221, 403, and 410(c), That a rulemaking proceeding is hereby initated by this *Notice of Proposed Rulemaking*.

25. It is further ordered, That a Joint Board is hereby convened pursuant to section 410(c) of the Communications Act of 1934, as amended, 47 U.S.C. section 410(c), and shall consider the issues raised in this *Notice* and shall submit recommendations to the Commission for its consideration. This Joint Board shall be comprised of Chairman Fowler, Commissioner Quello, and Commissioner Patrick of the Federal Communications Commission and four State Commissioners to be nominated by the National Association of Regulatory Utility Commissioners and approved by this Commission. The state commission members of this Joint Board will be designated in a subsequent order.

26. It is further ordered, That the schedule for the filing of comments, reply comments, or any other submissions concerning this matter shall be established by the Joint Board.

27. It is further ordered, That the inquiry with respect to Hawaii, Puerto Rico and the Virgin Islands is terminated.

28. It is further ordered, That the motion by the State of Alaska and the Alaska Public Utilities Commission to accept later filed reply comments is granted.

29. It is further ordered, That the motion of the American Telephone and Telegraph Company requesting expedited action on its proposal and establishment of a timetable for action is granted to the extent indicated herein.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-24577 Filed 10-11-85; 8:45 am]

BILLING CODE 6712-01-M

[27] Policies and Procedures Regarding Ex Parte Communications During Informal Rulemaking Proceedings, 78 FCC 2d 1384 (1980).

[28] Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board, FCC 82-106 (released March 5, 1982).

[29] Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board, 98 FCC 2d 781, 810 (1984).

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47 CFR Part 73

[MM Docket No. 85-108]

Compatibility Problems Between the Major Broadcasting Services and the VHF Aeronautical Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: This action extends of time period in which to file comments and reply comments to the *Notice of Proposed Rule Making* concerning compatibility problems between the major broadcasting services and the VHF aeronautical mobile radio services.

DATES: The dates for filing comments and reply comments are extended to and include December 2, 1985, and January 10, 1986, respectively.

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

FOR FURTHER INFORMATION CONTACT: Kathryn S. Hosford, Mass Media Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting, Television broadcasting.

Order extending time for filing comments and reply comments

By the Chief, Mass Media Bureau.

In the matter of compatibility between the Broadcasting Services and the VHF Aeronautical Mobile Radio Services; MM Docket No. 85-108.

Adopted: October 7, 1985.
Released: October 8, 1985.

1. An extention of the time for filing comments to the *Notice of Proposed Rule Making*, (50 FR 19392 (May 8, 1985)) in the above captioned docket has been requested by Aeronautical Radio, Inc. (ARINC). In support, the petition states that the Aeronautical Frequency Committee, which is coordinated by ARINC and includes most major airlines, is to meet on October 15-16, 1985. It request an additional three weeks, to November 1, 1985, to prepare useful comments reflecting a coherent industry consensus on the issues.

2. In granting this petition, the Commission also wishes to recognize the deliberations of the Final Meetings of the CCIR Study Groups 8 and 10 which will deal with this subject matter in Geneva shortly. Because these meetings will be held from October 17 to November 20, 1985, the comment date will be extended to allow the industry to incorporate pertinent information that may arise from these international discussions.

3. Accordingly, it is ordered, that the dates for filing comments and reply comments are extended to and including December 2, 1985, and January 10, 1986, respectively.

4. This action is taken pursuant to authority found in sections 4(i) and 303 of the Communications Act of 1934, as amended, and § 0.283 of the Commission's rules.

Federal Communications Commission.

James C. McKinney,

Chief, Mass Media Bureau.

[FR Doc. 85-24580 Filed 10-11-85; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 50, No. 199
Tuesday, October 15, 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.

COMMISSION ON CIVIL RIGHTS

South Carolina Advisory Committee; Agenda and 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 South Carolina Advisory Committee to the Commission will convene at 7:30 p.m. and adjourn at 10:00 p.m. on November 19, 1985, at the Litchfield Inn, Drawer 98, Spirit Room, Pawleys Island, South Carolina. The purpose of the meeting is to brief members for community forum on black participation in the electoral process in Georgetown, city and county.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Elizabeth Patterson, or Bobby Doctor, Director of the Southern Regional Office at (404) 221–4391, (TDD 404/221–4391).

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, October 8, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–24468 Filed 10–11–85; 8:45 am]

BILLING CODE 6335–01–M

South Carolina 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 South Carolina Advisory Committee to the Commission will convene at 9:00 a.m. and adjourn at 6:00 p.m. on November 20, 1985, at the Western Sizzlin Restaurant, U.S. Highway 17 North, Banquet Room, Georgetown, South Carolina. The purpose of the meeting is to conduct a community forum on black participation in the electoral process in the city and county of Georgetown.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Elizabeth Patterson, or Bobby Doctor, Director of the Southern Regional Office at (404) 221–4391, (TDD 404/221–4391.

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

Dated at Washington, DC, October 8, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–24469 Filed 10–11–85; 8:45 am]

BILLING CODE 6335–01–M

Virginia Advisory Committee; Agenda and 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 Virginia Advisory Committee to the Commission will convene at 9:00 a.m. and adjourn at 3:00 p.m. on October 31, 1985, at the Radisson Hotel, 235 W. Main Street, Charlottesville, Virginia. The purpose of the meeting is to plan future program activities and review a draft briefing memorandum the Committee will submit to the U.S. Commission on Civil Rights concerning a current assessment of civil rights complaints in Virginia, resources available to handle such complaints, and the views of persons in Virginia concerning the need for a Virginia human rights law and commission.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Benjamin Bostic, or John I. Binkley, Director of the Mid-Atlantic Regional Office at (202) 254–6717, (TDD 202/254–5461).

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, October 8, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–24470 Filed 10–11–85; 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 9:30 a.m. and adjourn at 1:00 p.m. on November 22, 1985, at the Radisson Hotel Saint Louis, 9th Street at Convention Plaza, St. Louis, Missouri. The purpose of the meeting is to discuss the Committee's project on State and local human rights agencies and to develop plans for FY '86 projects and activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Morris Zimring, or Melvin Jenkins, Director of the Central States Regional Office at (816) 374–5253, (TDD 816/374–5009).

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

Dated at Washington, DC, October 8, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 24564 Filed 10–11–85; 8:45 am]

BILLING CODE 6335–01–M

Vermont Advisory Committee; Agenda and 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 Vermont Advisory Committee to the Commission will convene at 7:30 p.m. and adjourn at 9:30 p.m. on November 1, 1985 and convene at 9:00 a.m. and adjourn at 4:00 p.m. on November 2, 1985, at the Brandon Inn, Rotary Room, Brandon, Vermont. The purpose of the meeting Friday evening is to discuss methodology for the proposed Committee project on "Civil Rights Laws and Methods of Enforcement in Vermont." On Saturday the Committee will conduct a community forum on civil rights issues in Vermont.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Kenneth Holland, or Jacob Schlitt, Director of the New England Regional Office, at (617) 223–4671, (TDD 617/223–0344).

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

Dated at Washington, DC, October 8, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-24565 Filed 10-11-85; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

David Taylor Naval Ship Research and Development Center; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket Number: 85-223. Applicant: David Taylor Naval Ship Research and Development Center, Annapolis, MD 21402-1198.

Instrument: Electron Microscope-STEM System. Manufacturer: N.V. Philips, The Netherlands. Intended use: See notice at 50 FR 29243.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: This application relates to a compatible accessory for an instrument that has been previously imported for the use of the applicant institution. The article is being manufactured by the manufacturer which produced the instrument with which it is intended to be used. The accessory is pertinent to the applicant's intended uses and we know of no comparable domestic article.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel

Director, Statutory Import Programs Staff.

FR Doc. 85-24515 Filed 10-11-85; 8:45 am]

BILLING CODE 3510-DS-M

Yale University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C.

Docket number: 85-192. Applicant: Yale University, New Haven, CT 06520. Instrument: Fourier Transform Spectrometer, Model IZMO5 with Accessories. Manufacturer: Bomem, Canada. Intended use: See notice at 50 FR 26395.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides an unapodized resolution of 0.0026 cm^{-1}. The capability of the foreign instrument described above is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Director, Statutory Import Programs Staff

[FR Doc. 85-24516 Filed 10-11-85; 8:45 am]

BILLING CODE 3510-DS-M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the certificate should be issued.

FOR FURTHER INFORMATION CONTACT: James V. Lacy, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A certificate of review protects its holder and the members identified in it from private treble damage actions and from civil and criminal liability under Federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a certificate should be issued. An original and five (5) copies should be submitted not later than November 4, 1985 to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, DC 20230.

Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 85-00014."

Applicant: Grays Harbor Exporting-Importing Company ("GHETCO"), P.O. Box 1462, Aberdeen, Washington 98520-0126. Telephone: 206-532-6621.

Application No.: 85-00014.

Date Received: September 30, 1985.

Date Deemed Submitted: September 30, 1985.

Members (in addition to applicant): O'Dean Williamson, Ray Ericks, and John L. Farra.

Controlling Entity: None.

Summary of Application: GHETCO has submitted an application seeking certification for the following export-related activities:

A. Export Markets

The Export Markets will be worldwide, with primary emphasis on South America.

B. Export Trade

The Applicant and its Members intend to export all products with initial focus on prefabricated or modular homes; forest products, including construction materials; agricultural produce; processed food and beverages; and related technical services (e.g. engineering, architectural and consulting services, maintenance and other technology).

C. Export Trade Activities and Methods of Operation

GHETCO intends to respond to export opportunities by taking title to goods for export on its own account, acting as an agent on behalf of individual suppliers, or acting as a broker, bringing importers and purchasers in the Export Markets together with individual U.S. suppliers of Export Trade. GHETCO intends to contact suppliers (including competing suppliers), on a one-to-one basis, to elicit price, volume, estimated delivery, and other information pertinent to responding to export opportunities. GHETCO expects to deal with individual suppliers primarily on a non-exclusive basis, but may enter into exclusive contracts with individual suppliers. GHETCO may sub-contract out to suppliers to fill orders for Export Trade. GHETCO intends to deal with traders and purchasers in the Export Markets primarily on a non-exclusive transaction-by-transaction basis, but may enter into exclusive agreements with such persons from time to time. On rare occasion GHETCO may act as a purchasing agent on behalf of customers. GHETCO may deal in countertrade, barter and similar transactions.

Dated: October 8, 1985.

James V. Lacy,

Director, Office of Export Trading Company Affairs.

[FR Doc. 85-24544 Filed 10-11-85; 8:45 am]

BILLING CODE 3510-DR-M

Importers and Retailers' Textile Advisory Committee; Notice of Partially Closed Meeting

A meeting of the Importers and Retailers' Textile Advisory Committee will be held on October 24, 1985, 10:30 a.m., Herbert C. Hoover Building, Room 6802, 14th and Constitution Avenue, NW., Washington, D.C. 20230. (The Committee was established by the Secretary of Commerce on August 13, 1963 to advise Department officials of the effects on import markets of cotton, wool and man-made fiber textile and apparel agreements).

General Session: 10:30 a.m. Review of import trends, international activities, report on conditions in the market, and other business.

Executive Session: 11:30 a.m. Discussion of matters properly classified under Executive Order 12356 (3 CFR Part 166 (1982) and listed in 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. 553b (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 Facility Room 6628, U.S. Department of Commerce, (202) 377-3031.

For further information or copies of the minutes contact Helen L. LeGrande, (202) 377-3737.

Dated: October 10, 1985.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 85-24741 Filed 10-11-85; 11:34 am]

BILLING CODE 3510-DR-M

Management-Labor Textile Advisory Committee; Notice of Partially Closed Meeting

A meeting of the Management-Labor Textile Advisory Committee will be held on Wednesday, October 23, 1985, at 1:00 p.m., Room 6802, U.S. Department of Commerce, 14th 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 on problems and conditions in the textile and apparel industry).

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 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. 553b (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 Facility Room 6628, U.S. Department of Commerce, (202) 377-3031.

For further information or copies of the minutes contact Helen L. LeGrande, (202) 377-3737.

Dated: October 10, 1985.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 85-24742 Filed 10-11-85; 11:34 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

Construction and Operation of Next Generation Weather Radar (NEXRAD)

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Record of decision.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) has decided to proceed with its plan to install and operate the Next Generation Weather Radar (NEXRAD) system. NOAA has determined that construction and opration of the NEXRAD system will have no significant adverse environmental impacts. All anticipated impacts are or can probably be limited to minor ones. Careful attention to environmental site selection criteria and site layout will ensure that avoidable impacts are, in fact, avoided and that other impacts are minimized.

SUPPLEMENTARY INFORMATION:

Alternatives

The following alternatives to the proposed NEXRAD system were considered:

—No action or postponement of the action
—Continuation of the existing system
—New non-Doppler system
—New coherent non-Doppler system
—Mixed system of new Doppler and non-Doppler radars
—Environmental satellite system.

From an operational point of view, none of the preceding alternatives is capable ot meeting the goals that the NEXRAD system will achieve. If the existing system were continued, the weather radars used by the National Weather Service and all Department of Defense weather radars would be renovated and modernized. Nevertheless, such renovation and modernization would not meet the existing severe weather and aircraft safety requirements.

The alternatives of establishing a new non-Doppler radar system or a new coherent non-Doppler system would result in a significant improvement in reliability and maintenance cost-effectiveness. However, the severe weather warning and aircraft safety improvements attainable with Doppler technology would not be realized.

A mixed system of new Doppler and non-Doppler radars would add to the initial system cost and to the recurring annual cost, and, hence, to the life-cycle cost of the system. The complexities of a mixed system and the loss of some

capability further reduce the apparent value of this alternative.

Finally, the environmental satellite system requires new sensors, the development of which is not expected to occur in time to meet the future weather data requirements.

Thus, each alternative to the proposed action suffers from one or more deficiencies: it would fail to meet severe weather and aircraft safety requirements as well as the NEXRAD system would meet them; it would be less cost-effective; or it would be impractical because key technologies may not be developed in the foreseeable future.

The environmental impacts of the NEXRAD system can be avoided only by not proceeding with the action. The alternatives involving various combinations of Doppler and non-Doppler radars would all cause essentially the same environmental impacts as the proposed action. The satellite alternative would have somewhat different impacts; whether they would represent a new reduction of overall impacts cannot be judged by available information.

The proposed NEXRAD system represents a needed major improvement over the capability of existing weather radars, especially the accuracy, timeliness, and credibility of severe weather warnings. Because the alternatives are essentially the same, none is environmentally preferable. Overall, the proposed action is the preferred course of action.

Mitigation

All practical means to avoid or minimize environmental harm have been or will be adopted. The basic facilities and equipment of the NEXRAD system are known well enough to judge their potential impacts in general terms. However, not all the sites at which the radars will be located have been selected, so it is not yet possible to assess whether the potential impacts may occur and be significant at a particular location. Therefore, the NEXRAD program includes a provision to prepare addenda or supplements, known as Environmental Assessments (EA) to the Programmatic Environmental Impact Statement (EIS).

An EA will be prepared for a particular site if the results of a preliminary site survey show that there is a need for one. An assessment will be appropriate if particular site features for necessary variations in the site plan raise the possibility of significant adverse impacts that were not anticipated in the Programmatic EIS. If the site is highly desirable from other points of view, an EA will be prepared using additional information gathered during an in-depth site survey.

Site selection and evaluation will be an iterative process in which each site is examined in progressively greater detail in three steps. Environmental considerations will be one subset of the evaluation criteria.

The objectives of the environmental analysis will be to determine the need for special environmental design considerations and to identify sites that may require the preparation of a site-specific environmental assessment. The initial site assessment will focus on the identification of environmental issues associated with each site. For new sites, the full range of possible issues will be considered. At existing sites, the possibility for many environmental issues has been precluded by prior development, and only certain possible issues, such as electromagnetic radiation hazards and aewsthetics, may be significant.

The perliminary site survey will verify, by diret observation, the inferences made during the initial site assessment. A survey team will gather readily observable information about site features and environmental conditions that relates to possible environmental impacts. This information will be used to determine the need for an environmental assessment for the site.

Additionally, more detailed envornmental information will be gathered as part of the in-depth site survey if the perliminary site survey indicates the likelihood of significant adverse impacts. Data in hand will be expanded and updated through field observations and interviews. Environmental sampling and measurement will be carried out, if needed, to resolve environmental issues. Specific mitigating measures will be identified, including, if appropriate, a monitoring and enforcement program, and incorporated into site development and operation plans.

A wide rande of possible issues, including biological impacts, air pollution, and use of discovery of hazardous materials and their possible effects, will be considered during the continuing environmental impact analysis. Explicit guidance on these issues will be provided to the site survey teams. Federal, state, and local environmental protection and resource conservation agencies will be consulted throughout the process. Information on required permits and other approvals will be gathered beginning with the preliminary site survey for each site. Complete requirements will be determined during the in-depth site survey.

References

U.S. Department of Commerce, Final Programmatic Environmental Impact Statement, Next Generation Weather Radar, R400–PE201, November 1984.
Sidney J. Everett, "Analysis of the Optical Mix of Doppler and Non-Doppler Weather Radars," SRI International, Prepared for the NEXRAD Joint System Program Office, May 1985.

FOR FURTHER INFORMATION, CONTACT: Mr. John Porter, NEXRAD JSPO, Wx7, National Weather Service, 8060 13th Street, Silver Spring, MD 20910, 301–427–7988.

Dated: September 27, 1985.

John R. Porter,

Chief, Facilities, NEXRAD Joint System Program Office.

[FR Doc. 85–24490 Filed 10–11–85; 8:45 am]
BILLING CODE 3510–12–M

Coastal Zone Management; Federal Conistency Appeal by Southern Pacific Transportation Co. from an Objection by the California Coastal Commission

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of decision by the Secretary of Commerce.

On October 24, 1984, Southern Pacific Transportation Company (Appellant) appealed to the Secretary of Commerce under section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, as amended (CZMA), 16 U.S.C. 1456(c)(3)(A), and implementing regulations at 15 CFR 930 Subpart H, from an objection by the California Coastal Commission (Commission) to a certification that Appellant's proposed rehabilitation of the Santa Ynez River railroad bridge was consistent with California's coastal management program. Appellant's project requires a permit under section 404 of the Clean Water Act from the Army Corps of Engineers for dredge and fill activities. That permit could not be issued over the objection of the Commission, unless the Secretary of Commerce sustained the appeal.

On September 24, 1985, the Secretary of Commerce sustained the appeal on the ground that Appellant's project was consistent with the objectives of the CZMA under 15 CFR 930.121. The Secretary's decision states that (1) Appellant's bridge rehabilitation project furthers the objective of the CZMA for the siting of coastal-dependent

transportation facilities; (2) the adverse effects of the project do not outweight its contribution to the national interest in safe rail transportation; (3) the project will not violate either the Clean Air Act or Clean Water Act; and (4) no reasonable alternative exists which would allow the project to be conducted in a manner consistent with the California coastal management program.

Accordingly, federal agencies may now issue the federal permits for Appellant's proposed project, in spite of the Commission's objection. This decision is a final agency action for purposes of judicial review.

Copies of the Secretary's decision and findings may be obtained at the Office of the Assistant General Counsel for Ocean Services, 2001 Wisconsin Avenue, NW., Room 270, Washington, D.C. 20235

FOR FURTHER INFORMATION CONTACT: L. Pittman, Attorney-Advisor, at the above address or telephone (202) 254–7512.

SUPPLEMENTARY INFORMATION: Notice of the appeal was published in the **Federal Register** on November 16, 1984 (49 FR 45470).

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: October 4, 1985.

Robert J. McManus,

General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 85-24555 Filed 10-11-85; 8:45 am]

BILLING CODE 3510-08-M

Marine Mammals; Application for Permit; Duke University Marine Lab

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Duke University Marine Laboratory (P371).

b. Address: Pivers Island, Beaufort, North Carolina 28516–9721.

2. Type of Permit: Scientific Research.

3. Name and Number of Marine Mammals: Bottlenosed dolphins (Tursiops truncatus) 20.

4. Type of Take: Up to 20 bottlenosed dolphins may be taken by harassment to study the ecology and population structure of the animals.

5. Location of Activity: Taylor's Creek/Beaufort Channel, NC.

6. Period of Activity: 2 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

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

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

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

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

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

Dated: October 8, 1985.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resources Management.

[FR Doc. 85-24566 Filed 10-11-85; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Restraint Limits for Certain Cotton Textile Products Produced or Manufactured in the Republic of Korea

October 8, 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 October 15, 1985. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

The Governments of the United States and the Republic of Korea have exchanged letters dated July 2, and August 19, 1985 further amending their Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated December 1, 1982, as amended, to increase the specific limit for cotton sheeting in Category 313 to 49,154,796 square yards and to decrease that for other woven cotton fabrics in Category 320 to 23,991,662 square yards for goods produced or manufactured in Korea and exported during 1985. These changes have resulted from a Customs reclassification of products within these categories.

SUPPLEMENTARY INFORMATION: On December 27, 1984, a letter was published in the **Federal Register** (49 FR 50237) from the Chairman of the Committee for the Implementation for Textile Agreements, which directed the Commissioner of Customs to prohibit entry of certain cotton, wool and man-made fiber textiles and textile products, including Categories 313 and 320, produced or manufactured in Korea and exported to the United States during the twelve-month period which began on January 1, 1985. The letter to the Commissioner of Customs which follows this notice adjusts the limits for Categories 313 and 320.

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.

October 8, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 21, 1984 which directed you to prohibit entry of certain cotton, wool and man-made fiber textiles and textile products, produced or manufactured in Korea and exported during 1985.

Effective on October 15, 1985, the directive of December 21, 1984 is hereby further

amended to adjust the restraint limits established for cotton textile products in Categories 313 and 320 to the following:

Category	Adjusted 12-mo. restraint limit [1]
313	49,154,796 square yards.
320	23,991,662 square yards.

[1] The limits have not been adjusted to reflect any imports exported during 1985.

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. 85-24517 Filed 10-11-85; 8:45 am]

BILLING CODE 3510-DR-M

Import Limits for Certain Wool and Man-Made Fiber Apparel Products Produced or Manufactured in Taiwan

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 Commissoner of Customs to be effective on October 15, 1985. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

On August 7, and 22, 1985, notices were published in the **Federal Register** (50 FR 31901 and 33994) announcing that the American Institute in Taiwan had requested the Coordination Council for North American Affairs, to enter into consultations concerning exports to the United States of apparel products in Categories 440, 442, 443, 632, and 651, produced or manufactured in Taiwan.

In consultations held August 20-22, 1985, agreement was reached to establish the following limits for these categories for the twelve-month period which began on January 1, 1985 and extends through December 31, 1985:

Category	12-mo. limit
440	10,000 dozen.
442	37,000 dozen.
443	3,885 dozen.
632	4,100,000 dozen pairs.
651	383,750 dozen.

In the letter which follows this notice the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to control imports at the newly-agreed limits. The limits will be adjusted to reflect any imports exported during 1985.

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

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 8, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 21, 1984, which established limits for certain categories of cotton, wool, and man-made fiber textile products, produced or manufactured in Taiwan and exported during 1985.

Effective on October 15, 1985, the directive of December 21, 1984 is hereby further amended to include the following limits for wool and man-made fiber textile products in Categories 440, 442, 443, 632 and 651:

Category	12-mo. restraint limit
440	10,000 dozen.
442	37,100 dozen.
443	3,885 dozen.
632	4,100,000 dozen pairs.
651	383,750 dozen.

Also effective on October 15, 1985, the following amounts should be charged to the foregoing limits: These charges are for goods exported during 1985 and imported during the period, January 1 through August 31, 1985.

Category	Amount to be charged
440	2,519 dozen.
442	17,108 dozen.
443	1,746 dozen.
632	1,758,109 dozen pairs.
651	117,741 dozen.

Textile products in the foregoing categories which have been exported to the United States prior to January 1, 1985 shall not be subject to this directive.

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) pror to the effective date of this directive shall not be denied entry under this directive.

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(a)(1).

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-24518 Filed 10-11-85; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Intent To Prepare Environmental Impact Statement; Vandenberg AFB, CA

The United States Air Force intends to prepare an environmental impact statement (EIS) on oil and gas production on Vandenberg Air Force Base (AFB), California. The mineral rights are generally privately owned and several oil companies which own or lease the mineral rights plan to develop these resources.

Vandenberg AFB consists of 98,400 acres in northern Santa Barbara County. Vandenberg AFB conducts strategic missile training and launch testing and space operations including the space Transportation System (Space Shuttle). The base has 35 miles of undeveloped Pacific coastline, 166 miles of streams, over 5,000 acres of wetlands, 9,000 acres of dune habitat, 4,150 acres of coast live oak woodland and 60 acres of tanbark oak woodland. Several rare threatened and endangered species are found on the installation, and over 560 identified archaeological and historic sites.

The Air Force will analyze the cumulative impacts of oil and gas production including the alternatives of limited or no production. The EIS analysis will include such topics as impacts to ambient air quality, flora, fauna, water quality, water quantity and cultural resources and additional topics raised during the scoping process. The Air Force will consult with Federal, State, and local officials, representatives of mineral rights owners, and others with an interest in resources located on Vandenberg. The Air Force will hold public scoping meetings with date, time, and location announced through local news media.

Questions concerning the EIS, proposed action, or scoping meetings should be addressed to: 1 STRAD/ETD,

Attention Col Stephen Ellis, Vandenberg AFB, CA 93437, Phone (805) 866-1922.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 85-24483 Filed 10-11-85; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Coastal Engineering Research Board; Notice of Open 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 of Committee: Coastal Engineering Research Board.

Date of Meeting: November 4-6, 1985.

Place: San Francisco Bay-Delta Model, Sausalito, California.

Time: 8:00 a.m. to 5:00 p.m. on November 4; 8:00 a.m. to 5:00 p.m. on November 5; 8:00 a.m. to 5:00 p.m. on November 6.

Proposed Agenda: The November 4 session will consist of presentation on a review of CERB business, an overview of fiscal year 1986 Coastal Engineering Research and Development programs, the Fall '85 Nearshore Processes Experiment, DUCK '85, the Joint Coastal Engineering Research Center/People's Republic of China Muddy Coast Study, overview of SPD projects, Fisherman's Wharf Harbor, San Francisco Bay Dredged Material Disposal, Noyo Harbor, Coastal Observer Program, Imperial Beach Project, Framework Geomorphology Reports, Oceanside Sand By-Passing, research needs of the South Pacific and New England Divisions, and a tour briefing.

A helicopter trip (weather permitting) for Board members is scheduled on November 5 to tour North San Francisco Bay, proceed to Bodega Bay Coast Guard Station and take a ground tour at Bodega Bay, fly south along the coast past Ocean Beach Seawall, Pacifica Seawall, and Half Moon Bay to Fort Ord, view Santa Cruz and Monterey Bay areas, and return to San Francisco. A bus tour for attendees will go to Fisherman's Wharf, view the Ocean Beach Seawall, view the coastal area from San Francisco to Santa Cruz and view Santa Cruz, drive to Half Moon Bay and Pacifica, and return to San Francisco.

The morning session on November 6 will be devoted to a presentation and tour of the San Francisco Bay-Delta Model, a discussion of the previous day's field trip and model, recommendations by members of the Board, and selection of date and place for the next CERB meeting.

There is a boat tour scheduled on the afternoon of November 6 in conjunction with the West Coast Regional Coastal Design Conference.

This meeting is open to the public; participation by the public is scheduled for 10:30 a.m. on November 6. The public may attend the tour on November 5, but must provide their own transportation.

The entire meeting is open to the public subject to the following:

1. Since seating capacity of the meeting room is limited, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

2. Oral participation by public attendees is encouraged during the time scheduled on the agenda; written statements may be submitted prior to the meeting or up to 30 days after the meeting.

Inquiries and notice of intent to attend the meeting may be addressed to Colonel Allen F. Grum, Executive Secretary, Coastal Engineering Research Board, Waterways Experiment Station, P.O. Box 631, Vicksburg, Mississippi 39180-0631.

Allen F. Grum,

Colonel, USA, Executive Secretary.

[FR Doc. 85-24615 Filed 10-11-85; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATE: Interested persons are invited to submit comments on or before November 14, 1985.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 426-7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Deputy Under Secretary for Management publishes this notice containing proposed information collection requests prior to the submission of these requests of OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of the collection; (5) The affected public; (6) Reporting burden; and/or (7) Recordkeeping burden; and (8) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: October 9, 1985.

Linda M. Combs,

Deputy Under Secretary for Management.

Office of Vocational and Adult Education

Type of Review Requested: New
Title: Performance Report for State Administered Vocational Education
Agency Form Number: C30-2P
Frequency: Annually
Affected Public: State or local governments
Reporting Burden Responses: 53, Burden Hours: 2,544
Recordkeeping Burden Recordkeepers: 53, Burden Hours: 8,480
Abstract: This new performance report is needed to assist the Department in monitoring a State's administration of vocational education State grants. This report will also provide information needed by Congress to assess the uses of the funds and their impact on youth and adults.

Office of Vocational and Adult Education

Type of Review Requested: Revision

Title: Financial Status Reports for State-Administered Vocational Education
Agency Form Number: ED 2465
Frequency: Annually
Affected Public: State or local governments
Reporting Burden Responses: 53, Burden Hours: 2,915
Recordkeeping Burden Recordkeepers: 53, Burden Hours: 106,000
Abstract: These financial status reports are required to determine each State's compliance with the enabling regulation (34 CFR 74.73), to close out each year's grant and to provide information for the Secretary's Report to Congress on the status of vocational education.

Office of Special Education and Rehabilitative Services

Type of Review Requested: New
Title: Evaluation of the Client Assistance Program (CAP)
Agency Form Number: B20–13P
Frequency: One-time
Affected Public: State or local governments; Businesses or other for-profit; Non-profit institutions
Reporting Burden Responses: 57, Burden Hours: 257
Recordkeeping Burden Recordkeepers: 0, Burden Hours: 0
Abstract: The Department has been mandated by section 112(h) of the Rehabilitation Act, as amended, to conduct a comprehensive evaluation of the Client Assistance Program (CAP) and report specific findings to Congress by February 1, 1986. All 57 CAP Directors will be surveyed to gather the required data.

Office of Educational Research and Improvement

Type of Review Requested: New
Title: The Integrated Postsecondary Education Data System
Agency Form Number: G50–14P
Frequency: Annually; Biennially
Affected Public: State or local governments; Nonprofit institutions; Small businesses or organizations
Reporting Burden Responses: 47,407, Burden Hours: 54,185
Recordkeeping Burden Recordkeepers: 0, Burden Hours: 0
Abstract: The Integrated Postsecondary Education Data System (IPEDS) will provide a complete description of postsecondary education and postsecondary vocational education from an institutional perspective. It will provide information on: (1) Students in postsecondary education; (2) program offerings; (3) institutions that provide postsecondary education; and (4) the human, financial, library, and other resources involved in providing postsecondary education.

Office of Postsecondary Education

Type of Review Requested: Extension
Title: Participants Certification Statement for the Law Enforcement Education Program
Agency Form Number: ED 6A
Frequency: Monthly
Affected Public: Individuals or households
Reporting Burden Responses: 55,884, Burden Hours: 5,588.40
Recordkeeping Burden Recordkeepers: 0, Burden Hours: 0
Abstract: This form is used to collect data to determine whether a loan or grant recipient under the Law Enforcement Education Program earns cancellation credit or repays the Federal indebtedness.

Office of Elementary and Secondary Education

Type of Review Requested: Reinstatement
Title: Form for Nomination of Successful Chapter 1 Projects
Agency Form Number: ED 2474
Frequency: Annually
Affected Public: State or local governments
Reporting Burden Responses: 255, Burden Hours: 1,275
Recordkeeping Burden Recordkeepers: 0, Burden Hours: 0
Abstract: Information will be used to select unusually successfully Chapter 1 projects. Submission of nominations is voluntary and does not affect program funding or eligibility. Descriptions of the most successful projects will be disseminated to improve the quality of Chapter 1 projects throughout the nation.

[FR Doc. 85–24552 Filed 10–11–85; 8:45 am]
BILLING CODE 4000–01–M

Office of the Secretary

Continuation Awards Under Certain Programs; Application Procedure

AGENCY: Department of Education.

ACTION: Application Notice for Continuation Awards Under Certain Programs of the Department for Fiscal Year 1986.

SUMMARY: The Secretary intends to follow a new procedure for inviting applications for Fiscal Year 1986 continuation awards under some of the programs administered by the Department of Education. The Catalog of Federal Domestic Assistance (CFDA) number and the name of each program covered by this notice are listed in a chart at the end of the notice together with the deadline date for the receipt of continuation applications and the deadline date for receipt of State comments under the program.

SUPPLEMENTARY INFORMATION: The Secretary announces a new procedure for inviting applications for Fiscal Year 1986 continuation awards under certain programs. The following paragraphs describe the procedure.

Under 34 CFR 75.100 of the Education Department General Administrative Regulations (EDGAR), the Secretary publishes application notices for both new grants and continuation awards. Under 34 CFR 75.101 of EDGR the Secretary usually includes information in these notices regarding the program covered by the notice, such as the expected number of awards to be made and the average amount of each award. The Secretary has decided that this information is unnecessary in an application notice for continuation awards because the applicants are all existing grantees and can be informed individually. Thus, for these programs the Secretarty will provide all the information and forms necessary for filing a continuation application, including the information usually included in the application notice, in the application package mailed to each eligible grantee. The use of this procedure is intended to reduce the time for delivery of application packages to continuation award applicants. This procedure will also reduce the costs of administering the programs.

Under 34 CFR 75.102(c) of EDGAR, the Secretary publishes a deadline date for the receipt of continuation applications. In accordance with this procedure, this application notice includes the deadline date for the mailing or hand delivery of continuation applications under each program covered by the notice.

The Secretary will provide no further notice in the **Federal Register** during this fiscal year regarding continuation applications under programs covered by this application notice. If any further change in procedure is needed, each affected grantee will be directly notified.

Under some programs of the Department, the Secretary already has published application notices for Fiscal Year 1986 continuation applications. Those programs that have already published application notices are not affected by this notice.

Instructions for Transmittal of Applications: Applicants should note specifically the instructions for the transmittal of applications included below:

Closing Date for Transmittal of Applications: To be assured of consideration for funding, applicants for continuation awards should mail or hand deliver their applications for the applicable program, on or before the closing date listed in the chart at the end of this notice.

If an application is late, the Department of Education may lack sufficient time to review it with other applications for contunuation awards and may decline to accept it.

Applications Delivered by Mail: Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: (CFDA No. [fill in applicable number]), 400 Maryland Avenue, SW., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: Applications that are hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 3633, Regional Office Building #3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays and Federal holidays.

Intergovernmental Review: Each program subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 is indicated by an asterisk preceding the CFDA number for the program in the chart at the end of this notice.

The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accommodated; and
- Revokes OMB Circular A-95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

Immediately upon receipt of this notice, applicants that are governmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application packages for these programs.

In States that have not established a process or chosen these programs for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State, areawide, regional, and local entities must be mailed or hand delivered by the deadline date for programs indicated with an asterisk in the chart in this notice to the following address:

The Secretary, U.S. Department of Education, Room 4181 (CFDA No. [Fill in applicable number]), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Proof of mailing will be determined on the same basis as for applications.

Please Note That the Above Address is Not the Same Address as the One to Which the Applicant Submits Its Completed Application. *Do Not Send Applications to the Above Address.*

Continuation awards for the following programs are covered by this application notice.

FISCAL YEAR 1986 DISCRETIONARY GRANT PROGRAMS

CFDA number and program title	Deadline date for applications	Deadline date for State intergovernmental review comments
Office of Educational Research and Improvement (OERI):		
*84.073D Secretary's Discretionary Fund—National Diffusion Network Program: State Facilitator Projects—continuations	Jan. 10, 1986	Feb. 9, 1986.
*84.073B Secretary's Discretionary Fund—National Diffusion Network Program: Developer Demonstrator Projects—continuations	Jan. 17, 1986	Feb. 16, 1986.
Office of Elementary and Secondary Education (OESE):		
*84.014A Follow Through Program—Grants to Local Educational Agencies—continuations	Mar. 1, 1986	Mar. 31, 1986.
*84.014B Follow Through Program—Sponsors—continuations	Mar. 1, 1986	Mar. 31, 1986.
*84.014D Follow Through Program—Resource Centers—continuations	Mar. 1, 1986	Mar. 31, 1986.
Office of Postsecondary Education (OPE):		
84.031D Institutional Aid Programs—Strengthening and Developing Institutions—continuations	Jan. 15, 1986	N/A
84.031E Institutional Aid Programs—Special Needs Program—continuations	Jan. 15, 1986	N/A
Office of Special Education and Rehabilitative Services (OSERS):		
84.133M Handicapped Research: Field Initiated Research—continuations	Jan. 2, 1986	N/A
84.128A Special Projects and Demonstration for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals—continuations	Jan. 3, 1986	N/A
*84.160A Training of Interpreters for Deaf Individuals—continuations	Jan. 3, 1986	Feb. 2, 1986.
84.129 Rehabilitation Long Term Training—continuations	Jan. 30, 1986	N/A
84.129 Rehabilitation Continuing Education Program—continuations	Jan. 30, 1986	N/A
84.128G Handicapped Migratory Agricultural and Seasonal Farmworkers Vocational Rehabilitations Services—continuations	Feb. 18, 1986	N/A

FISCAL YEAR 1986 DISCRETIONARY GRANT PROGRAMS—Continued

CFDA number and program title	Deadline date for applications	Deadline date for State intergovernmental review comments
84.129 State Vocational Rehabilitation Unit In-Service Training—continuations	Jan. 30, 1986	N/A
84.133N Handicapped Research Special Projects and Demonstrations for Spinal Cord Injury—continuations	June 16, 1986	N/A
Office of Vocational and Adult Education (OVAE):		
*84.077B Bilingual Vocational Training—continuations	Feb. 7, 1986	April 8, 1986.
*84.099B Bilingual Vocational Instructor Training—continuations	Feb. 7, 1986	April 8, 1986.

Further Information: For further information contact Rebecca Beal, Grants and Contracts Service, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 3635, ROB-3), Washington, D.C. 20202. Telephone: (202) 732-2501.

(20 U.S.C. 3851; 42 U.S.C. 9861-9868; 20 U.S.C. 1057-1059, 1060-1063, 1066-1069; 29 U.S.C. 760-762, 774, 777a(a), b, and d; 20 U.S.C. 2441)

Dated: October 8, 1985.

William J. Bennett,

Secretary of Education.

[FR Doc. 85-24550 Filed 10-11-85; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Energy Research

Energy Research Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given of the following meeting:

NAME: Energy Research Advisory Board (ERAB)

DATE AND TIME: November 6, 1985 from 8:30 a.m. to 5:00 p.m. November 7, 1985 from 8:30 a.m. to 4:00 p.m.

PLACE: Department of Energy, 1000 Independence Avenue, SW., Room 8-E089, Washington, DC 20585.

CONTACT: Sarah Goldman, Department of Energy, Office of energy Research, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-5444.

Purpose of the Board: To advise the Department of Energy (DOE) on the overall research and development conducted in DOE and to provide long/range guidance in these areas to the Department.

Tentative Agenda: The specific agenda items and times are frequently subject to last minute changes. Visitors planning to attend for a specific topic should confirm the time prior to and during the day of the meeting.

Tentative Agenda

November 6

8:30 a.m. Informal Discussion
9:00 a.m. International R&D Collaboration Panel
10:00 a.m. Meeting with the Secretary of Energy
12:00 noon Lunch
1:00 p.m. R&D Strategy Panel Report Subpanel Reports
4:50 p.m. Public Comment (10 minute rule)
5:00 p.m. Adjourn

November 7

8:30 a.m. Informal Discussion
9:00 a.m. Progress Report on Nuclear Power Strategy Review
10:00 a.m. Nuclear Power Strategy Briefing by Acting Assistant Secretary for Nuclear Energy
11:00 a.m. Briefing on Oil and Gas Resources
12:00 noon Lunch
1:00 p.m. Briefing on Federal Environmental Research
2:00 p.m. Further Discussion of R&D Strategy Study
3:50 p.m. Public Comment (10 minute rule)
4:00 p.m. Adjourn

Public Participaiton: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Sarah Goldman at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Board is empowered to conduct the meeting in a fashion that will facilitiate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on October 9, 1985.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 85-24560 Filed 10-11-85; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CI86-4-000]

Energy Marketing Exchange, Inc.; Application for Blanket Certificate of Public Convenience and Necessity and for an Order Permitting and Approving Abandonment and Pre-granted Abandonment

October 8, 1985.

Take notice that on October 2, 1985, Energy Marketing Exchange, Inc. ("EME") filed an Application pursuant to Sections 4 and 7 of the Natural Gas Act (NGA), and the provisions of 18 CFR Parts 154 and 157 seeking a blanket certificate of public convenience and necessity (1) authorizing the sale for resale in interstate commerce of certain natural gas (2) authorizing blanket temporary abandonment and pre-granted permanent abandonment of certain sales as described therein, and (3) authorizing transportation by interstate pipelines (and the pre-granted abandonment of same), where and if necessary, to effectuate the sale and purchase of gas on the spot market, as more fully described in the Application which is on file with the Commission and open for public inspection. The Applicant also requests that said blanket authorization be made effective on or before November 1, 1985.

EME states that its experience in the spot market to date demonstrates that the blanket authority as requested is consistent with the Commission's rules and regulations, *i.e.*, Parts 154 and 157 requirements, and is necessary to be compatible with the spot market. Further, EME states that, absent said blanket authorization, the flexibility and efficiency necessary for successful operation of the spot market would be hindered. EME intends to enter into blanket sales and transportation agreements in order to improve effective management of these spot market arrangements, and to facilitate more efficient and cost-effective transportation.

EME emphasizes that no Commission-mandated scheme of contract carriage

or market access is sought by its Application. A decision by an interstate pipeline, intrastate pipeline or local distribution company to have gas transported on its behalf, or to provide transportation services as a participating pipeline, or for pipelines to enter into blanket transportation agreements with EME, is purely voluntary. Rather, EME is seeking to further the efficient operation of the spot market.

Specifically, EME requests that the Commission authorize, effective on or before November 1, 1985:

(1) EME to make sales for resale in interstate commerce, without supply or market limitations, of natural gas not removed by Section 601 of the Natural Gas Policy Act (NGPA) from the Commission's Natural Gas Act jurisdiction (NGA-gas), and which has an applicable maximum lawful ceiling price higher than the NGPA section 109 ceiling price;

(2) Producers to temporarily abandon sales for resale of NGA-gas with an applicable maximum lawful ceiling price higher than the NGPA section 109 price and previously certificated by the Commission, to the extent that such gas is released by interstate pipelines for resale in the spot market to third parties;

(3) Producers to sell on a self-implementing basis NGA-gas with an applicable ceiling price higher than the NGPA section 109 price to EME for resale in interstate commerce to EME's purchasers;

(4) EME and participating producers to abandon (pre-granted abandonment) any sale for resale in the spot market authorized pursuant to any blanket certificate issued herein; and

(5) to authorize any willing transporter to transport both NGA- and non-NGA gas in interstate commerce on a self-implementing basis to EME's customers.

EME is requesting the authorization described herein only to the extent that any element of such authorization is not otherwise made effective on or before November 1, 1985, as a result of Commission action in any other proceeding. In particular, EME references the Commission's Notice of Proposed Rulemaking (NOPR) issued May 30, 1985, in Docket No. RM85-1-000 and states that the blanket authority requested would be supplemental to any flexible transportation scheme which may be finally approved in Docket No. RM85-1-000 and would be consistent with the NOPR's objectives.

Sales proposed to be made by EME will not involve a dedication of reserves. The sales volumes, prices, purchasers, delivery points, transporter, and supply source will vary. Although sales made by EME to end-users would qualify as direct sales, and thus not require a sales certificate, other sales under the blanket authority requested will be for resale and will vary on a periodic basis, depending on the terms of the arrangement. EME proposes to sell and deliver to various spot gas purchasers all or a portion of the gas EME determines is available for sale at the most favorable terms for EME for a particular month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before October 18, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition 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 be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-24477 Filed 10-11-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-2-000]

Northwest Alaskan Pipeline Co; Tariff Changes

October 4, 1985

Take notice that on October 1, 1985, Northwest Alaskan Pipeline Company ("Northwest Alaskan") 295 Chipeta Way, Salt Lake City, Utah 84108-0900, tendered for filing in Docket No. RP85-5-005 the following tariff sheets to its FERC Gas Tariff Original Volume No. 2:

Second Revised Sheet No. 200
Second Revised Sheet No. 207
Second Revised Sheet No. 208
First Revised Sheet No. 213B
First Revised Sheet No. 213C
First Revised Sheet No. 213D
First Revised Sheet No. 213E
First Revised Sheet No. 213F
First Revised Sheet No. 213G
Original Sheet No. 213H
Original Sheet No. 213I
Original Sheet No. 213J
Original Sheet No. 213K
Second Revised Sheet No. 221
Second Revised Sheet No. 258
Second Revised Sheet No. 259
First Revised Sheet No. 272D
First Revised Sheet No. 272E
Original Sheet No. 272F
Original Sheet No. 272G
Original Sheet No. 272H
Second Revised Sheet No. 286

Northwest Alaskan states that it is submitting these sheets to reflect for Canadian gas purchased by Northwest Alaskan from Pan-Alberta Gas Ltd. ("Pan-Alberta") and resold to Panhandle Eastern Pipe Line Company ("Panhandle") under Rate Schedule X-2.

Northwest Alaskan states that it is submitting the above tariff sheets pursuant to the provisions of the amended purchase agreement between Northwest Alaskan and Panhandle and pursuant to Rate Schedule X-2 which provides for an annual redetermination of minimum volumes and commodity charges upon the request of one of the parties.

Northwest Alaskan requests that the above sheets become effective November 1, 1985.

Northwest Alaskan states that a copy of this filing is being served on Northwest Alaskan's customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federla Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before October 11, 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. 85-24478 Filed 10-11-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-1-000]

Pennzoil Co. and Pennzoil Producing Co.; Application

October 8, 1985.

Take notice that on October 1, 1985, Pennzoil Company, and Pennzoil

Producing Company, P.O. Box 2967, Houston, Texas 77252-2967, filed an Application, pursuant to sections 4 and 7 of the Natural Gas Act and the Rules and Regulations of the Federal Energy Regulatory Commission ("Commission"), for Limited-Term, Blanket Abandonment Authorization and for Limited-Term, Blanket Certificate of Public Convenience and Necessity authorizing each of the Applicants to conduct a short-term spot sales marketing program, hereinafter referred to as the Pennzoil Special Marketing Program ("PSMP"), all as more fully set forth in the Application on file with the Commission and open to the public inspection.

Approval would (1) authorize limited-term, blanket abandonments by Pennzoil of sales of natural gas to releasing pipelines, (2) authorize a limited-term blanket certificate of public convenience and necessity authorizing sales of natural gas by Pennzoil in interstate commerce for resale, (3) authorize direct sales of natural gas by Pennzoil in interstate commerce to end-users, (4) authorize sales of natural gas by Pennzoil in interstate commerce for resale and direct sales of natural gas in interstate commerce not only of natural gas owned by Pennzoil, but also of natural gas owned by Pennzoil's joint owners produced from the same well and reservoir as Pennzoil's natural gas, (5) authorize transportation of natural gas by interstate natural gas pipelines, Hinshaw natural gas pipelines, and intrastate natural gas pipelines that participate in the PSMP, (6) confer pre-granted abandonment authorization for all certificated activities conducted in the PSMP, and (7) waive all reporting requirements imposed by the Rules and Regulations of the Federal Energy Regulatory Commission. This authority is necessary to implement a spot sales marketing program. Under PSMP, the Applicants propose to sell on a spot basis contractually committed natural gas that qualifies for the sections 102, 103, 107 or 108 maximum lawful price under the Natural Gas Policy Act of 1978. Applicants will seek temporary releases of gas from the purchasers to whom it is committed in order to meet market demand for spot sales. Releasing purchasers will be given relief from take-or pay liability for any volumes of gas released and sold under the PSMP.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before October 18, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-24479 Filed 10-11-85: 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST80-101-003 et al.]

Texas Gas Transmission Corp. et al.; Extension Reports

October 7, 1985.

The companies listed below have filed extension reports pursuant to section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an intrastate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an interstate pipeline extended under §284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an intrastate pipeline pursuant to § 284.221 which is extended under § 284.105. The following symbols are used for transactions pursuant to a blanket certificate issued under Section 284.222 of the Commission's Regulations: a "G(HT)", "G(HS)" or "G(HA)", respectively, indicates transportation, sale or assignments by a Hinshaw pipeline; a "G(LT)" indicates transportation by a local distribution company, and a "G(LS)" indicates sales or assignments by a local distribution company.

Any person desiring to be heard or to make any protests with reference to said extension report should on or before October 28, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket no.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date	Expiration date [1]
ST80-101-003	Texas Gas Transmission Corp., 3800 Frederica St., Owensboro, KY 42302.	City of Murray, KY	09-06-85	B	12-11-85	
ST82-123-002	Valero Interstate Transmission Co., P.O. Box 1569, San Antonio, TX 78296.	Valero Transmission Co	09-12-85	B	12-15-85	
ST82-127-002	Liberty Natural Gas Co., 5307 E. Mockingbird La., Dallas, TX 75206	Transcontinental Gas Pipe Line Corp	09-10-85	C	12-11-85	
ST82-135-002	Natural Gas Pipeline Co. of America, P.O. Box 1208, Lombard, IL 60148.	Transcontinental Gas Pipe Line Corp	09-11-85	G	12-14-85	
ST82-153-002	Valero Transmission Co., P.O. Box 1569, San Antonio, TX 78296	Valero Transmission Co	09-12-85	C	12-15-85	
ST82-458-002	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Colorado Interstate Gas Co	09-09-85	G	12-12-85	

Docket no.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date	Expiration date [1]
ST84-201-001	Texas Gas Transmission Corp., 3800 Frederica St., Owensboro, KY 42302.	Bridgeline Gas Distribution Co	09-03-85	B	12-01-85	
ST84-204-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Texas Eastern Transmission Corp	09-05-85	G	12-04-85	
ST84-268-001 [3]	United Gas Pipeline Co., P.O. Box 1478, Houston, TX 77001	Mississippi Gulf South Pipeline Co	09-11-85	B	12-02-85	
ST84-274-001	Texas Gas Transmission Corp., 3800 Frederica St., Owensboro, KY 42302.	IMC Pipeline Co., Inc	09-06-85	B	12-14-85	
ST84-298-001	Texas Eastern Gas Pipeline Corp., P.O. Box 2521, Houston, TX 77001	Tennessee Gas Pipeline Co	09-04-85	G	12-04-85	
ST84-374-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Transcontinental Gas Pipe Line Corp	09-13-85	G	12-17-85	
ST84-892-002	Consolidated Gas Transmission Corp., 445 West Main St., Clarksburg, WV 26302.	Transcontinental Gas Pipe Line Corp	08-26-85	G	12-01-86	
ST84-1162-002	Texas Eastern Transmission Corp., P.O. Box 2521, Houston, TX 77001.	Tennessee Gas Pipeline Co	09-06-85	G	12-10-85	

[1] The pipeline has sought Commission approval of the extension of this transaction. The 90-day Commission review period expires on the date indicated.
[3] These extension reports were filed after the date specified by the Commission's Regulation, and shall be the subject of a further Commission order.
NOTE.—The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.

[FR Doc. 85-24480 Filed 10-11-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA86-1-29-000,001]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

October 4, 1985.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on October 1, 1985, the following proposed tariff sheets to Second Revised Volume No. 1 of its FERC gas tariff:

Proposed Tariff Sheets

Thirty-Seventh Revised Sheet No. 12
Thirty-Seventh Revised Sheet No. 15
Second Revised Sheet No. 15-A

The proposed tariff sheets reflect an overall rate increase of 3.5 cents per dt in the commodity or delivery charge of Transco's CD, G OG, E, S-2, ACQ and PS rate schedules. Transco states that the proposed increase is the result of Transco revising its Deferred Adjustment (reflected in Appendix B, p. 1) from the 2.7 cents per dt effective April 1, 1985 to 6.2 cents per dt proposed to be effective November 1, 1985. The 6.2 cents per dt Deferred Adjustment is based upon the balance of $23,583,144 in the appropriate sub account of FERC Account No. 191, which balance has been adjusted to reflect elimination of retroactive Order No. 94 amounts proposed to be billed directly to Transco's customers pursuant to the Commission's Order dated August 15, 1985 in Docket No. RP85-148-000, *et al.*[1]

Transco states over the last two years Transco has developed programs which, in the face of contracts with escalating prices and high take-or-pay obligations, have been designed to reduce gradually Transco's average cost of purchased gas so that such price would eventually be fully market responsive. Each such program has been based upon rolled-in pricing practices consistently required over the years by this Commission. Transco states that its first such program, called its Market Retention Program (MRP) was begun on November 1, 1983 and achieved a savings over the next twelve months of some $90,000,000 or a rate of 69 cents per Mct below the level which Transco's producers would otherwise be entitled to charge. Moreover, Transco states that on November 1, 1984 Transco instituted its Market Maintenance Plan (MMP) for a one-year period, the result of which was to maintain Transco's average cost at its existing level on November 1 despite the contractual "fly-up" which would otherwise occur on January 1, 1985 and to reduce, effective April 1, 1985, Transco's average cost by some 32 cents per Mcf for a direct savings of about $125,000,000 below the average gas cost on November 1, 1984.

On May 30, 1985 the Commission issued its Notice of Proposed Rulemaking (NOPR) in Docket No. RM85-1. Transco states that it is safe to say that the Commission's NOPR envisions a fundamental restructuring of the entire natural gas industry, including the abolition of rolled-in pricing by pipelines and the substitution of a block billing procedure. As a consequence and because of the apparently imminent issuance of a Rule in that docket, the final details of which cannot now be known, Transco states that efforts to effectuate further overall cost savings have necessarily come to a halt. Thus, until the Rule is issued and its effective date is known, Transco is unable to determine the further steps which will or can be taken to manage its gas supply problems. Therefore, beyond November 1, 1985 and so long thereafter as the Rule may not have taken effect, Transco will continue to manage its gas supplies, through efforts to continue its MMP and through the further exercise of market-out provisions, in such a manner as to maintain its average commodity cost of gas at approximately the $3.01 per dt level reflected in its present rates.[2] Consequently, Transco states that in this filing it is making no change in the current gas cost component of its rates from that reflected in Transco's filing in Docket No. TA85-3-29, effective April 1, 1985.

Sulpetro Issue

In its Order of October 31, 1984, in Docket No. TA85-1-29, *et al.*, the Commission set for hearing the issue of the manner in which costs from Sulpetro are flowed through in Transco's rates. The filing in Docket No. TA85-3-29 was made effective on April 1, 1985, subject to the outcome of the decision on the Sulpetro issue in Docket No. TA85-3-29, *et al.* Transco agrees to be bound herein by the outcome of that Sulpetro issue in Docket No. TA85-1-29, *et al.*

Waivers

Under § 154.38(d)(4)(iv)(d) of the Commission's Regulations, a company with a PGA clause must file to adjust its rates each six months to reflect any changes in the balance in its unrecovered purchase gas cost account. Transco states that the instant filing complies with such requirement. Transco states that no such requirement exists with respect to the current gas cost components of a company's rates. Consequently, in Transco's view, no waiver of the Commission's regulations is required for Transco to maintain its current gas cost component. However, because of the unique circumstances

[1] 52 FERC section 61,230

[2] In this regard, Transco's states that its average gas cost, excluding demand charges, for production during the five months April, 1985 through August, 1985 has been approximately the $3.01 per dt contained in the presently effective rates.

concerning the NOPR in Docket No. RM85–1, as noted above, Transco believes that any waiver of the regulations which may be required is clearly warranted in the circumstances and Transco requests any such waiver which the Commission deems to be required.

Transco states that copies of the instant filing are being mailed to its jurisdictional customers and interested state commissions. In accordance with the provisions of § 154.16 of the Commission's Regulations, Transco states that copies of this filing are available for public inspection during regular business hours, in a convenient form and place at Transco's main office at 2800 Post Oak Boulevard in Houston, Texas.

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 Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before October 11, 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. 85-24481 Filed 10-11-85; 8:45 am]

BILLING CODE 6717-01-M

Southwestern Power Administration

Order Confirming, Approving and Placing Integrated System Power Rates in Effect on an Interim Basis

AGENCY: Department of Energy, Southwestern Power Administration (SWPA).

ACTION: Notice of power rate order.

SUMMARY: The Deputy Secretary of Energy, acting under Delegation Order No. 0204–108, 48 FR 55664 (December 14, 1983), has confirmed, approved and placed in effect on an interim basis the following Southwestern Power Administration System Rate Schedules:

Rate Schedule P–84A, Peaking Power
Rate Schedule P–84B, Peaking Power through Oklahoma Utility Companies and/or Oklahoma Municipal Power Authority
Rate Schedule F–84A, Firm Power
Rate Schedule F–84B, Firm Power through Oklahoma Utility Companies
Rate Schedule TDC–82 (Revised), Transmission Service
Rate Schedule EE–82, Excess Energy
Rate Schedule IC–82, Interruptible Capacity.

The rate schedules supersede the existing rate schedules shown below:

Rate Schedule P–4, Peaking Power
Rate Schedule P–4B, Peaking Power through Oklahoma Utility Companies and/or Oklahoma Municipal Power Authority
Rate Schedule F–4A, Firm Power
Rate Schedule F–4B, Firm Power through Oklahoma Utility Companies
Rate Schedule TDC–82, Transmission Service
Rate Schedule EE–2 (Revised), Excess Energy
Rate Schedule IC–2 (Revised), Interruptible Capacity.

EFFECTIVE DATES: Rate Order No. SWPA–18 specifies October 1, 1985, through September 30, 1989, as the effective period for the rate schedules.

FOR FURTHER INFORMATION CONTACT: Francis R. Gajan, Director, Power Marketing, Southwestern Power Administration, Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101, (918) 581–7529.

SUPPLEMENTARY INFORMATION: The SWPA Administrator has determined based on the 1985 Integrated System Current Power Repayment Study, that existing System rates will not satisfy cost recovery criteria specified in Department of Energy Order No. RA 6120.2 and Section 5 of the Flood Control Act of 1944. The Administrator prepared a 1985 Integrated System Revised Power Repayment Study based on additional annual revenue of $756,600 beginning FY 1986.

The increase in annual revenue from $105,355,300 to $106,111,900 will be recovered through a $0.03 per kW increase in the monthly demand charge in Rate Schedules P–84A, P–84B, F–84A, and F–84B. These rate schedules also reflect a one-half mill ($0.0005) per kWh reduction in the purchased power adders as a result of good water conditions experienced recently. The effect of the reduction, when combined with the increased demand charge, will be an overall rate decrease of one to three percent for customers affected by the purchased power adders and an increase of approximately one percent for others. The System rate schedules will be in effect on an interim basis through September 30, 1989, or until confirmed and approved on a final basis by the Federal Energy Regulatory Commission.

Issued in Washington, D.C., this 30th day of September, 1985.

Danny J. Boggs,

Deputy Secretary.

The text of Rate Order No. SWPA–18 follows:

Order Confirming, Approving and Placing Increased Power Rates In Effect on an Interim Basis

September 30, 1985.

In the matter of Southwestern Power Administration—System Rates, Rate Order No. SWPA–18.

Pursuant to sections 302(a) and 301(b) of the Department of Energy Organization Act, Pub. L. 95–91, the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, for the Southwestern Power Administration were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204–33, effective January 1, 1979, 43 FR 60636 (December 28, 1978) the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve and place into effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the Delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0204–33 was amended, effective March 19, 1981, to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy. By Delegation Order No. 0204–108, effective December 14, 1983, 48 FR (December 14, 1983) the Secretary of Energy delegated to the Deputy Secretary of Energy on a non-exclusive basis the authority to confirm, approve and place into effect on an interim basis power and transmission rates, and delegated to the Federal Energy Regulatory Commission on an exclusive basis the authority to confirm, approve and place in effect on a final basis or to disapprove power and transmission rates. This rate order is issued pursuant to the delegation to the Deputy Secretary of Energy.

Background

The existing rate schedules, with the exception of Rate Schedules P–4B and

TDC–82, were originally approved by the Federal Energy Regulatory Commission (FERC) for the period August 1, 1983, through July 31, 1984, in Docket No. EF83–4011–000 and were extended on an interim basis through September 30, 1984, by the Deputy Secretary of Energy in Rate Order No. SWPA–15 issued August 3, 1984. The rate extension was confirmed and approved on a final basis by the FERC in Docket No. EF84–4011–000 issued November 28, 1984. The existing rate schedules were subsequently extended on an interim basis through September 30, 1986, by the Deputy Secretary in Rate Order No. SWPA–16 issued August 29, 1984. The FERC confirmed and approved this subsequent extension on a final basis in Docket No. EF84–4012–000 issued January 22, 1985.

Rate Schedule TDC–82 has been in effect since confirmed and approved on a final basis by the FERC in Docket No. EF84–4051–000 issued February 29, 1984. Rate Order No. SWPA–17 issued May 21, 1985, placed new Rate Schedule P–4B into effect on an interim basis for the period July 1, 1985, through September 30, 1986. Rate Schedule P–4B has been submitted to the FERC for confirmation and approval on a final basis.

The existing Rate Schedules are shown below:

Rate Schedule P–4, Peaking Power
Rate Schedule P–4B, Peaking Power through Oklahoma Utility Companies and/or Oklahoma Municipal Power Authority
Rate Schedule F–4A, Firm Power
Rate Schedule F–4B, Firm Power through Oklahoma Utility Companies
Rate Schedule TDC–82, Transmission Service
Rate Schedule EE–2 (Revised), Excess Energy
Rate Schedule IC–2 (Revised), Interruptible Capacity

Discussion

On June 18, 1985, the Southwestern Power Administration (SWPA) published notice in the **Federal Register** (50 FR 25319) that the Current and Revised 1985 Power Repayment Studies show the need for a minor increase in annual revenues to meet cost recovery criteria for the Integrated System projects. The **Federal Register** Notice was issued in accordance with Title 10, Part 903, Subpart A, of the Code of Federal Regulations entitled, "Procedures for Public Participation in Power and Transmission Rate Adjustments" and apprised the public that the Administrator had developed proposed rate schedules designed to recover additional revenue of $756,600 beginning October 1, 1985. On June 14, 1985, SWPA mailed copies of the proposed rate schedules, a pre-publication copy of the **Federal Register** notice and support data for the 1985 Power Repayment Studies to the customers for review and comment. Based on the date of publication of the **Federal Register** Notice, written comments on the rate proposal were due by July 18, 1985, and are contained along with SWPA's responses in the Comments and Responses Section of this Rate Order.

The rate schedules proposed by SWPA increase annual revenue from $105,355,300 to $106,111,900 which will satisfy cost recovery criteria outlined in Department of Energy Order No. RA 6120.2 and Section 5 of the Flood Control Act of 1944 by increasing annual net revenues by $756,600. The additional revenue would be produced by an increase of $0.03 per kW in the monthly demand charge in rate Schedules P–84A, P–84B, F–84A and F–84B. The monthly demand charge in Rate Schedule P–84A and F–84A would increase from $2.22 per kW to $2.25 per kW and from $2.97 per kW to $3.00 per kW in Rate Schedules P–84B and F–84B. As a result of good water conditions, SWPA included an adjustment to the purchased power adders that have been in effect since the Purchased Power Accounting Mechanism was approved by the FERC August 1, 1983. For the next rate period SWPA has reduced the purchased power adders in Rate Schedules P–84A, P–84B, F–84A and F–84B by one-half mill ($.0005) per kW. The rate schedules retain the adders based on average water conditions, with the one-half mill ($.0005) per kWh reduction included as a credit. The purchased power adder in Rate Schedules P–84A, P–84B, and F–84B is two mills ($.002) per kWh, less the one-half mill ($.005) credit per kWh for a net purchased power adder of one and one-half mills ($.0015) per kWh. The purchased power adder in Rate Schedule F–84A is five mills ($.005) per kWh, less the one-half mill ($.0005) credit for a net purchased power reduction, when combined with the increased demand charge, will be an overall rate decrease of one to three percent for customers affected by the purchased power adders and an increase of approximately one percent for others. The System Rate Schedules proposed by SWPA follow:

Rate Schedule P–84A, Peaking Power
Rate Schedule P–84B, Peaking Power through Oklahoma Utility Companies and/or Oklahoma Municipal Power Authority
Rate Schedule F–84A, Firm Power
Rate Schedule F–84B, Firm Power through Oklahoma Utility Companies
Rate Schedule TDC–82 (Revised), Transmission Service
Rate Schedule EE–82, Excess Energy
Rate Schedule IC–82, Interruptible Capacity.

Rate Schedule P–4A (P–84A) applies to wholesale customers purchasing hydro and/or seasonal peaking power and peaking energy from the Integrated System. This rate schedule is designed for peaking customers who have been supplied 1200 kilowatt hours per kilowatt per year and for two peaking customers who are supplied 1800 kilowatt hours per kilowatt per year (Cajun Electric Cooperative, Inc., and Northeast Texas Electric Cooperative, Inc.). The two 1800 hour customers were converted to 1200 hours usage beginning July 1, 1985.

Rate Schedule P–4B (P–84B) applies to wholesale customers purchasing hydro peaking power and peaking energy from SWPA through transmission facilities owned by the Oklahoma Utility Companies (Public Service Company of Oklahoma (PSO) and Oklahoma Gas and Electric Company (OG&E)), or owned by or available to the Oklahoma Municipal Power Authority (OMPA). This new rate schedule provides for peaking service arrangements with load center deliveries to customers who were previously provided firm service under Rate Schedule F–4B (F–84B). Service under Rate Schedule P–4B (P–84B) is identical to service under Rate Schedule F–4B (F–84B) except the SWPA customers purchase non-Federal energy needs directly from a non-Federal supplier rather than through SWPA, eliminating the need for the purchased power pass-through element of the rate (Company Thermal Energy). Other proposed rate schedule revisions include limiting the effective period of penalties applied for capacity overruns, clarifying billing adjustments for conditions of service and reductions in service, implementing power factor penalties in peaking rate schedules and adding a reference year to rate schedule designations.

The reference year included in the designations of the proposed rate schedules represents the last year of historic data used in developing the Power Repayment Studies that are the basis of the annual revenue requirement. This facilitates chronological identification of the rate schedules and saves confusion when rate schedules are revised. This procedure has been previously adopted for existing Rate Schedule TDC–82. SWPA indicates the penalties applied to capacity overruns in

Rate Schedules P–4 and F–4A have been very successful as a deterrent. However, SWPA further indicates the use of such a penalty during the nighttime hours is unnecessary and serves no practical purpose since SWPA intends the penalty to protect its limited peak capacity resource. Therefore, SWPA plans to eliminate the penalties during the period 10:00 p.m. to 6:00 a.m. SWPA has also experienced some confusion in applying charges for conditions of service in Rate Schedules P–4 and F–4A when deliveries are made at two or more voltages. The wording in these sections has been changed for clarification. SWPA has also changed the formula determining adjustments for reductions in service in Rate Schedules P–4 (P–84A) and P–4B (P–84B). The present formulas are based on the assumption that the customer will schedule 100 hours per month of the annual 1200 hours of energy per kW of capacity. However, since the amount scheduled varies from 60 to 200 hours per month, SWPA has revised the formula to recognize the number of hours that peaking energy is scheduled during the month, but not less than 60. In an effort to encourage more efficient operations, SWPA has implemented adjustments for power factor in proposed Rate Schedules P–84A and P–84B. The adjustments for power factor presently contained in Rate Schedules F–4A (F–84A), F–4B (F–84B), and TDC–82 (TDC–82 (Revised)) have been revised for consistency with the power factor adjustments added to proposed Rate Schedules P–84A and P–84B.

Comments and Responses

The Southwestern Power Administration received written replies from eight organizations regarding its notice for public comment on the System rate adjustments proposed for implementation October 1, 1985. Sam Rayburn Dam Electric Cooperative, Inc., replied by letter dated July 1, 1985; the National Wildlife Federation by letter dated July 2, 1985; Kansas Electric Power Cooperative, Inc., by letter dated July 12, 1985; the Southwestern Power Resources Association, Rayburn Country Electric Cooperative, Inc., Tex-La Electric Cooperative of Texas, Inc., and Northeast Texas Electric Cooperative, Inc., by letters dated July 17, 1985; and the Department of the Army by letter dated July 19, 1985. A number of the organizations either supported, or did not object, to the rate proposal. A summary of the three major comments and responses to these comments prepared by the SWPA staff follows:

Amortization Policy

Comment: The National Wildlife Federation (NWF) and Department of the Army (DOA) comments relate to repayment policy and oppose priority of revenue distribution to the highest interest bearing investment. The NWF further recommends straight-line amortization of the Federal investment to determine revenue requirements.

Response: The comments submitted in connection with the proposed rate filing are virtually the same as those submitted in connection with the previous rate filing approved by the Federal Energy Regulatory Commission January 22, 1985. The comments continue to address repayment policy.

SWPA's repayment policy is set forth in Department Of Energy Order No. RA 6120.2, section 8.c.(3) of that Order states: "To the extend possible, while still complying with the repayment periods established for each increment of investment and unless otherwise indicated by legislation, amortization of the investment will be accompanied by application to the highest interest-bearing investment first." The policy is based on section 5 of the Flood Control Act of 1944 (Flood Control Act) which requires that power and energy from Federal projects be marketed, " . . . at the lowest possible rates to consumers consistent with sound business principles. . . ." Priority of revenue distribution to the highest interest-bearing investment and the actual amortization methodology are separate issues. The policy of paying the highest interest-bearing investment first, results in reduced interest expense and is consistent with the least cost approach directed by the Flood Control Act. Amortization of the capital investment is required by the Flood Control Act to be accomplished, " . . . over a reasonable period of years. . . ." This period has been determined by Order No. RA 6120.2 to be within 50 years from the date of commercial service for the hydroelectric projects and to be shorter periods for transmission and replacement investments based on their service lives.

Repayment of investment within the established periods takes priority over distribution of revenue to the highest interest-bearing investment. Priority distribution of revenue to the highest interest-bearing investment is made *only* after payment of current and any deferred annual expense and is a sound business principle which results in the lowest rates for the sale of power and energy to the customers. Proper business management requires priority retirement of the most expensive debt to reduce the cost of borrowing. Also, the benefits of Federal multipurpose hydroelectric projects are available not only to electric customers but to those who benefit from the other project purposes such as flood control, water supply, navigation, and recreation. Therefore, the opportunity exists for most taxpayers to participate in the benefits of the hydroelectric projects financed by Congressional Appropriations. It should be noted that hydroelectric power does, in fact, reap actual monetary benefits to the taxpayer and not just hypothetical, indirect, and less specific benefits. The appropriations are tied to rates of interest determined by the Government's cost of borrowing when the appropriations are made. The interest earned by the taxpayer on appropriations must be paid to the Treasury by the Power Marketing Administrations (PMAs) along with funds to repay the appropriations. Priority of revenue distribution is assigned to payment of imputed annual interest ahead of investment. For PMAs, Congressional Appropriations are the surrogate "debt instrument" which must be repaid within a term not to exceed 50 years. The logic that there are no debt instruments repayable to the Treasury could lead to the erroneous conclusion that no interest should be imputed at all. However, the PMAs (including SWPA) have carefully created a system which endeavors to impute interest costs and interest income that would be identical to the methods used in the private sector. This system includes the management of cash receipts and cash disbursements in such a way as to minimize expenses and maximize proceeds.

SWPA also believes that "Congress intended that sound business principles be applied to protect the Federal investment, not to artificially redude the repayment obligations of the power purchasers." As stated previously, section 5 of the Flood Control Act presents a dual statutory standard regarding rates to be charged for the sale of power and energy. It requires that rates be *both* (1) the lowest possible to consumers and (2) consistent with sound business principles. The requirement to charge the lowest possible rates could result in rates that are too low to repay the Government's investment and related costs, if not governed by the requirements that the rates are to be consistent with sound business principles and recover costs over a reasonable period of years. Conversely, rates that are higher than necessary to pay annual costs and amortize investment could be

determined to be excessive. Therefore, one must consider both requirements when developing power rates. Power Repayment Studies, which are prepared annually, demonstrate whether rates satisfy both requirements. Frequent monitoring of the Power Repayment Studies ensures that appropriate action is taken to repay the Federal investment as stipulated by legislation and resultant policy. The Congress decided in the original, and reiterated in subsequent, Power Marketing legislation that it wishes to recover all of the capital which it has invested in the power features of multiple-purpose water projects, including the cost of land, with interest, over a set period of years which bears no necessary relationship to the useful life of the project. Just as in a home mortgage, the recovery of the capital including capital invested in land, is set for a fixed period. Also, just like a home mortgage, current annual costs (such as taxes for a mortgage or operations and maintenance costs for the PMAs) must also be recovered. The mortgage payment is calculated so that equal payments will be made each year on a combination of interest and return of capital over the set period of years. In the early years, interest payments are large and capital payments are small. In the later years, the reverse applies. The rate of interest, as in a mortgage, is set at the beginning of the loan period and continues throughout the life of the loan.

Had the Congress perceived its investment in power differently, some other method of determining the repayment obligation might well have been appropriate. For example, had the Congress wished to view its investment in power as a permanent investment of public funds which it expected the managers to protect and preserve, it would then have expected that depreciation would have been included in cost recovery. Straight line or some other accepted form of depreciation on the constructed property, but not on the land, over the useful life of the property—not an arbitrarily set period of years—would have been appropriate. Those funds would then appropriately have been reinvested annually in the power program, thus preserving the total capital invested in power. A rate of return would also have been appropriate on that capital, reflecting the current cost of long-term capital to the Treasury. The Congress did not choose a capital budgeting view of its investment. Thus, concepts such as "rate of return" and "straight line depreciation" are inappropriate to determine reapayment obligations. We should remember that we are dealing with the liability side of the balance sheet; hence, the repayment or amortization of a debt, not the depreciation of an asset. The highest interest rate first concept follows logically from these assumptions. The PMAs are placed in the position of a mortgagee, having contracted for several mortgages with different terminal dates and at different interest rates. The statutory requirement to practice sound business principles dictates that the mortgagee reduce his interest burden insofar as possible, consistent with his obligations to repay capital by the terminal dates for each investment.

The Repayment Studies utilize mortgage type, or declining balance, amortization, the commonly accepted method of repaying debt in most businesses, combined with priority application of revenue to the highest interest-bearing investment. Straight-line amortization would abandon the level payment concept presently utilized with no apparent advantage to be gained within the limits of the least cost approach established in the Flood Control Act.

We also believe that it is not financially feasible in a wholly hydroelectric power system to establish a *fixed* schedule of amortization payments in addition to the fixed obligation to recover all annual costs each year, e.g. operation and maintenance, purchase power and wheeling, and interest on the unamortized capital. Therefore, unlike a mortgage, the repayment system permits the PMAs to vary the amount of capital returned to the Treasury from year to year, reflecting the water conditions and, thus, the volume of sales which they experience. The Congress from the beginning recognized that in a hydroelectric marketing system the amount of marketable energy would vary from year to year with the water and agreed, in order to have a stable rate structure, that a reasonable approach to repayment would be to plan to recover capital assuming average water conditions. This enables the PMA to apply a stable rate over a period of years. In good water years, this system recovers more capital than planned; in poor ones, less.

SWPA not only increased its rates effective August 1, 1983, but also changed both their form and structure, to ensure timely repayment of the Federal investment and to avoid variations which had caused earlier deficiencies. The proposed rates are demonstrated by the 1985 Revised Power Repayment Study to repay the Federal investment and related costs within the required number of years without the need for balloon payments in the final years. Of course, as mentioned earlier, the declining balance (or mortgage type) method of amortization will apply greater amounts to interest in early years (less to principal) and greater amounts to principal (less to interest) in later years. There is no impediment to timely repayment of the Federal investment stemming from the present repayment methodology. Impediments most likely to hinder repayment of the Federal investment would center around the inability of a PMA to implement rate increases as needed to cover rising costs, or revised policy that would arbitrarily increase power costs beyond the level of customer demand.

To summarize, SWPA believes that the use of the highest interest-bearing investment first repayment policy does not result in a subsidization of the power users. All power revenues are deposited with the U.S. Treasury upon receipt, and this, of course, reduces the amount of general funds required from the taxpayer. It is important, however, to distinguish the two separate functions involved here: the Treasury's management of Federal funds and the financial management of the PMAs. The Department has concluded that it would be inappropriate for the PMAs (including SWPA) to adopt the perspective of the Treasury Department. The PMAs statutory obligations to repay investment costs financed with appropriations and allocated to power for repayment are similar to obligations associated with term bond financing. That is, no periodic payments are required, but the entire amount must be repaid by a certain time. Any business would manage the repayment of its debts in a way that would minimize its interest expenses and that is what the Department's policy requires the PMAs to do. This debt management practice definitely does not conflict with sound accounting principles nor has it resulted in untimely repayment.

Harry S. Truman Project

Comment: The DOA recognizes that changing conditions at the Truman project will have some effect on future Power Repayment Studies. The NWF is of the opinion that proposed rates will not be adequate to repay the Federal investment as necessary due to the capacity of the Harry S. Truman project being overstated. Tex-La Electric Cooperative, Inc., and Northeast Texas Electric Cooperative, Inc., suggest that the proposed rate increase should be combined with an assessment of the

need for any rate increases relative to the Truman project.

Response: Comments relating to the Harry S. Truman project are based largely on the "Future Direction of Hydropower" draft report prepared by the Kansas City District of the Corps of Engineers. The draft report addresses the potential of reduced capacity availability from the Truman project. The draft report was not available at the time the 1985 Power Repayment Studies were being prepared. However, if the report had been available, a reduced capacity figure may not have been utilized in the Power Repayment Studies, because SWPA is working with the Corps of Engineers to develop a solution that could result in the availability of full capacity from the Truman project. A public meeting was held in Tulsa, Oklahoma, July 25, 1985, at which the Corps of Engineers presented the details of the draft report, and SWPA pointed out several areas in which the draft report appears to be deficient. Public comments were also critical of the draft report. As required by policy, SWPA prepares Power Repayment Studies on an annual basis. Future Power Repayment Studies will take the status of the Truman project into consideration based on developments that have occurred through that point in time. To defer the proposed rate increase until the Truman issue is resolved is not in line with SWPA's objective of maintaining revenue levels on an annual basis to avoid larger increases that could otherwise accumulate. Customer support of this objective has been expressed on numerous occasions.

30-Day Public Comment Period

Comment: The Southwestern Power Resources Association (SPRA) supports the use of annual Power Repayment Studies and rate adjustments based on annual studies to avoid larger rate increases that could occur with less frequent review. The SPRA indicated that a comment period longer than 30 days for minor rate adjustments would be helpful and result in improved input from the public and suggested that a comment period of 45 or 60 days would cause little delay in processing rate proposals.

Response: SWPA follows 10 CFR, Part 903, Subpart A, "Procedures for Public Participation in Power and Transmission Rate Adjustments . . ." (Part 903) in connection with all rate proposals. This document establishes the procedures for public involvement in rate adjustments and prescribes time frames for submitting comments in connection with both "minor" and "major" rate proposals. Part 903 was published in the **Federal Register** December 31, 1980 (45 FR 86983) as a supplement to Delegation Order No. 0204–33 which became effective January 1, 1979. A proposed revision to Part 903 was published in the **Federal Register** January 2, 1985 (50 FR 207) to conform to Delegation Order No. 0204–108, which became effective December 14, 1983, and to include other appropriate changes. The opportunity to comment on proposed changes to Part 903 was provided for a 90-day period beginning with notice published in the **Federal Register** and ending March 4, 1985. Several comments were received, but none suggested a comment period longer than 30 days for minor rate adjustments, which are those generally defined as producing less than a 1 percent change in the annual revenues of a power system. The proposed changes to Part 903 included eliminating the minimum 30-day comment period, but comments were received from the American Public Power Association, the Southeastern Power Resources Committee, and the Sacramento Municipal Utility District supporting a continuation of the 30-day comment period for minor rate adjustments. With these being the only comments addressing the period of review for minor rate adjustments, the 30-day comment period will be retained in the revised Part 903. However, comments submitted by the SPRA relating to the 30-day comment period will be considered in future revisions of Part 903.

Availability of Information

Information regarding this rate proposal including studies, comments and other supporting material, is available for public review and comment in the offices of the Southwestern Power Administration, 333 West 4th, Tulsa, Oklahoma 74101.

Administrator's Certification

The 1985 Revised System Power Repayment Study indicates that the increased power rates will repay all costs of the Integrated system including amortization of the power investment consistent with the provisions of Department of Energy Order No. RA 6120.2. In accordance with Section 1 of Delegation Order No. 0204–108, the Administrator has determined that the proposed System rates are consistent with applicable law and are the lowest possible rates consistent with sound business principles in accordance with Section 5 of the Flood Control Act of 1944.

Environment

The environmental impact of the proposed System rates has been analyzed in consideration of the Department of Energy "Environmental Compliance Guide". The amount of the proposed increase does not warrant an Environmental Assessment or an Environmental Impact Statement in accordance with these regulations.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm, approve and place in effect on an interim basis, effective October 1, 1985, the following SWPA System Rate Schedules which shall remain in effect on an interim basis through September 30, 1989, or until the FERC confirms and approves the rates on a final basis, to supersede the rate schedules named:

Service	Rate	Superseded rate
Peaking Power	P-84A	P-4.
Peaking Power through Oklahoma Utility Companies and/or Oklahoma Municipal Power Authority.	P-84B	P-4B.
Firm Power	F-84A	F-4A.
Firm Power through Oklahoma Utility Companies.	F-84B	F-4B.
Transmission Service.	TDC-82 (Revised)	TDC-82.
Excess Energy	EE-82	EE-2 (Revised).
Interruptible Capacity.	IC-82	IC-2 (Revised).

Issued at Washington, D.C., this 30th day of September 1985.

Danny J. Boggs,

Deputy Secretary.

[FR Doc. 85–24486 Filed 10–11–85; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–2910–7]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 USC 3501 *et seq.*) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been

forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICRs are available for review and comment.

FOR FURTHER INFORMATION CONTACT: Nanette Liepman, 202-382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION: .

Office of Air and Radiation

Title: New Soruce Performance Standards (NSPS) for Automobile and Light Duty Truck Surface Coating Operations (ICR #1064). (This is a reinstatement of an expired Information Collection Request; there are no changes.)

Abstract: Facilities which coat the surfaces of motor vehicles are required to submit reports and to keep records which document compliance with VOC emissions standards. Initial performance tests, monthly calculations of VOC emissions, and processing information are supplied.

Respondents: Owners and operators of facilities which coat motor vehicle surfaces.

Research and Development Programs

Title: Research Questionnaire on Health Habits and Drinking Water (ICR #1283). (The survey is new and the information will be collected one time only.)

Abstract: The Environmental Protection Agency's Office of Research and Development will study cardiovascular risk factors by surveying Wisconsin residents from communities with varying degrees of water hardness.

Respondents: Wisconsin residents from communities with varying degrees of water hardness.

Agency PRA Clearance Requests Completed by OMB

EPA #0012, Request for Vehicle Exclusion from Clean Air Act, was approved 9/13/85 (OMB #2060-0124; expires 9/30/88).

EPA #0261, Notification of Hazardous Waste Activity—Amendment Based on Hazardous and Solid Waste Amendments (HSWA) of 1984—Small Quantity Generators, was approved 9/25/85 (OMB #2050-0028; expires 9/30/88).

EPA #801, Uniform Hazardous Waste Manifest for Generators and Transporters—Amendment Based on HSWA of 1984—Small Quantity Generators, was approved 9/25/85 (OMB #2050-0039; expires 9/30/88).

EPA #0995, Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (ISS Surface Impoundment Design and Operating Certification Requirements), was approved 9/17/85 (OMB #2050-0007; expires 9/30/88).

Comments on all parts of this notice may be sent to:

Nanette Liepman, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), Regulation and Information Management Division, 401 M Street, S.W., Washington, D.C. 20460;
and
Wayne Leis (ICR #1064) or Richard Otis (ICR #1283), Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, N.W., Washington, D.C. 20503.

Date: October 7, 1985.

Daniel J. Fiorino,

Acting Director Regulation and Information Division.

[FR Doc. 85-24411 Filed 10-11-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1541]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

October 8, 1985.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to § 1.429(e). Oppositions to such petitions for reconsideration 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: Licensing Space Stations in the Domestic Fixed-Satellite Service (CC Docket No. 85-135).

Filed by: Carl J. Cangelosi & William F. Taylor for RCA American Communications, Inc., on 9-30-85. Henry Goldberg, Phillip L. Spector, Stephanie Sommer & Regina Harrison, Attorneys for National Exchange, Inc., on 9-30-85.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-24579 Filed 10-11-85; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirement Submitted to the Office of Management and Budget for Review

October 7, 1985.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511 (44 U.S.C. 3507).

Copies of this submission are available from the Commission by calling Doris R. Benz, (202) 632-7513. Persons wishing to comment on this information collection should contact David Reed, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-7231.

OMB No.: 3060-0050.

Title: Application for Ship Radio Inspection or Survey.

Form No.: FCC 801.

Action: Extension.

Estimated Annual Burden: 3,600 Responses; 319 Hours.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-24571 Filed 10-11-85; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

A Guide To Preparing Emergency Public Information Materials

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of availability of A Guide to Preparing Emergency Public Information Materials and technical assistance on its use.

SUMMARY: This serves as notice of the availability of a Guidance on Preparing Emergency Public Information Materials, FEMA REP-11, and a voluntary technical assistance program designed to pilot-test the guidance.

FEMA REP-11 is intended to assist those who prepare public information documents, i.e., State and local governments and the licensees of nuclear power plants, in improving the content and dissemination of energy instruction. It is our goal to increase the the comprehensibility of these documents so that if notification of an emergency becomes necessary, residents in Emergency Planning Zones around nuclear power plants will know what actions to take. With the final publication of this guidance in late 1986, FEMA will have a standard against which public information materials

nationwide can be reviewed consistently.

A voluntary, contractor-supported technical assistance program is being initiated by FEMA Headquarters for several reasons: (1) The technical assistance program will provide the target audience exposure to the principles and techniques of improving emergency public information dissemination as reflected in the guidance. (2) The pilot testing will give FEMA the benefit of practical experience in applying the guidance to several sites-specific situations prior to finalizing the guidance as a standard for required periodic review. (3) State and local governments will have the opportunity to provide input into the final guidance through particiaption in the technical assistance visits. (4) FEMA will collect information about the range of public information and education techniques being utilized and disseminate the most successful techniques. Although only written products will be evaluated at this time, all techniques being used will be recognized and documented.

Until the pilot-testing phase of this technical assistance program is completed and the FEMA REP-11 guidance is finalized, the application of this guidance is voluntary. All written reviews of materials during this one-year period are part of the process of pilot-testing and finalizing FEMA REP-11. Itemized advice and comments should be considered as suggestions. After the one-year period, the finalized FEMA REP-11 will be used as a standard for required periodic reviews.

Scope of Technical Assistance Consultation

Organizations requesting technical assistance reviews will receive an evaluation of all written products designed to communicate emergency public information, with particular emphasis on readability. A contractor team provided by FEMA will provide advice on aspects of content, comprehensibility, design, and distribution. A readability analysis also can be requested as a single-item consultation. All personnel who participate in the product development, including county, state, licensee and Regional office personnel will be invited to take part in the discussion to get maximum benefit of any advice offered and to achieve maximum interaction. Technical assistance can be provided (1) through a field visit by the contractor to the FEMA regional office or to the licensee site; (2) through written correspondence with telephone consultation; or (3) through readability analysis provided with written advice. If technical assistance is requested through correspondence, all parties will receive copies of the written report through the FEMA regional office.

Criteria for Selection As Technical Assistance Site

Organizations interested in technical assistance must make their request through the State to the FEMA Regional Office. State support of the technical assistance is essential to having the contractor perform the review. Due to limited resources available, sites currently operating will receive priority for technical assistance. Geographic distribution also may be a consideration in selecting and scheduling sites for technical assistance.

Procedures for Requesting Technical Assistance

Organizations (licensees, State and local governments) interested in technical assistance should follow these steps:

(1) Make a written request to the FEMA Regional office through the State office, specifying site, materials to be reviewed, whether or not a site visit is requested, and the time period in which the technical assistance could be conveniently scheduled. A two-week window should be allowed for scheduling, if possible, or alternate dates suggested.

(2) The State, in passing the request to FEMA, should indicate which personnel, if any, can participate during a site visit, or who should be responsible for reviewing and responding to results.

(3) When a site has been selected for technical assistance and so informed by the Regional Office, the requesting organization should send three copies of all public information materials to be reviewed, any documentation of the distribution system for the materials and other public education efforts, to the FEMA Regional Office. The materials should be sent to the FEMA Regioanl at least three weeks in advance of the requested technical assistance review date.

Timetable

Technical Assistance Reviews—Oct. 1, 1985–May 31, 1986
Public Information Guidance Finalized—Dec. 30, 1986
Required Period Review Based on Guidance Begin—Jan. 1, 1987

Comments on this document will be received through September 30, 1986 and should be addressed to: Rules Docket Clerk, Federal Emergency Management Agency, Room 835, 500 C Street SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Stacey Gerard, Technicological Hazards Division, Office of Natural and Technological Hazards Programs, State and Local Programs and Support, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472 202-646-2861.

Copies of FEMA REP-11 can be obtained from the FEMA Regional Offices or by writing the FEMA Publications Division, P.O. Box 8181, Washington, DC 20024.

Dated: October 2, 1985.

Samuel W. Speck,

Associate Director, State & Local Programs & Support.

[FR Doc. 85-24487 Filed 10-11-85; 8:45 am]
BILLING CODE 6718-01-M

FEDERAL RESERVE SYSTEM

AmeriTrust Corporation, et al; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and section 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 November 1, 1985.

A. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *AmeriTrust Corporation*, Cleveland, Ohio; to acquire 100 percent of the voting shares of AmeriTrust Development Bank, Cleveland, Ohio. Comments on this application must be

received not later than November 4, 1985.

2. *First Commonwealth Financial Corporation*, Indiana, Pennsylvania; to acquire 100 percent of the voting shares of The First National Bank of Leechburg, Leechburg, Pennsylvania.

3. *First Western Bancorp, Inc.*, New Castle, Pennsylvania; to acquire 100 percent of the voting shares of Beaver Trust Company, Beaver, Pennsylvania. Comments on this application must be received not later than November 4, 1985.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW, Atlanta, Georgia 30303:

1. *7L Corporation*, Tampa, Florida; to acquire 100 percent of the voting shares of First Florida Banks, Inc., Tampa, Florida.

C. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Central Wisconsin Bankshares, Inc.*, Wausau, Wisconsin; to acquire 100 percent of the voting shares of Onalaska Holding Company, Inc., Onalaska, Wisconsin, thereby indirectly acquiring Bank of Onalaska, Onalaska, Wisconsin. Comments on this application must be received not later than October 25, 1985.

2. *CWB Holdings-Onalaska, Inc.*, Wausau, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of Onalaska Holding Company, Inc., Onalaska, Wisconsin, thereby indirectly acquiring Bank of Onalaska, Onalaska, Wisconsin. Comments on this application must be received not later than October 25, 1985.

3. *Leighton Investment Company*, Leighton, Iowa; to become a bank holding company by acquiring 54.9 percent of the voting shares of Farmers Savings Bank, Leighton, Iowa.

4. *Metropolitan Bancorp, Inc.*, Chicago, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Metropolitan Bank and Trust Company, Chicago, Illinois.

5. *North Community Bancorp, Inc.*, Chicago, Illinois; to acquire 77 percent of the voting shares of Metropolitan Bancorp, Inc., Chicago, Illinois, thereby indirectly acquiring Metropolitan Bank and Trust Company, Chicago, Illinois.

D. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Metropolitan Bancshares, Inc.*, Springfield, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Metropolitan National Bank, Springfield, Missouri.

2. *United Citizens Financial Corporation*, New Castle, Kentucky; to become a bank holding company by acquiring at least 80 percent of the voting shares of United Citizens Bank and Trust Company, New Castle, Kentucky.

E. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Mapleton Bancshares, Inc.*, Mapleton, Minnesota; to become a bank holding company by acquiring 80.2 percent of the voting shares of The First National Bank of Mapleton, Mapleton, Minnesota.

2. *St. Stephen Bancorporation*, St. Stephen, Minnesota; to become a bank holding company by acquiring 92.6 percent of the voting shares of St. Stephen State Bank, St. Stephen, Minnesota.

F. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Anderson Bancshares, Inc.*, Neosho, Missouri; to become a bank holding company by acquiring 96.4 percent of the voting shares of Anderson State Bank, Anderson, Missouri. Comments on this application must be received not later than October 31, 1985.

2. *CBN Bancshares, Inc.*, Murdock, Kansas; to merge with Mayfield Bancshares, Inc., Mayfield, Kansas (parent of Mayfield State bank, Mayfield, Kansas), thereby indirectly acquiring 80.3 percent of the voting shares of Farmers State Bank, Offerle, Kansas.

3. *Kaw Valley Bancorp, Inc.*, Topeka, Kansas; to become a bank holding company by acquiring 88 percent of the voting shares of Kaw Valley State Bank and Trust Company, Topeka, Kansas.

G. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Ameritex Bancshares Corporation*, Dallas, Texas; to acquire 100 percent of the voting shares of Riverbend National Bank, Fort Worth, Texas, a *de novo* bank. Comments on this application must be received not later than October 31, 1985.

2. *Independence Bancshares, Inc.*, Houston, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of New Waverly State Bank, New Waverly, Texas. Comments on this application must be received not later than October 31, 1985.

Board of Governors of the Federal Reserve System, October 8, 1985.

James McAfee,

Associate Secretary fo the Board.

[FR Doc. 85-24519 Filed 10-11-85; 8:45 am]

BILLING CODE 6210-01-M

Fleet Financial Group, Inc., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; and Acquisitions of Nonbanking Companies

The companies listed in this notice have applied under section 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed companies have also applied under section 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in section 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications

must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 1, 1985.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Fleet Financial Group, Inc.*, Providence, Rhode Island; to acquire at least 25 percent of the voting shares of First Connecticut Bancorp, Inc., Hartford, Connecticut, thereby indirectly acquiring United Bank and Trust Company, Hartford; New Britain National Bank, New Britain; Simsbury Bank and Trust Company, Simsbury; and the Independent Bank and Trust Company, Willimantic, all located in Connecticut.

Applicant has also applied to engage in providing data processing services to subsidiaries of First Connecticut Bancorp, Inc., and to unaffiliated financial institutions pursuant to section 225.25(b)(7) of Regulation Y. These activities are to be conducted nationwide.

Applicant has also applied to acquire Pioneer Credit Corporation, Hartford, Connecticut; and thereby engage in making, acquiring and servicing consumer, residential mortgage and commercial loans and leasing personal property pursuant to sections 225.25(b)(1) and 225.25(b)(5) of Regulation Y. These activities are to be conducted nationwide.

2. *Fleet Financial Group, Inc.*, Providence, Rhode Island; to acquire at least 25 percent of the voting shares of Merrill Bankshares Company, Bangor, Maine, thereby indirectly acquiring the Merrill Trust Company, Bangor, Maine and Merrill Bank, N.A., Farmington, Maine.

Applicant has also applied to acquire Merrill Life Insurance Company, Bangor, Maine, and thereby engage in reinsuring credit life and credit accident, and health insurance written in connection with extensions of credit by subsidiaries of Merrill Bankshares Company, Bangor, Maine, pursuant to section 225.25(b)(9) of Regulation Y. These activities are to be conducted in the State of Maine.

Applicant has also applied to acquire Maine Information Systems, Inc., Bangor, Maine, and thereby engage in providing data processing services to subsidiaries of Merrill Bankshares Company, Bangor, Maine and to unaffiliated financial institutions pursuant to section 225.25(b)(7) of Regulation Y. These activities would be conducted nationwide.

Board of Governors of the Federal Reserve System, October 8, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-24520 Filed 10-11-85; 8:45 am]

BILLING CODE 6210-01-M

Huntington Bancshares Incorporated, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and section 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 November 6, 1985.

A. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Huntington Bancshares Incorporated*, Columbus, Ohio; to acquire 100 percent of the voting shares of Commonwealth Trust Bancorp, Inc., Covington, Kentucky.

2. *Huntington Bancshares Kentucky, Inc.*, Columbus, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of Commonwealth Trust Bancorp. Inc., Covington, Kentucky.

B. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Nerstrand Bancshares, Inc.* Nerstrand, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers State Bank of Nerstrand, Nerstrand, Minnesota.

Board of Governors of the Federal Reserve System, October 8, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-24523 Filed 10-11-85; 8:45 am]

BILLING CODE 6210-01-M

Mid-America Bancorp; Application To Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under section 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in section 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 30, 1985.

A. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Mid-America Bancorp*, Louisville, Kentucky; to engage *de novo* through its

wholly-owned subsidiary, Mid-America Data Processing, Inc., Louisville, Kentucky, which will acquire a 50 percent interest in Northern American Financial Services Company of Kentucky, a joint venture with Datanet, Inc., which will likewise acquire a 50 percent interest therein, which itself is a subsidiary of Area Bancshares Corporation of Hopkinsville, Kentucky, a bank holding company and North America Financial Services, Ltd., of St. Petersburg, Florida, a nonbank holding company, in providing to others data processing and data transmission services, facilities (including data processing and data transmission hardware, software, documentation or operating personnel), data bases, or access to such services, facilities, or data bases by any technological means solely in the following circumstances: (i) the data to be processed or furnished shall be financial, banking or economic, and the services shall be provided pursuant to a written agreement so describing and limiting the services; (ii) the facilities shall be designed, marketed, and operated for the processing and transmission of financial, banking, or economic data; and (iii) the hardware provided in connection therewith shall be offered only in conjunction with software designed and marketed for the processing and transmission of financial, banking, or economic data, and where the general purpose hardware will not constitute more than 30 percent of the cost of any packaged offering.

Immediately thereafter, North American Financial Services Company of Kentucky, a joint ventue, will acquire all of the voting shares of L.H.F. Information Processing, Inc., Louisville, Kentucky, a wholly-owned subsidiary of Future Federal Savings Bank of Louisville, Louisville, Kentucky, which is currently engaged in financial data processing activities as described hereinabove. North American Financial Services Company of Kentucky, a joint venture, and its proposed subsidiary, L.H.F. Information Processing, Inc., will conduct these activities in Kentucky and contiguous states and South Carolina.

Board of Governors of the Federal Reserve System, October 8, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-24521 Filed 10-11-85; 8:45 am]

BILLING CODE 6210-01-M

First Banking Company of Southeast Georgia et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 4, 1985.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Banking Company of Southeast Georgia*, Statesboro, Georgia; to merge with Metter Banking Company, Metter, Georgia.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Financial Corporation*, Terre Haute, Indiana; to acquire 100 percent of the voting shares of The Citizens State Bank, Newport, Indiana.

C. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Security Bancorp, Inc.*, Herrin, Illinois; to become a bank holding company by acquiring at least 80 percent of the voting shares of Herrin Security Bank, Herrin, Illinois.

Board of Governors of the Federal Reserve System, October 8, 1985.

James McAfee,

Associate Secretary of the Board

[FR Doc. 85-24522 Filed 10-11-85; 8:45 am]

BILLING CODE 6210-01-M,

Agency Forms Under OMB Review

October 8, 1985.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following information collection, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATE: Comments must be received within fifteen days of the date of publication in the **Federal Register.**

ADDRESS: Comments, which should refer to the OMB Docket number should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, D.C. 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

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).

Proposal to approve under OMB delegated authority the implementation of the following report:

1. Report title: Semi-Annual Report of Sender Net Debit Cap.

Agency form number: FR 2226.

OMB Docket number: 7100–0217.

Frequency: Semi-annually.

Reporters: Depository Institutions.

Small businesses are not affected.

General description of report: This information collection is voluntary and is given confidential treatment [5 U.S.C. 552(b)(4)].

The Federal Reserve System will gather information from institutions on Fedwire and on private large-dollar wire networks. Respondents will report a cross-system sender net debit cap based on adjusted primary capital.

Board of Governors of the Federal Reserve System, October 8, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85–24524 Filed 10–11–85; 8:45 am]

BILLING CODE 6210–01–M

Agency Forms under OMB Review

October 8, 1985.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following information collection, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATE: Comments must be received within thirty days of the date of publication in the **Federal Register.**

ADDRESS: Comments, which should refer to the OMB Docket number should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, D.C. 20551, or delivered to room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

The proposed report would collect worldwide capital figures for foreign banks for the purpose of administering the Board's new daylight overdraft limits. The report would be voluntary, but would be needed in order for U.S. branches and agencies of foreign banks to obtain an overdraft limit based on their banks' worldwide capital. The capital figure reported would be used in connection with a multiple derived from a self-evaluation process (that considers the bank's creditworthiness, its payments policies and controls, and its credit policies) to produce the actual overdraft limit (the "sender net debit cap"). The limit for any foreign bank that does not submit the report would be based solely on the size of certain items in its U.S. branch and agency balance sheets.

Institutions would be given two options in selecting the capital figure they submit:

(1) To submit the "equity capital" figure, as it is (or would be) disclosed in a shareholder or other public report, without any adjustments; or, alternatively,

(2) To submit the sum of equity capital and any or all other accounts (such as valuation reserves and minority interests in consolidated subsidiaries) that are used to compute primary capital for U.S. banks, *Provided* that goodwill and other intangible assets are subtracted from this sum.

Regardless of the option chosen, foreign banks with banking subsidiaries that also incur daylight overdrafts on FedWire or that participate in private large dollar clearing systems would need to subtract investments in such subsidiaries from the reported worldwide capital figures. The result would be the capital figure used in connection with the cap class multiple to determine the overdraft limit of the bank's U.S. branch and agency family.

The proposed report is to be submitted quarterly, but after the initial report, most banks would need to calculate their capital base only once a year. For the other three quarters, most banks could merely check a box to indicate that their current capital figure *has not declined* (in terms of home-country currency) since it was last reported to the Federal Reserve. Only banks that incured losses or that are headquartered in countries with annual inflation rates above 50 percent would need to provide quarterly figures in order to maintain an overdraft limit based on their worldwide capital.

The Board is requesting specific comment on whether the proposed "check off" procedure, whereby banks may merely indicate that their capital has not declined, is less burdensome than reporting actual capital figures each quarter. The Board also requests comment on whether confidential treatment of the information collection is necessary.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

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).

Proposal to approve under OMB delegated authority the implementation of the following report:

1. Report title: Quarterly Daylight Overdraft Capital Report for U.S. Branches and Agencies of Foreign Banks.

Agency form number: FR 2225.

OMB Docket Number: 7100–0216.

Frequency: Quarterly.

Reporters: U.S. branches and agencies of foreign banks.

Small businesses are not affected.

General description of report: This information collection is voluntary and is given confidential treatment [5 U.S.C. 552(b)(4)].

The Federal Reserve System will gather information from approximately 95 U.S. branches and agencies of foreign banks that incur daylight overdrafts on large-dollar wire transfer systems. The

proposed report will provide the capital figures necessary to implement Board policy.

Board of Governors of the Federal Reserve System, October 8, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-24525 Filed 10-11-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings:

Minneapolis District Office, chaired by John Feldman, District Director. The topics to be discussed are Nonnutritive Sweeteners, Color Additives, and Health Fraud.

DATE: Friday, October 25, 1985, 1 to 3 p.m.

ADDRESS: Labor Center, 2002 London Rd., Duluth, MN 55812.

FOR FURTHER INFORMATION CONTACT: Donald W. Aird, Jr., Consumer Affairs Officer, Food and Drug Administration, 240 Hennepin Avenue, Minneapolis, MN 55401, 612-349-3906.

Atlanta District Office, chaired by John H. Turner, District Director. The topics to be discussed are Health Claims on Foods and Switch of Prescription Drugs to Over-the-Counter (OTC) Status.

DATE: Friday, November 1, 1985, 9:30 a.m. to 12:30 p.m.

ADDRESS: City Hall, City of North Charleston, Rm. 517, Fifth Floor Conference Room, 4900 LaCross Rd., North Charleston, SC 29411.

FOR FURTHER INFORMATION CONTACT: Carolyn L. Hommel, Consumer Affairs Officer, Food and Drug Administration, 1010 West Peachtree Street, NW., Atlanta, GA 30309, 404-881-7355.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: October 8, 1985.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-24472 Filed 10-11-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85M-0420]

Bausch & Lomb Optics Center; Premarket Approval of Bausch & Lomb® B&L 58™ (Etafilcon A) Contact Lenses

Correction

In FR Doc. 85-22616, beginning on page 38587 in the issue of Monday, September 23, 1985, make the following correction:

On page 38588, second column, first complete paragraph, last line, "hearing" should read "heading".

BILLING CODE 1505-01-M

Health Resources and Services Administration

National Council on Health Planning and Development; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of November 1985:

Name: National Council on Health Planning and Development.

Date and Time: November 7-8 1985, 9:00 a.m.-4:00 p.m.

Place: Auditorium, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

The entire meeting is open.

Purpose: The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to (1) the development of national guidelines under section 1501 of Pub. L. 93-641, (2) the implementation and administration of Title XV and XVI of Pub. L. 93-641, and (3) an evaluation of the implications of new medical technology for the organization, delivery and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, incuding the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Council considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122(d)(1) there would otherwise be exclusion of reimbursement for such expenses.

Agenda: The Council meeting will serve as a public forum for discussing major issues related to an aging population. Presentations will be given by individuals in both the private sector and government who have developed programs or are conducting studies on these issues.

A public comment period will be held. A detailed agenda may be obtained after October 15 by writing or telephoning Mrs. Diane A. McMenamin.

Anyone requiring information regarding the subject Council should contact Ms. Diane McMenamin, Executive Secretary, National Council on Health Planning and Development, Bureau of Health Maintenance Organizations and Resources Development, Room 9A-18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6377.

Agenda items are subject to change as priorities dictate.

Dated: October 8, 1985.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 85-24473 Filed 10-11-85; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-85-1552; FR 2160]

Energy Conservation Advisory Committee and Solar Energy Advisory Committee; Charters

AGENCY: Solar Energy and Energy Conservation Bank, HUD.

ACTION: Notice of advisory committee charters.

SUMMARY: The Energy Conservation Advisory Committee and the Solar Energy Advisory Committee were established by the Solar Energy and Energy Conservation Bank Act, Title V of Pub. L. 96-294 (94 Stat. 719), to advise the Board of Directors of the Solar Energy and Energy Conservation Bank. In accordance with provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I section 1 *et seq.*, the Secretary published charters for the advisory committees, on November 25, 1980 at 45 FR 78235 and September 9, 1983 at 48 FR 40787. The aforesaid charters have been amended and duly approved by the advisory committees and filed with the Secretary as

Chairperson of the Board of Directors of the Bank.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Francis, Manager, Solar Energy and Energy Conservation Bank, Department of Housing and Urban Development, Room 7110, 451 Seventh Street, S.W., Washington, D.C. 20410 (202–755–7166).

SUPPLEMENTARY INFORMATION: There is appended hereto the text of the charters, as approved as of the date of this notice.

Dated: October 8, 1985.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development and Chairperson of the Board of Directors, Solar Energy and Energy Conservation Bank.

Energy Conservation Advisory Committee Charter

1. *Purpose.* This establishes the charter for the Energy Conservation advisory Committee as required under the provisions of the Federal Advisory Committee Act [FACA] of 1972, Pub. L. No. 92–463, 5 U.S.C. App. I section 1.

2. *Objectives, Scope and Duties.* The Energy Conservation Advisory Committee will advise the Board of Directors (the Board) of the Solar Energy and Energy Conservation Bank (the Bank) for the purpose of assisting the Bank in carrying out its activities relating to residential and commercial energy conserving measures pursuant to the Solar Energy and Energy Conservation Bank Act (12 U.S.C. 3601). The function of the advisory committee shall be advisory only and all the matters under its consideration shall be determined, in accordance with law, by the Board of Directors of the Bank.

3. *Authority.*

a. The Energy Conservation Advisory Committee is mandated by and established under the authority of section 508(a) of the Solar Energy and Energy Conservation Bank Act, Pub. L. No. 96–294, 94 Stat. 719, 724.

b. The Energy Conservation Advisory Committee shall operate in conformance with the requirements outlined in the Solar Energy and Energy Conservation Bank Act, and all applicable laws, rules, regulations and guidelines, promulgated by the Congress, the President, the General Services Administration and the Secretary of Housing and Urban Development.

4. *Composition.* The Energy Conservation Advisory Committee shall be composed of five members who are not officers of, and whose principal employment is not by, a Federal, State or local governmental entity. Each of the following groups shall be represented by one member who is able, due to education, training and experience, to represent its views: consumers, financial institutions, builders, architectural or engineering interests, producers or installers or residential and commercial energy conserving improvement.

5. Appointments.

a. Members are appointed by the Board to serve two-year terms.

b. The terms of members are automatically extended until new members are appointed.

c. Any member who becomes an officer or employee of any governmental entity may continue as a member of the advisory committee for not longer than 90 days after becoming such an officer or employee.

d. The terms of all members shall automatically cease upon termination of the advisory committee.

e. Any member may be removed prior to the expiration of his or her term at the discretion of the Board.

6. *Chairperson.* The chairperson of the Energy Conservation Advisory Committee shall be selected by the members of the advisory committee.

7. *Designated Federal Employee.* In accordance with section 10(e) of FACA, the Secretary of Housing and Urban Development has designated the Chief Operating Officer of the Bank to attend every advisory committee meeting. The Chief Operating Officer is the highest official of the Bank, whether President, Executive, Vice-President or Manager or in the case of absence or vacancy, the official designee of such official.

8. *Meetings.* The Energy Conservation Advisory Committee shall meet at the call of its chairperson or a majority of its members, and shall meet not less than twice during each year and under the following conditions:

a. The Designated Federal Employee will approve in advance the scheduling and agenda of, advisory committee meetings and subcommittee meetings after consultation with the advisory committee chairpersn (unless the office of chairperson is vacant).

b. A notice of all advisory committee meetings will be published at least 15 days in advance in the **Federal Regster.**

c. Three members of the Energy Conservation Advisory Committee shall constitute a quorum, but a lesser number of members may hold hearings.

d. All advisory committee meetings will be open to the general public, except meetings concerned with matters listed in the Freedom of Information Act, 5 U.S.C. 552(b) covering such subjects as investigatory files, trade secrets, and internal Government memoranda which are not available to the public upon request.

e. Detailed minutes of each meeting of the advisory committee shall be kept and their accuracy shall be certified by the advisory committee chairperson. The minutes shall conform with Departmental regulations and shall include:

1. The time and place of the meetings;

2. A list of advisory committee members and staff, Board members or delegates and Departmental employees present at the meeting;

3. A summary of matters discussed and the conclusions reached;

4. Copies of all reports received, issued, or approved by the advisory committee;

5. A description of the extent to which the meeting was open to the public;

6. A description of public participation, including a list of members of the public who presented oral or written statements; and

7. Copies of reports or written statements received from members of the public; and

8. An estimate of the number of members of the public who attended the meeting.

f. In accordance with FACA, no meeting of the advisory committee will be held in the absence of the Designated Federal Employee or a delegate. The Designated Federal Employee is authorized to adjourn any advisory committee meeting whenever he or she determines adjournment to be in the public interest.

9. *Support Service.* The Bank's Chief Operating Officer may provide staff support services for the Energy Conservation Advisory Committee. General support services provided to the Bank by various organizational units of the Department of Housing and Urban Development will be available to the advisory committee upon approval of the Bank's Chief Operating Officer.

10. *Estimated Support and Costs.* It is estimated that the annual operating cost of the Energy Conservation Committee will not exceed $12,500. This includes travel compensation, transcripts, and miscellaneous meeting expenses but excludes staff support costs which are estimated to be 270 staff hours.

11. *Travel and Compensation.*

a. Members of the Energy Conservation Advisory Committee, while engaged in the performance of formal advisory committee duties away from their homes or regular places of business, are allowed travel expenses on an actual expenses basis for travel incurred for official advisory committee business as authorized by 5 U.S.C. 5703(b).

b. Subject to the availability of appropriations, the rate of compensation for members of the advisory committee

is equal to the daily equivalent of the maximum annual rate in effect for grade GS–15 of the General Schedule (5 U.S.C. 5332(a)) for each day, including travel time, during which they are engaged in the actual performance of duties vested in the advisory committee. Members will be paid only in connection with called meetings unless the Bank's Chief Operating Officer authorizes otherwise.

12. *Expiration of Charter.* The Energy Conservation Advisory Committee shall not terminate until the Solar Energy and Energy Conservation Bank ceases to exist, which by statute is September 30, 1987.

13. Date Charter filed with the Secretary of Housing and Urban Development as Chairperson of the Board of Directors of the Solar Energy and Energy Conservation Bank: October 8, 1985.

Solar Energy Advisory Committee Charter

1. *Purpose.* This establishes the charter for the Solar Energy Advisory Committee as required under the provisions of the Federal Advisory Committee Act (FACA) of 1972, Pub. L. No. 92–463, 5 U.S.C. App. I section 1.

2. *Objectives, Scope and Duties.* The Solar Energy Advisory Committee will advise the Board of Directors (the Board) of the Solar Energy and Energy Conservation Bank (the Bank) for the purpose of assisting the Bank in carrying out its activities relating to solar energy systems pursuant to the Solar Energy and Energy Conservation Bank Act (12 U.S.C. 3601). The function of the advisory committee shall be advisory only and all matters under its consideration shall be determined, in accordance with law, by the Board of Directors of the Bank.

3. *Authority.*

a. The Solar Energy Advisory Committee is mandated by and established under the authority of section 508(b) of the Solar Energy and Energy Conservation Bank Act, Pub. L. No. 96–294, 94 Stat. 719, 724.

b. The Solar Energy Advisory Committee shall operate in conformance with the requirements outlined in the Solar Energy and Energy Conservation Bank Act, and all applicable laws, rules, regulations and guidelines promulgated by the Congress, the President, the General Services Administration and the Secretary of Housing and Urban Development.

4. *Composition.* The Solar Energy Advisory Committee shall be comnposed of five members who are not officers of, and whose principal employment is not by, a Federal, State or local governmental entity. Each of the following groups shall be represented by one member who is able, due to education, training and experience, to represent its views: consumers, financial institutions, builders, architectural or engineering interests, solar energy industry.

5. *Appointments.*

a. Members are appointed by the Board to serve two-year terms.

b. The terms of members are automatically extended until new members are appointed.

c. Any member who becomes an officer or employee of any governmental entity may continue as a member of the advisory committee for not longer than 90 days after becoming such an officer or employee.

d. The terms of all members shall automatically cease upon termination of the advisory committee.

e. Any member may be removed prior to the expiration of his or her term at the discretion of the Board.

6. *Chairperson.* The chairperson of the Solar Energy Advisory Committee shall be selected by the members of the advisory committee.

7. *Designated Federal Employee.* In accordance with section 10(e) of FACA, the Secretary of Housing and Urban Development has designated the Chief Operating Official of the Bank to attend every advisory committee meeting. The Chief Operating Officer is the highest official of the Bank, whether President, Executive Vice-President or Manager or in the case of absence or vacancy, the official designee of such official.

8. *Meetings.* The Solar Energy Advisory Committee shall meet at the call of its chairperson or a majority of its members, and shall meet not less than twice during each year and under the following conditions:

a. The Designated Federal Employee will approve in advance the scheduling and agenda of, advisory committee meetings and subcommittee meetings after consultation with the advisory committee chairperson (unless the office of Chairperson is vacant).

b. A notice of all advisory committee meetings will be published at least 15 days in advance in the **Federal Register.**

c. Three members of the Solar Energy Advisory Committee shall constitute a quorum, but a lesser number of members may hold hearings.

d. All advisory committee meetings will be open to the general public, except meetings concerned with matters listed in the Freedom of Information Act, 5 U.S.C. 552(b), covering such subjects as investigatory files, trade secrets, and internal Government memoranda which are not available to the public upon request.

e. Detailed minutes of each meeting of the advisory committee shall be kept and their accuracy shall be certified by the advisory committee chairperson. The minutes shall conform with Departmental regulations and shall include:

1. The time and place of the meeting;

2. A list of advisory committee members and staff, Board members or delegates and Departmental employees present at the meeting;

3. A summary of matters discussed and the conclusions reached;

4. Copies of all reports received, issued, or approved by the advisory committee;

5. A description of the extent to which the meeting was open to the public;

6. A description of public participation, including a list of members of the public who presented oral or written statements; and

7. Copies of reports or written statements received from members of the public; and

8. An estimate of the number of members of the public who attended the meeting.

f. In accordance with FACA, no meeting of the advisory committee will be held in the absence of the Designated Federal Employee or a delegate. The Designated Federal Employee is authorized to adjourn any advisory committee meeting whenever he or she determines adjournment to be in the public interest.

9. *Support Services.* The Bank's Chief Operating Officer may provide staff support services for the Solar Energy Advisory Committee. General support services provided to the Bank by various organizational units of the Department of Housing and Urban Development will be available to the advisory committee upon approval of the Bank's Chief Operating Officer.

10. *Estimated Support and Cost.* It is estimated that the annual operating cost of the Solar Energy Committee will not exceed $12,500. This includes travel compensaton, transcripts, and miscellaneous meeting expenses but excludes staff support costs which are estimated to be 270 staff hours.

11. *Travel and compensation.*

a. Members of the Solar Energy Advisory Committee, while engaged in the performance of formal advisory committee duties away from their homes or regular places of business, are allowed travel expenses on an actual expenses basis for travel incurred for official advisory committee business as authorized by 5 U.S.C. 5703(b).

b. Subject to the availability of appropriations, the rate of compensation for members of the advisory committee is equal to the daily equivalent of the maximum annual rate in effect for grade GS–15 of the General Schedule (5 U.S.C. 5332(a)) for each day, including travel time, during which they are engaged in the actual performance of duties vested in the advisory committee. Members will be paid only in connection with called meetings unless the Bank's Chief Operating Officer authorizes otherwise.

12. *Expiration of Charter.* The Solar Energy Advisory Committee shall not terminate until the Solar Energy and Energy Conservation Bank ceases to exist, which by statute is September 30, 1987.

13. Date Charter filed with the Secretary of Housing and Urban Development as Chairperson of the Board of Directors of the Solar Energy and Energy Conservation Bank: October 8, 1985.

[FR Doc. 85–24568 Filed 10–11–85; 8:45 am]

BILLING CODE 4210–32–M

DEPARTMENT OF THE INTERIOR

President's Commission on Americans Outdoors; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Supply Working Group of the President's Commission on Americans Outdoors will be held Sunday, October 27, 1985 2:00–5:00 p.m. in Ballroom C of the Dallas Convention Center, Akard at Marilla Streets, Dallas, Texas 75201.

The purpose of the meeting is to agree upon a working plan and a schedule of activities.

The meeting will be open to the public.

Further information concerning this meeting may be obtained from Victor H. Ashe, Executive Director of the Commission, Room 3142, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240; telephone (202) 343–4905.

Dated: October 8, 1985.

Victor H. Ashe,

Executive Director, President's Commission on Americans Outdoors.

[FR Doc. 85–24527 Filed 10–11–85; 8:45 am]

BILLING CODE 4310–70–M

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe; Burt Lake Band of Ottawa and Chippewa

October 1, 1985.

This is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.8(a) (formerly 25 CFR 54.8(a)) notice is hereby given that the:

Burt Lake Band of Ottawa & Chippewa Indians, Inc., c/o Donald A. Moore, 4371 Indian Road, Brutus, Michigan 49716

has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on September 12, 1985. The petition was forwarded and signed by members of the group's governing body.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be sent by mail to the petitioner and other interested parties at the appropriate time.

Under § 83.8(d) (formerly § 54.8(d)) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Branch of Acknowledgment and Research, Code 440B, Bureau of Indian Affairs, Interior South Building, Room 32, 1951 Constitution Avenue NW., Washington, D.C. 20245.

Hazel E. Elbert,

Acting Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 85–24484 Filed 10–11–85; 8:45 am]

BILLING CODE 4310–02–M

Fish and Wildlife Service

Intent To Prepare a Comprehensive Conservation Plan/Environmental Impact Statement and Wilderness Suitability Assessment for Selawik National Wildlife Refuge, AK

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of scoping meetings.

SUMMARY: This notice advises the public that the Service intends to gather information necessary for the preparation of an Comprehensive Conservation Plan, Environment Impact Statement (CCP/EIS), Wild and Scenic River Plan, and Wilderness Review for the Selawik National Wildlife Refuge in northwest Alaska. Public meetings regarding preparation of this plan and wilderness assessment will be held. This notice is being furnished as required by the National Environmental Policy Act (NEPA Regulations 40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the CCP/EIS. Comments and participation in this scoping process are solicited.

DATE: Written comments should be received by 27 November 1985. Public meetings or office visits regarding the Selawik National Wildlife Refuge CCP, EIS, and wilderness assessment will be held in:

Noorvik
28 October 1985, Community Center, 7:00 p.m.
Shungnak
29 October 1985, School Building, 7:30 p.m.
Ambler
30 October 1985, Community Building 7:30 p.m.
Kotzebue
1 November 1985, NANA Museum, 7:00 p.m.
Selawik
4 November 1985, Selawik High School, 7:30 p.m.
Buckland
30 October 1985, City Hall, 7:00 p.m.
Kiana
6 November 1985, City Hall, 7:00 p.m.
Fairbanks
13 November 1985, Ryan Jr. High School, 951 Airport Road, 7:00 p.m.

ADDRESS: Comments should be addressed to: Regional Director, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503. Attention: Consuelo K. Wassink.

FOR FURTHER INFORMATION CONTACT: Consuelo K. Wassink, Public Involvement Specialist, Refuge Planning, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage Alaska 99503. Telephone (907) 786–3496.

SUPPLEMENTARY INFORMATION: This comprehensive conservation plan and wilderness suitability assessment is being prepared to fulfill requirements of the Alaska National Interest Lands Conservation Act of 1980, section 304g. The environmental review of the project will be conducted in accordance with the requirements of the National

Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), other appropriate Federal regulations and Service procedures for compliance with those regulations. We estimate the Draft Comprehensive Conservation Plan, Environmental Impact Statement will be made available to the public by July 1986.

Dated: October 7, 1985.

Robert E. Gilmore,

Regional Director.

[FR Doc. 85-24459 Filed 10-11-85; 8:45 am]

BILLING CODE 4310-55-M

[NOI No. 7]

Foreign Law Notification Under the Endangered Species Convention; Philippines

AGENCY: Fish and Wildlife Service.

ACTION: Notice of Information No. 7.

This is a schedule II notice: Wildlife subject to this notice is subject to detention, refusal of clearance, seizure, and forfeiture if imported into the United States.

Subject: The Republic of the Philippines and all territories or dependencies.

Source of Foreign Law Information: United States Department of State.

Action by Service: On September 30, 1985, pursuant to Notice of Information No. 6 (50 FR 39851) the Service announced that effective that date shipments of wildlife from the Republic of the Philippines, its territories or dependencies, or which declared those areas as country of origin would not be cleared for importation into the United States. Refusal of clearance was based upon the fact that the United States was unable to determine with certainty the legal status of documents issued in the Philippines which authorized export of shipments of wildlife, including live wildlife and wildlife products. By letter dated October 3, 1985, the Minister of Natural Resources, Republic of the Philippines, advised the United States that, in accordance with Section 2 of Executive Order 1039 dated July 10, 1985, the Wood Industry Development Agency is empowered to issue documents for the exportation of all forest products including wildlife.

The Service therefore revokes NOI No. 6.

Based upon the information supplied by the Minister of Natural Resources in his letter interpreting Executive Order 1039 of the Philippine government and terms of Executive Order No. 1016 issued March 25, 1985, and the Philippine rules and regulations issued April 23, 1985, implementing Executive Order No. 1016, the Service will accept imports of wildlife otherwise legally exported after October 4, 1985, from the Republic or the Philippines, its territories or dependencies, under the following authorizations:

1. Nonaquatic wildlife species listed pursuant to the appendices of Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) shall be accompanied by documents issued by the Wood Industry Development Authority prior to import of the wildlife; aquatic species listed pursuant to CITES shall be accompanied by documents issued by the Bureau of Fisheries and Aquatic Resources prior to import into the United States.

2. Nonaquatic wildlife not listed pursuant to CITES shall be accompanied by documents issued by the Wood Industry Development Authority; aquatic species shall be accompanied by documents issued by the Bureau of Fisheries and Aquatic Resources except for semi-finished or semi-processed capiz (*Placuna placenta*), or window pane oyster, shell, which must be accompanied by a certificate of exemption issued by the National Cottage Industries Development Authority.

EFFECTIVE DATE: October 15, 1985. Expiration Date: until revoked.

FOR FURTHER INFORMATION CONTACT: Kathleen King, Division of Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 28006, Washington D.C. 20005, Telephone: 202/343-9242.

Dated: October 8, 1985.

F. Eugene Hester,

Acting Director.

[FR Doc. 85-24458 Filed 10-11-85; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

Bureau Forms Submitted for OMB Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau's Clearance Officer and to the Office of Management and Budget Interim Department Desk Officer, Washington, D.C. 20503, Telephone (202) 395-7340.

Title: Range Improvement Permit, 43 CFR 4120.

Abstract: This form is used by permittees authorized to graze livestock on the public lands to apply for approval by the BLM to construct or maintain range improvement on the public lands.

Bureau Form Number: 4120-7.

Frequency: Occasionally.

Description of Respondents: Applicants requesting permission to construct range improvements.

Annual Responses: 60.

Annual Burden Hours: 15.

Bureau Clearance Officer (alternate): Rebecca Daugherty (202) 653-8853.

Dated: April 23, 1985.

Guy E. Baier,

Assistant Director-Renewable Resources.

[FR Doc. 85-24587 Filed 10-11-85; 8:45 am]

BILLING CODE 4310-84-M

Information Collection Submitted for OMB Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20505, telephone 202-395-7340.

Title: Sundry Notices and reports on Wells.

Abstract: Data submitted by oil and gas lessees and operators is used for agency approval of modifications of an existing well.

Bureau Form Number: 3160-5.

Frequency: On occasion.

Description of Respondents: Oil and Gas lessees and operators.

Annual Reponses: 4,000.

Annual Burden Hours: 2,000.

Bureau Clearance Officer: Rebecca Daugherty 202-653-8853.

Dated: October 2, 1985.

George P. Brown,

Assistant Director,

[FR Doc. 85-24588 Filed 10-11-85; 8:45 am]

BILLING CODE 4310-84-M

[N-37966]

Issuance of Land Exchange Conveyance Document Exchange of Public and Private Land in Elko County, NV

The United States issues an exchange conveyance document to Harvey A. Dahl and Margaret E. Dahl on July 25, 1985 for the following described lands under the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716:

Mount Diablo Meridian, Nevada

T. 36 N., R. 58 E.,
Sec. 10;
Sec. 16, lots 1, 2, 3, 4, W½, SE¼;
Sec. 28, W½NE½, W¼.

Comprising 1,692.42 acres of public land.

In exchange for these lands, the United States acquired the following described lands from the Dahls:

Mount Diablo Meridian, Nevada

T. 39 N., R. 57 E.,
Sec. 25, NW¼NW¼, NE¼SW¼NW¼, E½NW¼SW¼NW¼.
T. 37 N., R. 58 E.,
Sec. 5, lots 1, 2, 3, 4, S½NE¼, SW¼, S½NW¼;
Sec. 7, NE¼;
Sec. 9, N½, SE¼;
Sec. 15, E½W½;
Sec. 19, lots 1, 2, S½NE¼, E½NW¼;
Sec. 21, NW¼, S½NE¼.
T. 38 N., R. 58 E.,
Sec. 33, SW¼

Comprising 1,978.26 acres of private land.

The public interest was well served by completion of this exchange in that the non-Federal lands acquired will complement the Elko District's wildlife and recreation programs.

The values of the public land and non-Federal land in the exchange were appraised at $178,000.

Robert G. Steele,

Deputy State Director, Operations.

[FR Doc. 85-24586 Filed 10-11-85; 8:45 am]

BILLING CODE 4310-HC-M

[N-37966]

Order Providing for Opening of Public Lands; Nevada

October 3, 1985.

The following described lands were reconveyed to the United States in an exchange and title was accepted on July 25, 1985.

Mount Diablo Meridian, Nevada

T. 39 N., R. 57 E.,
Sec. 25, NW¼NW¼, NE¼SW¼NW¼, E½NW¼SW¼NW¼.
T. 37 N., R. 58 E.,
Sec. 5, lots 1, 2, 3, 4, S½NE¼, SW¼, S½NW¼;
Sec. 7, NE¼;
Sec. 9, N½, SE¼;
Sec. 15, E½W½;
Sec. 19, lots 1, 2, S½NE¼, E½NW¼;
Sec. 21, NW¼, S½NE¼.
T. 38 N., R. 58 E.,
Sec. 33, SW¼.

The area described comprises approximately 1,978.26 acres.

The land lies in Elko County, approximately 22 miles northeast of Elko, Nevada.

All minerals are in private ownership.

On the 30th day, commencing with the date of this publication, the land described above will be open to the operation of the public land laws, subject to valid existing rights, existing classifications, and the requirements of applicable laws. All valid applications received from this date of the publication and until the opening of business on the 30th day, will be considered as simultaneously filed. Those received thereafter shall be considered in the order of filing.

Inquiries concerning this land should be addressed to District Manager, Bureau of Land Management, P.O. Box 831, Elko, Nevada 89801.

Robert G. Steele,

Deputy State Director, Operations.

[FR Doc. 85-24585 Filed 10-11-85; 8:45 am]

BILLING CODE 4310-HC-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 5, 1985. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by October 30, 1985.

Carol D. Shull,

Chief of Registration, National Register.

IDAHO

Bannock County

Pocatello, *Woolley Apartments*, 303 N. Hayes Ave.

MASSACHUSETTS

Hampden County

Springfield, *Mills-Hale-Owen Blocks*, 959-991 Main St.

MINNESOTA

Ramsey County

St. Paul, *College of St. Catherine-Derham Hall and Our Lady of Victory Chapel*, 2004 Randolph Ave.
St. Paul, *United Church Seminary*, 2481 Como Ave.

MISSISSIPPI

Adams County

Natchez vicinity, *Carmel Presbyterian Church*, Carmel Church Rd.

Attala County

Goodman vicinity, *Shrock House*, Shrock Rd.

Hinds County

Jackson, *Green, Garner Wynn, House*, 647 North State St.

Kemper County

Moscow vicinity, *Oliver House*, 1 mile SW of Moscow off MS 493

Lee County

Tupelo, *North Broadway Historic District*, 300 Block N. Broadway St.

Leflore County

Greenwood, *Boulevard Subdivision Historic District (Greenwood M R A)*, Roughly bounded by Grand Blvd., Jeff Davis, Poplar, and President
Greenwood, *Building at 308 Lamar Street (Greenwood M R A)*, 308 Lamar St.
Greenwood, *Building at 312 George Street (Greenwood M R A)*, 312 George St.
Greenwood, *Building at 710 South Boulevard (Greenwood M R A)*, 710 South Boulevard
Greenwood, *Central Commercial and Railroad Historic District (Greenwood M R A)*, Carrollton Ave., Church, George, Howard, Johnson, Lamar, Main, Pear, Walthall, Washington, and Wright Sts.
Greenwood, *First Methodist Church of Greenwood (Greenwood M R A)*, 310 W. Washington St.
Greenwood, *Greenwood High School (Greenwood M R A)*, 400 Cotton St.
Greenwood, *River Road and Western Downtown Residential Historic District (Greenwood M R A)*, Roughly bounded by River Rd., Dewey, Washington, Johnson, and First Sts.
Greenwood, *Rosemary-Humphreys House (Greenwood M R A)*, 1440 Grand Blvd.
Greenwood, *Southworth House (Greenwood MRA)*, 1108 Mississippi Ave.

Greenwood, *Wesley Memorial Methodist Episcopal Church (Greenwood MRA)*, 800 Howard St.
Greenwood, *Williams Landing and Eastern Downtown Residential District (Greenwood MRA)*, E. Church, Front, George, Lamar, E. Market, McLemore & Washington Sts.
Greenwood, *Wright House (Greenwood MRA)*, 414 Fulton Ave.

Lowndes County

Columbus, *Jones-Banks-Leigh House*, 824 Seventh St. North
Columbus, *Old Fort House*, 510 7th St. North

Madison County

Madison, *Curran, John, House (Madison MRA)*, Main St.
Madison, *Dorroh Street Historic District (Madison MRA)*, 103, 105, and 115 Dorroh St.
Madison, *Farr Mercantile Co.—R. B. Price Mercantile Co. (Madison MRA)*, Main & Railroad
Madison, *Madison-Ridgeland Public School (Madison MRA)*, Montgomery St.
Madison, *Strawberry Patch-McKay House (Madison MRA)*, Old Canton Rd.

OHIO

Columbiana County

East Liverpool, *Carnegie Lirary (East Liverpool Central Business District MRA)*, Broadway & E. Fourth St.
East Liverpool, *City Hall (East Liverpool Central Business District MRA)*, Sixth St.
East Liverpool, *Diamond Historic District (East Liverpool Central Business District MRA)*, Market and E. Sixth Sts.
East Liverpool, *East Fifth Street Historic District (East Liverpool Central Business District MRA)*, E. Fifth, Market and Broadway Sts.
East Liverpool, *East Liverpool Pottery Museum (East Liverpool Central Business District MRA)*, Fifth & Broadway
East Liverpool, *Elks Club (East Liverpool Central Business District MRA)*, 139 W. Fifth St.
East Liverpool, *Fraternal Order of Eagles (East Liverpool Central Business District MRA)*, 414 Broadway
East Liverpool, *Masonic Temple (East Liverpool Central Business District MRA)*, 422 Broadway
East Liverpool, *Odd Fellows Temple (East Liverpool Central Business District MRA)*, 120 W. Sixth St.
East Liverpool, *Patterson, Mary A., Memorial (East Liverpool Central Business District MRA)*, E. Fourth St.
East Liverpool, *Potters Savings & Loan (East Liverpool Central Business District MRA)*, Washington and Broadway
East Liverpool, *Smith Auto Parts & Speed (East Liverpool Central Business District MRA)*, Broadway and Fourth
East Liverpool, *YMCA (East Liverpool Central Business District MRA)*, Washington & Fourth

Defiance County

Defiance, *Defiance Public Library*, 320 Fort St.

Summit County

Akron, *Smith, Dr. Robert, House*, 855 Ardmore Ave.

Trumbull County

Warren, *Packard, James Ward, House*, 319 Oak Knoll Ave., NE.

OREGON

Clackamas County

Oregon City, *Petzold, Richard, House*, 504 6th St.

Coos County

Coos Bay, *Myrtle Arms Apartment Building*, Sixth and Central Sts.
Coos Bay, *Tower, Major Morton, House*, 486 Schetter Ave.

Hamshire County

Northampton, *Building at 8–22 Graves Avenue*, 8–22 Graves Ave.

Lane County

Eugene, *Williams, Charles S., House*, 228 E. 12th

Multnomah County

Portland, *Coleman-Scott House*, 2110 NE 16th Ave.
Portland, *Franklin Hotel*, 1337 NW Washington St.
Portland, *Honeyman, John S., House*, 1318 SW Twelfth Ave.
Portland, *Pallay Building*, 231–239 NW Third Ave.

PENNSYLVANIA

Allegheny County

Pittsburgh, *Schenley Park*, Schenley Dr. & Panther Hollow Rd.

Berks County

Reading, *Keystone Hook and Ladder Company*, Second and Penn Sts.

Centre County

Centre vicinity, *Rhone, Leonard, House*, Off PA 45

Clearfield County

DuBois, *Commercial Hotel*, Long and Brady Aves.

Dauphin County

Harrisburg, *Pennsylvania State Lunatic Hospital*, Cameron St.

Erie County

Erie, *Thayer-Thompson House*, 605 W. Eight St.

Montgomery County

Cheltenham Township, *Camptown Historic District*, Roughly bounded by Penrose Ave., Graham Lane, Dennis St., and Cheltenham Ave.
Red Hill, *Red Hill Historic District*, 148, 152, 200–600 Main St., 98–226, 21–231 W. Sixth St., and 532–550 Adams St.
Villanova, *Harriton*, 1401–1415 Old Gulph Rd.

Philadelphia County

Philadelphia, *Burke Brothers and Company*, 913–916 North Third St.
Philadelphia, *General Electric Switchgear Plant*, 7th & Willow Sts.
Philadelphia, *Girard Avenue Historic District*, 1415–2028 Girard Ave. and 1700 block of Thompson St.
Philadelphia, *Northern Liberties Historic District*, Roughly bounded by 6th, Brown, American, Green, and Fifth Sts.

SOUTH DAKOTA

Brown County

Frederick vicinity, *Geranen, Paul and Fredriika, Farm (Architecture of Finnish Settlement TR)*, E. of Frederick
Frederick, *Martilla-Pettingel & Gorder General Merchandise Store (Architecture of Finnish Settlement TR)*, 515–516 Main St.
Savo Township, *Savo Hall-Finnish National Society Hall (Architecture of Finnish Settlement TR*, NE of Savo

Butte County

Fruitdale vicinity, *Snoma Finnish Cemetery (Architecture of Finnish Settlement TR)*, 3.5 miles SE of Fruitdale

Codington County

Watertown, *Minneapolis and St. Louis Railroad Depot* 168 N. Broadway

Hamlin County

Bryant vicinity, *Kant Hotel*, N. of SD 28
Lake Norden vicinity, *Hendrickson, Hendrick and Waldur, Farm (Architecture of Finnish Settlement TR)*, Hwy. 28
Lake Norden vicinity, *Tuohino, Jacob and Amelia, Farm (Architecture of Finnish Settlement TR)*, 1 mile S of Hwy. 28

Lawrence County

Brownsville vicinity, *Hill, John, Ranch—Keltomaki (Architecture of Finnish Settlement TR)*, NE of Brownsville
Dumont vicinity, *Buskala, Henry, Ranch (Architecture of Finnish Settlement TR)*, FDR 206
Lead, *Old Finnish Lutheran Church (Architecture of Finnish Settlement TR)*, Sinking Gardens, East Main St.

Minnehaha County

Sioux Falls, *Thomas, Charles A., House*, 620 South Dakota Ave.

Union County

Beresford, *Larson, John August, House*, 407 W. Hemlock

VERMONT

Windsor County

Chester, *Greenwood House*, VT 103.

[FR Doc. 85–24530 Filed 10–11–85; 8:45 am]
BILLING CODE 4310–70–M

Proposed 1986 United States World Heritage Nominations

AGENCY: National Park Service, Interior.

ACTION: Public Notice.

SUMMARY: The Department of the Interior, through the National Park Service, announces the identification of the three properties listed herein as proposed 1986 U.S. nominations to the

World Heritage List. These properties were selected from among the potential 1986 nominations that were published in the **Federal Register** on July 3, 1985, (50 FR 27493), with a request for public comment. A draft nomination document will be prepared for each property listed herein, and will serve as the basis for determining later this calendar year whether to formally nominate the properties for World Heritage status.

In addition, the July 3, 1985, **Federal Register** notice referenced public comment suggesting the examination of specific properties not presently included on the U.S. Indicative Inventory of Potential Future Nominations with regard to their possible inclusion on the Indicative Inventory this year. The Federal Interagency Panel for World Heritage accomplished this examination at its August 7, 1985, meeting. Based upon submitted justifications, and other available information, the Panel did not recommend the addition of properties to the U.S. Indicative Inventory in 1985.

DATES: The Federal Interagency Panel for World Heritage will meet in November 1985 to review the accuracy and completeness of the draft nomination documents, and to make recommendations to the Department of the Interior. Subject to this review and necessary approvals, the Assistant Secretary for Fish and Wildlife and Parks will transmit nomination(s) to the World Heritage Committee, through the Department of State, so that they are received no later than December 31, 1985, for evaluation during 1986. If approved and formally submitted, notice of U.S. World Heritage nominations will be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Mr. David G. Wright, Associate Director, Planning and Development, National Park Service, U.S. Department of the Interior, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The Convention Concerning the Protection of the World Cultural and Natural Heritage, now ratified by the United States and 85 other countries, has established a system of international cooperation through which cultural and natural properties of outstanding universal value to mankind may be recognized and protected. The Convention seeks to put into place an orderly approach for coordinated and consistent heritage resource protection and enhancement throughout the world.

Participating nations identify and nominate their sites for inclusion on the World Heritage List, which currently includes 186 cultural and natural properties. The World Heritage Committee judges all nomination against established criteria. Under the Convention, each participating nation assumes responsibility for taking appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, and rehabilitation of World Heritage properties situated within its borders.

In the United States, the Department of the Interior is responsible for directing and coordinating U.S. participation in the World Heritage Convention. The Department implements its responsibilities under the Convention in accordance with the statutory mandate contained in Title IV of the National Historic Preservation Act Amendments of 1980 (Pub. L. 96–515; 16 U.S.C. 470a–1, a–2). On May 27, 1982, the Interior Department published in the **Federal Register** the policies and procedures that will be used to carry out this legislative mandate (47 FR 23392). These rules contain additional information on the Convention and its implementation in the United States, and identify the specific requirements that U.S. properties must satisfy before they can be nominated for World Heritage status, i.e., the property must have previously been determined to be of national significance, its owner must concur in writing to its nomination, and its nomination must include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment.

The Federal Interagency Panel for World Heritage assists the Department in implementing the Convention by making recommendations on U.S. World Heritage policy, procedures, and nominations. The Panel is chaired by the Assistant Secretary for Fish and Wildlife and Parks, and includes representatives from the Office of the Assistant Secretary for Fish and Wildlife and Parks, the National Park Service, and the U.S. Fish and Wildlife Service within the Department of the Interior; the President's Council on Environmental Quality; the Smithsonian Institution; the Advisory Council on Historic Preservation; National Oceanic and Atmospheric Administration, Department of Commerce; Forest Service, Department of Agriculture; the U.S. Information Agency, and the Department of State.

Proposed 1986 United States World Heritage Nominations

The two cultural properties and one natural property listed below have been identified as proposed 1986 U.S. nominations to the World Heritage List. The identification of these properties as proposed nominations indicates that a draft nomination document will be prepared for each property. This document will subsequently be evaluated by the Federal Interagency Panel for World Heritage when it convenes in November 1985, at which time a decision on whether to formally nominate the properties to the World Heritage List will be made.

The following cultural properties, indicated by major theme, and natural property, indicated by natural region, have been identified as proposed 1986 U.S. World Heritage nominations. Also listed are the World Heritage criteria that the properties appear most nearly to satisfy:

I. Cultural Properties

Micronesian

Nan Madol, Island of Ponape. (6°55'N; 158°15'E). A prehistoric city, dating from 900–1400 A.D., constructed of large carved basalt blocks. The site is the best preserved, and most impressive, momument to Micronesian culture. *Criteria:* (iii) Bears a unique or at least exceptional testimony to a civilization which has disappeared.

Hawaiian

Pu'uhonua O Honaunau National Historical Park, Hawaii. (19°25'N; 155°55'W). This area (formerly known as City of Refuge National Historical Park) includes sacred ground, where vanquished Hawaiian warriors, noncombatants, and kapu breakers were granted refuge from secular authority. Prehistoric housesites, royal fishponds, and spectacular shore scenery are features of the park. *Criteria:* (iii) Bears unique or at least exceptional testimony to a civilization which has disappeared; (vi) directly or tangibly associated with events or with ideas or beliefs of outstanding universal significance.

II. Natural Property

Hawaiian Islands

Hawaiian Volcanoes National Park, (19°20'N; 155°20'W). Contains outstanding examples of active and recent volcanism, along with successive stages of vegetation development on volcanic deposits. *Criteria:* (i) An outstanding example illustrating the earth's evolutionary history, (ii) an outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Dated: October 1, 1985.

P. Daniel Smith,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-24529 Filed 10-11-85; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30720]

Oregon-Washington Railroad & Navigation Co. and Its Lessee, Union Pacific Railroad Co.; Trackage Rights Between Zangar Junction and Walla Walla, WA; Burlington Northern Railroad Co.; Exemption

Oregon-Washington Railroad & Navigation Company and its lessee, Union Pacific Railroad Company, have agreed to grant overhead trackage rights to Burlington Northern Railroad Company between Zangar Junction and Walla Walla, WA, a distance of approximately 27.0 miles. The trackage rights will be effective on October 2, 1985.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Decided: October 7, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-24631 Filed 10-11-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; AT&T Technologies et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 25, 1985.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 25, 1985.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 7th day of October 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
AT&T Technologies, Richmond Works (CWA)	Richmond, VA	10/1/85	9/30/85	TA-W-16-507	Printed circuit boards, power supplies, wiring, transformers, relays and other components.
AT&T Technologies, North Carolina Works (CWA)	Winston Salem, NC	10/1/85	9/30/85	TA-W-16-508	Printed circuit boards, power supplies, wiring, transformers, relays and other components.
AT&T Technologies, New River Valley Plant (CWA)	Radford, VA	10/1/85	9/30/85	TA-W-16-509	Printed circuit boards, power supplies, wiring, transformers, relays and other components.
AT&T Technologies, Kansas City Works (CWA)	Lees' Summit, MO	10/1/85	9/30/85	TA-W-16-510	Printed circuit boards, power supplies, wiring, transformers, relays and other components.
AT&T Technologies, Dallas Works (CWA)	Mesquite, TX	10/1/85	9/30/85	TA-W-16-511	Printed circuit boards, power supplies, wiring, transformers, relays and other components.
AT&T Technologies, Mfg Division (CWA)	Berkely Heights, NJ	10/1/85	9/30/85	TA-W-16-512	Printed circuit boards, power supplies, wiring, transformers, relays and other components.
Brown Shoe Company (workers)	Trenton, TN	10/3/85	9/30/85	TA-W-16-513	Shoes.
Kessler Premium Casting Co. (wkrs)	El Paso, TX	9/30/85	9/23/85	TA-W-16-514	Aluminum castings.
La Tulipe Fashions Inc., DBA Elena Fashions Ltd (ILGWU)	Irvington, NJ	9/12/85	9/9/85	TA-W-16-515	Coats and suits.
L.E. Jones Company (UAW)	Menominee, MI	9/30/85	9/25/85	TA-W-16-516	Valve inserts.
West Point Pepperell (workers)	Columbus GA	9/30/85	9/27/85	TA-W-16-517	Cotton army duck fabric.
3M Company (OCAW)	Cumberland, WI	10/1/85	9/28/85	TA-W-16-518	Sandpaper belts.
Ashland Petroleum Co. (OCAWIU)	Freedom, PA	9/30/85	9/27/85	TA-W-16-519	Storage and distribution of oil fuel, kerosene.
Centralab, Inc. (workers)	Fort Dodge, IA	9/30/85	9/27/85	TA-W-16-520	Electronic switches, cruise control, dimmer switches.
Fashions by Surf (ILGWU)	Newark, NJ	9/27/85	9/25/85	TA-W-16-521	Childrens dresses, ladies sundresses and robes.
Foote Mineral Co., Ferro-Alloys Div. Graham Plant (USWA)	New Haven, WV	9/30/85	9/29/85	TA-W-16-522	Ferroalloys.
Gateway Sportswear (ILGWU)	Masontown, PA	9/30/85	9/27/85	TA-W-16-523	Ladies clothing.
Greenway Manufacturing Co. (ACTWU)	Nemacolin, PA	9/30/85	9/23/85	TA-W-16-524	Mens and boys knit and woven shirts.
J.P. Stevens Co., Inc. (workers)	Anderson, SC	9/27/85	9/23/85	TA-W-16-525	Greige goods.
Kramer Body & Equipment Co., Inc. (wkrs)	Hillside, NJ	10/2/85	9/10/85	TA-W-16-526	Purchase truck bodies for exporting.
Nitrochem Energy Corp. (workers)	Biwabik, MN	9/30/85	9/26/85	TA-W-16-527	Commercial explosives.
Orcomatic, Inc., Stratford Plant (wkrs)	Stratford, CT	10/3/85	9/30/85	TA-W-16-528	Rubber seals.
Sunshine Mining Co. (workers)	Eureka, UT	9/27/85	9/19/85	TA-W-16-529	Crude flux ore.
Vulcan Mold & Iron Co. (UAW)	Latrobe, PA	10/3/85	10/1/85	TA-W-16-530	Ingot molds.
Airco Carbon, Inc. (USWA)	Punxsutawney, PA	10/1/85	9/27/85	TA-W-16-531	Carbon for flashlight batteries.
Eastern Associated Coal Corp. (UMWA)	Beckley, VA	9/27/85	9/24/85	TA-W-16-532	Steam coal.
Firestone Tire & Rubber Co. (URW)	Des Moines, IA	9/30/85	9/27/85	TA-W-16-533	Radial passenger and bias medium truck tires.
ITW Paktron (workers)	Lynchburg, VA	9/30/85	9/26/85	TA-W-16-534	Film foil and metalized film capacitors.
Revere Copper & Brass Inc., Revere Ware Div. (MESA)	Rome, NY	9/30/85	9/26/85	TA-W-16-535	Teakettles, pots and pans, mixing bowls, coffee percolator inserts.

[FR Doc. 85-24547 Filed 10-11-85; 8:45 am]

BILLING CODE 4510-30-M

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Bear Creek Uranium Co. et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period September 29, 1985–October 4, 1985.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–16,028; Bear Creek Uranium Co., Casper, WY

TA–W–16,004; Boise Cascade Corp., Clatskanie Sawmill, Clatskanie, OR

TA–W–16,081; Weinbrenner Shoe Co., Merrill, WI

TA–W–16,070; Champion International Corp., Building Products Div., Anderson, CA

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–16,047; American Forest Products Co., North Fork, CA

Aggregate U.S. imports of boxes, crates and wood pellets are negligible.

TA–W–16,056; Western Nuclear, Inc., Jeffrey City Operations, Jeffrey City, WY

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

Affirmative Determinations

TA–W–15, 998; Stanley Tools, Newark, NJ

A certification was issued covering all workers of the firm separated on or after April 10, 1984.

TA–W–16,078; The Timken Co., Specialty Steel & Bearing Plants, Canton, OH

A certification was issued covering all workers of the firm separated on or after November 1, 1984.

TA–W–16,013; Rockford Textile Mills, McMinnville, TN

A certification was issued covering all workers of the firm separated on or after April 29, 1984 and before March 30, 1985.

TA–W–16,102 and TA–W–16,103; Alatex Manufacturing, Andala Manufacturing, Andalusia, AL

A certification was issued covering all workers of the firm separated on or after September 1, 1984.

TA–W–16,065; Corona Shirt Manufacturing Co., Corona, NY

A certification was issued covering all workers of the firm separated on or after April 24, 1984 and before December 31, 1984.

TA–W–16,032; David Crystal Sportswear, Inc., East Newark, NJ

A certification was issued covering all workers of the firm separated on or after April 23, 1984 and before September 30, 1985.

TA–W–16,048; Louis Walter Co., Inc., Los Angeles, CA

A certification was issued covering all workers of the firm separated on or after July 1, 1984.

TA–W–16064; Nikki, Inc., Cresaptown, MD

A certification was issued covering all workers of the firm separated on or after January 1, 1985 and before June 30, 1985.

TA–W–16,058; Dal Specialties, Inc., Ramsomville, NY

A certification was issued covering all workers of the firm separated on or after January 31, 1985.

TA–W–16,064; Automation Components, Inc., Peckville, PA

A certification was issued covering all workers of the firm separated on or after May 14, 1984.

TA–W–16,098; Union Carbide Corp., Electrode Systems Div., Clarksville, TN

A certification was issued covering all workers of the firm separated on or after June 4, 1984.

TA–W–16,096; Pratt-Read Corp., Action Keyboard Div., Central, SC

A certification was issued covering all workers of the firm separated on or after June 6, 1984.

TA–W–15,961; Eaton Corporation Engine Components Division, Belmond, IA

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

TA–W–16,001; United Pants Co., Inc., Swoyersville, PA

A certification was issued covering all workers of the firm separated on or after November 15, 1984.

TA–W–16,279; Anchor Hocking Corp., Plant No. 42, Lancaster, OH

A certification was issued covering all workers of the firm separated on or after August 6, 1984.

TA–W–16,078; The Timken Co., Specialty Steel and Bearing Plants, Canton, OH

A certification was issued covering all workers of the firm separated on or after November 1, 1984.

I hereby certify that the aforementioned determinations were issued during the period September 29, 1985–October 4, 1985. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street N.W., Washington, D.C. during normal business hours or will be mailed to persons who write to the above address.

Dated: October 8, 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 85–24546 Filed 10–11–85; 8:45 am]

BILLING CODE 4510–30–M

Federal-State Unemployment Compensation Program; Identification of the Source of Funds Used for the Payment of Interest on Title XII Advances

Section 1202(b)(5) of the Social Security Act provides that interest required to be paid on any advance made under Section 1201 shall not be derived (directly or indirectly) by a State from amounts in its unemployment fund. If the Secretary of Labor determines that any State action results in the paying of such interest directly or indirectly (by an equivalent reduction in State unemployment taxes or otherwise) from such unemployment fund, the Secretary of Labor shall not certify such State's unemployment compensation law under Section 3304 of the Internal Revenue Code of 1954. The telegraphic message used to request specific information from the Governors of borrowing States identifying the source of and statutory basis for the establishment of funds to be used for the payment of interest on Title XII

advances at the close of Fiscal Year 1985 is published below.

Dated: October 3, 1985.

Roberts T. Jones,

Acting Deputy Assistant Secretary of Labor.

To: All Regional Administrators.
Cite: Teumi.
From: Barbara Ann Farmer, Acting Administrator for Regional Management.
Subject: Source of funds for the payment of interest on Title XII loans—FY 1985.

Please advise all borrowing States of the following message immediately: In accordance with Federal law, the Secretary of Labor must determine if the funds used for the payment of interest on Title XII advances were derived directly or indirectly (by an equivalent reduction in State unemployment taxes or otherwise) from State's unemployment funds. This determination should be made in advance of the use of such funds to prevent later problems or potential issues of issues of consistency with Federal requirements.

Therefore, the Governor of each State potentially liable for the payment of interest at the close of FY 85 is requested to provide the following information to the Secretary of Labor on or before September 20, 1985:

A. Identification and a description of the funding source to be used for the payment of interest.

B. Statutory basis for the establishment and use of such funds.

The requested information should be sent to: The Honorable William E. Brock, Secretary of Labor, U.S. Department of Labor, Room S–2519, 200 Constitution Avenue, NW., Washington, DC 20210.

Questions or inquiries to Pete Adams at FTS 376–7104.

[FR Doc. 85–24548 Filed 10–11–85; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATE: Comments on this information collection must be submitted 30 days after publication.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506, (202) 786–0233 or Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, D.C. 20503, (202) 395–7316.

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506, (202) 786–0233 from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out forms. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Extensions

Title: Process of Application, Evaluation, Award and Report of NEH Summer Stipends.
Form Number: OMB 3136–0050
Frequency of Collection: Collections occur once yearly, according to individual program application deadlines.
Respondents: Academic scholars-teachers and independent scholars.
Use: Application, evaluation and award process for individuals in the Summer Stipends program.
Estimated Number of Respondents: 11,878.
Estimated Hours for Respondents to Provide Information: 18,204.
Title: Faculty Graduate Study Program for Historically Black Colleges and Universities.
Form Number: 3136–0108
Frequency of Collection: Annually
Respondents: Individuals and Historically Black Colleges and Universities.
Use: Application, Evaluation and award process for NEH Graduate Study Program for Faculty at Historically Black Colleges and Universities.
Estimated Number of Respondents: 282
Estimated Hours of Respondents to Provide Information: 479.

Susan Metts,

Acting Director of Administration.

[FR Doc. 85–24503 Filed 10–11–85; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Notice of Permit Application Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under Antarctic Conservation Act of 1978, Pub. L. 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by November 15, 1985. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357–7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. Additional information was published in the **Federal Register** on July 15, 1985.

The applications received are as follows:

1. Applicant

George L. Hunt, Jr., University of California, Irvine, California 92717

Activity for Which Permit Requested

Taking; Import into U.S.A.

The applicant is examining the relationship between the distribution, abundance, and biomass of seabirds at sea, and the distribution and abundance of their principal prey. The applicant proposes to collect birds at sea for scientific analysis as follows:

Species	No.
Macaroni Penguin	100
Antarctic Prion	100
White-chinned Petrel	50
Wilson's Storm Petrel	50
Cape Pigeon	25
Blue Petrel	25
Kerguelen-Diving Petrel	25
South-Georgia Diving Petrel	25
Kerguelen Petrel	10
Soft-plumaged Petrel	10

Location

Antarctic Peninsula Area.

Dates

December 1985—March 1986.

2. Applicant

Jennifer Dewey, 102 W. San Francisco Street, Santa Fe, New Mexico 97501

Activities for Which Permit Requested

Enter Specially Protected Area; Enter Site of Special Scientific Interest

The applicant is part of the Artists in Antarctica Program and proposes to enter protected areas in order to observe, sketch, and photograph wildlife. There will be no physical handling of wildlife.

Locations

Litchfield Island, Moe Island, Lynch Island, Dion Islands, Green Island, Cape Shirreff—Specially Protected Areas, and Western Shore of Admiralty Bay, King George Island—Site of Special Scientific Interest No. 8.

Dates

December 1985—January 1986.

Applicant

Donald B. Siniff, University of Minnesota, Minneapolis, Minnesota 55455

Activities for Which Permit Requested

Taking; Import into U.S.A.; Enter Specially Protected Area.

This permit application is for continuing research to be conducted in the McMurdo Sound region on the ecology and behavior of Weddell seales. Up to 1,000 seals may be tagged with plastic cattle ear tags in both rear flippers. Up to 2,000 animals may be approached up to 10 times for the purpose of reading tag numbers and identifying age-sex categories. Up to 200 females and their pups may be weighed at weekly intervals. Blood samples (<10cc) may be collected from up to 100 females and their pups and 25 males from the tagged population. Radio-frequency tags may be attached to the pelage of up to 45 adults and 20 pups for purposes of monitoring attendance and haulout patterns.

Permission is also requested to capture and transport up to 12 animals to a remote colony for behavioral and physiological observation.

Permission is also requested to walk through the Specially Protected Area at Cape Crozier on Ross Island in order to survey for seals at the ice shelf-sea ice interface just offshore.

During the survey and tagging operations, direted toward Weddell seals, other Antarctic seal species may be encountered. Permission to approach and observe these species is requested due to the rarity but scientific importance of sightings in the McMurdo area.

Location

McMurdo Station area, West side of McMurdo Sound, Cape Crozier Specially Protected Area.

Dates

November 1985—December 1986.

Authority to publish this notice has been delegated by the Director of the National Science Foundation.

A.N. Fowler,

Acting Division Director, Division of Polar Programs.

[FR Doc. 85-24485 Filed 10-11-85; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

State of Iowa; Staff Assessment of Proposed Agreement Between the NRC and the State of Iowa

Note.—This document was originally published in the issue of October 1, 1985 at 50 FR 40078. It is reprinted at the request of the Nuclear Regulatory Commission.

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Proposed Agreement with State of Iowa.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission is publishing for public comment the NRC staff assessment of a proposed agreement received from the Governor of the State of Iowa for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A staff assessment of the State's proposed program for control over sources of radiation is set forth below as supplementary information to this notice. A copy of the program narrative, including the referenced appendices, appropriate State legislation and Iowa regulations, is available for public inspection in the Commission's public document room at 1717 H Street, NW., Washington, DC. Exemptions from the Commission's regulatory authority, which would implement this proposed agreement, have been published in the **Federal Register** and codified as Part 150 of the Commission's regulations in Title 10 of the Code of Federal Regulations.

DATES: Comments must be received on or before October 31, 1985.

ADDRESSES: Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC. 20555. Comments may also be delivered to Room 4000, Maryland National Bank Building, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Monday through Friday. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Joel O. Lubenau, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: 301-492-9887.

SUPPLEMENTARY INFORMATION:

Assessment of Proposed Iowa Program to Regulate Certain Radioactive Materials Pursuant to section 274 of the Atomic Energy Act of the 1954, as amended.

The Commission has received a proposal from the Governor of Iowa for the State to enter into an agreement with the NRC whereby the NRC would relinquish and the State would assume certain regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

Section 274e of the Atomic Energy Act of 1954, as amended, requires that the terms of the proposed agreement be published for public comment once each week for four consecutive weeks. Accordingly, this notice will be published four times in the **Federal Register.**

I. Background

A. Section 274 of the Atomic Energy Act of 1954, as amended, provides a mechanism whereby the NRC may transfer to the States certain regulatory authority over agreement materials[1] when a State desires to assume this authority and the Governor certifies that the State has an adequate regulatory program, and when the Commission finds that the State's program is compatible with that of the NRC and is adequate to protect the public health and safety. Section 274g directs the Commission to cooperate with the States in the formulation of standards for protection against radiation hazards to assure that State and Commission programs for radiation protection will be coordinated and compatible. Further, section 274j provides that the Commission shall periodically review such agreements and actions taken by the States under the agreements to ensure compliance with the provisions of this section.

B. In a letter dated August 22, 1985, Governor Terry E. Branstad of the State of Iowa requested that the Commission enter into an agreement with the State pursuant to section 274 of the Atomic Energy Act of 1954, as amended, and proposed that the agreement become effective on January 1, 1986. The Governor certified that the State of Iowa has a program for control of radiation hazards which is adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State of Iowa desires to assume regulatory responsibility for such materials. The text of the proposed agreement is shown in Appendix A and the narrative portion of the program description is shown in Appendix B.

The specific authority requested is for (1) byproduct material as defined in section 11e(1) of the Act, (2) source material and (3) special nuclear material in quantities not sufficient to form a critical mass. The State does not wish to assume authority over uranium milling activities nor the commercial disposal of low-level radioactive waste. The State, however, reserves the right to apply at a future date to NRC for an amended agreement to assume authority in these areas. The nine articles of the proposed agreement cover the following areas:

I. Lists the materials covered by the agreement
II. Lists the Commission's continued authority and responsibility for certain activities
III. Allows for future amendment of the agreement
IV. Allows for certain regulatory changes by the Commission
V. References the continued authority of the Commission for common defense and security for safeguards purposes
VI. Pledges the best efforts of the Commission and the State to achieve coordinated and compatible programs
VII. Recognizes reciprocity of licenses issued by the respective agencies
VIII. Sets forth criteria for termination or suspension of the agreement
IX. Specifies the effective date of the agreement

C. Section 136C, the Code, H.F. 2110 authorizes the State Department of Health to issue licenses to, and perform inspections of, users of radioactive materials under the proposed agreement and otherwise carry out a total radiation control program. Iowa radiation control regulations, Health Department (470) Chapters 38 to 41, adopted by the Iowa State Board of Health on May 8, 1985 under authority of Section 136C.3, The Code, provides standards, licensing, inspection, enforcement and administrative procedures for agreement and non-agreement materials. Pursuant to 470–39.53, the regulations are not applicable to agreement materials until the effective date of the agreement. The regulations provide for the State to license and inspect users of naturally-occurring and accelerator-produced radioactive materials.

D. The environmental radiation activities with which the Department has been involved in conjunction with the University of Iowa Hygienic Laboratory include a general environmental surveillance program and a radiological surveillance program for the Duane Arnold power reactor site under contract with NRC. The State has the capability of developing site specific environmental surveillance programs when needed and has authority to charge its licensees a fee to recover the costs of such programs.

The Department has also been involved in registration and inspection of x-ray uses since 1980 including restrictions on healing arts x-ray screening practices and involvement in the U.S. FDA studies such as the Dental Exposure Normalization Technique (DENT). In 1983, Iowa established minimum training standards for diagnostic radiographers.

II. NRC Staff Assessment of Proposed Iowa Program for Control of Agreement Materials

Reference: Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement.[2]

Objectives

1. *Protection.* A State regulatory program shall be designed to protect the health and safety of the people against radiation hazards.

Based upon the analysis of the State's proposed regulatory program the staff believes the Iowa proposed regulatory program for agreement materials is adequately designed to protect the health and safety of the public against radiation hazards.

Radiation Protection Standards

2. *Standards.* The State regulatory program shall adopt a set of standards for protection against radiation which shall apply to byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass.

Statutory authority to formulate and promulgate rules for controlling exposure to sources of radiation is contained in section 136C, The Code. In accordance with that authority, the State adopted radiation control regulations on May 8, 1985 which include radiation protection standards which would apply to byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass upon the effective date of an agreement between the State and the Commission pursuant to section 274b of the Atomic Energy Act of 1954, as amended.

Reference: Iowa State Department of Health radiation control regulations 470–38 to 41.

3. *Uniformity in Radiation Standards.* It is important to strive for uniformity in technical definitions and terminology, particularly as related to such things as units of measurement and radiation dose. There shall be uniformity of maximum permissible doses and levels of radiation and concentrations of radioactivity, as fixed by 10 CFR Part 20 of the NRC regulations based on officially approved radiation protection guides.

Technical definitions and terminology contained in the Iowa Radiation Control Regulations including those related to units of measurement and radiation doses are uniform with those contained in 10 CFR Part 20.

Reference: Iowa 470–38.2, 39.2.

4. *Total Occupational Radiation Exposure.* The regulatory authority shall

[1] A. Byproduct materials as defined in 11e(1); B. Byproduct materials as defined in 11e(2); C. Source materials; and D. Special nuclear materials in quantities not sufficient to form a critical mass.

[2] NRC Statement of Policy published in the Federal Register January 23, 1981 (46 FR 7540–7546), a correction was published July 16, 1981 (46 FR 36969) and a revision of Criterion 9 published in the Federal Register July 21, 1983 (48 FR 33376).

consider the total occupational radiation exposure of individuals, including that from sources which are not regulated by it.

The Iowa regulations cover all sources of radiation within the State's jurisdiction and provide for consideration of the total radiation exposure of individuals from all sources of radiation in the possession of a licensee or registrant.

Reference: Iowa 470–40.1, 40.5.

5. *Surveys, Monitoring.* Apptopriate surveys and personnel monitoring under the close supervision of technically competent people are essential in achieving radiological protection and shall be made in determining compliance with safety regulations.

The Iowa requirements for surveys to evaluate potential exposures from sources of radiation and the personnel monitoring requirements are uniform with those contained in 10 CFR Part 20.

References: Iowa 470–40.8 and 40.9.

6. *Labels, Signs, Symbols.* It is desirable to achieve uniformity in labels, signs, and symbols, and the posting thereof. However, it is essential that there be uniformity in labels, signs, and symbols affixed to radioactive products which are transferred from person to person.

The prescribed radiation labels, signs, and symbols are uniform with those contained in 10 CFR Parts 20, 30 thru 32 and 34.

The Iowa posting requirements are also uniform with those of Part 20.

References: Iowa 470–39.23, 39.25, 39.36, 39.40, 40.9, and 41.4.

7. *Instruction.* Persons working in or frequenting restricted areas shall be instructed with respect to the health risks associated with exposure to radioactive materials and in precautions to minimize exposure. Workers shall have the right to request regulatory authority inspections as per 10 CFR Part 19, § 19.16 and to be represented during inspections as specified in § 19.14 of 10 CFR Part 19.

The Iowa regulations contain requirements for instructions and notices to workers that are uniform with those of 10 CFR Part 19.

Reference: Iowa 470–40.21.

8. *Storage.* Licensed radioactive material in storage shall be secured against unauthorized removal.

The Iowa regulations contain a requirement for security of stored radioactive material.

Reference: Iowa 470–40.12.

9. *Radioactive Waste Disposal.* (a) Waste disposal by material users. The standards for the disposal of radioactive materials into the air, water and sewer, and burial in the soil shall be in accordance with 10 CFR Part 20. Holders of radioactive material desiring to release or dispose of quantities or concentrations of radioactive materials in excess of prescribed limits shall be required to obtain special permission from the appropriate regulatory authority.

Requirements for transfer of waste for the purpose of ultimate disposal at a land disposal facility (waste transfer and manifest system) shall be in accordance with 10 CFR Part 20.

The waste disposal standards shall include a waste classification scheme and provisions for waste form, applicable to waste generators, that is equivalent to that contained in 10 CFR Part 61.

(b) Land Disposal of waste received from other persons. The State shall promulgate regulations containing licensing requirements for land disposal of radioactive waste received from other persons which are compatible with the applicable technical definitions, performance objectives, technical requirements and applicable supporting sections set forth in 10 CFR Part 61. Adequate financial arrangements (under terms established by regulation) shall be required of each waste disposal site licensee to ensure sufficient funds for decontamination, closure and stabilization of a disposal site. In addition, Agreement State financial arrangements for long-term monitoring and maintenance of a specific site must be reviewed and approved by the Commission prior to relieving the site operator of licensed responsibility (Section 151(a)(2), Pub. L. 97–425).

Iowa Radiation Control Regulations contain provisions relating to the disposal of radioactive materials into the air, water and sewer and burial in soil which are essentially uniform with those of 10 CFR Part 20. In a letter dated August 8, 1985 to NRC the Department committed to adopting certain clarifying amendments to their regulations to conform them more closely to 10 CFR Parts 20 and 61 and, in the interim, will impose license conditions to ensure uniformity with these Parts. Iowa, at this time, does not propose to regulate the commercial land disposal of low-level radioactive waste.

References: Iowa 470–40.7, 40.14 to 40.17, 40.19 and letter dated August 8, 1985 from J. Eure, Director, Environmental Health Section, Iowa Department of Health to J. Lubenau, NRC.

10. *Regulation Governing Shipment of Radioactive Materials.* The State shall to the extent of its jurisdiction promulgate regulations applicable to the shipment of radioactive materials, such regulations to be compatible with those established by the U.S. Department of Transportation and other agencies of the United States whose jurisdiction over interstate shipment of such materials necessarily continues. State regulations regarding transportation of radioactve materials must be compatible with 10 CFR Part 71.

The Iowa regulations are uniform with those contained in NRC regulations 10 CFR Part 71.

References: Iowa 470–39.76 to 39.39.

11. *Records and Reports.* The State regulatory program shall require that holders and users of radioactive materials (a) maintain records covering personnel radiation exposures, radiation surveys, and disposals of materials; (b) keep records of the receipt and transfer of the materials; (c) report significant incidents involving the materials, as prescribed by the regulatory authority; (d) make available upon request of a former employee a report of the employee's exposure to radiation; (e) at request of an employee advise the employee of his or her annual radiation exposure; and (f) inform each employee in writing when the employee has received radiation exposure in excess of the prescribed limits.

The Iowa regulations require the following records and reports by licensees and registrants:

(a) Records covering personnel radiation exposures, radiation surveys, and disposals of materials.

(b) Records of receipt and transfer of materials.

(c) Reports concerning incidents involving radioactive materials.

(d) Reports to former employees of their radiation exposure.

(e) Reports to employees of their annual radiation exposure.

(f) Reports to employees of radiation exposure in excess of prescribed limits.

Reference: Iowa 470–38.4, 40.20, 40.21.

12. *Additional Requirements and Exemptions.* Consistent with the overall criteria here enumerated and to accommodate special cases and circumstances, the State regulatory authority shall be authorized in individual cases to impose additional requirements to protect health and safety, or to grant necessary exemptions which will not jeopardize health and safety.

The Iowa Department of Health is authorized to impose upon any licensee or registrant, by rule, regulation, or order such requirements in addition to those established in the regulations as it deems appropriate or necessary to minimize danger to public health and safety or property.

Reference: Iowa 470–38.7.

The Department may also grant such exemptions from the requirements of the regulations as it determines are authorized by law and will not result in undue hazard to public health and safety or property.

Reference: Iowa 470–38.3.

Prior Evaluation of Uses of Radioactive Matterials

13. *Prior Evaluation of Hazards and Uses, Exceptions.* In the present state of Knowledge, it is necessary in regulating the possession and use of byproduct, source and special nuclear materials that the State regulatory authority require the submission of information on, and evaluation of, the potential hazards and the capability of the user or possessor prior to his receipt of the materials. This criterion is subject to certain exceptions and to continuing reappraisal as knowledge and experience in the atomic energy field increase. Frequently there are, and increasingly in the future there may be, categories of materials and uses as to which there is sufficient knowledge to permit possession and use without prior evaluation of the hazards and the capability of the possessor and user. These categories fall into two groups—those materials and uses which may be completely exempt from regulatory controls, and those materials and uses in which sanctions for misuse are maintained without pre-evaluation of the individual possession or use. In authorizing research and development or other activities involving multiple uses of radioactive materials, where an institution has people with extensive training and experience, the State regulatory authority may wish to provide a means for authorizing board use of materials without evaluating each specific use.

Prior to the issuance of a specific license for the use of radioactive materials, the Iowa Department of Health will require the submission of information on, and will make an evaluation of, the potential hazards of such uses, and the capability of the applicant.

References: Iowa 470–39.1 to 39.3, 39.28 to 39.56; Iowa Program Description, "Licensing and Registration."

Provision is made for the issuance of general licenses for byproduct, source and special nuclear materials in situations where prior evaluation of the licensee's qualifications, facilities, equipment and procedures is not required. The regulations grant general licenses under the same circumstances as those under which general licenses are granted in the Commission's regulations.

References: Iowa 470–30.12 to 39.26, 39.57, 39.58, 39.79 to 39.85.

14. *Evaluation Criteria.* In evaluating a proposal to use radioactive materials, the regulatory authority shall determine the adequacy of the applicant's facilities and safety equipment, his training and experience in the use of the materials for the purpose requested, and his proposed administrative controls. States should develop guidance documents for use by license applicants. This guidance should be consistent with NRC licensing and regulatory guides for various categories of licensed activities.

In evaluating a proposal to use agreement materials, the Iowa Department of Health will determine that:

(1) The applicant is qualified by reason of training and experience to use the material in question for the prupose requested in accordance with the regulations in such a manner as to minimize danger to public health and safety or property;

(2) The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property; and

(3) The issuance of the license will not be inimical to the health and safety of the public.

Other special requirements for the issuance of specific licenses are contained in the regulations.

References: Iowa 470–39.30 to 39.45.

15. *Human Use.* The use of radioactive materials and radiation on or in humans shall not be permitted except by properly qualified persons (normally licensed physicians) possessing prescribed minimum experience in the use of radioisotopes or radiation.

The Iowa regulations require that the use of radioactive material (including sealed sources) on or in humans shall be by a physician having substantial experience in the handling and administration of radioactive material and, where applicable, the clinical management of radioactive patients.

Reference: Iowa 470–39.31.

Inspection

16. *Purpose, Frequency.* The possession and use of radioactive materials shall be subject to inspection by the regulatory authority and shall be subject to the performance of tests, as required by the regulatory authority. Inspection and testing is conducted to determine and to assist in obtaining compliance with regulatory requirements. Frequency of inspection shall be related directly to the amount and kind of material and type of operation licensed, and it shall be adequate to insure compliance.

Iowa materials licensees will be subject to inspection by the Department of Health. Upon instruction from the Department, licensees shall perform or permit the Department to perform such reasonable tests and surveys as the Department deems appropriate or necessary. The frequency of inspections is dependent upon the type and scope of the licensed activities and will be at least as frequent as inspections of similar licenses by NRC.

References: Iowa 470–38.5 and 38.6; Iowa Program Description, "Inspection Program."

17. *Inspections Compulsory.* Licensees shall be under obligation by law to provide access to inspectors.

Iowa regulations state that licensees shall afford the Department at all reasonable times opportunity to inspect sources of radiation and the premises and facilities wherein such sources of radiation are used or stored.

Reference: Iowa 470–38.5.

18. *Notification of Results of Inspection.* Licensees are entitled to be advised of the results of inspections and to notice as to whether or not they are in compliance.

Following Department inspections, each licensee will be notified in writing of the results of the inspection. The letters and written notices indicate if the licensee is in compliance and if not, list the areas of noncompliance.

Reference: Iowa Program Description, "Compliance and Enforcement."

Enforcement

19. *Enforcement.* Possession and use of radioactive materials should be amenable to enforcement through legal sanctions, and the regulatory authority shall be equipped or assisted by law with the necessary powers for prompt enforcement. This may include, as appropriate, administrative remedies looking toward issuance of orders requiring affirmative action or suspension or revocation of the right to possess and use materials, and the impounding of materials; the obtaining of injunctive relief; and the imposing of civil or criminal penalties.

The Iowa Department of Health is equipped with the necessary powers for prompt enforcement of the regulations. Where conditions exist that create a clear preseence of a hazard to the public health that requires immediate action to protect human health and safety, the Department may issue orders to reduce, discontinue or eliminate such conditions. The Department actions mayalso include impounding of

radioactive material, imposition of a civil penalty, revocation of a license, and requesting County Attorney or Attorney General to seek injunctions and convictions for criminal violations.

References: Iowa 470–38.7, 38.8, 38.9, 38.11; Iowa Program Description, "Compliance and Enforcement."

Personnel

20. *Qualifications of Regulatory and Inspection Personnel.* The regulatory agency shall be staffed with sufficient trained personnel. Prior evaluation of applications for licenses or authorizations and inspection of licensees must be conducted by persons possessing the training and experience relevant to the type and level of radioactivity in the proposed use to be evaluated and inspected.

To perform the functions involved in evaluation and inspection, it is desirable that there be personnel educated and trained in the physical and/or life sciences, including biology, chemistry, physics and engineering, and that the personnel have had training and experience in radiation protection. The person who will be responsible for the actual performance of evaluation and inspection of all of the various uses of byproduct, source and special nuclear material which might come to the regulatory body should have substantial training and extensive experience in the field of radiation protection.

It is recognized that there will also be persons in the program performing a more limited function in evaluation and inspection. These persons will perform the day-to-day work of the regulatory program and deal with both routine situations as well as some which will be out of the ordinary. These people should have a bachelor's degree or equivalent in the physical or life sciences, training in health physics, and approximately two years of actual work experience in the field of radiation protection.

The foregoing are considered desirable qualifications for the staff who will be responsible for the actual performance of evaluation and inspection. In addition, there will probably be trainees associated with the regulatory program who will have an academic background in the physical or life sciences as well as varying amounts of specific training in radiation protection but little or no actual work experience in this field. The background and specific training of these persons will indicate to some extent their potential role in the regulatory program. These trainees, of course, could be used initially to evaluate and inspect those applications of radioactive materials which are considered routine or more standardized from the radiation safety standpoint, for example, inspection of industrial gauges, small research programs, and diagnostic medical programs. As they gain experience and competence in the field, the trainees could be used progressively to deal with the more complex or difficult types of radioactive material applications. It is desirable that such trainees have a bachelor's degree or equivalent in the physical or life sciences and specific training in radiation protection. In determining the requirement for academic training of individuals in all of the foregoing categories, proper consideration should be given to equivalent competency which has been gained by appropriate technical and radiation protection experience.

It is recognized that radioactive materials and their uses are so varied that the evaluation and inspection functions will require skills and experience in the difference disciplines which will not always reside in one person. The regulatory authority should have the composite of such skills either in its employ or at its command, not only for routine functions, but also for emergency cases.

a. Number of Personnel

There are approximately 170 NRC specific licenses in the State of Iowa. Under the proposed agreement, the State would assume responsibility for about 155 of these licenses. The Department's Radiological Health Program is currently staffed with six professional persons. Five individuals will be assigned line and supervisory duties in the materials program. We estimate the State will need to apply between 1.8 to 2.1 staff-years of effort to the program. The present personnel together with their assigned responsibilities are as follows:

John A. Eure: Director, Environmental Health Section. Responsible for administration and supervision of Environmental Health Section.

Donald A. Flater: Coordinator, Radiological Health Program. Responsible for administration and supervision of the radiological health program.

David Russell Myers: Environmental Specialist III. Supervises field inspection staff and conducts inspections.

Bruce W. Hokel: Environmental Specialist II. Currently conducts inspections and under consideration as lead person for licensing.

Richard L. Welke: Environmental Specialist I. Currently conducts inspections.

Paul E. Koehn: Environmental Specialist I. Currently in training.

Total personnel time devoted to radioactive materials is expected to be at least 2 person-years.

b. Training

The academic and specialized short course training for those persons involved in the administration, licensing and inspection of radioactive materials is shown below.

Donald A. Flater—B.S. Radiological Sciences and Administration, George Washington University.

Transportation of Radioactive Materials, November 1984, U.S. Nuclear Regulatory Commission.

Advanced Medical Imaging Technology Workshop, September 1984, Conference of Radiation Control Program Directors, Inc.

Inspection Procedures, July 1984, U.S. Nuclear Regulatory Commission.

Principles of Epidemiology, March, 1984, Centers for Disease Control.

Applied Epidemiology, February 1984, Centers for Disease Control and Iowa State Department of Health.

Orientation Course in Licensing Practices and Procedures for State Regulatory Personnel, September 1983, U.S. Nuclear Regulatory Commission.

Radiological Defense Officer Course, June 1983, Iowa Office of Disaster Services.

Radiological Monitoring Home Study Course, May 1983, Federal Emergency Management Agency.

Medical Use of Radionuclides, April 1983, U.S. Nuclear Regulatory Commission.

Radiological Emergency Planning Course, March 1981, Federal Emergency Management Agency.

Radiological Emergency Response Operations for Radiological Emergency Response Teams, January 1981, U.S. Nuclear Regulatory Commission.

Dose Projection Accident Assessment and Protective Action Decision Making for Radiological Emergency Response, March 1980, U.S. Nuclear Regulatory Commission.

David Russell Myers—B.S. Biology, Grandview College.

Computed Tomography Dosimetry Training Course, May 1985, University of Missouri, Kansas City School of Medicine, Food and Drug Administration Center for Medical Devices and Radiological Health.

FDA Regional Training, September 1984, Mayo Clinic.

Inspection Procedures, July 1984, U.S. Nuclear Regulatory Commission.

Health Physics and Radioactive Materials, June 1984, Oak Ridge Associated Universities.

Medical Use of Radionuclides, June 1984, Oak Ridge Associated Universities.

Principles of Epidemiology, March 1984, Centers for Disease Control and Iowa State Department of Health.

Applied Epidemiology, February 1984, Centers for Disease Control and Iowa State Department of Health.

Emergency Management Institute Radiological Accident Assessment Course, August 1982, National Emergency Training Center.

Radiological Defense Officer Course, May 1982, Federal Emergency Management Agency.

Radiological Emergency Response Operations Course, January 1981, U.S. Nuclear Regulatory Commission.

Diagnostic X-Ray Survey Training Program, June 1980, U.S. Army Academy of Health Sciences.

Bruce W. Hokel—B.S., Fisheries and Wildlife, Iowa State University.

Introduction to Licensing Practices and Procedures, U.S. Nuclear Regulatory Commission.

Nuclear Transportation for State Regulatory Personnel, U.S. Nuclear Regulatory Commission.

Principles of Licensing, one week on-the-job training with staff of NRC, Region III.

Safety Aspects of Industrial Radiography for State Regulatory Personnel, U.S. Nuclear Regulatory Commission.

Orientation Course in Licensing Practices, U.S. Nuclear Regulatory Commission.

Health Physics and Radiation Protection, Oak Ridge Associated Universities.

Basic Radiological Health, University of Texas Health Center.

X-Ray Compliance Testing, Fort Sam Houston.

Radiological Incidents Emergency Response, Nuclear Test Site—Mercury, Nevada.

Principles of Epidemiology, Centers for Disease Control.

Applied Epidemiology, Centers for Disease Control.

Richard L. Welke—B.A. Biology, University of Minnesota.

Medical Use of Radionuclides, June 1965, U.S. Nuclear Regulatory Commission.

FEMA Nuclear Power Plant Off-Site Radiological Accident Assessment Course, November 1985.

FDA Training Course for Diagnostic X-Ray Compliance Surveys, September 1984.

NIOSH Non-Ionizing-Ionizing Radiation 583/584, April 1984.

Paul E. Koehn—B.S. Science, Upper Iowa University.

Fundamental Course for Radiological Response Teams, March 1985.

Fundamental Course for Radiological Monitors, March 1985.

c. *Experience*

Since receiving a Bachelor of Science in Sanitary Engineering from the University of Illinois in February, 1957, Mr. Eure has been actively engaged as an Environmental Health Engineer in the field of public health. His experience has been primarily in the areas of radiological health and water supply and pollution control from a technical, administrative and supervisory aspect.

In July, 1960, he was accepted into the Regular Corps of the U.S. Public Health Service and was reassigned to the University of Texas for graduate training in Sanitary Engineering. In September of 1961, he received a Master of Science Degree in Sanitary Engineering with a minor in Bacteriology and was subsequently assigned to the Occupational Health Division of the Texas Department of Health as a resident in radiological health.

In March, 1964, he was assigned to the New York City Office of Radiation Control. A number of potentially hazardous situations were investigated during this assignment including lost radioactivity sources, sale of radium pills for internal use and high energy accelerator accident involving excessive exposure to employees. During the course of another occupational health investigation it was determined that television receivers intended for household use were emitting high levels of x-radiation. This finding and subsequent investigation efforts identified the need for Federal control of Electronic Products and resulted in Congressional enactment of the Radiation Control for Health and Safety Act of 1968—Pub. L. 90-602.

In July 1968, he was assigned to the Bureau of Radiological Health headquarters in Rockville, Maryland. Here he was engaged in emergency planning activities and developed a model plan which has served as a guide for the development of many State emergency plans, engaged in regulatory activities associated with the Radiation Control for Health and Safety Act, and was assigned successively more responsible positions and management of a national program of surveillance of electronic products.

In July, 1979, he retired from the USPHS, and was appointed as the Director of Radiological Health at the Iowa State Department of Health. Here he established a comprehensive program in Radiological Health which is now fully operational. In October, 1981, he was appointed as Director of Environmental Health within this Department and assumed the responsibility of administering programs in public health engineering including sanitation, consumer safety and work related disease in addition to radiation protection. He is currently engaged in expanding the work related disease functions of his section.

His professional certifications include Licensed Professional Engineer-Texas, Diplomate American Academy of Environmental Engineers and Fellow of the American Public Health Association.

Mr. Flater has been employed by the Department of Health since 1980 in increasingly reasonable positions. Prior to coming to Iowa, he was employed by the FDA Bureau of Radiological Health where he received two "Commendable Service Awards."

Mr. Myers has been with the Iowa radiation control program since 1960.

Mr. Hokel has been with the program since 1983.

Mr. Koehn joined the program in February, 1985.

Reference: Iowa Program Description, Apendix IV, B.

21. *Conditions Applicable to Special Nuclear Material, Source Material and Tritium.* Nothing in the State's regulatory program shall interfere with the duties imposed on the holder of the materials by the NRC, for example, the duty to report to the NRC, on NRC prescribed forms (1) transfers of special nuclear material, source material and tritium and (2) periodic inventory data.

The State's regulations do not prohibit or interfere with the duties imposed by the NRC on holders of special nuclear material owned by the U.S. Department of Energy or licensed by NRC, such as the responsibility of licensees to supply to the NRC reports of transfer and inventory.

Reference: Iowa 470-38.1 and 38.3.

22. *Special Nuclear Material Defined.* The definition of special nuclear material in quantities not sufficient to form a critical mass, as contained in the Iowa Radiation Control Regulations, is uniform with the definition in 10 CFR Part 150.

Reference: Iowa 470-38.2, Definition of Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass.

Administration

23. *Fair and Impartial Administration.* The Iowa statute and regulations provide for administrative and judicial review of actions taken by the Department of Health.

Reference: Section 136C, The Code, Iowa 470-38.9, 38.12, 39.56, 40.21.

24. *State Agency Designation.* The Iowa Department of Health has been designated as the State's radiation control agency.

References: Section 136, The Code.

25. *Existing NRC Licenses and Pending Applications.* The Department has made provision to continue NRC licenses in effect temporarily after the transfer of jurisdiction. Such licenses will expire either 90 days after receipt from the Department of a notice of expiration or on the date of expiration specified in the Federal license, whichever is earlier.

Reference: Iowa 470–39.53.

26. *Relations with Federal Government and Other States.* There should be an interchange of Federal and State information and assistance in connection with the issuance of regulations and licenses or authorizations, inspection of licensees, reporting of incidents and violations, and training and education problems.

The proposed agreement declares that the State will use its best efforts to cooperate with the NRC and the other Agreement States in the formulation of standards and regulatory programs for the protection against hazards of radiation and to assure that the State's program will continue to be compatible with the Commission's program for the regulation of like materials.

Reference: Governor Branstad's letter dated August 26, 1985, Proposed Agreement between the State of Iowa and the Nuclear Regulatory Commission, Article VI.

27. *Coverage, Amendments, Reciprocity.* The proposed Iowa agreement provides for the assumption of regulatory authority over the following categories of materials within the State:

(a) Byproduct materials, as defined by Section 11e(1) of the Atomic Energy Act, as amended.

(b) Source materials.

(c) Special nuclear materials in quantities not sufficient to form a critical mass.

Reference: Proposed Agreement, Article I.

Provision has been made by Iowa for the reciprocal recognition of licenses to permit activities within Iowa of persons licensed by other jurisdictions. This reciprocity is like that granted under 10 CFR Part 150.

Reference: Iowa 470–39.57.

28. *NRC and Department of Energy Contractors.* The State's regulations provide that certain NRC and DOE contractors or subcontractors are exempt from the State's requirements for licensing and registration of sources of radiation which such persons receive, possess, use, transfer, or acquire.

Reference: Iowa 470–38.3.

III. Staff Conclusion

Section 274d of the Atomic Energy Act of 1954, as amended, states:

"The Commission shall enter into an agreement under subsection b of this section with any State if:

(1) The Governor of that State certifies that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State desires to assume regulatory responsibility for such materials; and

(2) The Commission finds that the State program is in accordance with the requirements of subsection o, and in all other respects compatible with the Commission's program for the regulation of such materials, and that the State program is adequate to protect the public health and safety with respect to the materials covered by the proposed amendment."

The Staff has concluded that the State of Iowa meets the requirements of section 274 of the Act. The State's statutes, regulations, personnel, licensing, inspection and administrative procedures are compatible with those of the Commission and adequate to protect the public health and safety with respect to the materials covered by the proposed agreement. Since the State is not seeking authority over uranium milling activities, subsection o. is not applicable to the proposed Iowa agreement.

Dated at Bethesda, Maryland, this 24th day of September 1985.

For the U.S. Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

Appendix A

Proposed Agreement Between the United States Nuclear Regulatory Commission and the State of Iowa for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

WHEREAS, The United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials as defined in sections 11e. (1) and (2) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

WHEREAS, The Governor of the State of Iowa is authorized under Chapter 136C, Code of Iowa, to enter into this Agreement with the Commission; and

WHEREAS, The Governor of the State of Iowa certified on ———, 1985, that the State of Iowa (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

WHEREAS, The Commission found on ———, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

WHEREAS, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

WHEREAS, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

WHEREAS, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

NOW, THEREFORE, It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I

Subject to the exceptions provided in Articles II, IV, and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials as defined in section 11e.(1) of the Act;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission;

E. The land disposal of source, byproduct and special nuclear material received from other persons; and

F. The extraction or concentration of source material from source material ore and the management and disposal of the resulting byproduct material.

Article III

This Agreement may be amended, upon application by the State and approval by the Commission, to include the additional area(s) specified in Article II, paragraph E or F, whereby the State can exert regulatory control over the materials stated herein.

Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulations, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article V

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss of diversion of special nuclear material.

Article VI

The Commission will use its best efforts to cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection agains hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules, and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VII

The Commission and the State agree that it is desirable to provide reciprocal recognition of licenses for the material listed in Article I licensed by the other party of by an Agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend all or part of this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect the public health and safety, or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission may also, pursuant to section 274j. of the Act, temporarily suspend all or part of this agreement if, in the judgment of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the State has failed to take necessary steps. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with section 274 of the Act.

Article IX

This Agreement shall become effective on ———, and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Done at Washington, District of Columbia, in triplicate, this — day of ———, 1986.

For the United States Nuclear Regulatory Commission.

Nunzio J. Palladino, *Chairman.*

Done at Des Moines, Iowa, in triplicate, this —— day of ———, 1985.

For the State of Iowa,

Terry E. Branstad, *Governor.*

Appendix B—The Iowa Radiation Control Program

Foreword

The State of Iowa, while recognizing that the scientific medical and industrial usage of atomic energy can be beneficial to its citizens, is also cognizant of the hazards inherent to ionizing radiation. With these hazards in mind, and considering that the State is committed to attain the highest practicable degree of protection for the public health from the harmful effects of all types of radiation, the second session of the 70th Iowa General Assembly (1984) enacted H.F. 2110 which is an act relating to the regulation of radiation machines and radiation material.

Section 274 of the Atomic Energy Act of 1954, as amended, authorizes the United States Nuclear Regulatory Commission (NRC) to enter into an agreement with the Governor of a state, for purposes of enabling that state to assume regulatory responsibility for licensing and regulatory control of byproduct, source and less than critical quantities of special nuclear material.

Section 136C.11 of 1984 Iowa Act, H.F. 2110, authorizes the Governor, on behalf of the Iowa State Department of Health (ISDH), Division of Disease Prevention, Environmental Health Section, Radiological Health Program, to enter into an agreement with the NRC. This agreement would provide for the discontinuance of certain responsibilities of the NRC relating to ionizing radiation and the assumption of such responsibilities by the State. A copy of the subject legislation is contained in Appendix I.D.

Radiation Protection in Iowa

Prior to 1979 there was no comprehensive regulation of x-ray or radium within the State of Iowa. Enactment of legislation entitled, "Radiation Emitting Equipment," which became effective January 1, 1979, enabled the ISDH to assure the safe installation, operation, and use of radiation emitting equipment through the process of rulemaking, registration, and inspection. Radiation emitting

equipment includes sources of ionizing radiation, such as x-ray machines, accelerators, radium and other radioactive material not under the jurisdiction of the NRC.

In implementing this law, the ISDH established a radiation control program in July 1979 and promulgated rules which became effective July 1, 1980. Although Iowa has made a belated appearance on the radiation control regulatory scene, it has been able to profit from the knowledge gained by other Federal, state, and local programs who have been actively engaged in this activity for many years. In particular, the rules which Iowa adopted were directly extracted from those recommended by the National Conference of Radiation Control Program Directors, Inc., and reflect several decades of experience by other radiation control programs. These rules basically address safety requirements associated with equipment, but also include stipulations regarding maximum exposure levels, operating procedures, safety instructions, warnings, and personnel and patient protection.

Registration and Inspection

On July 1, 1980, the Environmental Health Section's Radiological Health Program (RHP) initiated its registration program for equipment. As of January 1, 1984, approximately 2400 possessors of almost 5000 healing arts x-ray machines have registered their equipment with the Department. This number includes all healing arts users including hospitals, educational institutions, industries, and state and local agencies. In addition, there are approximately 80 facilities employing non-healing arts x-ray and 20 possessors, of radium registered as are the possessors of 15 particle accelerators. Ninety percent of the registered facilities fall into the healing arts categories.

In addition to registration, the RHP also is conducting comprehensive inspections throughout the State. The radiation emitting equipment inspected to date almost entirely consists of diagnostic x-ray machines employed in the healing arts. As of April 1, 1985, the RHP has inspected over 47 percent of the x-ray tubes and two radium users. Although a wide variety of units were inspected, including newly installed equipment, major emphasis was given to equipment which might pose the greatest risk to public health either because of its antiquity or improper use. Locations of the units and information used in prioritizing were obtained from the registration program.

Approximately 17 percent of the units inspected thus far have been found to possess major items of non-compliance such as the absence of a means to limit the useful beam of the x-ray to the portion of the patient's body which is of clinical interest or the absence of an adequate means of protecting the operator from radiation exposure. An additional 67 percent of the units inspected were found to not conform with aspects of the rules of lesser public health concern. In most cases these minor non-compliances can be rectified by establishment of safety procedures and other instructional guidance to the operator or by adjustment and calibration of equipment. All non-compliance equipment has either been corrected or is in the process of being corrected.

Special Provisions

The 1979 Iowa law and subsequent rules, while diligently following the pathway blazed by other states, does incorporate several new provisions not embarked on by most of the other state programs. These new avenues toward reducing radiation exposure involve the following areas:

(1) Restricting healing arts screening practices;

(2) Establishing operator training requirements;

(3) Maintaining human exposure to radiation at levels which are as low as reasonably achievable; and

(4) Funding a radiation control program from registration/inspection fees paid by possessors of radiation emitting equipment.

Healing Arts Screening

Healing arts screening can be defined as the intentional exposure of individuals to x-ray for diagnostic purposes without the specific and individual order of a licensed practitioner of the healing arts. The Iowa Administrative Code only permits that such screening practices be conducted with the approval of the ISDH. Until the promulgation of these rules there was no legal restriction against the indiscriminate x-raying of persons in the State without involving a licensed practitioner. A number of large industrial employers were regularly hiring out-of-state mobile x-ray services to conduct annual chest x-ray examinations which were in some cases required by the employer or in one instance an employee benefit included in the labor contract. The degree of scrutiny given to analyzing the x-ray films obtained from these screening practices or of assuring the provision of the diagnostic information retrieved from the individuals' personal physicians is highly suspect. Implementation of these regulatory provisions has significantly decreased the observed instances of unwarranted healing arts screening.

These rules are intended to minimize, if not preclude, the screening which is conducted randomly and arbitrarily, and without appropriate pre-selection. Such pre-selection would include the identification of positive reactors to tuberculin skin tests, or other individuals who have a demonstrated increased risk to disease for which x-ray diagnosis is appropriate. For instance, ISDH approval can be and has been justified for chest x-ray screening of workers exposed to asbestos or silicon dusts.

X-ray examination at the discretion and prerogative of an examining licensed practitioner who needs such radiographic information for diagnostic purposes would not, of course, be healing arts screening and, therefore, not subject to restriction. This requirement would hopefully serve to reduce unnecessary x-ray exposure to the public by reducing the number of x-rays taken for purposes of legal liability, insurance claims, workman's compensation, or otherwise where the probability of receiving healing arts benefits is extremely remote.

Operator Training Requirements

January 12, 1983, is the effective date for the State "Minimum Training Standards for Diagnostic Radiographers" (470–42.1(136C)). This rule applies to operators of diagnostic x-ray equipment employed in the healing arts other than dentistry or veterinary medicine. Licensed practitioners in medicine, osteopathy, chiropractic or podiatry also are not covered under the rules. The standard establishes training requirements for two categories of diagnostic radiographers, General and Limited.

General diagnostic radiographers are those who may apply x-ray to any portion of the human body to obtain a radiograph. Successful completion of a two-year training program identical to that which is necessary to obtain national certification is required for the General category.

The Limited category would include those individuals who only radiograph specific portions of the human body, such as chests, extremities or in the practice of chiropractic or podiatry. The training programs for Limited diagnostic radiographers must be specifically recognized by the ISDH and are not expected to exceed approximately 80 hours total class time.

The Conditional diagnostic radiographer category would be made available only by special exemption from these rules and would be temporary in nature. Typically such an exemption may be provided to afford a short, but reasonable period of time, for an individual to commence an acceptable training program. It is difficult to conceive of a situation in which a long-term exemption permitting a Conditional diagnostic radiographer could be justified. Hopefully, this exemption will enable the timely training of operators without undue interference with the provision of healing arts services.

As Low As Reasonably Achievable

As an adjunct to its compliance program, the ISDH is participating in a radiological health initiative with the Food and Drug Administration's (FDA) Bureau of Radiological Health by disseminating educational material on unnecessary radiation exposure in the healing arts. This information has been provided to practitioners and other healing arts facilities for distribution to patients.

This program involves the distribution of consumer information packets to all types of healing arts facilities including medical doctors, osteopathic doctors, chiropractors, dentists, hospitals, clinics, and numerous specialty type facilities such as podiatry, gynecology, urology, internal medicine, neurology and surgery. The program is scheduled to continue indefinitely with radiation inspectors and other field personnel distributing the packets. The information being disseminated is not new. It has long been recognized in the field of radiation protection. The new aspect of this program is that it emphasizes the role of the consumer in protection effects.

Since this program so very directly relates to diagnostic x-rays, a valuable tool of the healing arts, it seems only appropriate that dissemination of this information be closely associated with healing arts facilities.

The ISDH also is cooperating with the FDA in its "Dental Exposure Normalization Technique"

This activity is primarily directed towards reducing patient exposure through quality assurance programs at dental facilities. The Iowa Dental Association has expressed its support of this program and is actively nurturing cooperation within the dental community.

Further emphasis towards encouraging reduction in patient exposure from medical x-ray procedures through voluntary quality assurance program emphasis is contemplated for the future. Physical demonstration of financial, as well as patient exposure savings, is expected to be an effective method of obtaining cooperation from the community.

The activities of the RHP are supported, to a large degree, from fees paid by registrants of radiation emitting equipment. This method of fiscal support is based on the statutory requirement for fees in amounts sufficient to defray the cost of administering this program. The apportionment of fees approximates as closely as possible the ISDH resources necessary to administer this program in relation to each registrant. In developing the fee, we attemped to maintain consistency with fees other states were charging for equipment as well as the method employed in assessing these fees. The fee schedule as it now exists is our best estimate of what is needed to defray the cost of this regulatory program. The variation in the fees reflects differences in equipment complexity and potential public health impact moderated by an equalizing tendency of an overall registration program. The person having legal possession of radiation emitting equipment is considered the registrant of that equipment and the person responsible for paying the fee. Fees range from $20.00 for an individual industrial x-ray unit to a maximum of $250.00 for facilities possessing 16 or more medical x-ray machines.

Other Activities

Basically the Iowa RHP is similar to those being implemented in most other states, with the slight exception of the features described above. Currently, major emphasis is being given to reducing exposure from diagnostic x-ray because of its overall contribution to that total populations's exposure from man-made radiation sources.

In addition to fulfilling its responsibilities under the Radiation Emitting Equipment Act, the Agency also serves to provide State government with radiological health expertise, particularly in the event of nuclear emergencies. This activity involves consulting with other agencies on such subjects as transportation of radioactive material, low-level radioactive waste disposal, radioactive contamination, protective action guides for radioactively contaminated agriculture products and medical radiological response. In the unlikely event of a nuclear emergency in Iowa, personnel from the Environmental Health Section would report to the State Emergency Operations Center and primarily perform the following functions:

1. Receive and interpret data regarding radioactivity releases to the environment or the potential for such releases;

2. Perform calculations to ascertain the resultant levels of radioactivity affecting persons;

3. Evaluate the impact of these radioactivity levels of the public health; and

4. Translate this health physics evaluation to the decision makers and assist them in making protective action decisions.

In addition to this formalized response, the agency also provides consultative and training services to the public and regulated sectors relating to radiation safety. Investigations of complaints, minor accidents and suspected radiation problems are conducted on request as staff and resource limitations permit.

New Legislation

The second session of the 70th Iowa General Assembly (1984) passed H.F. 2110 (Appendix I.D). This legislation provides the authority for the Governor to enter into an agreement for the assumption of certain licensing and regulatory functions of the NRC. Rules which will facilitate the transition of authority from the NRC to the State radiation control group have been promulgated. We are aware of the need to periodically update rules to maintain compatibility. Work is underway to address appropriate revisions of the current rules. Draft rule changes will be submitted to NRC for review and comment.

Organization, Functions and Responsibility

The 18th General Assembly of Iowa established a State Board of Health in March 1880. The purpose of the Board was to provide for collecting vital statistics, to assign certain duties to local boards of health, and to punish neglect of duties. The Board consisted of nine members which included the State Attorney General, one civil engineer, and several physicians.

The State Board of Health and State Department of Health first appeared in the Iowa Code in 1897. The current legislation for this Board and Department is:

1. Chapter 136, The Code, stipulates that the Board is the policy making body for the Department of Health having powers and duties to:

a. Consider and study the entire field of legislation and administration concerning public health, hygiene and sanitation.

b. Advise the Department relative to:

i. The causes of disease and epidemics and the effect of locality, employment and living conditions upon public health

ii. The sanitary conditions in the educational, charitable, correction and penal institutions in the State

iii. Communicable and infectious disease including zoonotic diseases, quarantine and isolation, venereal diseases, antitoxins and vaccines, housing and vital statistics

c. Establish policies governing the performance of the Department in the discharge of any duties imposed on it by law.

d. Establish policies for the guidance of the Commissioner in the discharge of his duties.

e. Investigate the conduct of the work of the Department and for this purpose it shall have access at any time to all books, papers, documents and records of the Department.

f. Advise or make recommendations to the Governor or General Assembly relative to public health, hygiene and sanitation.

g. Adopt, promulgate, amend and repeal rules and regulations consistent with law for the protection of public health and for the guidance of the Department. All rules which have been or are hereafter adopted by the Department shall be subject to approval by the Board.

2. Chapter 135, The Code, stipulates that the Commissioner of Public Health is the head of the State Department of Health having the power and duties to:

a. Exercise general supervision over the public health, promote public hygiene and sanitation and, unless otherwise provided, enforce the laws relating to same.

b. Conduct campaigns for the people in hygiene and sanitation.

c. Issue monthly health bulletins containing fundamental health principles and other data deemed of public interest.

d. Make investigations and surveys with respect to the causes of disease and epidemics and the effect of locality, employment, and living conditions on the public health.

e. Make inspections of the sanitary conditions in the educational, charitable, correctional, and penal institutions in the State.

f. Make inspections of the sanitary conditions in any locality of the State upon written petition of five or more citizens from said locality and issue directions for the improvement of the same which shall be executed by the local board.

g. Establish, publish, and enforce a code of rules governing the installation of plumbing in cities.

h. Exercise general supervision of the administration of the housing law and give aid to the local authorization in the enforcement of the same.

i. Enforce the law relative to the "Practice of Certain Professions Affecting the Public Health."

j. Establish and maintain such divisions in the Department as are necessary for the proper enforcement of the laws administered by it including a division on contagious and infectious disease, a division of venereal disease, a division of vital statistics and a division of examinations and licenses; but the various services of the Department shall be so consolidated as to eliminate unnecessary personnel and make possible the carrying on of the functions of the Department under the most economical methods.

k. Establish, publish and enforce rules not inconsistent with law for the enforcement of the provisions of this title and for the enforcement of the various laws, the administration and supervision of which are imposed upon the Department.

l. Establish standards for issuing permits and exercise control over the distribution of venereal disease prophylactics distributed by methods not under the direct supervision of a licensed physician under Chapters 148, 150 or 150A or a pharmacist license under 147. Any person selling, offering for sale or giving away any venereal disease prophylatic in violation of the standards established by the Department shall be fined not exceeding five hundred dollars and the Department shall revoke this permit.

m. Administer the statewide public health nursing and homemaker-home health aide programs by approving grants of state funds to the local boards of health and county boards of supervisors and by providing guidelines for the approval of the grants and allocations of the State funds.

The Department has two assistants to the Commissioner who are responsible for (1) Central Administation and Professional Licensure, and (2) Health Planning and Development. There are also four division directors responsible for (1) Health Facilities, (2) Disease Prevention, (3) Personal and Family Health, and (4) Community Health. A chart showing the present organization of the Department of Health is contained in Appendix IIA.

Funding for the Department is both State and Federal. Federal Block Grants are used to fund many of the Department's programs. Funds for the RHP are 19 percent Federal contract money, 40 percent from registration fees and 41 percent state funds.

Although our legislation to regulate radiation producing machines and radioactive materials does not mandate the appointment of an advisory committee, such a committee has been appointed by the Commissioner of Health and is called the Ad Hoc Committee on Rules for Radiation Emitting Equipment. The current committee is made up of 20 individuals representing engineering, diagnostic radiography, nuclear medicine, dentistry, veterinary medicine, chiropractic, podiatry, manufacturers, industry, allied health organizations and public interest groups. Appendix III is a list of the membership of the present committee. This committee's responsibilities are to act as a techincal resource and a review mechanism for rules promulgated by the Department. The committee is strictly advisory and final decisions are reserved for the Commissioner based on staff recommendations. Any conflict of interest on the part of the advisory committee would be taken into consideration in the staff review. The RHP of the Environmental Health Section has the authority to regulate the use of all sources of ionizing radiation, except those it may exempt or are under the jurisdiction of the Federal government. A chart showing the organization of the Environmental Health Section is shown in Appendix IIB.

All members of the RHP staff have experience in health physics and are in the process of receiving specialized training relating to radioactive materials. Professional staff including both new and existing personnel will continue attending NRC training courses as they become available to attain and maintain a high level of technical competency. Responsibilities, background and experience of radiation control personnel are given in Appendix IV.

The RHP is within the Environmental Health Section of the Division of Disease Prevention. The Section Director is responsible for signing licenses and overall general supervision of the Program. The Coordinator of the RHP will be responsible for supervising the review of license applications and the justification and writing of all licenses. This individual will also review all inspection reports and be responsible for corresponding with licensees to advise them of items of non-compliance found during inspections and eliciting compliance. The

Coordinator will spend one-third of a person-year on agreement state program activities. A senior staff member of the RHP will be responsible for conducting license application review and preparation of licenses. He will have lead responsibility for inspection of licensees and investigation of incidents pertaining to radioactive materials. This staff person will also be an integral part of all emergency response efforts. It is anticipated that a major portion of this individual's time will be spent on the agreement state program. Prior to consummation of the agreement a position will be estabished to provide secretarial support for this program. It is also anticipated that the RHP professional staff will be trained and used in the radioactive materials program to do routine inspections. It is expected that the total personnel time devoted to the radioactive materials program will be at least two-person-years.

Within Iowa the Departments of Health, Water, Air and Waste Management, Transportation and the Bureau of Labor also have authority regarding radioactive materials. To avoid duplication of effort, promote coordiation of radiation protection activities and assure uniform regulation and timely investigation of all potentially hazardous situations resulting from radioactive material, appropriate interagency agreements are necessary. The Iowa Code (Appendix IB) permits state and local governments in Iowa to make efficient use of their powers by enabling them to provide joint services and facilitate with other agencies and to cooperate in other ways of mutual advantage. To consolidate the radiological health activities the Iowa State Department of Health has entered into 28E Agreements with the Department of Water, Air and Waste Management, the Department of Transportation and the Bureau of Labor. Appendix IB.1, 2 and 3 contains copies of the subject legislation and a copy of each of the 28E agreements.

Scope of Activities

The RHP administers the regulatory program associated with licensing of radio-active materials and registration of radiation machines, special projects and emergency response. Chapter 136C, The Code, (Attachment I, D) outlines the Department's duties. General laboratory services for the State are provided by the University Hygienic Laboratory (UHL) at the University of Iowa, Iowa City. Laboratory analysis needed by the RHP would be provided by the UHL through a contractual agreement to be established prior to the signing of the NRC agreement. Also, as part of this contractual agreement we will make provision to obtain environmental surveillance data generated by UHL.

Base on a review of NRC licensees in Iowa it would appear that there is not an immediate need for the RHP to have environmental surveillance capabilities. As we progress into the agreement state program, should the need arise, we will take whatever action is necessary to verify environmental surveillance data provided by a licensee or to conduct environmental surveillance activities to determine if a public health problem exists and to determine the extent of such a problem.

Within Iowa there are 5,251 registered radiation machine tubes which includes 2,752 dental tubes, 1,822 medical tubes, 398 chiropractic tubes, 68 podiatry tubes, and 195 tubes used for non-healing arts purposes. These tubes are all contained in 2,451 registered facilities. There are 27 linear accelerators registered with the Program. Eighteen are used for medical therapy purposes and nine are used for industrial purposes. We also have 24 facilities registered who use NARM products. As of March 1, 1985, there are 172 NRC licenses in Iowa. It is anticipated that the State will assume approximately 170 of these licenses.

At this time, the State does not wish to assume authority over uranium milling activities or the commercial disposal of low-level radioactive waste. The State, however, reserves the right to apply at a future date to NRC for an amended Agreement to assume authority in these areas.

Regulatory Procedures and Policy

Licensing and Registration

Chapter 136C, The Code, requires licensing of all radioactive materials and radiation machines except for sources of radiation which are specifically exempted by rule. Fees are charged for radiation machine registration as set forth in 470–38.13(1) of our Radiation Emitting Equipment Rules, Title IV. 470–38.13(2) sets forth the provision that a license and inspection fee for radioactive materials will be based on the provisions of 10 CFR Part 170.

Licensing procedures are being developed and will be consistent with those of the NRC. A draft licensing application and sample forms contained in Appendix V will be used in conjunction with licensing and regulatory guides patterned after NRC documents.

General licenses are provided by rule without filing an application with the Department or the issuance of a licensing document. General licenses will be issued for specified materials under specified conditions when it is determined that the issuance of specific licenses is not necessary to protect the public health and safety. Specific licenses or amendments thereto will be issued upon review and approval of an application. A specific license will be issued only to named persons or facilities under the supervision of a named person and will incorporate appropriate conditions and expiration date. A pre-licensing inspection will be conducted when appropriate.

The Department will establish a subcommittee of our Ad Hoc Committee on Rules for Radiation Emitting Equipment and seek its advice and consultation regarding all applications for non-routine medical use of radioactive materials. Appropriate research protocols will be required as a part of such an application. The Department will maintain knowledge of current developments, techniques and procedures for medical use applicable to the licensing program through continuing contact and information exchange with the NRC, other agreement states and the medical profession.

The registration and inspection program for radiation producing machines will continue and the use and inspection of NARM will be phased into the radioactive materials program.

Inspection Program

The Department has an inspection/compliance program for radiation machines which is similar to that which will be established for the radioactive materials program. Inspections for the purpose of evaluating radiation safety and determining compliance with appropriate rules and provisions of licenses will be conducted as scheduled or in response to requests or complaints. Inspection frequency will be based upon the extent of the potential hazard and experience with the particular facility. Inspection priorities may be changed on a case-by-case basis consistent with current NRC practices. It is anticipated that the state inspection of licensees will be conducted in accordance with the following inspection frequency chart.

License type	Inspection frequency
Industrial Radiography	1 year.
Broad Medical	2 years.
Broad Academic	2 years.
Nuclear Pharmacy	2 years.
Research and Development	3 years.
Broad Industrial (A & B)	3 years.
Nuclear Medicine	3 years.
Teletherapy	3 years.

License type	Inspection frequency
Broad Industrial (C)	5 years.
Non-Medical Group	5 years.
Mobile Gauges	5 years.
Limited Industrial	6 years.
Academic (not covered above)	6 years.
Gauges, Calibrators, etc.	Initial.[1]

[1] As needed.

All license type/inspection frequency not covered above will be inspected based on NRC criteria.

Inspections will be conducted on an unannounced basis unless the Department determines that an announced inspection is more appropriate. Written inspection procedures developed with NRC guidance will be followed in conducting inspections and preparing reports.

The RHP has personnel trained in regulatory practice and procedures. Additionally, program personnel continue to accompany NRC inspectors during their field inspections in Iowa to gain a higher degree of competency in evaluating radiation safety and to determine compliance with appropriate regulations and license provisions. Inspections will include the observation of pertinent facilities, operators and equipment; a review of the pertinent records and of radioactive materials—all as appropriate to the scope of the activity, conditions of the license and applicable rules. In addition, independent measurements will be made as appropriate.

At the start and conclusion of an inspection, personal contact will be made at management levels whenever possible. Following the inspection, results will be discussed with management. Prompt investigations and reports will be made of all reported or alleged incidents to determine the cause, the steps to be taken for correction, and the prevention of similar incidents in the future.

Compliance and Enforcement

Compliance with rules and license conditions will be determined by inspections and evaluation of inspection reports. When there are items of non-compliance, the licensee or registrant will be informed at the time of inspection as follows:

1. When the items are minor and the licensee or registrant agrees at the time of inspection to correct them, written inspection findings will be prepared which will list the items of non-compliance, confirm any corrections made during the inspection, and require acknowledgment by the person interviewed. The licensee or registrant will be informed that a review of any corrective action items will be conducted at the time of the next regular inspection or by a reinspection.

2. When the non-compliance is considered serious, the person interviewed will be informed at the time of the inspection. Written notification of inspection findings will be sent to the licensee or registrant which will delineate the items of non-compliance and require a written response within 30 days of the written notification date. The response from the license or registrant shall include a correction action plan and a timetable which will outline the completion dates for correcting all non-compliance items.

3. If no reply is received to the initial written notification within the specified time, a regulatory letter will be sent to management. This letter will order compliance and advise that if corrective action is not initiated, the Department will seek appropriate penalties and direct remedial relief.

4. Continued non-compliance as determined by a reinspection, if appropriate, or by failure to respond within five days of the regulatory letter could result in Departmental action as outlined in 470–38.9(5) of our Radiation Emitting Equipment Rules, Title IV. The Departmental action may include one or a combination of the following:

a. Impound or order the impounding of radioactive material in accordance with Iowa Code, Section 136C.5 Subsection 5.

b. Impose an appropriate civil penalty.

c. Revoke a radioactive materials license.

d. Request the County Attorney or the Attorney General to seek court action to enjoin violations and seek conviction for a simple misdemeanor.

e. Take enforcement action that the Department feels appropriate and necessary and is authorized by law.

The Department uses its best efforts to attain compliance through cooperation and education prior to initiating the formal legal procedures outlined above.

Upon request by a licensee or upon the determination by the Department, the terms and conditions of a license may be amended, consistent with our legislation or rules, to meet changing conditions in operations or to remedy technicalities of non-compliance.

Effective Date of License

Any person who possesses a license for agreement materials issued by the NRC, on the effective date of the agreement with the NRC, shall be deemed to possess a like license issued by the Department which shall expire either 90 days after the receipt from the Department of a notice of expiration of such license or on the date of expiration specified in the Federal license, whichever is earlier.

Administrative Procedures

The basic standards of procedures for administrative agencies in the State of Iowa are set forth in Chapter 17A, The Code (copy in Attachment IA). The Department will follow the provisions of this Chapter, Chapter 136C, The Code, which is the act relating to the Regulation of Radiation Machines and Radioactive Material and the Department's Radiation Emitting Equipment Rules, Title IV, with respect to hearings, issuance of orders and judicial review of findings.

Compatibility and Reciprocity

In promulgating the present Radiation Emitting Equipment Rules, Title IV, the Department has, insofar as practicable, maintained compatibility with NRC and agreement state regulations, has avoided requiring dual licensing and has provided for reciprocal recognition of other agreement states and Federal licensees.

Through these rules the State has adopted radiation protection standards and will strive to maintain compatibility with NRC and other agreement states. The Department will also cooperate with NRC and other agreement states in interchanging information and statistics relating to control of radioactive materials.

Interagency Agreements

Interagency agreements are provided for in Chapter 28E, The Code, (copy in Appendix IB). Currently the ISDH has 28E Agreements with the Iowa Bureau of Labor, the Iowa Department of Transportation, and the Iowa Department of Water, Air and Waste Management. (Copies of each agreement are attached to appropriate legislation in Appendix IB.1, 2 and 3.) The purpose of each is to avoid duplication of effort and to promote coordination of radiation protection activities; assure uniform regulation of the use, manufacture, production, distribution, sale, transport, transfer, installation, repair, receipt, acquisition, ownership and possession of radioactive materials from a radiological health and safety standpoint relating to the exposure of individuals, and to assure timely investigation of all potentially hazardous situations resulting from radioactive material.

Radiation Laboratory Services

The RHP has or will be obtaining the equipment to have the capability of

evaluating samples collected during routine inspections and for making independent measurements. The current equipment the program has is listed in Appendix VI. We have included in our 1985–86 budget request $10,500.00 for new equipment which will include additional ion chambers, alpha detection process, a neutron measurement device, audible personnel monitoring devices, etc. We have a good working relationship with Iowa State University (ISU), the University of Iowa (U of I), and the University (State) Hygienic Laboratory (UHL). These institutions have very good radiation measurement inventories and in the past we have been able to borrow equipment as the need arises. All instruments used for inspection and emergency response will be calibrated on the basis recommended by NRC.

Iowa has an environmental surveillance program. It is conducted by the State University Hygienic Laboratory (UHL) and includes radiological analyses of air, surface and drinking waters and milk samples taken State-wide. The UHL also conducts a radiological surveillance program around the Duane Arnold power reactor site under contract with NRC. If, in the future, the State licenses a facility having a potential for a significant radiological impact upon the environment, the State has the capability to develop a site-specific environmental surveillance program. The Iowa enabling legislation empowers the State to charge the licensee a fee to recover the costs of such a program.

The three institutions mentioned above have the capability to do gamma spectroscopy and gross alpha-beta counting of environmental sample. In most cases UHL will be used because it is the agency which provides laboratory services for the State of Iowa. If the UHL is unable to perform necessary tests, assistance will be requested from the appropriate Federal agency.

Emergency Response

The RHP has technically trained personnel and specialized equipment to investigate and evaluate incidents involving ionizing radiation. The program continues to prepare for such response by providing the following:

1. Trained staff for advisement required to meet any given situation.

2. Trained and equipped staff for emergency field activities. If the magnitude to the incident would be too great, assistance could be obtained from the three state emergency response teams which are located at ISU, U of I and UHL.

3. Transportation to the incident site via private auto or by any type of state mode of transportation which would be necessary for prompt response.

4. Established liaison with appropriate Federal officials.

5. Training of key personnel of other State/local agencies.

Radiological assistance in the form of monitoring, liaison with appropriate authorities and recommendations for area security and cleanup are provided by the Department. All program personnel will be maintained at an operation-ready level of training. This will be accomplished by training received in house and from Federal agencies.

Appendix VIIA is the portion of the Nuclear Power Plant Emergency Plant Response criteria of the Iowa Emergency Plan which relates to the ISDH activities. The Plan addresses only off-site releases from fixed nuclear facilities. Upon review you will note that it is the responsibility of the Department to advise the Iowa Office of Disaster Services (ODS) of the extent of the hazard to the public health and safety and recommend protective actions as necessary.

In Appendix VIIB is the portion of Annex E of the Iowa Emergency Plan which outlnies the telephone procedure for a radioactive material incident. This Annex is currently being revised to address State actions to be taken regarding radioactive material spills, overexposures, transportation accidents, fires or explosions, theft, etc., and to update the guidance materials incorporated into the plan. All licensees will be given a copy of Annex E and instructed in the proper method of reporting incidents.

[FR Doc. 85–23305 Filed 9–30–85; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee for Review of Enforcement Policy; Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Committee on the Enforcement Policy will meet on November 1, 1985. At the meeting which will be open to the public the Committee will be discussing the final draft of its report to the Commission.

The meeting will be held in Room 1167, 1717 H Street, N.W., Washington, D.C. from 10:00 a.m. until 5:00 p.m. Further information on the meeting may be obtained from Karen Cyr, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301–492–7269.

Dated at Washington, D.C., this 9th day of October, 1985.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 85–24583 Filed 10–11–85; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Civil Service Retirement System; Interest Rate for Deposits and Redeposits in 1985

AGENCY: Office of Personnel Management.

ACTION: Notice; correction.

SUMMARY: This document corrects a date which was erroneously printed in a notice published on August 15, 1985 (50 FR 32918 through 32919). This notice announced the 13% interest rate applicable for calendar year 1985 for certain deposits and redeposits to the Civil Service Retirement Fund.

FOR FURTHER INFORMATION CONTACT: Margaret Sears, Office of Pay and Benefits Policy, Office of Personnel Management, Washington D.C. 20415, (202) 632–0003.

Correction

For the reason given in this summary, the information in the first full paragraph of the August 15 notice on page 32919 should state that the variable interest rate applies to deposits for noncontributory service performed after September 30, 1982, instead of September 30, 1985, as erronously printed in the notice.

Office of Personnel Management.

Constance Horner,

Director.

[FR Doc. 85–24514 Filed 10–11–85; 8:45 am]
BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–14745; (812–6124)]

Capital Preservation Fund, Inc., et al., Application for Order Permitting Externalization of Administrative and Transfer Services

October 4, 1985.

Notice is hereby given that Capital Preservation Fund, Inc. ("CPF"), Capital Preservation Fund II, Inc. ("CPF II"), Capital Preservation Treasury Note Trust ("Treasury"), Benham California Tax-Free Trust ("California"), Benham National Tax-Free Trust, Benham Target

Maturities Trust ("Maturities") and Benham Government Income Trust (such funds and/or trust sometimes referred to herein, collectively or severally, as "Funds"), and Benham Financial Services, Inc. ("Financial"), Benham Management International, Inc. ("International") and Benham Management Corporation ("Management") (collectively with the Funds, "Applicants"), each at 755 Page Mill Road, Palo Alto, CA 94304, filed an application on May 23, 1985, and an amendment thereto on October 1, 1985, for a Commission order pursuant to sections 6(c) and 17(b) of the Investment Company Act of 1940 ("Act") and Rule 17d–1 thereunder exempting Applicants from the provisions of sections 12(d)(3), 17(a), 17(d), and 21(b) of the Act and Rule 17d–1 thereunder to the extent necessary to permit them to enter into certain transactions and arrangements relating to a proposed externalization (the "Externalization") to Financial of administrative services currently provided to the Funds by facilities and personnel of CPF. 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 and the rules thereunder for the text of the applicable provisions.

Applicants represent that each Fund is an open-end, diversified, management investment company registered under the Act. Management, a wholly-owned subsidiary of International and a registered investment adviser, serves as investment adviser to each Fund. Financial, a California corporation which is a wholly-owned subsidiary of International, currently has no operations but proposes to serve as administrator and transfer agent to the Funds.

According to the application, at the time of organization of CPF II and Treasury in March 1980, CPF already had an internalized organization of employees and facilities through which it obtained services—generally administrative in nature—which it did not obtain from other entities. These services included Fund and shareholder accounting and recordkeeping, internal audit, services of internal legal counsel, and general administration and management (other than that required to be provided by Management). This organizational structure remained in place as the other Funds were organized. Applicants state that the Funds currently allocate the costs of the services obtained from CPF (including depreciation expense on fixed assets) among the Funds based on relative transaction volume, usage, or (where no more direct method can be used) relative net assets. The other Funds also compensate CPF for its "lost opportunities" as a result of maintaining the equipment and facilities used to provide administrative and transfer services to the Funds.

Applicants propose, subject to approval of the Funds' shareholders, that the current internalized arrangements be externalized so that the services currently obtained through employees and facilities of CPF would be provided to the Funds by Financial pursuant to contract. Financial would assume the current CPF Organization, including employees, equipment and facilities. Applicants state that each Fund, subject to shareholder approval, would then enter into agreements ("Service Contracts") with Financial which would obligate Financial to provide the Funds with the services previously obtained internally through CPF. As consideration for these services, Financial will receive from each Fund a fee which will be calculated and accrued daily and paid thrice monthly at the following annual rates: 0.16% of the first $300 million of average daily net assets of the Fund, 0.14% of the next $300 million, and 0.12% over $600 million. Applicants state further that Financial will also perform various transfer agency and dividend disbursing services, and that as consideration therefor each Fund (and each portfolio of a series-type-fund) will pay Financial a specified monthly fee per shareholder account plus $1.60 per shareholder transaction.

Applicants represent that the Funds will also bear other expenses, including investment advisory fees. However, Applicants further represent that Financial will reimburse each Fund by which its total expenses, including fees paid to Financial and Management (but excluding brokerage commissions, taxes, interest and extraordinary expenses as determined by the relevant Fund's Board of Directors (the "Board")) exceed 0.73% per annum of CPF's and CPF II's average daily net assets, 0.70% of Maturities' average daily net assets, and 1.0% per annum of the other Funds' average daily net assets. (California's expense guaranty will be .75% for a six-month period beginning October 1, 1985.)

Applicants represent that, in evaluating the Externalization, the independent directors of each Fund (persons who are not "interested persons" of the Funds, Financial or Management under section 2(a)(19) of the Act), and members of the Externalization Committee (comprised of officers and/or directors of Applicants) worked closely with the Funds' counsel and independent public accountants, and that Externalization matters were considered regularly at each Fund's Board meetings from May 1982 through the present. Further, Applicants represent that each Board (a majority of which at all times have been independent directors) considered various alternatives to the present system, including (i) establishing a subsidiary jointly owned by the Funds, (ii) disbanding the current CPF organization and contracting with parties unrelated to the Funds or International, (iii) transfer of the CPF organization to International or a subsidiary of International, which would then provide the services to the Funds under contract.

Applicants represent that the Funds' independent directors and each Fund's Board considered the advantages and disadvantages of the Externalization to each Fund. They analyzed the alternatives and all other material factors relating to the development of the proposal and the proposal itself, including the fact that the facilities transferred might decrease in value. Applicants state that after considering the various possible alternatives and the terms of the Externalization, the Board of each Fund, including the independent directors, concluded that (i) the Externalization was fair and reasonable and did not favor one Fund over another, (ii) each Fund would receive fair value from the sale of assets, and (iii) the proposed Service Contracts would result in substantial benefits to each Fund. The Boards unanimously approved the Externalization in February 1985.

Applicants represent that the terms of the Externalization provide that Financial will purchase the assets of CPF at the greater of book or market value (in aggregate) as determined by an independent appraisal. Applicants further represent that although the assets being transferred are owned by CPF, the Boards have determined that Funds other than CPF should share in any excess of market value over book value because those Funds paid CPF for their ratable shares of depreciation expense while CPF owned the assets and thus have shared in the economic cost of holding those assets. Applicants represent that any such amounts payable to the Funds, other than to CPF II, will be de minimis (approximately $6,000 in the aggregate) and will be paid in cash at the closing.

Applicants state that Financial will pay CPF for the assets, and CPF II for its share of depreciation expenses, pursuant to notes ("Notes") payable in 60 approximately equal monthly installments, bearing interest on the unpaid balance at a rate equal to the current Bank of America prime rate plus 1½% (adjusted quarterly). Applicants also state that the Notes will be executed by both Financial and International and will be collateralized by a perfected security interest in the assets transferred. Further, Applicants represent that the Notes will contain various protective conditions such as International having to maintain specified minimum financial ratios, restrictions on loans made or debts incurred by International, and International being required to provide CPF and CPF II with audited financial statements. Applicants also state that payments due on the Notes may be offset by CPF or CPF II against fees due and payable to Management or Financial; the Notes may be accelerated in the event of the death of James M. Benham (owner of 100% of the voting shares of International); and upon any material breach by Financial or International, CPF and CPF II may accelerate the Notes and terminate the investment advisory and/or Service Contracts without regard to the contractual notice period. CPF and CPF II also have the right to receive the proceeds of an insurance policy purchased by International on the life of Mr. Benham.

Additionally, Applicants undertake the following:

1. Financial will not increase its Funds' fee schedule for two years and Financial and Management will not increase the applicable expense guarantees for one year.

2. International will represent to each Fund that it has no present intention of selling any Financial shares.

3. For a five-year period, the independent directors, the Boards and the shareholders of each Fund must approve any sale of Financial shares which would result in a change of control of Financial and receipt of consideration in excess of the book value of the shares sold.

4. For a three-year period, all Financial shares will be subject to an option by Financial to repurchase such shares for their book value upon the death or termination of employment of any shareholder, which is a natural person, or upon a proposed voluntary or involuntary transfer of the shereholder's shares.

5. In case of any sale of Financial within three years, the seller would be obligated to pay to each Fund its pro rata share of a percentage of any "sale profit" equal to 100% in the first year, 66.67% in the second year, and 33.33% in the third year. "Sale profit" would be the excess of the net profits derived from the sale over the book value of the shares sold (after reducing such excess on account of any cumulative operating loss incurred by Financial since its incorporation), or, if Financial had clients at the time of the sale in addition to the Funds, an allocated portion of such excess. The "allocated portion" would be that portion of such excess value fairly attributable to the Service Contract with each Fund, such allocation to be proposed initially by Financial and to be subject to the approval of each Board including a majority of the independent directors.

6. At least 50% of the members of each Board will be independent directors and the audit and independent director nominating committees of each Fund will consist exclusively of independent directors.

7. For a five-year period, each principal of Financial will be available to serve as an officer of each Fund in whatever capacity the Board might wish (so long as the Services Contract remains in effect).

8. Although Financial has no present intention to service unaffiliated entities, Financial will, for a five-year period, give each Fund notice of its intent to take on new significant unaffiliated clients, which notice will include all information relevant to the impact that such new client might have on Financial's obligations to the Funds.

Applicants believe that the Externalization will reduce the risk of significant increases in expenses and, in fact, result in savings to the Funds, enable the Funds to attract and retain quality professional employees because of the resultant simplified internal structure, and allow the Funds to be more mobile and be in a better bargaining position with their investment adviser and administrative service provider. Specifically, Applicants assert that comparing the expenses the Funds paid for administrative and transfer agency services over the last four years to the proposed rate structure under the Externalization, the Funds would have realized significant savings from operating under the Externalization. Applicants submit that (i) the terms of the Externalization, including the consideration to be received, are fair and reasonable and do not involve overreaching by any Applicant, (ii) the Externalization is consistent with the policy of each Fund, and (iii) the Externalization is consistent with the public interest, the protection of investors and the purposes of the Act. Accordingly, Applicants request that the Commission grant an order pursuant to sections 6(c) and 17(b) of the Act and Rule 17d–1 thereunder exempting them from the provisions of sections 12(d)(3), 17(a), 17(d) and 21(b) of the Act and Rule 17d–1 thereunder to the extent necessary to permit the transactions and arrangements described above.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 29, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon the Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85–24499 Filed 10–11–85; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 34–22506; File No. SR–NASD–85–20]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. relating to Corporate Governance Rules for Issuers for NASDAQ National Market System Securities

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 July 16, 1985, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule changes add new subsections to Schedule D of the NASD By-Laws that will require issuers of NASDAQ National Market System securities to adopt and adhere to certain corporate governance standards.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule changes would amend Schedule D to the Association's By-Laws to require adherence to certain "corporate governance" standards by issuers which have securities quoted in the national market system segment of the NASDAQ marketplace. The proposal accomplishes this result by imposing new rules governing eligibility for inclusion in the NASDAQ National Market System ("NASDAQ/NMS") in addition to the financial criteria for designation contained in Rule 11Aa2-1 under the Securities Exchange Act of 1934, as amended (the "Act").

The purpose of these proposals is to provide, for shareholders of NASDAQ/NMS issuers, a level of participation in corporate affairs which is currently only required for issuers with securities listed on certain of the registered national securities exchanges. The NASD believes that implementation of these proposals is an important step in the continuing development of the national market system segment of the NASDAQ system and that they provide shareholder protections concomitant with the stature of the issuers comprising that market.

The proposed rule change provides requirements for NASDAQ/NMS issuers relating to distribution of reports to shareholders; appointment of independent directors and audit committees shareholder meeting, quorum and proxy requirements and conflicts of interest.

These changes are consistent with section 15A(b)(6) of the Securities Exchange Act, which requires that NASD rules protect investors and the public interest and with section 11A(a) requiring the development of a national market system which enhances competition among markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Association believes that the proposed rule changes do not impose any burden on competition not necessary or appropriate in furtherance of purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

In NASD Notice to Members 85-20 dated March 28, 1985, the NASD solicited comments from members and NASDAQ issuers regarding the proposals. Fifty-three comment letters were received. Copies of the Notice to Members and the comment letters have been submitted to the Commission as Exhibit 2 to this filing. Fifteen of the commentators approved of the rule changes as originally drafted. Others raised specific objections or questions.The most frequent areas of comment related to the proposals relating to distribution of interim reports; shareholders quorum and applicability of rules to foreign issuers. The NASD Board of Governors considered all of these comments and made several changes to the proposals based upon such review. The NASD responded to these and other comments in the filing with the Commission.

III. Date of Effectiveness of the Proposed Rule Change in Timing of 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 reason 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 submissions shoud file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submissions, 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 copyiung in 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 November 5, 1985.

Dated: October 4, 1985.

By the Commission.

John Wheeler,

Secretary.

[FR Doc. 85-24493 Field 10-11-85; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-22509; File No. SR-NYSE-85-36]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by New York Stock Exchange, Inc.

Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by New York Stock Exchange, Inc. Relating to the Extention of the Effectiveness of NYSE Rule 103A and the Pilot Program to Test Revisions to the Current Specialist Performance Evaluation Questionnaire ("SPEQ") and its Associated Processes From September 30, 1985 to June 30, 1986.

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 September 21, 1985, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The proposed rule change would extend the effectiveness of NYSE Rule 103A and the Pilot Program to test revisions to the current Specialist Performance Evaluation Questionnaire until June 30, 1986. Rule 103A authorizes the Market Performance Committee of the NYSE to withdraw NYSE approval of a member's registration as specialist in one or more stock(s) if the specialist has consistently received evaluations by Floor brokers on the quarterly Specialist Performance Evaluation Questionnaire which are below a minimum level of acceptable performance.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Purpose. The purpose of the proposed rule change is to extend the effectiveness of Rule 103A and the Pilot Program to test revisions to the current Specialist Performance Evaluation Questionnaire (SPEQ) and its associated processes to June 30, 1986.

Prior to that time the Exchange intends to enhance, codify, and file with the Commission its procedures for specialist performance review and counselling. That filing will also reiterate the Exchange's request that Rule 103A be approved as a permanent Rule of the Exchange.

As described in more detail in File No. SR–NYSE–81–11, Rule 103A authorizes the Market Performance Committee of the NYSE to withdraw NYSE approval of a member's registration as specialist in one or more stocks if the specialist has consistently received evaluations by Floor brokers on the quarterly Specialist Performance Evaluation Questionnaire which are below a minimum level of acceptable performance. The Pilot Program to test revisions to the current Specialist Performance Evaluation Questionnaire is described in detail in File No. SR–NYSE–85–14.

The statutory basis for the rule change is section 6(b)(5) of the Securities Exchange Act of 1934 as amended ("the Act") which, among other things, requires Exchange rules to be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling and processing information with respect to and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

This rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in that the pilot program was scheduled to expire on September 30, 1985. Accelerated approval of the proposed rule change will permit the program to continue without interruption. An extension of the program will provide the Exchange with the additional time necessary to assess its recently implemented revised SPEQ procedures, and to integrate its revised procedures with any formal codification of the Exchange's specialist performance review and counselling procedures.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying 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 in the principal office of the abovementioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by November 5, 1985.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 4, 1985.

John Wheeler,

Secretary.

[FR Doc. 85–24494 Filed 10–11–85; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 35–23854; 70–7160

Pennsylvania Electric Co.; Notice of Proposal To Issue First Mortgage Bonds; Exception from Competitive Bidding

October 4, 1985.

Pennsylvania Electric Company ("Penelec"), 1001 Broad Street, Johnstown, Pennsylvania 15907, a wholly owned subsidiary of General Public Utilities Corporation, a registered holding company, has filed an application-declaration with this Commission subject to sections 6(b), 9(a), 10 and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44(b)(3) and 50(a)(5) thereunder.

Penelec proposes to issue an aggregate of up to $85 million principal amount of its first mortgage bonds ("New Bonds") to The Cambria County Industrial Development Authority ("Authority"). The New Bonds are to be issued under the Mortgage and Deed of Trust of Penelec to Bankers Trust Company, as Trustee, dated January 1,

1942. The New Bonds will be issued by Penelec to the trustee under the Authority Trust Indenture to finance the costs associated with certain pollution control facilities ("Facilities") presently being constructed or to be constructed in connection with Penelec's Front Street, Homer City, Seward, Shawville, Warren and Williamsburg coal-fired generating stations. The interest rate, maturity date, and redemption or repurchase provisions of the New Bonds will correspond to the interest rate, maturity date, and redemption provisions of the pollution control revenue bonds ("Authority Bonds") to be issued by the Authority to finance the construction of the Facilities.

The Authority Bonds will be issued pursuant to a Pollution Control Facilities Agreement ("Agreement") and under a trust indenture ("Indenture") between the Authority and Manufacturers Hanover Trust Company, as Trustee. The interest rates and prices of the Authority Bonds will be subject to Penelec approval. The Authority Bonds are expected to be sold by underwriters, with Prudential-Bache Securities Inc. acting as lead underwriter. The proceeds from the sale of the Authority Bonds will be deposited in a separate construction fund as provided by the Agreement and the Indenture, and such proceeds will be applied, from time to time, to pay the respective costs of the Facilities. Principal and interest on the Authority Bonds will be payable solely from payments made by Penelec on the New Bonds and the credit of the Authority will not be pledged to the payment of principal and interest on the Authority Bonds. The Authority Bonds will have a term of not less than 10 years or more than 30 years, but will be subject to earlier redemption.

The Authority Bonds will initially bear a fixed interest rate, determined in negotiations between Penelec and the Underwriters, and will generally reflect the current market rate for comparable tax-exempt bonds. The fixed interest rate period will not be less than one year nor more than seven years. Upon the expiration of the fixed interest rate period, on each semi-annual interest payment date, the bondholder will have the option to convert the fixed interest rate on the Authority Bonds to a variable interest rate. The variable interest rate will be the higher of (a) a rate which will result in a par bid in the secondary market as determined by an independent evaluator; or (b) a rate equal to 100 basis points higher than the independent evaluator's Current Index for six-month notes or bonds comparable to the Authority Bonds. If a bondholder does not elect to convert the fixed interest rate to a variable interest rate, the bondholder will continue to receive the fixed interest rate. Authority Bonds converted to the variable interest rate may not be converted back to the fixed interest rate.

The Authority Bonds will be redeemable by the Authority at the option of Penelec in whole or in part, beginning not earlier than 1990 but not later than 1995, at 100% of the principal amount thereof plus accrued interest to the date of redemption. Authority Bonds redeemed prior to 1995 will be redeemable at various premiums above par, plus accrued interest to the date of redemption. At Penelec's direction, the Authority bonds will also be redeemable at par under certain circumstances and will be subject to mandatory redemption in certain events, including a final determination that interest payable on the Authority Bonds is taxable for Federal income tax purposes.

The application-declaration and any amendments thereto are available for public inspection thorugh the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing on October 28, 1985 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service by affidavit or, in case of an attorney general 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 become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-24495 Filed 10-11-85; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 35-23853; 70-7162]

Public Service Company of Oklahoma, Notice of Proposal To Make a Tender Offer for $50 Million of Securities

October 4, 1985.

Public Service Company of Oklahoma ("PSO"), P.O. Box 201, Tulsa, Oklahoma 74102, a subsidiary of Central and South West Corporation ("CSW"), a registered holding company, has filed a declaration with this Commission pursuant to sections 9(a), 10 and 12(c) of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 42 thereunder.

Because of a favorable cash position and reduced capital needs, PSO has determined to partially reduce its capitalization structure by purchasing its most costly outstanding long-term debt. PSO, therefore, proposes to make a tender offer for a previously approved issuance of $50 million of it's First Mortgage Bonds, Series Q, 12⅛% due March 1, 2013, ("Bonds"), HCAR No. 22850, February 9, 1983.

The Bonds may not be redeemed through certain refunding activities at a lower cost of money prior to March 1, 1988. The current general redemption price of the Bonds is 110.94% plus accrued interest to the date of redemption. Even though the refunding restrictions are not applicable and PSO is free to call the Bonds at their general redemption price, PSO believes it is currently to its economic advantage to make a tender offer and repurchase the Bonds based on their current market price. The Bonds current market price is approximately 104%, or about 7% less than the general redemption price. PSO feels that a substantial portion of the Bonds can be repruchased through a tender offer ("Tender Offer") to the holders of the Bonds ("Bondholders"). The Tender Offer will be made in the form of a letter to all Bondholders, but Bondholders may also be notified by telephone of the offer. PSO presently intends to hold open the offer for five days, but if market conditions require or particular Bondholders require, PSO requests authority to extend the offer period. While not all the Bonds would be tendered, the experience of other utility companies and other CSW subsidiaries which have undertaken such tender offers indicates that, with an appropriate premium over the current market price, it is realistic to expect that 70% to 90% of the Bonds will be tendered. PSO also requests the authority to make open market and negotiated purchases after the expiration of the Tender Offer based on terms no more favorable to Bondholders than the Tender Offer, because it is likely that not all bondholders who would accept the terms of the Tender Offer will tender within the tender period.

Under present market conditions, based upon the information from several investment bankers, PSO believes that a Tender Offer for the Bonds could be successfully made at a price slightly in excess of the market price at the date of

tender. Based on the current market price, the tender price would be substantially below the current general redemption price. PSO will not make a Tender Offer unless the tender price and related expenses result in a cost saving as compared to redeeming the Bonds. The Tender Offer price must be determined shortly before the Tender Offer commences. The actual price will be based on a number of factors, including the coupon rate of the Bonds, the date of expiration of the refunding protection on the Bonds, the call price on such expiration date and the present market rates for similar bonds.

PSO proposes to retain Salomon Brothers Inc. as PSO's tender agent and dealer-manager for the Tender Offer in order to obtain the benefit of their experience in similar transactions involving other utilities, including acting as dealer-manager for five recent CSW subsidiary tender offers. As dealer-manager, Salomon Brothers will not let itself become obligated to purchase or sell any of the Bonds. It is to act merely as agent in disseminating the offer and receiving responses. The dealer-manager's fee will be $2.50 per $1,000 principal amount of Bonds tendered and purchased by PSO, $1.50 per $1,000 principal amount of Bonds outstanding as a solicitation fee ($75,000) plus reimbursement of out of pocket expenses in an amount not to exceed $20,000. In addition, PSO will reimburse the dealer-manager for its attorney fees not to exceed $15,000. As is customary, PSO will be required to indemnify the dealer-manager for certain liabilities as provided by contract.

The declaration and any 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 October 28, 1985 to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, and serve a copy on the declarant at the address specified above. Proof of service by affidavit or, in case of an attorney at law, by certificate, should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-24496 Filed 10-11-85; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 35-23857; 70-7151]

The Southern Co. and Southern Electric Investments, Inc.; Proposed Financing of New Subsidiary To Engage in Manufacture and Sale of Photovoltaic Cells

October 4, 1985

The Southern Company ("Southern"), a registered holding company, and its newly organized, wholly owned subsidiary company, Southern Electric Investments, Inc. ("New Subsidiary"), 64 Perimeter Center East, Atlanta, Georgia 30346, have filed an application-declaration with this Commission pursuant to sections 6(a), 7, 9(a), 10, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder.

New Subsidiary was organized for the purpose of studying, investigating, researching, developing, and investing in new business opportunities (HCAR No. 23440 (October 1, 1984)). New Subsidiary intends to enter into a joint venture with Chronar Corporation or a subsidiary thereof ("Chronar") to construct, own, and operate facilities for the manufacture and sale of photovoltaic cells.

Chronar is a manufacturer of photovoltaic cells headquartered in Princeton, New Jersey, and has proprietary rights in certain technology relating to the use of amorphous silicon in the manufacturing of photovoltaic cells. The photovoltaic cells manufactured by Chronar convert sunlight directly to electric energy.

New Subsidiary and Chronar are to enter into a Formation Agreement pursuant to which the parties will agree to enter into a joint venture (the "Venture") under a Joint Venture Agreement. The Venture will purchase from Chronar a one megawatt batch process amorphous silicon solar cell manufacturing plant and will manufacture and market photovoltaic panels from such facility. It is planned that New Subsidiary initially will contribute $6,120,000 for an 85% interest in the Venture and Chronar will contribute engineering and technological expertise valued at $1,080,000 for a 15% interest in the Venture. The cash contribution by New Subsidiary will be utilized by the Venture to purchase the batch line from Chronar. Chronar will guarantee the performance of any photovoltaic panels produced by the line and New Subsidiary will be entitled to improvements and developments in Chronar's photovoltaic technology.

It is proposed that Chronar will manage the line for an operations's fee of 10% of the gross revenues of the Venture and that Chronar will market the production of the line for the first four years of operation. Chronar will also be paid a royalty fee equal to 5% and a research and development fee equal to 5% of the gross revenues of the Venture.

New Subsidiary proposes to purchase production of the line at 85% of Chronar's prevailing selling price for photovoltaic cells for demonstration projects involving the utilization and integration of photovoltaic panels in conjunction with the existing electrical supply system of the operating associate companies of Southern. New Subsidiary also proposes to have the exclusive right, either directly or through the operating associates, to distribute photovoltaic panels produced in facilities in which the New Subsidiary has an interest to persons residing in Alabama, Georgia, Mississippi, and northern Florida as well as certain rights to sell photovoltaic panels produced in facilities in which New Subsidiary has an interest to other electric utilities in the United States.

Chronar will agree to use its best efforts to develop a flow-line manufacturing process and to spend certain amounts annually toward this development. The Venture will be granted the right to purchase, when and if developed, a flow-line photovoltaic manufacturing facility with the capacity to produce up to 200 megawatts of photovoltaic power annually.

Southern proposes to commit up to $10,000,000 to New Subsidiary in connection with the Venture. It is proposed that such commitment by Southern may take any one or more of the following forms: First, Southern may be called upon to guarantee loans to New Subsidiary by non-associate third-party lenders, in which event New Subsidiary proposes to issue its unsecured promissory notes to such lender(s) in an aggregate principal amount not to exceed $10,000,000 with such notes to have a term of not more than 10 years and to bear interest at a rate not to exceed 16% per annum. Secondly, Southern may make loans to New Subsidiary of up to $10,000,000, in which event New Subsidiary proposes to issue its promissory notes to Southern, and Southern proposes to

acquire such notes. The notes would have a term of not more than 10 years and would bear interest at a rate equal to Southern's cost of capital but in no event less than the prime rate. Thirdly, Southern may make additional equity investments of up to $10,000,000 in New Subsidiary through purchases of its common stock or through capital contributions. In the event that such investments are made through purchases of common stock, New Subsidiary proposes to issue such stock, and Southern proposes to acquire it.

The application-declaration and any 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 October 28, 1985 to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, and serve a copy on the applicants-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 application-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.

John Wheeler,

Secretary.

[FR Doc. 85-24497 Filed 10-11-85; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 35-23855; 70-7159]

Southwestern Electric Power Co.; Notice of Proposal to Sell Utility Assets and to Indemnify Purchaser

October 4, 1985

Southwestern Electric Power Company ("SWEPCO"), P.O. 1106, Shreveport, Louisiana 71156, a subsidiary of Central and South West Corporation, a registered holding company, has filed an application-declaration under sections 6(b) and 12(d) of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 44 thereunder.

SWEPCO is currently the owner of a 46.094% undivided ownership interest in a 640 MW nominally rated, lignite-fired generating unit, currently under construction in DeSoto Parish, Louisiana, to be knwon as the Dolet Hills Unit No. 1 ("Dolet Hills Plant"). The remaining undivided interests in the Dolet Hills plant are owned 50% by Central Louisiana Electric Company Inc. ("CLECO") and 3.906% by Oklahoma Municipal Power Authority. Total construction costs for SWEPCO's interest in the Dolet Hills Plant are expected to be approximately $283 million, including allowance for funds used during construction ("AFUDC"). As of June 30, 1985, Dolet Hills Plant construction expenditures in respect to SWEPCO's interest, including AFUDC, totalled approximately $227 million. SWEPCO expects that the Dolet Hills Plant will be placed into commercial operation between January 1, 1986 and May 1, 1986.

SWEPCO and Northeast Texas Electric Cooperative, Inc. ("NTEC"), an electric cooperative corporation, will enter into an Assignment of an Undivided Interest in the Dolet Hills Plant ("Agreement"), whereby NTEC will acquire a 5.860% interest in the Dolet Hills Plant in exchange for payment of 5.860% of the total costs of the plant to the date of closing ("Initial Contribution") subject to adjustment within 120 days if the estimates used for closing calculations prove inaccurate. Thereafter, NTEC shall remain responsible for 5.860% of the future costs of the plant. SWEPCO, after receipt of the Initial Contribution and subject to the receipt of all necessary regulatory approvals, will cause a 5.680% undivided interest in the Dolet Hill Plant to be conveyed to NTEC out of SWEPCO's present interest. Pursuant to this application-declaration, SWEPCO requests authority to transfer such interest to NTEC pursuant to the Agreement. Absent receipt of all necessary regulatory approvals on or before the time set in the Agreemen for the closing, the Agreement will be terminated.

As part of the purchase of the plant, NTEC will purchase an undivided interest in pollution control facilities, which were previously financed by SWEPCO using tax free pollution control bonds (HCAR No. 22820, January 12, 1983). Pursuant to the Installment Sales Agreement dated January 1, 1983 ("Sales Agreement"), in order to effect a transfer, SWEPCO must remain liable for the payments securing the bonds, and the transferee also must assume liability for its share of the facilities and related payments pursuant to the Sales Agreement. In order to avoid a possible double payment by NTEC, SWEPCO has agreed to indemnify NTEC from liability for payments under the Sales Agreement.

Under the Agreement, SWEPCO agrees to dedicate to the Dolet Hills Plant its interest in the lignite mined from the lignite reserves intended to be the principal fuel to be burned at the Dolet Hills Plant, and agrees that NTEC has a 5.860% interest in all such mined lignite. While no such reserves will be transferred to NTEC, SWEPCO grants to NTEC the right to 5.86% of lignite mined and delivered for the unit from a designated area. NTEC will also reimburse SWEPCO for NTEC's respective share of operation, maintenance and lignite costs, plus 5%, as to such lignite costs.

The terms and conditions of the various agreements between SWEPCO and NTEC in connecton with the proposed sale have been determied through a series of arms-length negotiations conducted by representatives of SWEPCO and NTEC. The right of NTEC to purchase an undivided interest in the Dolet Hills Plant was agreed to by SWEPCO and NTEC in the course of settling adminstrative litigation before the Federal Energy Regulatory Commission pursuant to a Settlement Agreement dated December 9, 1980.

Based upon the present aggregate estimated construction cost for SWEPCO of the Dolet Hills Plant, of approximately $283 million, NTEC's share of construction costs for its 5.860% undivided interest would be approximately $33 million. Based on construction expenditures of approximately $227 million, by SWEPCO as of June 30, 1985, NTEC's shares would have been approximately $26.6 million.

Pursuant to the Agreement, SWEPCO retains the right to build an additional unit ("Unit 2") at the Dolet Hills Plant site. In the event that Unit 2 is constructed, and subject to the terms of the 1980 Settlement Agreement, NTEC is granted the option to elect to participate in Unit 2 and, upon said election, such Unit 2 and all related facilities will be included as part of the Dolet Hills Plant and shall be covered by and subject to the Agreement, subject to any modifications or adjustments that might be deemed appropriate by the parties. If NTEC elects not to participate in Unit 2, then, pursuant to the Agreement, NTEC will lease to SWEPCO NTEC's interest in facilities common to both Unit 1 and Unit 2 until such time as Unit 2 is retired.

The application-declaration and any 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 October 28, 1985 to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, and serve a copy on the applicants-declarant at the address specified above. Proof of service by affidavit or, in case of an attorney at law, by certificate, should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-24498 Filed 10-11-85; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearings; Midwest Stock Exchange, Inc.

October 8, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

United Brands Co., $1.20 Cumulative Preferred Series A (File No. 7-8624)
Allied-Signal, Inc., $6.74 Series C Cumulative Convertible Preferred Shares (File No. 7-8625)
Allied-Signal, Inc., 8.25% Series AA Cumulative Convertible Preferred Shares (File No. 7-8626)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 29, 1985, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-24561 Filed 10-11-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22512; File No. SR-PSE-85-27]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Change by the Pacific Stock Exchange Inc.; Relating to Closing Rotations Procedures at Expiration

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 September 26, 1985, the Pacific Stock Exchange Incorporated ("PSE") or the "Exchange") 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 organizations. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organizations Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE" or the "Exchange") proposes to amend Rule VI, section 4(b), and section 36 of the Rules of the Board of Governors, as more fully set forth below. (Brackets indicate language to be deleted; italics indicates new language.)

Rule VI.—Series of Options Open for Trading

Sec. 4.

(a) No change.

[(b) At 1:00 p.m. on the business day prior to the expiration date of a particular series of options, a closing rotation pursuant to PSE Rule VI, Section 36, shall commence in that series of options.]

([c]*b*) No change.

([d]*c*) No change.

Trading Rotations

Sec. 36. No change.

Commentary:

.01 No change.

(a) and (b) No change.

(c) A closing trading rotation shall be employed for each series of individual stock options on the last business day prior to its expiration. The closing rotation shall commence at 1:10 p.m. Pacific Time, or after a closing price of the stock in its primary market is established, whichever is later.

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. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The PSE is proposing to change its rule requiring closing rotations on expiring option series to begin at 1:00 p.m. Pacific Time on the business day prior to the expiration. The proposed rule change would require a closing rotation to begin at 1:10 p.m., but not until a final price for the underlying stock is established in the primary market, on the business day prior to expiration in all expiring series of options.

When the existing Rule VI, section 4(b) was originally established, one of the underlying purposes was to coordinate the closing rotation with the close of trading of the underlying stock in its primary market, to obtain an established final price. Under this current rule, however, the PSE must commence closing rotations at 1:00 p.m. Pacific Time, even if closing prices for the underlying stock are not yet available. As a result, prices established during closing rotations in expiring series of individual stock options may not be correctly priced in relationship to the closing price of the underlying stock in the primary market.

An additional problem caused by a 1:00 p.m. Pacific Time closing rotation is the conflict that sometimes arises when other active issues trading in the same location cannot be traded while the closing rotation is in progress.

If the proposed rule change is adopted, option market participants will be able to execute option transactions in expiring option series with prices known to be in relationship to the final closing price of the underlying stock on the primary market. In addition, the trading

of other option securities traded in the same crowd of an expiring option will not be effected or hindered.

The Chicago Board Options Exchange ("CBOE") and the American Stock Exchange ("Amex") have adopted this proposed change and filed it with the Securities and Exchange Commission.[1] The PSE believes it is important to maintain uniformity in this procedural area.

The PSE has also proposed moving the rule for closing rotations at expiration from its present location within Section 4 to section 36 of Rule VI. The PSE believes section 36 "Trading Rotations" is a more appropriate Section for the closing rotation rule than is section 4 "Series of Options Open for Trading," and will provide greater clarity and organization.

The proposed rule change is consistent with section 6(5)(b) of the Securities Exchange Act of 1934 (the "Act") in that it is intended to foster cooperation and coordination among persons engaged in facilitating transactions in securities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change imposes no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received. However, the proposed rule change was considered and approved by the Board of Govenors at its meeting on August 22, 1985.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission finds that the proposed rule change is consistent with requirements of the Act and the rules and regulations thereunder applicable to a securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the Commission previously approved substantially identical proposals by the Amex and CBOE and has not received any adverse comments on those rule changes.

[1] These proposals were approved in Securities Exchange Act Release Nos. 21734 and 21597 (February 8, 1985 and December 24, 1984, 50 FR 7021 and 49 FR 50850.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th 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 November 6, 1985.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and here is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 7, 1985

John Wheeler,

Secretary.

[FR Doc. 85-24562 Filed 10-11-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22513; File No. SR-PSE-85-29]

Self-Regulatory Organizations; Proposed Rule Change by the Pacific Stock Exchange Inc. Relating to Pilot Program for the Appointment and Evaluation of Specialists and the Creation of New Specialist Posts

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 1, 1985, the Pacific Stock Exchange Incorporated ("PSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE filed its Pilot Program for the Appointment and Evaluation of Specialists and the Creation of New Specialist Posts ("Pilot Program") with the Commission on May 4, 1981. The Pilot Program was amended in 1982, and is scheduled to terminate on September 30, 1985. The Exchange is currently preparing proposed amendments to the Pilot Program for review by its Board of Governors. To permit the Exchange to finalize these revisions and submit them to the Commission, the PSE is requesting that the term of the Pilot Program be extended for a period of three months, through December 31, 1985.

In connection with the proposed extension of the Pilot Program, the PSE proposes to amend Sections 1(1) and 11(t) of Rule II of the Rules of the Board of Governors of the PSE, which currently reflect the Pilot Program's scheduled expiration date of September 30, 1985.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Pilot Program was initially filed with the Commission on May 4, 1981, and approved for a period of one year on May 27, 1981. The term of the Pilot Program was subsequently extended several times by the Commission. In December 1982, the Pilot Program was amended. It is currently scheduled to terminate on September 30, 1985.

The PSE's Board of Governors and the Equity Allocation Committee have reviewed certain proposed modifications to the Pilot Program. To permit the Exchange to finalize these proposed modifications and to submit appropriate filings to the Commission, the PSE is requesting a three-month extension of the Pilot Program, to and including December 31, 1985.

The PSE believes that the proposed rule change is consistent with Section 6(b) of the Act in general, and in particular section 6(b)(5) and 6(b)(7).

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change imposes no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments on the proposed rule change were neither solicited or received by the Exchange.

III. Date of Effectiveness of the Proposed Rule Change and Time Period for Commission Action

To permit the Pilot Program to remain in effect without interruption, the PSE has requested that this filing be approved on an accelerated basis, effective October 1, 1985.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that it will provide the Exchange with the additional time necessary to complete its review of proposed amendments to the Pilot Program and to submit appropriate filings to the Commission, while permitting the Pilot Program to remain in effect without interruption.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., 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, N.W., 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 November 6, 1985.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 7, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-24563 Filed 10-11-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/898]

Advisory Committee on International Investment, Technology, and Development, Subcommittee on Multilateral Affairs; Meeting

The Department of State will hold a meeting of the Subcommittee on Multilateral Affairs of the Advisory Committee on International Investment, Technology, and Development on November 6, 1985 from 2:00 p.m. to 4:00 p.m. The meeting will be held in room 6320 of the Department of State, 2201 "C" Street, NW., Washington, D.C., 20520.

The purpose of the meeting will be to discuss the United Nations' Code of Conduct on Transnational Corporations.

Access to the State Department is controlled. Therefore, members of the public wishing to attend the meeting must contact the Office of Investment Affairs, (202) 632-2728, in order to arrange admittance. Please use the "C" street entrance.

The Chairman of the Subcommittee will, as time permits, entertain comments from members of the public at the meeting.

Date: October 8, 1985.

Walter B. Lockwood, Jr.,

Executive Secretary.

[FR Doc. 85-24531 Filed 10-11-85; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/896]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on November 7, 1985 at 1:00 p.m. in Room 1207, Department of State, 2201 C Street, NW., Washington, DC.

Study Group A deals with U.S. Government aspects of international telegraph and telephone operations and tariffs.

This meeting will review matters relating to the November session in Geneva of the international CCITT Study Group III: (a) final preparations of U.S. Delegation; and (b) final assessment of contributions (U.S. and foreign) submitted for consideration.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to seating available. In that regard, entrance to the Department of State building is controlled. All persons wishing to attend the meeting should contact the office of Earl Barbely, Department of State, Washington, DC; telephone (202) 632-5832. All attendees must use the C Street entrance to the building.

Dated: October 7, 1985.

Earl S. Barbely,

Acting Director, Office of Technical Standards and Development.

[FR Doc. 85-24532 Filed 10-11-85; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/897]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on

November 12, 1985 at 1:30 p.m. in Room 535, Federal Communications Commission, 1919 M Street, NW., Washington, DC.

Study Group A deals with U.S. Government aspects of international telegram and telephone operations and tariffs.

This meeting will review matters relating to the November session in Geneva and the international Study Group 1: (a) final preparations of U.S. Delegation; and (b) final assessment of contributions (U.S. and foreign) submitted for consideration.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to seating available. All persons wishing to attend the meeting should contact the office of Douglas Davis, Federal Communications Commission, Washington, DC; telephone (202) 632-3214.

Dated: October 7, 1985.

Earl S. Barbely,

Acting Director, Office of Technical Standards and Development.

[FR Doc. 85-24533 Filed 10-11-85; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of Department of Transportation's Procedural Regulations; Week Ended October 4, 1985

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period dot may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further procedings. (See 14 CFR 302.1701 et seq.)

Date filed	Docket No.	Description
Oct. 1, 1985	43443	Air Ontario Limited, c/o Nathaniel P. Breed, Jr. Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036. Application of Air Ontario Limited, pursuant to Section 402 of the Act and Subpart Q of the Regulations requests authority to engage in scheduled foreign air transportation of persons, property and mail between: Toronto, Ontario on the one hand and Atlantic City, New Jersey on the other hand. Answers may be filed by October 29, 1985.
Oct. 2, 1985	43456	Sky West Aviation, Inc., c/o Harry A. Bowen, Bowen & Atkin,, Suite 350, 2020 K Street, N.W., Washington, D.C. 20006. Application of Sky West Aviation, Inc. pursuant to Section 401(h) of the Act and Subpart Q of the Regulations requests the transfer of the certificate of Sun Aire Lines, Inc. and reissuance of the certificate in the name of Sky West Airlines, Inc. Answers may be filed by October 30, 1985.
Oct. 2, 1985	43457	Air North America, Inc., c/o Harry A. Bowen, Bowen & Atkin, Suite 350, 2020 K Street, N.W., Washington, D.C. 20006. Application of Air North America, Inc. pursuant to Section 401(h) of the Act and Subpart Q of the Regulations requests approval of the transfer of its certificates as set forth in Order 82-9-26 to Air North America, Inc., a Nevada Corporation formed May 30, 1985. Answers may be filed by October 30, 1985.
Oct. 2, 1985	43458	World Airways, Inc., c/o William H. Callaway, Jr., Zuckert, Scoutt, Rasenberger & Johnson, 888 Seventeenth Street, N.W., Washington, D.C. 20006. Application of World Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Regulations applies for renewal of its certificate of public convenience and necessity for Route 250 (Baltimore-London (Gatwick)). Conforming Applications, Motions to Modify Scope and Answers may be filed by October 30, 1985.
Oct. 2, 1985	43459	Delta Air Lines, Inc., Hartsfield Atlanta Int'l. Airport, Atlanta, Georgia 30320. Application of Delta Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Regulations applies for a new or amended certificate of public convenience and necessity to provide air transportation services between Atlanta, Georgia and Shannon, Ireland. Conforming Applications, Motions to Modify Scope and Answers may be filed by October 30, 1985.
Oct. 4, 1985	43460	Ozark Air Lines, Inc., c/o Thom G. Field, Neale, Newman, Bradshaw & Freeman, P.O. Box 4203 G.S., Springfield, Missouri 65808. Application of Ozark Air Lines, Inc. pursuant to Section 401 of the Act of Subpart Q of the Regulations applies for amendment certificate of public convenience and necessity for Route 107-F so as to authorize it to engage in nonstop scheduled air transportation of persons, property and mail between the co-terminal points of Jacksonville/Daytona Beach/Melbourne/West Palm Beach/Miami/Ft. Lauderdale/Tampa/Sarasota/Orlando/Tallahassee/Key West/Naples, Florida on the one hand, and the co-terminal points of Freeport/Georgetown/Great Harbour Cay/Marsh Harbour/Nassau/Rock Sound/Treasure Cay/West End, Bahama Islands on the other. Conforming Applications, Motions to Modify Scope and Answers may be filed by November 1, 1985.
Oct. 4, 1985	43465	Midway Airlines, Inc., c/o Joel Stephen Burton, Ginsburg, Feldman and Bress, Suite 800, 1250 Connecticut Avenue, N.W. Washington, D.C. 20036. Application of Midway Airlines, Inc. pursuant to Section 401 of the Act of Subpart Q of the Regulations requests renewal of its certificate of public convenience and necessity for Route 253 authorizing service between Miami, Florida and San Jose, Costa Rica. Midway also requests that its authority to serve Costa Rica be made permanent, that the route description in the certificate be amended to permit service from any point in the United States, and that it be granted authority to integrate service to Costa Rica with service to any of the points included on its certificate for Route 197-F. Conforming Applications, Motions to Modify Scope and Answers may be filed by November 1, 1985.

Phyllis T. Kaylor,

Chief, Documentary Service Division.

[FR Doc. 85-24512 Filed 10-11-85; 8:45 am]

BILLING CODE 4910-62-M

Agreements Filed Under Sections 408, 409, 412 and 414 During the Week Ending October 4, 1985

Answers May Be Filed Within 21 Days From the Date of Filing

Date filed	Docket No.	Parties	Subject	Proposed effective date
Oct. 2, 1985	43449 R-1 through R-7.	Members of International Air Transport Association	TC2 Europe Passenger Tariff Coordinating Conference Geneva—Aug/Sept 1985 TC2 Europe Expedited Resolutions.	Nov. 1, 1985.
Oct. 2, 1985	43448, R-1 through R-17.	Members of International Air Transport Association	TC2 Europe West Africa, Fare Resolutions	Nov. 1, 1985.
Oct. 2, 1985	43450, R-1 and R-2	Members of International Air Transport Association	COMP Specific Commodity Rates Board, Scandinavia—U.S. Resolution 590 JT.	Sept. 15, 1985 and Oct. 1, 1985.
Oct. 2, 1985	43451, R-1	Members of International Air Transport Association	TC1 Specific Commodity Rates Board 0239 So. Central America—U.S..	Sept. 22, 1985.
Oct. 4, 1985	43461	Members of International Air Transport Association	COMP Specific Comodity Rates Board, Iceland—U.S.	Oct. 1, 1985.
Oct. 4, 1985	43462	Members of International Air Transport Association	Resolution 590 TC3—Specific Commodity Rates Board	Oct. 1, 1985.
Sept. 30, 1985	43413	(1)	(1)	

Date filed	Docket No.	Parties	Subject	Proposed effective date
		(*)	(*)	

* Texas Air Corporation, c/o Emory N. Ellis, Fulbright & Jaworski, 1150 Connecticut Avenue, N.W., Suite 400, Washington, D.C. 20036.
* Application of Texas Air Corporation pursuant to Section 408 of the Act, requests approval of acquisition of control of all of the outstanding shares of Frontier Holdings, Inc., which in turns owns Frontier Airlines, Inc.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 85-24513 Filed 10-11-85; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

[CGD 85-088]

Coast Guard Academy Advisory Committee; Open Meeting

AGENCY: Coast Guard, DOT.

ACTION: Open meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Coast Guard Academy Advisory Committee to be held in Hamilton Hall at the U.S. Coast Guard Academy, New London, CT, on Friday, November 8, 1985. The two open sessions on Friday will be held from 9:00 to 10:30 a.m. and 1:45 to 3:00 p.m. The agenda for this meeting consists of the following items:

1. Faculty.
2. Curricula.

The Coast Guard Academy Advisory Committee was established in 1937 by Pub. L. 75-38 to advise on the course of instruction at the Academy and to make recommendations as necessary.

Attendance is open to the interested public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to attend or present oral statements at the meeting should notify the U.S. Coast Guard Academy not later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

FOR FURTHER INFORMATION CONTACT: CAPT David A. Sandell, USCG, Dean of Academics/Executive Secretary of the Academy Advisory Committee, U.S. Coast Guard Academy, New London, CT 06320, phone (203) 444-8275. Issued in Washington, DC on October 7, 1985.

J.S. Gracey,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 85-24538 Filed 10-11-85; 8:45 am]

BILLING CODE 4910-14-M

[CGD-85-093]

National Boating Safety Advisory Council; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council to be held on Tuesday and Wednesday, November 19 and 20, 1985 at the Westgate Hotel, 1055 Second Street, San Diego, California, beginning at 9:00 a.m. and ending at 4:00 p.m. on both days. The agenda for the meeting will be as follows:

1. Introduction of new Council Member.
2. Review of action taken at the 35th meeting of the Council.
3. Members' items.
4. Executive Director's report.
5. Consumer Education Subcommittee report.
6. Capacity Plate Replacement Subcommittee report.
7. Horsepower Rating Subcommittee report.
8. Discussion on Alternative Enforcement Techniques (third party certification, mandatory records & testing by manufacturer).
9. Subcommittee on Board Pox (osmotic blistering) report.
10. Discussion & vote on NPRM for "Sportboats".
11. Discussion on review of PFD Pamphlet.
12. Discussion on proposal to lower horsepower rating for some tiller-steered outboard boats.
13. Status report on the hybrid personal flotation device project.
14. Discussion & vote on NPRM for fuel hoses.
15. Discussion on ANPRM on intoxicated boaters.
16. Discussion on proposed ISO Standard on Hull Identification Numbers (HIN).
17. Remarks by Chief, Office of Boating, Public, and Consumer Affairs.
18. Reply to members' items.
19. Chairman's session.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Captain M.B. Stenger, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard (G-BBS), Washington, DC. 20593, or by calling (202) 426-1080.

Issued in Washington, DC, October 7, 1985.

L.C. Kindbom,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 85-24539 Filed 10-11-85; 8:45 am]

BILLING CODE 4910-14-M

[CGD-85-086]

National Boating Safety Advisory Council, Subcommittee on Boat Pox (Osmotic Blistering); Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council's Subcommittee on Boat Pox (osmotic blistering) to be held on Monday, November 18, 1985 at the Westgage Hotel, 1055 Second Street, San Diego, California, beginning at 2:00 p.m. and ending at 5:00 p.m. The agenda for the meeting will be as follows:

1. Review and discuss the Subcommittee's Task Statement.
2. Review Subcommittee's findings thus far.
3. Formulate plans for further action.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Captain M.B. Stenger, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard (G-BBS), Washington, DC 20593; or by calling (202) 426-1080.

Issued in Washington, DC, on October 7, 1985.

L.C. Kindbom,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 85-24540 Filed 10-11-85; 8:45 am]

BILLING CODE 4910-14-M

[CGD-85-085]

National Boating Safety Advisory Council, Subcommittee on Capacity Plate Replacement; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council's Subcommittee on Capacity Plate Replacement to be held on Monday, November 18, 1985 at the Westgate Hotel, 1055 Second Street, San Diego, California, beginning at 2:00 p.m. and ending at 5:00 p.m. The agenda for the meeting will be as follows:

1. Review and discuss the Subcommittee's Task Statement.

2. Review Subcommitee's findings thus far.

3. Prepare report for full Council.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Captain M.B. Stenger, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard (G-BBS), Washington, DC 20593, or by calling (202) 426-1080.

Issued in Washington DC, on October 7, 1985.

L.C. Kindbom,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 85-24541 Filed 10-11-85; 8:45 am]

BILLING CODE 4910-14-M

[CGD-85-084]

National Boating Safety Advisory Council, Subcommittee on Consumer Education; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council's Subcommittee on Consumer Education to be held on Monday, November 18, 1985 at the Westgate Hotel, 1055 Second Street, San Diego, California, beginning at 2:00 p.m. and ending at 5:00 p.m. The agenda for the meeting will be as follows:

1. Review and discuss the Subcommittee's Task Statement.

2. Review Subcommittee's findings thus far.

3. Formulate plans for further action.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Captain M.B. Stenger, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard, (G-BBS), Washington, DC, 20593, or by calling (202) 426-1080.

Issued in Washington DC, October 7, 1985.

L.C. Kindbom,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public and Consumer Affairs.

[FR Doc. 85-24542 Filed 10-11-85; 8:45 am]

BILLING CODE 4910-14-M

[CGD-85-087]

National Boating Safety Advisory Council, Subcommittee on Horsepower Rating; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council's Subcommittee on Horsepower Rating to be held on Monday, November 18, 1985 at the Westgate Hotel, 1055 Second Street, San Diego, California, beginning at 4:00 p.m. and ending at 6:00 p.m. the agenda for the meeting will be as follows:

1. Review and discuss the Subcommittee's Task Statement.

2. Review Subcommittee's findings thus far.

3. Prepare report for full Council.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Captain M. B. Stenger, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard, (G-BBS), Washington, DC, 20593, or by calling (202) 426-1080.

Issued in Washington, DC, October 7, 1985.

A.C. Kindbom,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 85-24543, Filed 10-11-85; 8:45 am]

BILLING CODE 4910-14-M

Urban Mass Transportation Administration

Section 15 Reporting System Advisory Committee

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice of extension of Committee Charter.

SUMMARY: The Urban Mass Transportation Administration (UMTA) announces the extension of the charter for the Section 15 Reporting System Advisory Committee until September 30, 1986. Section 15 of the Urban Mass

Transportation Act of 1964, as amended, concerns the reporting of public mass transportation financial and operating information. The Committee provides advice concerning the quality and usefulness of the reporting system.

FOR FURTHER INFORMATION CONTACT: Ronald J. Fisher, Office of Information Services, Room 6419, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 426–9157.

SUPPLEMENTARY INFORMATION:

Background

Under the requirements of Section 9 of the Federal Advisory Committee Act (5 U.S.C. 9 (App. I 1981)), in the **Federal Register** of August 27, 1981, UMTA announced the establishment of the Section 15 Reporting System Advisory Committee. This announcement indicated that the Committee had an expiration date of September 1, 1983. On September 13, 1983, UMTA announced that the charter for the Committee had been extended for a two year period until September 1, 1985 (48 FR 41124). The announcement in this Notice extends the Committee's charter for an additional year until September 30, 1986.

The Committee members are composed of a cross section of the user community for the Section 15 Reporting System which includes representatives from individual transit systems, consultant organizations, representatives of organized labor, academia, State and local governments, special transit interest groups, and other Federal agencies. The Committee offers advice to UMTA's Administrator with respect to the quality and usefulness of the Section 15 Reporting System in providing meaningful financial and operating data for the analysis of the transit industry. The results of the Committee will be in the form of reports and recommendations.

All Committee meetings are open to the public. Announcement of those meetings will be made in the **Federal Register** at least 15 days prior to the meeting date. Shorter notice may be given in emergency situations, which will be explained in the notice. With the Chairman's approval, members of the public may speak at meetings in accordance with procedures established by the Committee. A written statement may be filed with the Committee at any time.

Issued on: October 9, 1985.

Ralph L. Stanley,

Administrator.

[FR Doc. 85–24528 Filed 10–11–85; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1984 Rev., Supp. No. 33]

Termination of Authority, Prestige Casualty Co.; Correction

The notice terminating the Certificate of Authority for PRESTIGE CASUALTY COMPANY published Tuesday, September 17, 1985, Supp. No. 37, P37755, should read as follows:

Notice is hereby given that the Certificate of Authority issued by the Treasury to PRESTIGE CASUALTY COMPANY, of Skokie, Illinois, under Sections 9304 to 9308 of Title 31 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective June 30, 1985.

The company was last listed as an acceptable surety on Federal bonds at 49 FR 27250, July 2, 1984.

With respect to any bonds currently in force with PRESTIGE CASUALTY COMPANY, bond-approving officers for the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Federal bond-approving officers should annotate their July 2, 1984, reference copies at page 27250 to reflect the corrections.

Questions concerning this correction notice may be directed to the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20226, telephone (202) 634–2350.

Dated: October 7, 1985.

W.E. Douglas,

Commissioner, Financial Management Service.

[DR Doc. 85–24462 Filed 10–11–85; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 199
Tuesday, October 15, 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

AFRICAN DEVELOPMENT FOUNDATION

Board Meeting.

TIME: 2:00–4:00 p.m.

PLACE: 1724 Massachusetts Avenue, NW., Washington, DC 20036.

DATE: Friday, October 25, 1985.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Chairman's Report—
   A. Glen Fortinberry, Advisory Council Chairman
   B. Fortinberry/ADF Reception, November 6, 1985
2. President's Report—
   A. Hill Seminar—October 23, 1985
   B. Africa Trip.
   C. Proposed Congressional/ADF trip—Easter Recess
   D. Advisory Council Meeting—November 15, 1985
3. Program Report—Mr. T.M. Alexander
4. Delegation of Authority for the ADF Seal
5. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Marjorie S. Cook, (634–9853).

Percy C. Wilson,

Vice President.

[FR Doc. 85–24600 Filed 10–10–85; 11:14 am]

BILLING CODE 6116–01–M

2

INTERSTATE COMMERCE COMMISSION

TIME AND DATE: 3:00 p.m., Tuesday, October 22, 1985.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423.

STATUS: Open Special Conference.

MATTER TO BE DISCUSSED:

Ex Parte 334 (Sub-No. 7)—
Car Service Compensation

CONTACT PERSON FOR MORE INFORMATION: Robert R. Dahlgren, Office of Public Affairs, Telephone: (202) 275–7252.

James H. Bayne,

Secretary.

[FR Doc. 85–24635 Filed 10–10–85; 12:29 pm]

BILLING CODE 7035–01–M

3

MERIT SYSTEMS PROTECTION BOARD

TIME AND PLACE: 10:00 A.M., Tuesday, October 22, 1985.

PLACE: Eighth Floor, 1120 Vermont Avenue, NW., Washington, DC 20419.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. *Pawlak* v. *Department of Transportation.* MSPB Docket No. CH07528410274.
2. *Gende* v. *Department of Justice.* MSPB Docket No. CH07528410223REM.
3. *Logan* v. *Department of the Navy.* MSPB Docket No. NY07528510187.
4. *Gwynn* v. *United States Postal Service.* MSPB Docket No. DE07528410173.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Robert E. Taylor, Clerk of the Board, (202) 653–7200.

Dated: October 10, 1985.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 85–24619 Filed 10–10–85; 11:41 am]

BILLING CODE 7400–01–M

4

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1356]

TIME AND DATE: 10:15 a.m. (CDT), Wednesday, October 16, 1985.

PLACE: Columbus City Auditorium, Second Avenue, North, Columbus, Mississippi.

STATUS: Open

Agenda

Approval of minutes of meeting held on September 30, 1985.

Discussion Item

1. TVA policy code relating to minority economic and community development.

Action Items

B—Purchase Awards—
B1. Invitation 60–972166—Nuclear power simulator for Watts Bar Nuclear Plant.
B2. Proposal J6–660832—Purchase, installation, and maintenance of a telecommunications system at the Muscle Shoals and First Federal Building facilities at Muscle Shoals, Alabama.

D—Personnel Items—
D1. Supplement to personal services contract with Quality Technology Company, Inc., Lebo, Kansas, for assistance in the development and implementation of a program for identification, investigation, and reporting of employee-raised issues of concern at TVA facilities, requested by Nuclear Safety Review Staff.
D2. Supplement to personal services contract with Wyle Laboratories, Huntsville, Alabama, providing to TVA engineering and testing support as needed for the environmental qualification assessment of safety-related equipment at TVA nuclear plants, requested by Power and Engineering (Nuclear).

E—Real Property Transactions—
E1. Sale of permanent easement to the city of Oak Ridge, Tennessee, for industrial use, affecting approximately 19.66 acres of Watts Bar Reservoir land located in Roane County, Tennessee—Tract No. XWBR–688IE.
E2. Grant of permanent easement to the State of Alabama, for the construction, operation, and maintenance of a public highway, affecting approximately 0.54 acre of Guntersville Reservoir land located in Jackson County, Alabama—Tract No. XTGR–146H.

F—Unclassified—
F1. Subagreement to Memorandum of Agreement No. TV–23928A between the U.S. Department of the Army, Corps of Engineers, and TVA for improvements of certain navigation facilities on the Tennessee River.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632–8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

Dated: October 9, 1985.

W.F. Willis,

General Manager.

[FR Doc. 85–24592 Filed 10–10–85; 9:43 am]

BILLING CODE 8120–01–M

Federal Register

Tuesday
October 15, 1985

Part II

Department of Labor

Mine Safety and Health Administration

30 CFR Part 75

Safety Standards for Roof, Face and Rib Support; Proposed Rule

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

Safety Standards for Roof, Face and Rib Support

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the Mine Safety and Health Administration's existing safety standards for roof, face and rib support in underground coal mines. The proposed revisions would upgrade existing provisions consistent with advances in mining technology, eliminate duplicative and unnecessary standards, provide alternative methods of compliance and reduce paperwork requirements where possible.

DATES: Written comments must be submitted on or before December 16, 1985.

ADDRESSES: Send written comments to the Mine Safety and Health Administration, Office of Standards, Regulations and Variances, Room 631, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, phone (703) 235-1910.

SUPPLEMENTARY INFORMATION:

I. Background

The Mine Safety and Health Administration (MSHA) is proposing to revise its existing safety standards for roof, face and rib support at underground coal mines. These revisions are proposed pursuant to section 101 of the Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 Stat. 1291 (30 U.S.C. 811).

On July 9, 1982, MSHA published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** (47 FR 30025) which announced a comprehensive review of the underground coal mining standards in 30 CFR Part 75 and solicited public comments. After reviewing the comments, the Agency developed a preproposal draft of revisions to the existing standards for roof, face and rib support. On September 2, 1983, MSHA published a notice in the **Federal Register** which announced the availability of its preproposal draft and scheduled public conferences (48 FR 40165). Public conferences were held October 25, 1983, in Salt Lake City, Utah, and October 27, 1983, in Charleston, West Virginia. These conferences were well attended by representatives of the mining community. MSHA has received written comments regarding its preproposal draft from all segments of the coal mining community.

The Agency's proposed rule addresses the comments received and is consistent with the goals of Executive Order 12291, the Regulatory Flexibility Act and the Paperwork Reduction Act.

II. Discussion of Proposed Rule

A. General Discussion

Falls of roof, face and rib continue to be a leading cause of injuries and death in underground coal mines. There were 247 fatalities that resulted from such accidents, including four from coal or rock bursts, during 1979 through 1984. This represents approximately 46 percent of the 543 fatalities that occurred in underground coal mines during this period. In addition, there were 6,508 nonfatal injuries from falls of roof, face and rib during this time. Further, there were over 12,000 roof falls that occurred in which no miners were injured.

Prevention or control of falls continues to be a difficult task because of the variety of conditions encountered in coal mines that can affect the stability of various types of strata. However, technological advancements have aided in reducing the hazards associated with falls of roof, face and ribs. This proposed rule reflects these advancements and would require certain measures and practices that would increase the safety protection afforded to miners. The proposed rule would also simplify existing standards and reduce paperwork requirements where possible.

The proposed rule would revise the existing standards for roof control in 30 CFR Part 75, and would address hazards related to roof falls by establishing: (1) Safety standards for roof support that would be applicable to all underground coal mines; and (2) requirements for a roof control plan for each mine that would specify the roof control practices appropriate to the unique conditions of the mine. Each roof control plan would be subject to the approval of the appropriate MSHA District Manager, based on criteria contained in the proposed rule.

Existing roof control provisions contain extensive criteria for evaluating and approving roof control plans. As a result, comprehensive and often complex roof control plans are required for each mine. Although the proposed rule would retain the roof control plan requirement, it would reduce the provisions to be addressed in a plan. Under the proposal, 14 criteria provisions that are currently addressed in roof control plans would be deleted, while two provisions would be added. In addition, 55 provisions which are currently addressed in roof control plans either through criteria or MSHA policy would be deleted from roof control plans and would be addressed by the proposed standards. Therefore, roof control plans would be less complex, specifying particular roof control measures that are not addressed by the standards. At this time MSHA estimates that the proposed standards would result in at least a 10% reduction in the time necessary to develop roof control plans. This would be consistent with MSHA's goal of reducing the paperwork burden required by agency standards.

Many of the proposed standards are derived from the existing requirements and the criteria for the approval of roof control plans, while other standards are new. One new proposed standard would require the use of automated temporary roof support (ATRS) systems when persons on the working section work or travel beyond permanent roof support. Under the proposed rule, ATRS systems would be required to the extent practicable and as technology becomes available. At this stage in the rulemaking process, MSHA believes that ATRS systems can be used in at least 80 percent of coal mining operations to provide miners with necessary protection from roof falls.

In the preamble discussion of this proposal, MSHA is also including appropriate recommendations from the Agency's Two-Entry Task Force Report on Longwall Mining. A full discussion of these recommendations is included in the section-by-section analysis.

B. Section-by-Section Discussion

Protection From Falls of Roof, Face and Rjbs § 75.200

The proposed rule would retain the existing requirement of § 75.200 that persons be protected from the hazard of falls of the roof, face or ribs. Historically, falls of roof, face or ribs have been the number one cause of fatalities in the coal mining industry. The proposed rule would replace the phrase, "active underground roadways, travelways and working places" with the phrase "areas where persons work or travel" to clarify the areas to which the proposed standard would apply. The word "adequately" is deleted in the proposed standard. The terms "coal or rock outburst", which appeared in the

preproposal draft, have been deleted from the proposal since these occurrences would be within the scope of controlling hazards related to the roof, face and ribs.

Several commenters suggested that the terms "coal or rock outbursts" should not be covered by the standard because such occurrences were unpredictable and could not be controlled. However, mining methods such as proper pillar design or prefracturing can minimize or eliminate coal or rock outbursts. In the proposal, the Agency has deleted a specific provision concerning coal or rock outburst because the control of coal or rock outbursts would fall within the scope of the standards in this section.

A provision has been added to § 75.200 of the proposal which would emphasize and clarify a general prohibition against work or travel under unsupported roof, unless this activity is done in accordance with the standards in the proposal.

Accident and fatality statistics continue to indicate that the majority of fatalities from roof, face and rib falls occur under unsupported roof and in temporarily supported areas. Therefore, it is MSHA's goal to reduce fatalities by prohibiting work or travel under unsupported roof to the extent possible and limiting work or travel in temporarily supported areas to only that necessary to install permanent supports.

Mining Methods § 75.201

Paragraph (a) of this proposal is derived from existing §§ 75.201 and 75.201-1, while paragraphs (b) through (e) are new. This proposal would establish basic safety requirements for mining methods.

Paragraph (a) would prohibit mining methods that would expose persons to unusual dangers from falls caused by excessively wide openings or improper pillar recovery and would require that pillar dimensions be compatible with effective control of the roof, face and ribs.

Paragraph (b) would require that method of directional control be used to maintain conformance with mining projections in entries, rooms, crosscuts and pillar splits. This would help ensure that openings are developed as projected. Mining without use of an effective method for directional control can result in excessively wide openings or inadequate pillar dimensions. The use of these controls also minimizes the possibility of unintentionally cutting into abandoned areas in the mine or adjacent mines, which may contain dangerous accumulations of gas or water. Directional controls would also minimize the possibility of roof falls in pillared areas extending into working places by providing for predetermined thickness of "fenders" during pillar recovery.

In response to several commenters the phrase "sight lines or equivalent means", which was used in the preproposal draft, has been changed to "a method of directional control". Although sightlines continue to be the primary method used to maintain mining projections, this change recognizes that there can be other effective methods of directional control.

Another commenter suggested that this provision would necessitate the employment of a full-time surveying crew. However, MSHA experience with sight lines as a method of directional control indicates that this proposed standard would not require an operator to maintain a surveying crew on the section at all times. Normally, sight lines or other methods of directional control are advanced by miners on the section and surveying crews advance survey stations or other baseline reference points on a periodic basis. The need for a surveying crew would depend on factors such as mining conditions and the size of the mining operation.

Paragraph (c) would require that sidecuts be started only in areas that are permanently supported. However, "notching," would be allowed in accordance with the approved roof control plan, if the permanent roof supports would be damaged when starting a sidecut. Permitting notching would recognize that with some mining systems, starting the cut in the place where a sidecut is to be made protects against damage to permanent supports that are installed in the area of the sidecut. In response to a comment and to clarify the meaning of the term "notching," a definition for this term has been added in the proposal.

To address the hazard of a roof fall in an opening overriding into an intersection, paragraph (d) would require that the roof at the entrance to any unsupported opening of an intersection be permanently supported or at least one row of temporary supports on not more than 5-foot centers be installed across the opening before any other work or travel is done in the intersection. As an alternative to installing permanent support in the opening, it has been MSHA's experience that one row of temporary supports on not more than 5-foot centers will minimize the possibility of a roof fall starting in a sidecut or opening and continuing into the intersection.

To clarify that these provisions would apply to intersections created by sidecuts as well as overdeveloped entries, the preproposal term "sidecuts" has been deleted from paragraph (d) and replaced by the term "openings." Accordingly, the proposed standard would be applicable to openings where intersections are created by mining through into supported areas and the preproposal provision that addressed these openings would be deleted.

Several commenters suggested that the term "posts" used in the preproposal draft should be changed to "temporary supports". These commenters pointed out that mechanical jacks and devices other than posts are often used for temporary supports. The proposal reflects this suggested change.

Other commenters suggested that the spacing of supports be changed from 4 feet in the preproposal draft to 5 feet in the proposal and that the number of rows be changed from two to one. These commenters indicated that they have mined safely with one row of temporary supports on 5 foot spacings. In response to these commenters, the proposal has been changed to require that the openings be supported by at least one row of temporary supports on 5 foot centers. As stated above MSHA believes that this provision will minimize the possibility of roof falls extending into the working place.

Also, in response to commenters, the term "inby" used in the preproposal draft has been deleted to clarify the scope of the standard. As proposed, the standard would apply only to intersections adjacent to sidecuts or openings that are not permanently supported. Several commenters suggested that persons be allowed to enter the intersection to make safety examinations or correct unsafe conditions. This suggestion was not incorporated into the proposal because the potential for a roof fall is increased in a newly created intersection and, until supports are installed, no persons should be allowed in the intersection except those who are installing the necessary supports.

Paragraph (e) would prohibit mining into an unsupported area of active workings of a mine, except where the area being mined into is inaccessible. The exception would recognize that mining into such an area may be necessary to facilitate ventilation. The proposed exception also recognizes that it may be more hazardous to clean up and support a roof fall area than it would be to mine into it.

One commenter suggested adding exceptions to this provision to address abnormal physical conditions and crosscuts that are mined from both

directions on a conventional section using a cutting machine. At this stage in the rulemaking process, an exception to the proposed prohibition against mining into unsupported areas for "abnormal physical conditions" would, MSHA believes, be too broad and subjective. Mining from both directions would be permitted by the proposal, however, before a cut-through is made, the area being mined into would have to be supported.

Paragraph (f) would clarify the meaning of "excessive width" as the term is used in existing § 76.201. It would require additional roof support to be installed when the width for openings, as specified in the approved roof control plan, is exceeded by more than 50 percent of the lengthwise space permitted between permanent support for a distance greater than 5 feet. The proposed standard of 5 feet would be consistent with the maximum space permitted between supports under § 75.208 of the proposal. This provision recognizes that occasional offsets occur inadvertently during mining and specifies that circumstances under which additional support would be required to be installed. Thus, for example, when the roof control plan specifies that the lengthwise spacing between supports is to be 4 feet, additional support would be required when the planned opening width is inadvertently exceeded by more than 2 feet for a distance greater then 5 feet. When the normal width of an opening is exceeded by dimensions specified in the proposal, the potential for a roof fall is increased and this would be minimized by the installation of additional supports.

Several commenters stated that no additional support should be required for inadvertently created wide places that exist over a short distance. The preproposal reflected current agency practice which is to require additional support for openings that exceed the permitted width by more than 12 inches. The proposal, however, would require additional support when the maximum entry width is exceeded by 50 percent or more of the lengthwise spacing permitted between roof supports for a distance of 5 feet or more. This revision would relate the installation of additional supports to the roof support pattern for the mine. The 5-foot maximum distance is included in the proposal consistent with § 75.208 and as a practical measure when excessively wide openings can present a hazard that should be addressed by the installation of additional support.

The requirement in existing § 75.201–1(b) that the mining system be reevaluated when excessive widths occur due to sloughing would be retained under the provisions of proposed § 75.223(a)(1). This proposed standard relates to regular evaluation and revision of roof control plans.

Roof bolting § 75.202

This proposal is derived from existing § 75.202 and the existing criteria in § 75.200–7, except for paragraphs (e)(2), (e)(7), and (f) which would be new. The proposed standard sets our safety requirements for the design, use and testing of tensioned roof bolts and non-tensioned grouted roof bolts, and would apply anytime roof bolts are installed. The new provisions would prohibit anchoring trailing cables to tensioned roof bolts and would eliminate the necessity of keeping records of subsequent torque checks.

Paragraph (a) would require that roof bolt assemblies meet the American Society for Testing and Materials, ASTM F 432–83 "Standard Specification for Roof and Rock Bolts and Accessories." The proposal would also allow the use of roof bolt assemblies not addressed in ASTM F 432–83, when approved by the District Manager. These consensus standards are used throughout the United States as standards for the design of roof bolt assemblies and address the potentially serious problem of the introduction of untested or inadequate roof bolts into underground coal mines. The proposal would require that all roof bolt components used at underground coal mines conform to minimum strength and design specifications, while retaining the flexibility to permit the use of new bolt assemblies.

Paragraph (b) would require the use of bearing plates with all types of roof bolts and set out minimum specifications for them. Experience indicates that bearing plates installed firmly against the roof or other bearing material are necessary to adequately support the roof when roof bolts are used in underground coal mines. Under the proposal, bearing plates used directely against the mine roof would be required to be at least 6 inches square or the equivalent, and those used with wood or metal against the roof would be required to be at least 4 inches square or the equivalent. The preproposal provision that would have allowed 5-inch square bearing plates to be used against roof that is firm and not susceptible to sloughing has been deleted because such roof is often difficult to identify.

One commenter suggested that all bearing plates should be at least 6 inches square. MSHA's experience, however, is that bearing plates less than 6 inches square can be effective when used in conjunction with wood or metal materials.

Another commenter stated that not all roof bolting systems need bearing plates. This commenter suggested that bearing plates for grouted bolts are "comestic" and serve no real function. This conclusion contrasts, however, with data gathered by MSHA and the Bureau of Mines of the U.S. Department of the Interior which indicate that bearing plates are necessary to fully utilize the support capabilities of both tensioned and grouted roof bolts. Accordingly, the proposal retains the draft requirement that bearing plates be used with roof bolts.

Paragraph (c) would require that washers, when used, conform to the shape of the roof bolt head and bearing plate. When washers do not conform to the shape of the roof bolt head and the bearing plate, the proper torque-tensioned relationship cannot be obtained. For example, a two inch square hardened washer used with a donut embossed plate would not seat properly.

One commenter suggested that washers should be required to be used with all roof bolts. It is MSHA's experience, however, that washers are not necessary in all cases. For example, washers would not improve the performance of most grouted roof bolts or bolts used with a bearing plate having a hole of one inch diameter or less.

Paragraph (d) would require the diameter of finishing bits to be within a tolerance of plus or minus 0.030 inch of the required diameter for the anchor used. This provision would increase the flexibility of the existing plan approval criteria by allowing a tolerance for these bits of minus 0.030 inch, as well as plus 0.030 inch. Existing criteria only allow a plus 0.030 inch tolerance. Studies have shown no detrimental effect on roof bolt anchorage with the proposed tolerances.

This section would also require that finishing bits be distinguishable from other roof drill bits when separate finishing bits are used. Existing plan approval criteria § 75.200–7(b)(1) provides that finishing bits should be "easily identifiable by sight or feel" and the preproposal draft also contained this language. The proposal, however, would emphasize the performance objective of the standard rather than the method of achieving it. The proposal, as a result,

would more easily allow for technological advances.

One commenter suggested that finishing bits should be identifiable by both sight and feel. The purpose of the proposal, however, is to have a practical means for distinguishing starter bits from finishing bits. This purpose, MSHA believes, would be effectively served by providing that finishing bits be distinguishable from other bits, without specifying the particular method by which this is accomplished.

The proposal also reflects this approach with respect to the measurement of roof bolt torque. The preproposal requirement that particular types of torque wrenches be used is deleted, while the draft requirement that the actual torque on tensioned roof bolts be measured is retained. This proposed revision would also facilitate the introduction of new technology in this area.

Consistent with this change, the proposal would also delete existing plan-approval criteria which provides for a torque wrench to be on each roof bolting machine. Although one commenter objected to this approach, which was included in the preproposal draft, MSHA believes that decisions regarding the location of devices such as these are an appropriate matter for the mine operator to determine.

Also deleted from the preproposal draft is the provision that damaged or dislodged roof bolts be replaced. Proposed § 75.200(b) would prohibit persons from traveling in unsupported areas and proposed § 75.209(c) would require that hazardous conditions be corrected immediately, a warning posted, or the area blocked against travel by a physical barrier.

Paragraph (e)(1) would require tensioned roof bolts to be at least 30 inches long when they are used to provide support by creating a beam of laminated strata. This is a revision from the preproposal draft provision which specified that roof bolts used to create a beam had to be long enough to ensure anchorage. As revised, the proposal more accurately reflects MSHA's experience that when the method of roof support is created by a beam of laminated strata, the beam should be at least 30 inches thick. The proposal would also require roof bolts that provide support by suspending the roof from overlying stronger strata to be long enough to anchor at least 12 inches into the stronger strata.

One commenter suggested that all roof bolts be required to be at least 36 inches long. While roof bolts at least 36 inches long are often necessary, it is MSHA's experience that secure anchorage to overlying strata can, in some mines, be achieved with roof bolts that are less than 36 inches.

Paragraph (e)(2) specifies requirements for testing overlying roof strata when tensioned roof bolts are installed. The proposed requirement for test holes drilled above the anchorage horizon would provide a means of identifying changes in the overlying strata that may affect roof bolt anchorage.

One commenter objected to the preproposal draft requirement that test holes be conspicuously marked, indicating that such marking does not contribute to safety. As noted above, test holes are necessary to evaluate the competency of the strata being relied upon for support and can reveal changes in the strata which may adversely affect support. However, at this stage in the rulemaking process, MSHA believes that marking test holes may have limited usefulness and therefore this provision of the preproposal draft has been deleted in the proposal.

This proposed section is revised from the preproposal draft to require that a test hole be drilled in the "first row of bolts" during each roof bolting cycle, rather than "before any bolts are installed." This change would afford flexibility in the drilling of test holes, while retaining the basic precaution that test holes be drilled.

Several commenters recommended that test holes be required only for tensioned roof bolts. MSHA agrees that the strength of the rock strata is not as critical for anchorage in nontensioned grouted bolting systems because grouted systems rely on friction between the resin and the rock strata surrounding the boreholes. In contrast, conventional anchors for tensioned bolts rely on the compressive strength of the rock only at the point of anchorage. The proposal, therefore, would require test holes only for tensioned roof bolts.

Paragraph (e)(3) specifies performance standards for the installed torque or tension range of tensioned bolts. This proposal would require that bolts be installed to perform as designed and not exceed the anchorage capacity of the strata.

This paragraph and the following two paragraphs, are revised from the preproposal draft, to allow the use of either "torque" or "tension" when referring to installation ranges and integrity measurements. The addition of the word "tension" provides the flexibility to use tension-indicating devices rather than torquing devices to evaluate the integrity of tensioned roof bolts. This change would also allow for the use of devices resulting from technological advancements in measuring the integrity of roof bolt installations.

Paragraph (e)(4) provides procedures for measuring the actual torque or tension or tensioned bolts installed during each roof bolting cycle. The proposed requirements would apply to bolts installed with each drill head and require that at least one out of every four be tested. Thus, for example, when dual boom roof bolting machines are used, the required measurements would be applicable to the bolts installed with each drill head.

When the specified torque or tension range for tensioned roof bolts is not achieved, "corrective action" would be required under the proposal. This is a revision from the preproposal draft that provided for "supplemental support" to be installed when the specified torque range was not achieved. This change would clarify that improperly torqued or tensioned roof bolts could not continue to be installed even if supplemented with additional support.

One commenter suggested that torque range tests be required only once during each shift. Inadequately anchored roof bolts, which can result from malfunction of a roof bolting machine, undetected changes in the roof strata, problems with roof bolt assemblies, or a variety of other factors, pose a serious roof fall hazard. At this stage in the rulemaking process, MSHA does not believe that testing for this condition only once each shift would provide adequate protection from this hazard.

Paragraph (e)(4) would not require a "qualified person designated by the operator" to perform roof bolt torque or tension measurements as is specified by existing plan-approval criteria. Under the proposal, this provision would be deleted since miners assigned to new tasks are required by 30 CFR § 48.7 to be instructed in the safety and health aspects of the job, including safe work procedures.

Paragraph (e)(5) would require that the actual torque or tension on mechanically anchored tensioned roof bolts be periodically measured in advancing sections from the outby corner of the last open crosscut to the face. These measurements would be made at least once during each 24-hour period when coal is produced in these places. The proposal would also require that corrective action be taken if the majority of the bolts tested do not maintain at least 70 percent of the minimum specified torque or tension, 50 percent if plates bear against wood or have exceeded the maximum specified torque or tension by 50 percent. The

proposal would only apply to mechanically anchored roof bolts and not be tensioned roof bolts using grouting materials. MSHA believes that subsequent torque or tension tests for tensioned roof bolts using grouting material may not give a true indication of the integrity of such systems after the grouting material has set.

Some commenters suggested that the percentage threshold for minimum torque levels be deleted. These commenters indicated that many factors can cause roof bolt torque to change without affecting support capacity and that torque test results can sometimes be misleading. At this stage in the rulemaking process, MSHA believes that roof bolt torque or tension measurements are necessary to determine if the integrity of roof bolt installation is being maintained or if supplemental support is necessary. The minimum proposed percentage threshold for maintaining torque or tension has also been a reliable tolerance for evaluating the anchorage of mechanically anchored tensioned roof bolts. Commenters are encouraged to address this issue and particularly to indicate relevant experience.

Another commenter suggested that roof bolt torque tests be regularly required on all advancing sections and not just on section that have produced coal in the previous 24-hour period. This commenter pointed out that sections that are idle are as susceptible to roof shifting and torque loss, as are producing sections. In MSHA's experience, however, the most critical areas for roof bolt torque measurements are on sections producing coal where the distribution of stress around the mined openings is changing. On sections not producing coal, the stress distribution is more stable and, therefore, roof bolt torques are usually more stable. In addition, requiring torque measurements on roof bolts in idle sections could result in the same bolts being torqued numerous times, which can adversely affect the support system.

Paragraph (e)(6) would replace the recordkeeping provision in the existing plan-approval criteria with a requirement that the operator certify by signature and date that the measurements required by paragraph (e)(5) have been made. A record of the results of these measurements would no longer be required because other aspects of this proposal provide for action to be taken in the event that the roof bolt measurements fall outside of a predetermined range specified in the roof control plan. Certifications would be required to be retained for one year and made available to authorized representatives of the Secretary and representatives of the miners. The requirement that certifications be made available to representatives of miners as well as Federal personnel has been added to the proposal in response to commenters.

Paragraph (e)(7) would prohibit roof bolts installed as roof support from being used to anchor trailing cables or for any other purpose that would affect the tension of the bolt. Roof bolts used to anchor trailing cables can lose support capacity through vibration and other stress effects which reduce the tension of the bolt.

Several commenters expressed concern that the language of the preproposal draft could be subject to various interpretations about what could affect the tension of a roof bolt. It is MSHA's intention that the proposal prohibit anchoring devices that heavily stress or subject the bolt to sudden loading and unloading. These conditions can adversely affect the anchorage zone or bearing surface and result in an ineffective bolt. The proposal would not, however, prohibit hanging trailing cables, line curtains, telephone lines and other similar devices which would not place heavy or sudden loads on the bolt.

Paragraph (e)(8) would require that angle compensating devices be used with tensioned roof bolts installed at angles greater than 5 degrees from the perpendicular to the roof line. This would prohibit the installation of tensioned roof bolts on angles greater than 5 degrees unless a device is used to compensate for the angle. Without the use of a compensating device, the stress on the roof bolt head could result in premature failure when installed on an angle greater than 5 degrees. Several commenters suggested that non-tensioned roof bolts are not adversely affected when installed at angles greater than 5 degrees and angle compensating devices should not be required with this type of bolting system. MSHA agrees, and has revised the preproposal draft requirement to apply only to tensioned roof bolts.

Other commenters, however, suggested that angle compensating devices should only be required when angled bolting is planned, indicating that when uneven roof is encountered the term "perpendicular to the roof line" may not be applicable with respect to any particular bolt. However, an angle deviation of greater than 5 degrees between the roof line and any particular tensioned bolt would reduce the overall effectiveness of the bolt and must be compensated for, regardless of whether angled bolting was anticipated.

Paragraph (f) would establish requirements for testing installed non-tensioned grouted roof bolts. The proposal would also require that corrective action be taken if the bolt tested cannot withstand 150 foot-pounds of torque without rotating in the hole. This test would determine whether or not the grouting material used has properly set.

The preproposal draft standard that would have required supplemental support to be installed as an alternative to corrective action if the bolt tested did not withstand 150 foot-pounds of torque has been deleted. This change is intended to clarify that improperly installed grouted roof bolts could not continue to be installed even if supplemented with additional support.

The existing plan-approval criteria regarding spot roof bolting is deleted under the proposal since proposed § 75.202 would address all roof bolting applications, including spot bolting. One commenter suggested, however, that a separate spot bolting section be included in the proposal. At this stage in the rulemaking process, MSHA believes that such a standard would duplicate applicable provisions in proposed § 75.202.

Conventional Roof Support § 75.203

This proposal is derived from existing § 75.202 and existing plan-approval criteria in § 75.200–8, except paragraphs (b)(2) and (b)(7) which are now. It addresses the use of conventional roof support which includes the use of support materials such as wood or metal posts, beams, crossbars and planks.

One commenter suggested that conventional roof support as the sole means of roof support in a mine be prohibited. This commenter suggested that conventional roof support methods are outdated, can be unsafe and that technology is available to provide roof bolt support in all mines.

Although the proposal would continue to recognize the use of conventional roof support methods, MSHA agrees that the use of conventional roof support as the only means of support should have limited application in the coal mining industry today. Since coal mining has become mechanized, new roof support systems have been developed to provide more space for maneuvering larger and more productive mining equipment. These methods, of which roof bolting is an example, also provide full overhead support and are being used safely in mines with a wide variety of roof conditions. Conventional roof support

methods, in contrast, may be marginally effective as compared to state-of-the-art roof support systems, unless the mine roof is composed of exceptionally competent strata. For these reasons, MSHA would closely scrutinize plans that call for use of conventional support as the only means of controlling the mine roof.

Paragraph (a) would apply when conventional roof support materials are used as the sole means of roof support and would require that each opening along a travelway be supported by extending the postline across the opening when it is no longer needed for storing supplies or necessary for equipment to travel into the area. Extending the postline across an opening would minize the potential for a roof fall which is significantly increased in large areas of exposed roof.

Paragraph (b) sets forth minimum specifications for the size and strength of conventional roof support materials to ensure that such materials adequately support the roof. The proposed specifications are revised in response to comments and clarifying changes have been made.

One commenter suggested that the term "nominal" be added to the proposed specifications to avoid questions about minor discrepancies in the size of conventional support materials. MSHA recognizes that materials cut to commonly accepted measurements in the industry may not be exact and, as in the past, will accept minor deviations from the specified dimensions. However, at this stage in the rulemaking process, MSHA does not believe that it is necessary to add the term "nominal" to the standard.

Paragraph (b)(1) would set out minimum size requirements for posts of various lengths, addressing the diameter of round posts and the cross-sectional area of split posts. In response to a commenter, and for purposes of clarity, these proposed requirements have been set forth in a table. Also in response to commenters, the specifications of the preprosal draft have been revised to make the support capacity for posts of varying lengths more equivalent, particularly those used in higher coal seams. For example, the preproposal draft, which was derived from existing plan-approval criteria, specified that the diameter of posts be increased 1 inch for each 15 inches of length. However, with this approach, posts used in a 12-foot coal seam would be required to have a support capacity approximately six times stronger than posts used in a 5-foot seam. The proposal would provide for more equivalent support capacity for posts longer than 60 inches by requiring the diameter to be increased 1 inch for each 24 inches of length greater than 60 inches.

Another commenter suggested that split posts be prohibited because of concern over their strength. The strength of a support post, however, is most influenced by the integrity of the material, and its cross-sectional area and length. Each of these basic factors is addressed in the proposal. The cross-sectional area requirements for split posts are derived from the cross-sectional area of round posts of the same length. Split posts meeting the proposed requirements have successfully been used throughout the mining industry and MSHA has no data to suggest that this practice is unsafe. Commenters, however, are encouraged to supply information concerning safety hazards and other data related to this issue.

Paragraph (b)(2) would allow the use of two or more posts set in a cluster if their total strength meets that required by paragraph (b)(1) for a single post of the same length. It is MSHA's intention that each post used in a cluster be required to have a minimum cross-sectional area of 13 square inches. This approach is consistent with that taken in the preposal draft. For purposes of clarification this provision appears as a separate paragraph in the proposal.

Paragraph (b)(3) would require that each wooden cap block and footing have flat sides and be at least 2 inches thick, 4 inches wide and 12 inches long. The term "parallel" used in the preproposal draft and the existing criteria section has been deleted in the proposal since such a requirement may be too restrictive for rough cut lumber. The proposal would, however, retain the requirement that cap blocks have flat sides which are necessary to provide an effective bearing surface.

One commenter recommended that cap blocks and footings be at least 6 inches wide and in no case permitted to be narrower than the diameter of the post being used in order to take better advantage of the load bearing capacity of each post. At this stage in the rulemaking process, MSHA does not believe that it is practical, nor necessary, to require that each cap block and footing have the same or larger dimensions as the diameter of the post being used. When a minimum post diameter is ordered, various larger diameter posts are frequently provided, some of which may exceed the size of the cap blocks and footings to be used. In addition, the proposed minimum of a 4 inch width for cap blocks and footings exists in the current criteria section and has been used effectively throughout the mining industry.

Paragraph (b)(4) of the proposal would require that each crossbar have a minimum cross-sectional area of 24 square inches and be at least 3 inches thick. Paragraph (b)(5) would require that each plank have a minimum width of six inches and be at least 1 inch thick. This provision of the preproposal draft, which would have required a plank to have a minimum cross-sectional area of 8 square inches has been revised in response to commenters. A minimum width of 6 inches would provide sufficient surface for contact with the roof. This change also recognizes that standard 2" × 4" lumber should not be used as a plank.

The proposal would delete the plan-approval criteria in existing § 75.200–8(a)(5), which specifies that cribs be made with wood and not less than 30 inches square. Paragraph (b)(6) would replace this criterion with the requirement that cribbing materials have at least two parallel flat sides. No crib dimensions, however, would be specified.

One commenter suggested that crib blocks needed to be at least 30 inches long 6 inches thick and 6 inches wide to provide sufficient support. The proposal does not include this suggestion, however, because minimum length and width specifications could prevent the use of cribbing materials in confined areas where they may have application.

Paragraph (b)(7) would allow the use of materials other than wood for conventional roof support if they are at least as strong as wood. Current technology has developed cribbing and other supports made from non-wood materials which provide support capacity equal to wood. For example, concrete crib blocks and fiberglass beams have been successfully used as conventional support materials.

Paragraph (c) through (f) would provide basic requirements for the installation of posts, spacing of blocks used for lagging between the roof and crossbars, and jacks used for roof support.

MSHA received several comments concerning the draft requirement that when installing a post "the space filled with wedges shall not exceed two inches." These commenters believed that the draft language was too restrictive. In response to these commenters the proposal has been revised to delete the reference to the combined thickness of wedges to be used. MSHA believes that the proposed requirement that posts be tightly installed on solid footing will result in a

proper installation. MSHA recognizes that uneven roof or other irregularities may require additional wedges to properly install a post. However, the pyramiding of wedges to fill spaces created by posts being too short would not be in compliance with this provision.

Also, in response to commenters, paragraph (f) clarifies that jacks set for roof support are to be used in conjunction with at least 36 square inches of roof bearing surface. This roof bearing surface does not, however, have to be an integral part of the jack, as some commenters believed based on the preproposal draft.

A provision in the preproposal draft that would have required dislodged posts to be replaced prior to any other work or travel in the affected area has been deleted. Several commenters suggested that replacement of dislodged supports is not immediately necessary in all areas of a mine because different degrees of urgency exist depending on the area of the mine affected. MSHA agrees that an area not being used for work or travel need not be a high priority for replacement of support. In addition, proposed § 75.200(b) would prohibit persons from traveling in unsupported areas and proposed § 75.210(c) would require that hazardous conditions be corrected immediately, a warning posted, or the area blocked against travel by a physical barrier.

Natural Roof Support and the Installation of Roof Support Using Mining Machines With Integral Roof Bolters § 75.204

This proposal is derived from existing criteria for special roof support in § 75.200–12. It would establish requirements for roof support when natural roof support is created by means of an arched roof and when roof bolts are installed by a continuous-mining machine with integral roof-bolting equipment. The title of the section has been charged to more accurately reflect the subject of the proposed standards.

Although the proposal sets forth requirements for natural roof support and is derived from existing plan-approval criteria in § 75.200–12, MSHA is considering deletion of these standards because this method of roof control is rarely used in the underground coal mining industry. MSHA is aware of only two mines that currently use natural roof support and more modern methods, addressed by other standards in the proposal, will likely replace the use of this technique in the near future. If these standards are deleted, however, MSHA would continue to evaluate roof control plans that specify the use of natural roof support in order to accommodate those operations. The proposed standards, if deleted from the final rule, would be considered when evaluating these plans. MSHA specifically requests comments on this issue.

Paragraph (a) would require that a minimum of 6 inches of coal roof be maintained where natural roof support is created by an arch. This coal roof is an integral part of the support system and protects the rock above from exposure to air and moisture which can significantly weaken the roof.

The preproposal draft provision requiring that the method and frequency of evaluating the coal roof thickness be specified in the roof control plan has been moved from this section to proposed § 75.221(a)(12) concerning information to be included in the roof control plan. The preproposal draft provision that would have required that test holes or an equally effective method be used to determine that the coal roof is at least 6 inches thick has been deleted. This requirement would be addressed by the information submitted under proposed § 75.221(a)(12).

The proposal would also require permanent roof supports to be installed before developing the fourth entrance to a four-way intersection. This would provide roof support to take the place of natural support when the arch is removed by mining the fourth entrance to an intersection.

The preproposal draft provided for the installation of permanent supports when an opening is made wider than the cutting width of the continuous mining machine. In response to a commenter, this provision has been revised in the proposal and would require permanent supports to be installed when an opening is made more than 12 inches wider than the cutting width of the continuous-mining machine being used. As this commenter pointed out, some leeway is necessary for small deviations from the exact cutting width of a piece of equipment. This change would provide for additional roof support to be installed when the strength of the natural support system may be affected due to the width of the opening.

This proposal would also require the installation of permanent supports where an arch is broken. The exposed roof in a natural roof support system is primarily supported by the arched configuration of the roof. Therefore, anytime the arch is broken permanent supports are needed to replace the lost support. Procedures for the installation of supports as required by this section would be specified in the roof control plan under proposed § 75.221(a)(5). Therefore, the preproposal draft provisions relating to installation procedures have been deleted.

Paragraph (b) would establish requirements for the installation and spacing of roof supports when using mining machines with integral roof bolters. It would require that crossbars or planks be used when roof bolts are installed more than 8 feet apart, and the installation of bolts at distances greater than 10 feet apart would be prohibited.

One commenter suggested that these roof support systems should not use more than an 8-foot spacing between bolts and that wooden planks should be required between bolts when they are installed more than 4 feet apart. This commenter suggested that such spacing was necessary to provide "full protection." However, the proposed requirements for spacing of supports in conjunction with crossbars and planks have been effective in supporting the roof in areas where continuous-mining machines with integral bolters are used.

Pillar Recovery § 75.205

This proposal is derived from existing § 75.201–2 and existing plan-approval criteria in § 75.200–11. It would establish safety standards for the extraction of pillars during retreat mining.

Paragraph (a) would prohibit conducting full and partial pillar recovery on the same pillar line, except where physical conditions such as unstable floor or roof, falls or roof, oil and gas well barriers or surface subsidence require that pillars be left in place. Generally, full and partial pillar recovery on the same pillar line can create conditions which cause roof pressures to override into the active working places. However, situations can occur during full pillar recovery which require some pillars or parts of pillars to be left intact for safety reasons. The proposal would, therefore, recognize these circumstances.

Paragraph (b) would establish requirements for the installation and location of breaker posts before and during pillar recovery. Several commenters suggested that this provision specify the location for breaker posts and when posts are to be installed. In response, the proposal has been revised to identify those locations and to specify that posts are to be installed before mining is started in a pillar lift or split.

Several commenters suggested that before production is started, at least two rows of breaker posts on 4-foot centers be installed during pillar mining. These commenters expressed the opinion that this was the minimum necessary to prevent falls from overriding into an

active work area. Other commenters, however, recommended that two rows of breaker posts be installed on not more than 5-foot centers, pointing to successful experience with this approach at some mines. MSHA recognizes that the appropriate spacing of breaker posts can vary depending on a variety of factors, including the method of recovery, the depth of the coalbed and the type of roof strata. While in most applications breaker posts should be installed on 4-foot centers, the installation of posts on 5-foot centers may be adequate in some circumstances, such as in a shallow coal seam where partial pillar recovery is performed. Therefore, the proposed standard would not include a provision addressing the spacing of breaker posts and, instead, the spacing of posts would be set out in the roof control plan for the mine. This is addressed by proposed criteria in § 75.222(f)(3). Consistent with commenters' suggestions the proposed standard does specify that at least two rows of breaker posts be used.

Paragraph (c) would require that a row of roadside-radius (turn) posts or equivalent support be installed leading into any split or lift of a pillar prior to the start of mining, unless otherwise specified in the roof control plan. Roadside-radius posts reduce the width of the roadway.

Several commenters pointed out that under their existing approved roof control plans, turn posts are not required to be installed until after the first cut of a split or lift is mined. MSHA recognizes that in certain circumstances turn posts should be installed after the first cut of a split or lift to allow room for machinery to maneuver while mining the first cut. This practice would also assist in maintaining a uniform thickness in "fenders," which are thin portions of a coal pillar left intact adjacent to a mined out area to provide protection while driving a split or lift through the main pillar. The proposal, therefore, has been changed to allow these situations to be addressed in the roof control plan.

Paragraph (d) would require at least two rows of posts, or equivalent support, to be set on each side of the roadway on not more than 4-foot centers, and would permit only one open roadway not more than 16 feet wide from the solid pillars to a final stump. The "final stump" which is sometimes referred to as a "pushout," is the last portion of a pillar providing roof support and when it is removed the possibility of a roof fall is greatly increased. A single opening not more than 16 feet wide with two rows of posts on each side would minimize the possibility of a roof fall under these conditions.

Existing plan-approval criteria provides that roadways should not be more than 14 feet wide and one commenter suggested that this be made a standard to provide the maximum support possible in these areas. Although the proposal would not prohibit this practice, MSHA's experience indicates that limiting the roadway to 14 feet can restrict equipment movement and result in supports being dislodged. Roadways that are 16 feet wide have been effective in providing adequate roof support during extraction of the final stump. The suggestion that this area be limited to 14 feet wide is, therefore, not incorporated into paragraphs (d) or (e) of the proposal.

Paragraph (e) addresses requirements for open-end pillar extraction. Under the proposal, the width of the roadway would not be permitted to exceed 16 feet and at least two rows of breaker posts on 4-foot centers or equivalent support would be required to be installed between the lift to be started and the area where pillars have been extracted. The breaker posts or equivalent support would be required to be maintained to within 7 feet of the face. These supports would minimize the possibility of a roof fall overriding into active workings.

Several commenters suggested that open-end pillar extraction be prohibited because this method is outdated and presents too great a hazard by exposing miners directly to mined out areas. However, open-end pillaring has been done safely and effectively in some mines where proper procedures are used. Therefore, total prohibition of this mining method would not be appropriate.

Preproposal draft provisions addressing the amount of coal to be left in place during full and partial pillar extraction have been deleted since faulty pillar recovery methods would be addressed by proposed § 75.201(a). Faulty pillar recovery methods would include failure to leave sufficient coal to prevent total caving of the main roof during partial recovery, as well as failure to cause caving of the main roof through extraction of insufficient coal during full recovery. The amount of coal to be extracted during pillar recovery will be dependent on factors such as seam depth, height, and geological conditions.

Two other provisions which appeared in this section of the preproposal draft have been deleted in the proposal. One provision would have required pillar recovery methods to provide a "uniform pillar line" for the extraction of pillars. The other provision addressed mining pillars left and right from the same opening. Under the proposal these elements of pillar mining would be addressed in each mine's roof control plan.

Several commenters suggested that mining adjacent pillars from the same opening be prohibited and that mining be completed in one pillar split before mining is started in an adjacent pillar. In MSHA's experience, mining adjacent pillars from the same opening can be done safely, provided that the necessary precautions are taken.

Under the proposal, roof control precautions unique to a longwall mining operation would be addressed in the mine's roof control plan. For example, under proposed § 75.211 the sequence of mining and installation of all supports would be included in the plan.

Warning Devices § 75.206

This proposal would require clear identification of areas where permanant support ends to address the risk of miners unintentionally going into unsupported areas. In the mine environment, the location where permanent support ends is often difficult to detect. Therefore, under the proposal, the end of permanent support would be required to be conspicuously posted with readily visible warnings, or alternatively, physical barriers installed to impede passage into areas where the roof is unsupported. Under the proposal, a visible warning could include reflective devices hung, for example, on the last row of roof bolts or other permanent roof support. Alternatively, a barrier could be installed across the entry at the end of permanent roof support.

Several commenters suggested that the draft requirement for a "reflective surface" on warning devices be deleted to permit greater flexibility in achieving compliance. MSHA agrees that a readily visible warning may be accomplished through a variety of means and the proposal reflects this change.

Commenters also recommended that the proposal incorporate a new requirement specifying the regular use of roof movement indicators. These devices give a signal when the roof moves more than a specified amount. Roof movement may indicate an impending fall.

MSHA has closely followed the development of this technology, and at this stage, believes that roof movement indicators can measure roof sag with reasonable accuracy. However, the Agency does not believe that these

devices can reliably forecast the failure of mine roof. Roof conditions vary substantially from mine to mine, and in many cases, from section-to-section within the same mine. Some roof strata can sag considerably while remaining stable and supported. Other roof strata will sag only a fraction of an inch before falling. If a monitor is set to give a warning when a small amount of roof sag occurs, and if the roof remains strong, "false alarms" could occur with miners abandoning a working place which is, in fact, safe. On the other hand, if the monitor were set to respond to a larger roof movement and if that level were too high for the particular location, then miners would be working under dangerously loose roof with a false sense of security. Further, if the sag monitor were set properly, but were not located exactly where the critical area of sag occurred, the miners would not be forewarned.

At this stage in the rulemaking process, MSHA does not believe that roof movement indicators should be required to be used throughout the underground coal mining industry. In addition, the majority of injuries and fatalities caused by roof falls have occurred in areas of unsupported roof or during the installation of roof supports. The roof movement indicators now available would not have application in these circumstances. For these reasons, the proposal does not include requirements for the use of roof movement indicators.

Automated Temporary Roof Support (ATRS) Systems § 75.207

This proposal is new and would require, to the extent practicable and as technology is available, the use of automated temporary roof support (ATRS) systems to protect persons on the working section when they work or travel beyond permanent roof support.

A primary objective of this proposal is to minimize the hazards associated with persons working or traveling beyond permanently supported roof. In the underground coal mining industry, roof falls are consistently the leading cause of fatalities. In addition, these accidents most frequently occur near the face area and often involve activities related to work being performed beyond permanent roof supports. To illustrate the scope of this problem, for the years 1979 through 1983, 76 percent (163) of the fatalities caused by the fall of roof, face and rib occurred within 25 feet of the face and 24 percent (40) of these fatalities occurred while persons were manually preparing, setting or removing supports. Roof fall injuries and fatalities also occur when other necessary activities are conducted beyond permanent support, such as checks for methane accumulations and advancing brattice cloth or other ventilation controls.

At the current stage of development, ATRS systems typically are mounted on roof bolting machines and continuous mining machines with integral roof bolting equipment. Usually, these ATRS systems are composed of one or more hydraulically-actuated booms with a bar, ring, or other support device that can be lifted and pressed against the mine roof. The ATRS controls are usually located so that they can be operated from under permanently supported roof. However, some designs require the equipment operator to be temporarily positioned a short distance beyond the last row of permanent supports to set the ATRS. Because of this, these designs are constructed with structures to protect the operator.

Through the combined efforts of members of the coal mining community and the federal government, a variety of ATRS systems have been developed for use in underground coal mining over the past decade. As a result, a large number of these devices are in use today. When the preproposal draft was made available to the public in August 1983, MSHA estimated that approximately 1,722 roof bolting machines and continuous mining machines with integral roof bolters were equipped with an ATRS system. Since then, the use of ATRS technology has continued to expand, increasing that number to approximately 1,950.

The proposal is revised from the preproposal draft with respect to exceptions from the requirement to use ATRS systems. The draft expressly provided that anthracite mines were exempted and that ATRS systems would not be required: "(1) when technology does not exist for an ATRS system to be used in the coal production cycle; (2) where conditions are encountered that would prevent the use of an ATRS system; or (3) where additional support used in conjunction with the ATRS system is necessary." The proposal provides that ATRS systems are to be used "to the extent practicable and as technology is available." The purpose of this change is to provide a more performance-oriented standard which permits compliance flexibility while allowing for the introduction of new technology in the development of ATRS systems. MSHA anticipates that with continued use and improvements in ATRS system designs, ATRS systems will be able to be widely used to protect miners when they work or travel under unsupported roof.

Nonetheless, the proposal would continue to recognize that there are mines for which ATRS system technology does not yet exist. Thus, for example, ATRS systems would not be required at this time in mines with very high or very low seam heights. Similarly, existing ATRS systems would not be required in anthracite mines because the method of mining used is incompatible with ATRS systems.

This aspect of the proposed rule raises the question of how decisions would be made with respect to requiring the introduction of new ATRS system technology. At this time, MSHA is considering a procedure that would identify new ATRS systems that become available. This data would be developed by MSHA's Office of Technical Support and made available to the mining community. The District Manager would then determine when new ATRS systems would be practicable for use at a particular mine. This approach incorporates the flexibility needed to address the unique conditions at each mine. The District Manager would also set a time frame, based on the availability of the ATRS system and the number of machines involved, for the operator to achieve compliance. MSHA solicits additional comments and data on how this provision could be most effectively and efficiently implemented.

The proposal would also anticipate that the use of ATRS systems can be prevented by certain mining conditions or situations. In this regard the proposal provides that ATRS systems be used to the extent practicable. Thus, for example, alternative roof support measures such as temporary supports installed in accordance with proposed § 75.208 could be used where a fall or other obstruction prevents the use of the mine's ATRS system.

At the present time, two states, Virginia and West Virginia have requirements for the use of ATRS systems. The proposal would differ from existing requirements in Virginia and West Virginia in two major areas. First, these states require ATRS systems only on roof bolters and continuous miners with integral roof bolters while the proposal would require the use of an ATRS system on a working section to protect any person who goes beyond permanent roof support and would recognize that ATRS system protection could be provided by systems not mounted on bolting machines or continuous miners. The proposal would also differ from the requirement in Virginia in that it does not include a

general exemption to the ATRS requirement for seam heights below 42 inches. In addition, the state of Kentucky has recently proposed a rule that would require ATRS systems on roof bolters and continuous miners with integral roof bolters being operated in roof seam heights 42 inches and above.

The majority of the commenters generally supported the concept of ATRS systems, noting the increased safety benefits. However, several commenters stated that such systems could be hazardous in some circumstances. One commenter suggested that the pressure exerted against the mine roof by the ATRS system could cause fractures that might contribute to a subsequent roof fall. Existing ATRS system technology addresses this potential problem, however, by providing a "set pressure" for the support that is significantly lower than the support capacity of the system. A bar-type ATRS system, for example, is typically set to apply approximately 2,000 to 4,000 pounds of pressure against the roof, but would have a support capacity of approximately 33,750 pounds. The "set pressure" therefore, should not be confused with the "yield pressure" or support capacity of an ATRS system, which is further discussed below.

A few commenters also attributed potential tramming clearance hazards to ATRS systems. MSHA recognizes that some equipment, after being retrofitted with ATRS systems, have reduced clearances. In some cases, vision in the direction of travel may also be affected. However, ATRS systems provide significant safety benefits and MSHA is prepared to address potential problems associated with them in the implementation of the rule. For example, the proposal would take into account practical problems such as these and allow an exception when mining conditions or technology do not permit the effective use of ATRS systems.

Some commenters supported the principle that the ATRS system requirement be based on the development of ATRS technology. Other commenters, however, recommended more specific ATRS requirements. Several commenters suggested that the requirement for ATRS systems be based on a minimum coal seam height. These commenters recommended heights ranging from 42 inches to 48 inches, stating that current technology was not available for ATRS systems in lower seam heights. In addition, they suggested that the requirements for ATRS systems apply only during the installation of permanent support for roof exposed during the mining cycle. Further, these commenters proposed that ATRS systems be required only on roof bolting machines and continuous mining machines with integral roof drills ordered after the effective date of the final rule. They suggested that existing roof bolting machines and continuous mining machines with integral roof drills be retrofitted when overhauled or rebuilt. In addition, these commenters recommended that the standard require ATRS systems only to the extent that the particular roof bolting machine or continuous mining machine with integral roof drills is "technologically capable of and economically feasible of accommodating an ATRS system."

These suggestions would substantially limit the application of the standard. While the comments generally reflect the current state of ATRS technology, it is important to note that ATRS systems have been developed and can work effectively in some coal seams lower than 42 inches under certain mining conditions. Also, although existing ATRS systems are generally part of roof bolting machines or continuous mining machines with integral roof drills, ATRS system technology is being refined and new designs are being developed.

At this stage in the rulemaking process, MSHA considers it essential that the standard for ATRS systems be flexible enough to provide for improvements in ATRS system technology. Promulgating this standard only in terms of currently available ATRS systems would likely render the standard obsolete in the future. The proposal, therefore, retains the principle that ATRS systems be used as mining conditions permit and technology is available.

Several commenters suggested that an exception to the use of ATRS systems be added for mines that use conventional roof support, such as posts and jacks, as the sole means of supporting the roof. MSHA believes that ATRS systems can be effectively used in mines where conventional supports are used. However, at those mines where an ATRS system cannot be practicably implemented, the proposal would, as discussed above, permit an exception.

Another commenter was concerned that the Agency's emphasis in this rulemaking on the use of ATRS systems could detract from the use of other temporary roof support methods that are available. MSHA anticipates that the use of ATRS systems will, in many cases, result in the elimination of other temporary support methods that involve the exposure of persons to unsupported roof without protection during the installation process. This is a major goal of the proposed ATRS system requirements. However, under the proposal, these temporary roof control methods could continue to be used in certain circumstances.

One commenter suggested that the proposal include a prohibition against building structures on top of an ATRS system in order to reach high places that might be created by a roof fall. At this stage in the rulemaking process, MSHA believes that the working height of an ATRS system can be safely increased with properly secured cribbing materials. In addition, many manufacturers provide extensions designed to increase the working height of ATRS systems. Properly secured or properly designed extensions which can increase the adaptability of ATRS systems would be permitted under the proposal.

Paragraph (b) would provide a 24-month period in which mine operators could evaluate the ATRS systems available and implement the use of ATRS systems at their mines. This delayed effective date would also afford equipment manufacturers and suppliers needed time to produce enough ATRS systems to meet the demand for this equipment.

Several commenters stated that the 2-year delayed effective date in the preproposal draft was too long and that ATRS systems should be required no later than six months after the effective date of the final rule. Other commenters recommended that the ATRS system requirement become effective 5 years after the effective date of the final rule. In support of their recommendations, they indicated that this time was necessary to allow mine operators to acquire ATRS systems and achieve compliance. Commenters also suggested that ATRS systems be required only on certain types of new machines ordered after the effective date of the final rule and that existing models be retrofitted when overhauled or rebuilt.

MSHA has informally reviewed the availability of ATRS system technology. Currently, there are eight major manufacturers of ATRS systems. Primarily, these manufacturers make ATRS systems for the equipment that they manufacture. However, some of these manufacturers make ATRS systems that can be retrofitted to various types of mining equipment. In addition, there are approximately eight independent shops that make ATRS systems, although these shops do not manufacture mining equipment. Also a few coal mining companies make some of their own ATRS systems. Therefore,

MSHA believes that a 24-month delayed effective date should provide a reasonable time for effective implementation of the proposed requirement for ATRS systems. In making this decision, the Agency has also taken into consideration the fact that a substantial number of mining machines have already been adapted to ATRS systems and that new designs for ATRS systems are being developed. In addition, the proposed 24 month delayed effective date reflects the Agency's expectation that ATRS system technology will be expanding as MSHA continues the rulemaking process. MSHA solicits additional comment and data on this issue, particularly as it relates to factors which would influence acquiring and using these devices.

Paragraph (c) would require that work or travel to the left or right of an ATRS system be done between the support provided by the ATRS system and another support, provided the distance between the ATRS system and the support does not exceed 5 feet.

One commenter recommended that the proposal prohibit the use of ATRS systems that do not provide full cross sectional support equivalent to the permanent support to be installed. In line with this recommendation, the commenter suggested deleting the draft provision related to work or travel to the left or right of the support provided by an ATRS system. Depending on the width of the entries developed in a mine, some of the "bar type" ATRS systems available are capable of providing support across the span of an entire entry. These types of ATRS systems are, however, fairly large and cannot be practicably maneuvered in some mines, particularly in low seam heights and mines with undulating bottoms. Small ATRS systems such as the "ring type" designs, however, often can be used under these conditions. Therefore, to retain this flexibility and increase the useful application of ATRS systems, the proposal would not require the use of ATRS systems that support the entire width of the entry.

The proposal deletes a provision in the preproposal draft that addressed the use of temporary supports when an ATRS system was not required. In the proposal, the use of temporary supports is addressed by proposed § 75.208.

Paragraph (d) provides that no person shall work or travel beyond an ATRS system unless the distance between the ATRS system's support and the face or permanent support is five feet or less. ATRS systems will provide support for an area approximately 2½ feet beyond the support device when another source of support is within 5 feet of the ATRS system. This aspect of the proposal is derived from experience with other types of temporary support, as well as permanent support. This proposal is changed from the preproposal draft to include a reference to permanent support, recognizing that there may be situations in which ATRS systems are used in areas away from the face.

A provision that addresses the distance an ATRS can be set beyond permanent supports and which appeared in this section of the preproposal draft has been incorporated into the informational requirements for roof control plans. This change has been made to consolidate all roof control plan informational requirements into proposed § 75.221.

Paragraph (e) addresses basic safety features for ATRS systems, beginning with support capacity. Under paragraph (e)(1), ATRS systems would be required to be capable of elastically supporting a deadweight load that is 450 times each square foot of roof area intended to be supported, but in no case less than 11,250 pounds. This minimum strength specification is currently used to evaluate ATRS systems that are proposed to be used in lieu of a canopy or cab as required by 30 CFR 75.1710.

Several commenters requested the Agency rationale for this strength requirement for ATRS systems and how it would be applied. The proposed specification is derived from agency data, gathered from fatal roof fall accident reports, which show that a significant majority of roof falls involve rock and other material approximately 3 feet thick or less. Taking this into account, the proposed specification would require that an ATRS system be capable of supporting a volume of rock 3 feet thick over the roof area intended to be supported by the ATRS system. Rock weighs approximately 150 pounds per cubic foot, and a column of rock 1-foot square and 3 feet thick weighs approximately 450 pounds. Applying these factors to an ATRS system designed to support, for example, a 5x5-foot area of roof, the ATRS system would be required to be able to elastically support a static load of at least 11,250 pounds (5'x5'x3'x150-lb/cu ft). A larger ATRS system intended to support an area 5 feet x 15 feet, for example, would be required to be capable of supporting at least 33,750 pounds.

Several comments indicated a belief that MSHA would "approve" the load-bearing capability of ATRS systems, and possibly approve other features. Like the preproposal draft, the proposal does not provide for NSHA approval of ATRS systems. Instead, the proposed standards outline basic performance characteristics that an ATRS system would be required to have, including a minimum support capacity. As discussed below, paragraph (f) of the proposal would require the support capacity of an ATRS system to be certified by a registered engineer.

Also related to the issue of MSHA "approval" of ATRS systems was one commenter's suggestion that the load-bearing capacity of each ATRS system be part of the MSHA approval of the mining equipment on which it is mounted and that the proposal, therefore, not address this matter. MSHA's current regulations for the approval of mining equipment (30 CFR Parts 11–36) do not include criteria for the evaluation of ATRS systems. In addition, linking the evaluation of ATRS system support capacity to the approval of mining equipment would not recognize that ATRS systems which are independent of such equipment are being developed.

Another commenter recommended that MSHA specify that ATRS systems "approved" under the new standards should also be considered approved for use in lieu of a canopy or cab. As discussed above, the proposal does not provide for MSHA "approval" of ATRS systems. However, this comment points out the need to examine the relationship between the existing canopy and cab standards and the proposed requirements for ATRS systems.

At this stage in the rulemaking process, MSHA is considering continuation of the existing provision, which allows mine operators to request approval to use an ATRS system in lieu of a canopy or cab under 30 CFR 75.1710–1(f). This approach would permit a case-by-case evaluation of the relationship between ATRS systems and use of canopies or cabs on each type of equipment involved. Commenters are urged to address this issue.

Under paragraph (e)(2), the controls that position and set the supports of an ATRS system could be provided in one of two ways. One alternative, which is retained from the preproposal draft, would be to arrange the controls so that they are operable from under permanently supported roof when positioning and setting the ATRS system. This approach is consistent with a vast majority of existing ATRS systems.

The proposal would also permit the controls to be operated from a position a short distance beyond permanent support, if these controls are located in a compartment that protects the equipment operator's entire body. This

approach reflects the suggestion of several commenters that the proposal permit the continued use of certain existing ATRS systems that provide overhead and, in some cases, lateral protection for the equipment operator while at the ATRS system controls. These commenters indicated that, with some of these ATRS systems, the equipment operator's brief exposure to unsupported roof is outweighed by the safety advantages of this type of design, which include protection from rib or face rolls and roof falls that may override into the permanently supported area. In some cases, this design also permits operation of all of the equipment's functions while the operator remains in a protected compartment, affording continuous protection from roof falls and other hazards.

At this stage in the rulemaking process, MSHA believes that this type of ATRS system may offer the safety benefits identified by the commenters and, therefore, should be permitted to be used. MSHA also anticipates that improved designs integrating protective structures into ATRS systems may be developed which would enhance the overall safety of mining equipment. In addition, ATRS systems that include protective compartments for the operator at the support system controls would afford greater design flexibility, leading to more practical and safe machines. The proposal would address the inherent risk of any exposure to unsupported roof by setting basic strength and other standards for a compartment to protect the operator while at the ATRS system controls. These standards would require that the operator's compartment be capable of elastically withstanding a deadweight load of at least 20,000 pounds. In addition, the proposal would require the compartment to include a deck on which the operator would sit or stand and that the compartment protect all parts of the operator's body. Together, these proposed standards would provide substantial roof fall protection and maximize the additional safety benefits identified by commenters.

Several commenters also suggested that the controls necessary to position and set the ATRS system be required to be operated from under supported roof, and not just "be operable from under permanently supported roof." While the primary purpose of this provision is to establish certain basic design features, the underlying principle of the ATRS requirement is to provide protection for miners when they go beyond permanently supported roof. Under the proposal, this protection can be provided by either operating the controls that set or position the ATRS system from a position under supported roof, or by operating the controls from a position a short distance beyond supported roof, provided the controls are located in a protective compartment which will protect all parts of the miner's body. Any ATRS system that required the controls that set or position the ATRS to be operated from an unprotected location would not be permitted.

Paragraph (e)(3) would require all hydraulic jacks affecting the capacity of an ATRS system or a compartment to have check valves, or equivalent protection, to prevent support failure in the event of a sudden loss of hydraulic pressure. Check valves, which lock the ATRS system in place, are a standard component of existing ATRS systems and are commonly used on hydraulically operated equipment in the mining industry.

This provision is changed from the preproposal draft to include a requirement for check valves or equivalent protection on any hydraulic jack that may affect the capacity of a compartment used to protect the equipment operator. This revision was made to provide protection for the equipment operator in the event of a sudden loss of hydraulic pressure in a jack that is used with a compartment that meets the requirements of paragraph (e)(2) of this section.

Paragraph (e)(4) specifies that, except for the main tram controls, the controls which position and set the ATRS system must limit the speed of the equipment to 80 feet-per-minute. This proposal addresses the potential hazards associated with tramming ATRS systems too quickly or abruptly into position, which may result in injury to the equipment operator or cause the equipment operator to be exposed to unsupported roof. This aspect of the proposal was developed based on underground observations by MSHA and discussions with representatives of the mining community and equipment manufacturers regarding MSHA's specifications for approving ATRS systems in lieu of canopies or cabs. A tramming speed of 80 feet-per-minute is slow enough to allow the equipment to be maneuvered safely while positioning and setting the ATRS system and yet fast enough to facilitate the bolting or other support operation. Virtually all existing ATRS systems incorporate this basic feature.

The preproposal draft requirement that ATRS systems be "capable of being firmly pressed against the roof" has been deleted from this paragraph. In the proposal this provision is incorporated into the definition for an ATRS system. At this stage in the rulemaking process, MSHA believes that both the proposed definition of an ATRS system and the performance features which these devices would be required to meet, reflect a generic approach to supporting the roof and is broad enough to accommodate a wide range of new technologies. However, MSHA is interested in public comment regarding whether the ATRS proposal would address all possible means that may be developed to provide adequate protection for miners in circumstances where they would be working beyond permanent support.

Paragraph (f) retains the preproposal draft requirement that the support capacity of an ATRS system be certified by a registered engineer as meeting the standards of paragraph (e)(1). Also under the proposal, a compartment provided in accordance with paragraph (e)(2)(ii) would be required to be certified by a registered engineer as meeting the proposed minimum structural capacity.

A common practice for evaluating the support capability of a structure is to consult a registered engineer. The proposal, therefore, would incorporate this practice with respect to the capacity of ATRS systems and compartments. The engineer's certification provides evidence that each ATRS system and related compartment meets the proposed structural specifications.

A provision in the preproposal draft which would have required that written evidence of the certification be available at the mine for inspection has been deleted in the proposal. Several commenters suggested that more flexibility be allowed operators regarding where they keep certifications. MSHA agrees, however, it is the Agency's intention that it would be each operator's responsibility to produce evidence that their ATRS systems have been certified.

MSHA specifically solicits all information on potential benefits of ATRS systems in underground coal mines. MSHA also solicits information on the potential impact, economic and otherwise, that the ATRS provision will have on mines which employ fewer than 20 persons.

Manual Installation of Temporary Supports § 75.208

This proposal is derived from existing § 75.200 and existing criteria § 75.200–13. It would permit only those persons

engaged in the process of installing temporary supports to proceed beyond the last permanent support and require that each support be completely installed before beginning to install the next. In addition, the proposal would set out requirements for the spacing and sequence of installing temporary supports and address work or travel in areas that ae temporarily supported. The proposal would be applicable only when temporary support is permitted to be used in accordance with the approved roof control plan.

Although MSHA believes that the mining community is moving away from the manual installation of temporary supports in the face area, the Agency recognizes that this method of roof control will continue to have some application until ATRS systems are appropriate for all mining conditions. The proposed standards, therefore, continue to acknowledge the installation of temporary roof support by hand.

The procedures and precautions proposed for the manual installation of temporary roof support are based on long-term experience in the industry and are designed to minimize the exposure of persons to unsupported roof. To accomplish this, the proposed rule would require that persons installing temporary roof support by hand position themselves between the temporary support to be set and two other sources of roof support such as permanent support, other temporary supports already installed, or the coal face or rib. From this position, persons setting temporary support would be permitted to proceed up to five feet beyond supported roof to install the next support.

One commenter suggested that temporary supports be installed at arms length and that they be on not more than 4-foot centers. Except when adverse roof conditions are present, MSHA's experience is that 5 feet of space between temporary supports is adequate for controlling the roof and that this spacing is compatible with the subsequent installation of permanent roof support. To install permanent support, such as roof bolts, the temporary roof support pattern should allow sufficient room for maneuvering necessary roof support installation equipment without dislodging temporary supports. The temporary roof support pattern should also facilitate the installation of permanent supports without the removal or relocation of temporary supports before permanent supports are installed.

For these reasons, the proposal retains the draft requirement that temporary supports, when manually installed, be set on no more than 5-foot centers. Commenters should note, however, that where unstable roof conditions are present, closer spacing of temporary supports may be necessary as part of the mine's roof control plan.

A provision in the preproposal draft that addressed the use of temporary supports when damaged roof bolts are being replaced has been deleted since areas with damaged bolts would be considered unsupported and are already addressed by this proposal.

Roof Testing and Scaling § 75.209

This proposal is derived from existing §§ 75.202, 75.205 and criteria in § 75.200–13 regarding examination and testing of the roof, face and ribs. It would set out requirements for making a visual examination for hazards and conducting sound and vibration tests of the roof. The proposal also addresses precautions to be taken when hazardous conditions are detected. In response to a commenter, paragraph (a) of the proposal has been changed to clarify MSHA's intention that the requirement for a visual examination would apply only to those areas where work is to be started. The visual examination would be required to be made each time miners enter an area, including upon re-entry into an area that was previously examined. For example, when a work place is idled during the lunch period, the visual examination would be made before work is resumed in the area. If work was to be conducted in a different area, the proposal would require the visual examination to be made in that area before work was started. In addition, the reference to starting a "machine" which was contained in the preproposal draft, has been deleted in the proposal because starting a machine would constitute work, and therefore, is already covered by the proposed standard.

Paragraph (b) would set out standards for conducting sound and vibration roof tests. Sound and vibration tests have been historically used in the mining industry as a method of identifying hazardous roof conditions which cannot be detected visually.

Under the proposal, sound and vibration tests would be conducted when the mining height permits and if the visual examination has not disclosed a hazardous condition. When an ATRS system is required to be used, the tests would be made after the ATRS system has been set against the mine roof and before other supports are installed. If an ATRS system is not being used, the sound and vibration tests would be made before each support is manually installed.

In response to a commenter, an exception has been added to this section for circumstances where the mining height does not permit sound and vibration tests to be conducted. This change recognizes that in higher coal seams it may not always be possible to regularly conduct sound and vibration tests of the roof.

When overhangs, loose roof, faces and rib or other hazardous roof conditions are detected, paragraph (c) of the proposal would require that corrective action be taken immediately or that the area be posted with a readily visible warning or blocked against travel by a physical barrier. Taking any of these precautions would alert persons entering the area of the dangerous condition.

Roof, face and rib conditions can change quickly and result in loose material. To address this hazard, paragraph (d) of the proposal would require that a bar for taking down loose material be kept in the working place or on all face equipment, except haulage equipment. This bar would be required to be of a length and design that would permit the removal of loose material so that the person using the bar is not exposed to the falling material when it is removed. MSHA's experience indicates that appropriate tools need to be readily available to facilitate safe removal of loose material. Use of improper tools unnecessarily increases the hazard of this task. From 1979 to 1983, 15 fatalities have occurred while persons were testing or taking down roof. Although current data is not available in the detail necessary to specifically link the unavailability of a proper scaling bar to the cause of these accidents, MSHA at this time believes that the potential hazards involved warrant the continuation of a requirement for an adequate scaling bar.

The proposed requirement that a bar for taking down loose material be in the working place is a revision from the preproposal draft in response to commenters. Commenters suggested that the bar did not necessarily have to be placed on equipment and that it could be placed in the face area or on the working section, an area which extends from the face to the loading point. MSHA agrees that this is a reasonable and effective alternative to placement of the bar on face equipment, except that the "working section" is too large an area to afford ready access to the bar. The proposal, therefore, would narrow this area to the "working place" which includes the area from the last open crosscut to the face.

Provisions in the preproposal draft which would have specified the location of persons while taking down loose roof, face or ribs are not contained in this section of the proposal since proposed §§ 75.207 and 75.208 address the locations of persons when they are working beyond permanently supported areas.

Rehabilitation of Areas With Unsupported Roof § 75.210

This proposal is new and would require that the operator establish the clean-up and support procedure to be followed when rehabilitating areas with unsupported roof created by a fall or by blasting. It would apply to unsupported roof created by blasting for any purpose, including boomholes and the development of overcasts. The proposal would also set out requirements for supervising and instructing persons involved in rehabilitation work, and provide procedures for installing supports during rehabilitation. Supports would be required to be installed and a warning posted or a physical barrier established at all entrances to areas where there is unsupported roof if they are not being actively rehabilitated.

Paragraph (a) would require that the mine operator establish clean-up and support procedures to be followed during rehabilitation of each area where a roof fall has occurred or the roof has been removed by blasting. It would require that persons performing such work be instructed in these procedures before rehabilitation is started. The persons who would be required to receive this instruction would be those who are to perform the rehabilitation work at each individual site. Normally, these instructions would be given by a representative of mine management at the rehabilitation site.

Rehabilitating unsupported areas where roof falls have occurred or the roof has been blasted has proven to be especially hazardous to miners. The roof is often broken, loose and difficult to control. Establishing clean-up and support installation procedures on a site-by-site basis can effectively minimize hazards when rehabilitating such areas. This proposal would further require ineffective, damaged, or missing roof supports at the edge of the area to be supported to be replaced. In response to a commenter's suggestion, the proposal would also allow the installation of alternative supports, provided that such supports are at least as effective as those being replaced.

Another commenter suggested that the preproposal draft, which provided for replacement of damaged, loosened or ineffective roof supports, be revised to include "dislodged" or "missing" supports. In response, the proposal addresses ineffective, damaged or missing supports, which would include supports that are dislodged or loosened. Also in response to commenters, paragraph (a) has been clarified to require that clean-up and support procedures be established only for areas intended to be rehabilitated by the operator.

The provisions in the preproposal draft which specified that the operator develop and post a written rehabilitation plan have been deleted in the proposal. The underlying principle of a rehabilitation plan is to cause the operator to develop safe work procedures for the persons performing rehabilitation work before such work is performed. This principle is preserved in the proposal by requiring that the operator establish clean-up and support procedures to be followed during rehabilitation work and instruct the persons who perform such work in these procedures before rehabilitation work is started.

Paragraph (b) would require that persons performing rehabilitation work be experienced in this work, or that they be supervised by a person with experience and who has been designated by the operator. In response to commenters, the preproposal draft requirement that the supervisor be a person certified in accordance with 30 CFR 75.100(b) is deleted from the proposal. These commenters pointed out that a certified person would not in all cases have skills related to rehabilitation work.

Another commenter suggested that persons involved in rehabilitation be required to have experience in this type of work and that they also be supervised by an experienced person. This suggestion was considered unworkable, however, since it would preclude miners without experience in rehabilitation work from acquiring this experience.

Paragraph (c) would require supports and a warning or physical barrier at all entrances to areas not being rehabilitated where a roof fall has occurred or the mine roof has been removed by blasting. The requirement for supports on at least 5-foot centers would control expansion of the area affected by the fall or blasting, while a readily visible warning would alert persons to the hazards in the area. The proposal for a readily visible warning is a revision from the preproposal draft requirement for a sign to be posted. This change would permit greater compliance flexibility. For the same reason, the proposal does not incorporate one commenter's suggestion that a "reflective" warning sign be required. The alternative of a physical barrier that blocks travel into the area has also been added to the proposal for flexibility.

A preproposal draft requirement that information on tunnel liners and arches used in rehabilitation work be included in roof control plans has been moved to proposed § 75.221, which specifies roof control plan information. This change is consistent with others in the proposal which are being made to consolidate all the roof control plan informational requirements. One commenter suggested that tunnel liners or arches should be required whenever an ATRS cannot be used during rehabilitation work. This suggestion was not incorporated into the proposal because there are many roof fall areas where tunnel liners or arches would restrict mining functions. For example, tunnel liners or arches may not be appropriate for use in low seam mines.

Roof Support Removal § 75.211

This proposal, which is derived from existing § 75.204 and existing plan-approval criteria in § 75.200–14, sets forth safety requirements for removing permanent roof supports. It addresses the assignment and supervision of persons involved in removal work and procedures for installing supports during removal work. It also identifies areas where roof bolts could not be removed. The precautions specified in the proposal would minimize the hazards involved in the removal of roof supports.

The phrase, "direct supervision" which appeared in the preproposal draft has been replaced with a provision that would require the supervisor to be present when permanent supports are removed. This change clarifies the Agency's intention that a supervisor be physically present when permanent supports are removed. In addition, a provision in the preproposal draft that would have required the supervisor to designate each support that is to be removed has been deleted since the supervisor would be present while the supports are being removed.

Some commenters suggested that roof support removal be prohibited under any circumstances. MSHA recognizes that the removal of roof bolts is particularly hazardous where full pillar extraction is conducted, therefore, this practice would be prohibited by the proposal. Permanent roof support removal would also be prohibited where roof bolt torque readings or the condition of conventional support indicate excessive loading, roof fractures are present, or there are other indications that the roof is weak.

However, when the recognized safety practices specified by the proposal are followed, MSHA believes, at this stage of the rulemaking process, that roof support materials can be safely removed. MSHA specifically requests further comment on this issue.

A provision in the preproposal draft that would have prohibited persons from entering areas where supports have been removed has been deleted in the proposal since other sections of this proposal would prohibit persons from entering unsupported areas. In addition, the term "recovery" used in the preproposal draft has been replaced by the term "removal" to eliminate any implication that roof supports are generally reused after removal.

Approved Roof Control plan § 75.220

This proposal would revise and consolidate existing §§ 75.200 through 75.200–4, which address roof control plans and programs. The proposal would narrow the scope of roof control plans, while retaining the basic requirement that each mine be operated in accordance with a roof control plan approved by the District Manager.

The origin of the approved roof control plan concept, which has been effectively used throughout the coal mining industry for more than fourteen years, was a need for flexibility to address the unique conditions of each mine. Under the plan approach, changing mine roof conditions and the operator's experience are addressed on a mine by mine basis. For this reason, the vast majority of commenters endorsed continuing the use of approved plans.

Currently, each roof control plan addresses virtually all aspects of roof control practice at the mine. As a result, many roof control plans have become unnecessarily voluminous and complex. To make roof control plans more workable and less burdensome many of the existing criteria, that are applicable to all mines, are included in the proposal as mandatory standards. The proposed safety standards in §§ 75.200 through 75.211 would, therefore, govern many roof control practices which apply to all underground coal mines where these practices are used and the plan for each mine would contain only the particular roof control measures necessary to address the unique conditions of the mine. Roof control plans would, as a result, be less complex and, MSHA believes, more useful to the persons responsible for implementing these plans.

Under the proposal, each operator would be required to adopt and follow a roof control plan approved by the District Manager. The operator's plan would be required to be suitable to the prevailing geological conditions and the system of mining to be used at the mine. A new provision in the proposal would also require that the operator take additional measures if unusual hazards are encountered. This addition recognizes that the roof control plan would contain minimum safety requirements and clarifies the operator's responsibility to take additional measures to protect persons when conditions warrant.

The proposal retains the existing procedure that the operator submit the proposed roof control plan, or revisions to an existing approved plan, to the District Manager for approval. With minor changes from the preproposal draft, the proposal also retains the provisions that when revisions to an approved roof control plan are proposed by the operator, only the revised pages need to be submitted, unless the District Manager requires the submission of the entire plan. One commenter favored the submission of the entire plan with the proposed changes. To address this comment, the proposal provides that only the revised pages of a plan need to be submitted permitting the entire plan with the proposed changes to be submitted if the operator prefers. However, the proposal provides that the District Manager may require that the entire plan be submitted. This provision has been added to allow the District Manager the discretion to require that the entire plan be resubmitted when the submission of revised pages would disrupt the continuity of the roof control plan or cause confusion.

Paragraph (b) sets out the procedure for notification of denial or approval of roof control plans. The proposal retains the existing requirement that the operator be given written notice of approval actions. With clarifying changes, the proposal would also continue the existing procedure for exchanging information when approval of a proposed plan or revision is denied. Under the proposal, the operator would be advised of the deficiencies of the plan or revision for which approval is denied, together with any recommended changes needed for approval. The operator would then be afforded an opportunity to discuss with the District Manager or a designee the problems identified and potential solutions. The revised language of the proposal is intended to clarify the operator's responsibility for developing a suitable roof control plan and MSHA's role in approving the plan.

A provision that allows the District Manager to require that the effectiveness of new support materials, devices or systems be demonstrated by experimental installations has been moved to this section from a preproposal draft criteria section.

One commenter recommended that the proposal provide for participation by the representative of miners in the plan approval process. This commenter emphasized that the miners have a safety interest in the adequacy of the roof control plan and that as a practical matter they are directly responsible for implementing it.

MSHA agrees that the purpose of the roof control plan is to protect the miners at the mine and that they play a significant role in implementing the plan's provisions. In some cases, mine operators give a copy of the roof control plan to the representative of miners for review and comment prior to submitting the plan to MSHA for approval. In addition, to the extent possible, MSHA consults with the representative of miners before the roof control plan is approved. At this stage of the rulemaking process, however, MSHA does not believe that procedures for the approval of roof control plans should provide a role for the miners' representatives for two reasons. As indicated by the proposal, it is the operator's responsibility to develop a suitable roof control plan and MSHA's responsibility to independently evaluate it. While the representative of the miners is an interested person, the plan approval process does not impose any obligation on miners' representatives.

The draft requirement that no plan or revision be put into effect before it is approved by the District Manager is retained in the proposal. One commenter suggested that this provision be deleted because it is implicit in the requirement that each mine be operated in accordance with an approved roof control plan. However, the proposal retains this provision to ensure that the Agency's intent is clear.

Also before an approved roof control plan revision is implemented, the proposal would require that miners and supervisors who are affected by the revision be instructed in its provisions. Complete understanding of the requirements of the approved roof control plan is essential to effective implementation.

Consistent with this principle, the proposal retains the existing requirement that the approved roof control plan and any revisions be posted where persons working at the mine can read them. The approved plan and any revisions would also be required to be

available to the miners and representatives of miners at the mine.

Several commenters recommended that a separate set of regulations be developed as part of this rulemaking which would establish comprehensive new procedures for approving all mine plans. The procedures recommended by these commenters would alter the existing plan approval process by establishing time frames for MSHA and operator actions on mine plans, specifying that citations be issued regarding plan provisions upon which the operator and the District Manager cannot agree, and establishing guidelines for the abatement of these citations. These recommendations were previously submitted to MSHA and the issues which they raise will be separately addressed by the Agency.

Roof Control Plan Information § 75.221

This proposal is derived from existing §§ 75.200–5, 75.201–1, and plan-approval criteria in §§ 75.200–7, 75.200–12, and 75.200–14 but also contains several new requirements. It specifies the information that would be required in each roof control plan.

The proposed provisions include identifying information, data related to the strata in which mining is to be conducted, and descriptions of the mining methods and support materials to be used. This information is necessary to preparations for underground coal mining and forms a basis from which MSHA evaluates the adequacy of the operator's plan. The proposal also contains new requirements that are intended to complete the mine profile described in the roof control plan and recognize additional areas where flexibility is needed to address the particular conditions at the mine. In addition, paragraphs (a) (6), (7), and (12) of the proposal which appeared in separate sections of the preproposal draft, have been included in this provision to consolidate all roof control informational requirements.

Deleted from the preproposal draft is the provision that roof control plans identify coalbeds above or below the mine that are being or have been mined. This information is already available to MSHA through existing standards. The proposal also deletes the draft requirement for roof control plans to describe the type of mining equipment being used at the mine. This information is also available to MSHA through other means.

The proposal would require that the roof control plan identify the method of protecting miners from falling material at drift openings and when mining is conducted within 150 feet of an outcrop. This proposal would recognize that the support needed at drift openings can very substantially from mine to mine. It would also permit the hazards of mining near the surface where the coal seam is exposed to be addressed on a mine-by-mine basis. Mining near an outcrop can present unique roof control hazards due to roof fractures caused by surface blasting, and other conditions created by water seepage and geological irregularities.

In response to a commenter's suggestion, the proposal would require the signature and title of the company official responsible for the mine roof control plan. This information, would establish a contact person to facilitate the prompt resolution of issues.

Several commenters recommended changes in roof control plan information requirements which appeared in the preproposal draft. One commenter suggested that the existing requirement for a columnar section of the mine strata in the roof control plan be revised so that identification of the strata over the coalbed to be mined and the strata under it would be necessary only if this information was available. This provision has been revised to limit submission of information regarding strata to a distance above the coal bed that is two times the maximum planned width for mine openings. The preproposal draft information requirement for strata 10 feet below the coalbed has also been deleted. Stable roof strata generally exists within a distance equal to twice the width of the mined opening, a point at which a roof fall can reach and create a stable arched formation. MSHA believes that this information will be adequate for evaluating the width of openings and roof support systems. The nature of the rock layers that are over the coal to be removed directly influence the stability of the roof and the support measures and mining methods to be used. This information should be known by the operator before mining begins. Information regarding strata under the coalbed is primarily used by the operator in designing the mine layout and is not necessary in MSHA's evaluation of roof control plans.

The proposal reflects another commenter's suggestion that only a "typical" columnar section of the mine be required. This revision recognizes that mine strata is not uniform throughout the mine property and that a representative section suffices for purposes of evaluating a roof control plan.

One commenter suggested that drawings indicate the "intended" width of openings and the "typical" sequence of mining pillars. One purpose of the roof control plan is to set forth, with a relatively high degree of precision, how mining is to be conducted and roof support is to be installed. A rough estimate of how these critical processes will be carried out is not consistent with sound mining practices and miner safety.

Another commenter recommended that roof control plan information requirements include the name of the manufacturer of the support material to be used. The proposal does not include this suggestion since the name of the manufacturer of the support materials does not affect MSHA's evaluation of the adequacy of the operator's plan.

Several commenters recommended deletion of the draft requirement pertaining to the size of materials submitted with roof control plans, scales for drawings and related provisions. These requirements, which are derived from the existing standards, are retained in the proposal. At this stage in the rulemaking process, MSHA believes that they aid in the timely review and approval of roof control plans, and facilitate administrative control of the large volume of plans and revisions evaluated by the Agency. However, commenters are encouraged to further address this issue and suggest alternatives.

Roof Control Plan Approval Criteria § 75.222

The proposal is derived from existing plan approval criteria §§ 75.200–6 through 75.200–9 and 75.200–11 and 75.200–12, except paragraphs (e)(1) and (g) which would be new. This proposal includes generally accepted non-mandatory provisions that are to be considered by the operator in formulating roof control plans. In addition, these criteria would be used as guidelines by the District Manager in the evaluation of roof control plans and revisions submitted by operators for approval. Roof control plans that do not conform to the applicable criteria in this section could be approved, provided that the methods proposed in the plan would provide at least the same measure of protection. In addition, MSHA would continue to require that necessary support measures be included in each roof control plan.

Several commenters recommended that the draft criteria for the approval of roof control plans be made mandatory standards. This suggestion was not adopted, however, because the plan approval criteria provide needed flexibility for addressing the variations

among mining conditions. For example, when roof bolts are used, the proposed criterion provides that they should be installed on centers not exceeding 5 feet lengthwise and crosswise. While this spacing is commonly used, the conditions at some mines require that roof bolts be installed closer together and, under stable conditions, they may be installed farther apart. A mandatory standard would not provide the flexibility to address variable mining conditions.

Other commenters recommended that the plan approval criteria include exceptions that would specify circumstances under which a particular criterion would not apply. This is not necessary since plan approval criteria are guidelines for evaluating roof control plans, depending upon particular mining conditions.

One commenter suggested that the terms "tensioned" and "when installed" be added to the criterion for roof bolt torque ranges. The proposal reflects this suggestion which is consistent with MSHA's intention that this criterion apply only to tensioned roof bolts when they are installed.

The preproposal draft provided that torque ranges for tensioned roof bolts should be capable of providing roof bolt loads to within plus or minus 1000 pounds of 50 percent of either the yield point of the bolt or the anchorage capacity of the strata. This criterion has been changed in the proposal to provide that torque or tension for tensioned roof bolts should be capable of providing roof bolt loads to at least 50 percent of the yield point of the bolt. This change has been made to permit operators to fully utilize the strength capacities of roof bolting systems. However, proposed standard 75.202(e)(3) would prevent the torque or tension of tensioned roof bolts from exceeding the anchorage capacity of the strata.

The title to paragraph (e) has been revised from "Special roof support" in the preproposal draft to "Natural roof support and the installation of roof support using mining machines with integral roof bolters" in the proposal. This change better reflect the content of the section and corresponds to § 75.204 of the proposal.

One commenter suggested that paragraph (f)(1) regarding the smallest dimension of a pillar block be clarified to be applicable only during development. The proposal reflects this suggestion.

Paragraph (g) has been added to the proposal to allow the District Manager to permit the use of temporary supports to be used in conjunction with an ATRS system. This provision recognizes that manually set temporary support may be necessary to reduce the span of the unsupported roof between the ATRS system and the rib. For example, when supporting a side cut it may not be practicable to set the ATRS system within 5 feet of the rib.

The preproposal draft included a new provision that would have required additional support in bleeders and intake and return aircourses. As acknowledged in the preproposal draft, these entries are important to mine ventilation. On reconsideration, however, MSHA now believes that a general requirement for extra support in these areas would not be workable. At this stage in the rulemaking process, the Agency believes that it would be difficult to define the extent of additional support appropriate for these entries, if any. This aspect of the preproposal has therefore, been deleted.

Evaluation and Revision of Roof Control Plan § 75.223

This proposal is derived from existing §§ 75.200, 75.200–1 and 75.200–2. It would require that operators propose revisions to approved roof control plans if indicated by mining conditions or experience at the mine. In addition, the proposal would require that all unplanned falls be plotted on a mine map that would be made available to MSHA and representatives of the miners. A history of unplanned roof falls at the mine would assist operators in evaluating the effectiveness of the roof control system and identification of hazardous trends.

Paragraph (a) of the preproposal has been revised to expand the scope of the term "experience" so that it is not limited to accident and injury experience but would include any experience that would indicate the plan is inadequate. Also, a provision in the preproposal draft that would have required the accident or injury experience to be reviewed every six months has been deleted because under the proposal the plan would be required to be revised whenever conditions or experience at the mine indicate the plan may not be suitable for controlling the roof.

Several commenters believed that the draft provision concerning plotting unplanned roof and rib accidents on a mine map would eliminate the requirement to report such accidents to MSHA. Reporting accidents in accordance with the requirements of 30 CFR Part 50 would not be affected by the proposal. To clarify the requirements for plotting roof fall accidents on a mine map, the proposal eliminates the cross-reference to Part 50 in the preproposal draft and specifically indicates which roof falls are to be plotted on the mine map.

Like the preproposal draft, the proposal does not contain a provision for 6-month review of roof control plans by MSHA. One commenter suggested that this provision be included, however, this suggestion was not adopted since Agency personnel continually review the adequacy of roof control plans during regular inspections which take place at least quarterly. MSHA also reviews the adequacy of the roof support system during investigations of unplanned roof falls.

MSHA Two-Entry Task Force Recommendations

MSHA is considering provisions which would address certain aspects of longwall mining. On January 28, 1985, MSHA established a task force to study two-entry mining systems in underground coal mines. On June 12, 1985, MSHA issued the task force report, which contained 35 recommendations for two-entry longwall mining systems of which only three related solely to the two-entry mining systems. The remainder were potentially applicable to all longwall mining systems.

On July 18, 1985, MSHA held a meeting in Denver, Colorado, to brief the public on the Agency's task force report. At that meeting and in subsequent response to the report, members of the mining public suggested that the Agency include the recommendations in the appropriate coal mine safety standards under review to afford opportunity for comment through the rulemaking process. The Agency agrees that this approach would allow the opportunity for full evaluation of the recommendations.

Specifically, the report recommended that: (1) Systematic supplemental support be installed throughout the tailgate entry prior to mining a panel; (2) systematic supplemental support for tailgate entries of subsequent longwall panels be installed in advance of frontal abutement stresses of the adjacent panel being mined; (3) an examination of these travelways be made at least once every seven days; and (4) procedures be formulated by the operator that address the actions to be taken should the tailgate travelway on a longwall panel be closed due to a ground failure.

MSHA specifically solicits comment and data on: (1) The merits of these provisions; (2) the applicability of the provisions to all longwall mining systems; and (3) whether the provisions would be more appropriate as criteria

for approval of roof control plans for longwall mining or as mandatory standards applicable to all longwall mines.

Other Existing Sections Affected

The proposal would delete existing §§ 75.202 and 75.202–1 with respect to the supply and location of support materials, equipment and tools. These provisions were included in the preproposal draft and would have required that support materials and the tools necessary for their installation be located on each working section. The preproposal draft would also have required supplementary supports and tools to be located within four crosscuts of each working section. These deletions address the concerns of several commenters who suggested that operators be allowed the flexibility to decide how support materials are supplied to each section including the type, amount and location of supplemental supports.

Derivation Table

The following derivation table lists: (1) The number of the proposed standard; and (2) the number of the existing standard from which the proposed standard is derived. Derivations marked with an asterisk (*) indicate existing criteria in Subpart C.

DERIVATION TABLE

Proposal	Existing
§ 75.200	§ 75.200.
§ 75.201(a)	§ 75.201.
	§ 75.201–1.
§ 75.201 (b), (c), (d) and (e)	New.
§ 75.201(f)	§ 75.201–1(b).
§ 75.202(a)	§ 75.200–7(a)(1)*.
§ 75.202(b)	§ 75.200–7(a) (4), (5)*.
§ 75.202(c)	§ 75.200–7(a)(6)*.
§ 75.202(d)	§ 75.200–7(b)(1)*.
§ 75.202(e)(1)	§ 75.200–7(a) (2) and (3)*.
§ 75.202(e)(2)	New.
§ 75.202(e)(3)	§ 75.203, and 75.200–7(b)(2).
§ 75.202(e)(4)	§ 75.200–7(b)(3)(i)*.
§ 75.202(e) (5) and (6)	§ 75.200–7(b)(3)(ii)*.
§ 75.202(e)(7)	New.
§ 75.202(e)(8)	§ 75.200–7(b)(4)*.
§ 75.202(f)	New.
§ 75.203(a)	§ 75.200–8(c)(4)*.
§ 75.203(b)(1)	§ 75.200–8(a)(2)*.
§ 75.203(b)(2)	New.
§ 75.203(b)(3)	§ 75.200–8(a)(3)*.
§ 75.203(b) (4) and (5)	§ 75.200–8(a)(4)*.
§ 75.203(b)(6)	§ 75.200–8(a)(5)*.
§ 75.203(b)(7)	New.
§ 75.203(c)	§ 75.200–8(b) (1) and (3)*.
§ 75.203(d)	§ 75.200–8(b)(2)*.
§ 75.203(e)	§ 75.200–8(b)(4)*.
§ 75.203(f)	§ 75.200–8(b)(5)*.
§ 75.204(a)(1)	§ 75.200–12(a)(1)*.
§ 75.204(a)(2)	§ 75.200–12(a)(2)*.
§ 75.204(a)(3)	§ 75.200–12(a)(3)*.
§ 75.204(a)(4)	§ 75.200–12(a)(4)*.
§ 75.204(a)(5)	§ 75.200–12(a)(1)*.
§ 75.204(b) (1), (2) and (3)	§ 75.200–12(b)(1)*.
§ 75.205(a)	§ 75.201–2 (d) and (e).

DERIVATION TABLE—Continued

Proposal	Existing
§ 75.205(b)	§ 75.200–11(d)*.
§ 75.205(c)	§ 75.200–11(e)*.
§ 75.205(d)	§ 75.200–11(f)*.
§ 75.205(e)	§ 75.200–11(h)(1)*.
§ 75.206	New.
§ 75.207	New.
§ 75.208(a)	§ 75.200.
	§ 75.200–13 (a) (1) and (2)*.
§ 75.208 (b) and (c)	§ 75.200–13(a)(3)*.
§ 75.208(d)	§ 75.200–13(b)(1)*.
§ 75.208(e)	§ 75.200–13(a)(3)*.
§ 75.209 (a) and (b)	§ 75.205.
§ 75.209(c)	§ 75.202 and § 75.205.
	§ 75.200–13(b)(2)*.
§ 75.209(d)	§ 75.200–13(b)(2)*.
§ 75.210	New.
§ 75.211(a)(1)	§ 75.200–14(a)*.
§ 75.211(a)(2)	§ 75.200–14(c)*.
§ 75.211(b)	§ 75.200–14(b)*.
	§ 75.204.
§ 75.211 (c) and (d)	§ 75.200–14 (c), (e) and (f)*.
§ 75.211(e)	§ 75.200–14(h)*.
§ 75.211(f)	§ 75.200–14(d)(2)*.
	§ 75.204.
§ 75.211(g)(1)	§ 75.200–14(d)(3)*.
	§ 75.204.
§ 75.211(g) (2) and (3)	§ 75.200–14 (d)(1)*.
§ 75.220(a)(1)	§ 75.200.
	§ 75.200–2.
	§ 75.200–3.
§ 75.220(a)(2)	§ 75.200.
	§ 75.200–4.
§ 75.220 (b) (1) and (2)	§ 75.200–4.
§ 75.220(b)(3)	§ 75.200–12(c).
§ 75.220(c)	§ 75.200.
§ 75.220(d)	§ 75.200–1.
§ 75.220(e)	§ 75.200.
§ 75.220(f)	New.
§ 75.221(a)(1)	§ 75.200–5(a).
§ 75.221(a)(2)	§ 75.200–5(b).
§ 75.221(a)(3)	§ 75.200–5(c).
§ 75.221(a)(4)(i)	§ 75.200–5(e)(1).
§ 75.221(a)(4)(ii)	§ 75.200–5(e)(2).
§ 75.221(a)(4)(iii)	§ 75.200–5(e)(3).
§ 75.221(a)(5)	§ 75.200–5(f).
§ 75.221(a) (6) and (7)	New.
§ 75.221(a)(8)	§ 75.201–1.
§ 75.221(a)(9) (i) and (ii)	§ 75.200–5(f)(2).
§ 75.221(a)(9)(iii)	§ 75.200–7(b)(2)*.
§ 75.221(a)(10)	New.
§ 75.221(a)(11)	§ 75.200–14*.
§ 75.221(a)(12)	§ 75.200–12(a)(1)*.
§ 75.221 (b) and (c)	§ 75.200–5(f)(1).
§ 75.222(a)	§ 75.200–6*.
§ 75.222(b)(1)	§ 75.200–7(c)(1)*.
§ 75.222(b)(2)	§ 75.200–7(b)(2)*.
§ 75.222(b)(3)	§ 75.200–7(d)*.
§ 75.222(c)(1)	§ 75.200–8(c)(1)*.
§ 75.222(c)(2)	§ 75.200–8(c)(3)*.
§ 75.222(c)(3)	§ 75.200–8(c)(2)*.
§ 75.222(c)(4)	§ 75.200–9(c)*.
§ 75.222(d)(1)	§ 75.200–9 (a)*.
§ 75.222(d)(2)	§ 75.200–9 (b) and (c)*.
§ 75.222(d)(3)	§ 75.200–9(d)*.
§ 75.222(e)(1)	New.
§ 75.222(e)(2)(i)	§ 75.200–12(b)(2)*.
§ 75.222(e)(2)(ii)	§ 75.200–12(b)(3)*.
§ 75.222(f)(1)	§ 75.200–11(b)*.
§ 75.222(f)(2)	§ 75.200–11(c)*.
§ 75.222(f)(3)	§ 75.200–11(h)(1)*.
§ 75.222(f)(4)	§ 75.200–11(e)*.
§ 75.222(f)(5)	§ 75.200–11(g)*.
§ 75.222(g)	New.
§ 75.223(a)	§ 75.200.
	§ 75.200–1.
	§ 75.200–2.
§ 75.223 (b) and (c)	§ 75.200–1.

Distribution Table

The following distribution table lists: (1) The section number of the existing standard in Subpart C; and (2) the section numbers of proposed standards which contain revised provisions derived from the corresponding existing section. Existing standards marked with an asterisk (*) indicate they are criteria sections in Subpart C.

DISTRIBUTION TABLE

Existing standard	Proposal
§ 75.200	§ 75.200, 75.206(a).
	§ 75.220(a)(1), (a)(2), (c) and (e), and § 75.223(a).
§ 75.200–1	§ 75.220(d), § 75.223.
§ 75.200–2	§ 75.220(a)(1), and (a)(2), and § 75.223(a) (1) and (2).
§ 75.200–3	§ 75.220 (a)(1).
§ 75.200–4	§ 75.200(a), § 75.220(b) (1) and (2).
§ 75.200–5(a)	§ 75.221(a)(1).
§ 75.200–5(b)	§ 75.221(a)(2).
§ 75.200–5(c)	§ 75.221(a)(3).
§ 75.200–5(d)	Deleted.
§ 75.200–5(e)(1)	§ 75.221(a)(4)(i).
§ 75.200–5(e)(2)	§ 75.221(a)(4)(ii).
§ 75.200–5(e)(3)	§ 75.221(a)(4)(iii).
§ 75.200–5(f)	§ 75.221(a)(5).
§ 75.200–5(f)(1)	§ 75.221(b) and (c).
§ 75.200–5(f)(2)	§ 75.221(a)(9) (i) and (ii).
§ 75.200–6*	§ 75.222(a).
§ 75.200–7(a)(1)*	§ 75.202(a).
§ 75.200–7(a)(2) and (3)*	§ 75.202(e) (1) and (2).
§ 75.200–7(a)(4) and (5)*	§ 75.202(b).
§ 75.200–7(a)(6)*	§ 75.202(c).
§ 75.200–7(b)(1)*	§ 75.202(d).
§ 75.200–7(b)(2)*	§ 75.221(a)(9)(iii) and § 75.222(b)(2).
§ 75.200–7(b)(3)(i)*	Deleted.
§ 75.200–7(b)(3)(ii)*	§ 75.202(e) (4).
§ 75.200–7(b)(3)(iii)*	§ 75.202(e) (5) and (6).
§ 75.200–7(b)(4)*	§ 75.202(e)(8).
§ 75.200–7(c)(1)*	§ 75.202(b)(1) and § 75.222(b)(1).
§ 75.200–7(c)(2)*	Deleted.
§ 75.200–7(c)(3)*	Deleted.
§ 75.200–7(d)*	§ 75.222(b)(3).
§ 75.200–8(a)(1)*	Deleted.
§ 75.200–8(a)(2)*	§ 75.203(b)(1).
§ 75.200–8(a)(3)*	§ 75.203(b)(3).
§ 75.200–8(a)(4)*	§ 75.203(b) (4) and (5).
§ 75.200–8(a)(5)*	§ 75.203(b) (6).
§ 75.200–8(b)(1)*	§ 75.203(c).
§ 75.200–8(b)(2)*	§ 75.203(d).
§ 75.200–8(b)(3)*	§ 75.203(c).
§ 75.200–8(b)(4)*	§ 75.203(e).
§ 75.200–8(b)(5)*	§ 75.203(f).
§ 75.200–8(c)(1)*	§ 75.222(c)(1).
§ 75.200–8(c)(2)*	§ 75.222(c)(3).
§ 75.200–8(c)(3)*	§ 75.222(c)(2).
§ 75.200–8(c)(4)*	§ 75.203(a).
§ 75.200–8(d)*	Deleted.
§ 75.200–9(a)*	§ 75.222(d)(1).
§ 75.200–9(b)*	§ 75.222(d)(2).
§ 75.200–9(c)* and § 75.222(d)(2)	§ 75.222(c)(4).
§ 75.200–9(d)*	§ 75.222(d)(3).
§ 75.200–10*	Deleted.
§ 75.200–11*	(Included in definition § 75.2).
§ 75.200–11(a)*	Deleted.
§ 75.200–11(b)*	§ 75.222(f)(1).
§ 75.200–11(c)*	§ 75.222(f)(2).
§ 75.200–11(d)*	§ 75.205(d).
§ 75.200–11(e)*	§ 75.205(e) and § 75.222(f)(4).
§ 75.200–11(f)*	§ 75.205(a).
§ 75.200–11(g)*	§ 75.222(f)(5).
§ 75.200–11(h)(1)*	§ 75.222(f)(3) and § 75.205(e).
§ 75.200–11(h)(2)*	Deleted.
§ 75.200–12(a)(1)*	§ 75.204(a)(1), and (5) and § 75.221(a)(12).
§ 75.200–12(a)(2)*	§ 75.204(a)(2).
§ 75.200–12(a)(3)*	§ 75.204(a)(3).
§ 75.200–12(a)(4)*	§ 75.204(a)(4).
§ 75.200–12(b)*	§ 75.222(e)(2).

DISTRIBUTION TABLE—Continued

Existing standard	Proposal
§ 75.200-12(b)(1)*	§ 75.204(b) (1), (2) and (3).
§ 75.200-12(b)(2)*	§ 75.222(a)(2)(i).
§ 75.200-12(b)(3)*	§ 75.222(a)(2)(ii).
§ 75.200-12(b)(4)*	Deleted.
§ 75.200-12(c)*	§ 75.220(b)(3).
§ 75.200-13(a)(1) and (2)*	§ 75.208(a).
§ 75.200-13(a)(3)*	§ 75.208 (b), (c) and (e).
§ 75.200-13(b)(1)*	§ 75.206(d) and § 75.210(c)(2).
§ 75.200-13(b)(2)*	§ 75.209(d).
§ 75.200-13(b)(3)*	Deleted.
§ 75.200-14*	§ 75.221(a)(11).
§ 75.200-14(a)*	§ 75.211(a)(1).
§ 75.200-14(b)*	§ 75.211(b).
§ 75.200-14(c)*	§ 75.211(a)(2) and § 75.211(c).
§ 75.200-14(d)*	§ 75.211(f).
§ 75.200-14(d)(1)*	§ 75.211(g) (2) and (3).
§ 75.200-14(d)(2)*	§ 75.211(f).
§ 75.200-14(d)(3)*	§ 75.211(g)(1).
§ 75.200-14(e)*	§ 75.211 (c) and (d).
§ 75.200-14(f)*	§ 75.211(c).
§ 75.200-14(g)*	Deleted.
§ 75.200-14(h)*	§ 75.211(e).
§ 75.201	§ 75.201(a).
§ 75.201-1(a) and (b)	§ 75.201(a) and § 75.221(a)(8).
§ 75.201-1(b)	§ 75.201(f).
§ 75.201-2(a)	§ 75.221(a)(8).
§ 75.201-2(b)	Deleted.
§ 75.201-2(c)	Deleted.
§ 75.201-2(d) and (e)	§ 75.205(a).
§ 75.201-2(f)	Deleted.
§ 75.201-2(g)	Deleted.
§ 75.201-2(h)	§ 75.205(c).
§ 75.201-3	Deleted.
§ 75.202	§ 75.209(c).
§ 75.202-1	Deleted.
§ 75.203	§ 75.202(e) (4) and (5).
§ 75.203-1	Deleted.
§ 75.204	§ 75.211(b), § 75.211(f) and § 75.211(g)(1).
§ 75.204-1	Deleted.
§ 75.205	§ 75.209 (a), (b) and (c).

III. Drafting Information

The principal persons responsible for preparing this proposed rule are: Cloyd Blankenship, Charles S. Battistoni and Elmer Simmons, Coal Mine Safety and Health, MSHA; M. Terry Hoch, Technical Support, MSHA; Earnest C. Teaster, Jr., Office of Standards, Regulations and Variances, MSHA; and M. Peter Garcia, Office of the Solicitor, Department of Labor.

IV. Executive Order 12291 and Regulatory Flexibility Act

In accordance with Executive Order 12291, MSHA has prepared an initial analysis to identify potential costs and benefits associated with the proposed changes to its roof, face and rib control standards for underground coal mines. The Agency has incorporated this analysis into the Initial Regulatory Flexibility Analysis required by the Regulatory Flexibility Act. In this analysis, summarized below, MSHA has determined that the proposed rule would not result in major cost increases nor have an effect of $100 million or more on the economy. Therefore, the rule is not within the criteria for a major rule and a Regulatory Impact Analysis is not required.

The Regulatory Flexibility Act requires that agencies evaluate and include, wherever possible, compliance alternatives that minimize any adverse impact on small businesses when developing regulatory proposals. This proposed rule would introduce alternative compliance methods to the existing regulations, several of which would directly benefit small mining operations. In addition, the proposals would clarify compliance responsibilities and adopt performance-oriented standards when possible.

In the following summary of the Initial Regulatory Flexibility Analysis, MSHA has compared the costs and benefits associated with the proposed requirements with the costs of the existing requirements. A copy of the full analysis is available upon requests.

MSHA estimates that the initial cost for compliance with the existing requirements amounts to approximately $267.4 million. Estimated initial costs for the proposed rule would amount to about $247.0 million. MSHA estimates that annual recurring costs for compliance with the existing requirements amount to approximately $246.4 million. Estimated recurring costs for the proposed requirements would be about $237.0 million. The increase in initial costs are associated with the proposed requirement for the use of ATRS systems. The proposed regulations would affect approximately 2100 underground mining operations. MSHA estimates that about 1260 of these mines are small businesses. For purposes of the Regulatory Flexibility Act, MSHA has defined small business entities as mines with fewer than 20 employees.

In developing cost estimates, MSHA has taken into consideration industry-wide safety practices. Current compliance costs are related to the following requirements: labor, equipment purchase and maintenance, and recordkeeping. In calculating the costs of the proposed rule, the Agency projected initial compliance costs and annual recurring costs.

In the proposed rule, MSHA has reorganized, updated, and clarified existing provisions. The Agency has also proposed deleting existing duplicative provisions and replaced one recordkeeping requirement with a certification provision.

The primary benefit of the proposed rule is the protection that the standards would provide to miners who would be endangered by hazards related to falls of roof, face, and ribs in underground coal mines.

Although the proposed rule would result in an increased initial compliance cost of approximately $19.6 million over the existing rule, the annual recurring cost of compliance with the proposed rule would result in a reduction of about $9.4 million.

The primary increase in initial compliance costs is associated with the proposed new provision for the use of ATRS systems. However, this increased cost would be partially offset by a reduction in initial costs related to the manual installation of temporary supports because the use of ATRS systems would substantially reduce the need to manually install temporary supports. Annual recurring costs related to ATRS systems would be totally offset by a reduction in costs associated with manual installation of temporary supports. Under the proposal, alternative compliance methods and a more performance-oriented approach would reduce compliance costs in several instances, without diminishing the safety of persons who work at the Nation's mines. For example, under the proposal, the amount and location of support materials supplied to face areas would be left to the mine operator's discretion. In addition, several proposed standards would accommodate advances in mining technology, especially in the area of ATRS systems. The Agency specifically solicits comments and data on how the proposed regulations would impact the mining industry.

V. Paperwork Reduction Act

The recordkeeping provision concerning testing of roof bolts in § 75.200-7(b)(3)(iii) would be eliminated. In the proposed standard, the operator would certify by signature and date that testing was conducted.

The existing rule contains extensive criteria for evaluating and approving roof control plans. As a result, comprehensive and often complex roof control plans are required for each mine. The proposal would retain the requirement that each mine have an approved roof control plan. However, it would reduce the requirements to be specified in a plan by making many of the existing criteria, which are applicable to all mines, mandatory standards. Therefore, roof control plans would be less complex, addressing only the particular roof control measures appropriate to the conditions at the mine which are not addressed by the safety standards.

The proposed collection of information requirements contained in this Notice of Proposed Rulemaking have been submitted to the Office of Management and Budget (OMB) in accordance with section 3504(h) of the Paperwork Reduction Act of 1980 (Title 44, U.S.C. Chapter 35). Comments regarding collection of information requirements may be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Mine Safety and Health Administration.

List of Subjects in 30 CFR Part 75

Mine safety and health, Mandatory safety standards, Underground coal mines, Roof, face and rib support.

Dated: October 7, 1985.

David A. Zegeer,

Assistant Secretary for Mine Safety and Health.

PART 75—[AMENDED]

Part 75, Subchapter O, Chapter I of title 30 of the Code of Federal Regulations is proposed to be amended as follows:

1. The authority citation for Part 75 is amended by adding the following citation.

Authority: Sec. 101 of the Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 stat. 1291 (30 U.S.C. 811)* * *

Subpart A—General

2. It is proposed to add new paragraphs (o), (p) and (q) to § 75.2 to read as follows:

§75.2 Definitions.

* * * * *

(o) "Notching" means the initial penetration of a sidecut made for the purpose of advancing a mining machine the minimum distance necessary to avoid damage to permanent roof support.

(p) "Pillar recovery" means any reduction in pillar size during retreat mining.

(q) "Automated temporary roof support (ATRS) system" means a device to provide temporary roof support that is capable of being firmly pressed against the mine roof from a location which protects the equipment operator.

3. Subpart C is proposed to be revised to read as follows:

Subpart C—Roof, Face and Rib Support

Sec.

Authority: Section 101, Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 Stat. 1291 (30 U.S.C. 811).

§75.200 Protection from falls of roof, face and ribs.

(a) The roof, face and ribs of areas where persons work or travel shall be supported or otherwise controlled to protect persons from hazards related to falls of the roof, face or ribs.

(b) No person shall work or travel under unsupported roof unless in accordance with this subpart.

§75.201 Mining methods.

(a) The method of mining shall not expose any person to hazards caused by excessive widths of rooms, crosscuts and entries or faulty pillar recovery methods. Pillar dimensions shall be compatible with effective control of the roof, face and ribs.

(b) A method of directional control shall be used to maintain the projected direction of mining in entries, rooms, crosscuts, and pillar splits.

(c) A sidecut shall be started only from an area that is permanently supported, except that notching is permitted where the coal extraction process would damage permanent roof support.

(d) When development of a mine opening creates an intersection, the opening shall be permanently supported or at least one row of temporary supports shall be installed on not more than five-foot centers across the opening before any other work or travel in the intersection.

(e) A working face shall not be mined through into an unsupported area of active workings, except when such area is inaccessible.

(f) Additional roof support shall be installed where:

(1) The width of the opening specified in the approved roof control plan is exceeded by more than 50 percent of the lengthwise space permitted between permanent support; and

(2) The distance over which the excessive width exists is more than 5 feet.

§ 75.202 Roof bolting.

(a) Components of roof bolt assemblies shall meet the American Society for Testing and Materials, ASTM F 432-83, "Standard Specification for Roof and Rock Bolts and Accessories" except that roof bolting components not addressed in ASTM F 432-83 may be used when approved by the District Manager. This document is incorporated by reference and made a part of this standard. This publication may be obtained from the publishers, American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. This publication may be examined at any Coal Mine Safety and Health District or Subdistrict Office.

(b)(1) A bearing plate shall be firmly installed with each roof bolt.

(2) Bearing plates used directly against the mine roof shall be at least 6 inches square or the equivalent.

(3) Bearing plates used with wood or metal materials shall be at least 4 inches square or the equivalent.

(c) When washers are used with roof bolts, the washers shall conform to the shape of the roof bolt head and bearing plate.

(d)(1) The diameter of finishing bits shall be within a tolerance of plus or minus 0.030 inch of the required diameter for the anchor used.

(2) When separate finishing bits are used, they shall be distinguishable from other bits.

(e) *Tensioned roof bolts.* (1) Roof bolts that provide support by creating a beam of laminated strata shall be at least 30 inches long. Roof bolts that provide support by suspending the roof from overlying stronger strata shall be long enough to anchor at least 12 inches into the stronger strata.

(2) During each roof bolting cycle in a working place, a test hole shall be drilled in the first row of bolts to a depth of at least 12 inches above the anchorage horizon of the tensioned bolts being used. When the test hole indicates that bolts would not be anchored in competent strata, corrective action shall be taken to provide effective roof support.

(3) The installed torque or tension range as specified in the roof control plan shall maintain the integrity of the support system and shall not exceed the yield point of the roof bolt nor anchorage capacity of the strata.

(4) During each roof bolting cycle, the actual torque or tension of the first tensioned roof bolt installed with each drill head shall be measured immediately after it is installed. Thereafter, for each drill head in use, at least one roof bolt out of every four installed shall be similarly measured for the actual torque or tension. If the torque or tension of any of the roof bolts measured is not within the range specified in the roof control plan, corrective action shall be taken.

(5) In places from which coal is produced during any portion of a 24-hour period, the actual torque or tension on at least one out of every ten mechanically anchored tensioned roof bolts shall be measured from the outby corner of the last open crosscut to the face in each advancing section. Corrective action shall be taken if the majority of the bolts measured:

(i) Do not maintain at least 70 percent of the minimum torque or tension specified in the roof control plan, 50 percent if the roof bolt plates bear against wood; or

(ii) Have exceeded the maximum specified torque or tension by 50 percent.

(6) The mine operator shall certify by signature and date that the measurements required by paragraph (e)(5) of this section have been made. Certifications shall be maintained for one year and shall be made available to authorized representatives of the Secretary and representatives of miners at the mine.

(7) Tensioned roof bolts installed in the support pattern shall not be used to anchor trailing cables or used for any other purpose that will affect the tension of the bolt.

(8) Spherical washers, angle washers, slotted wedges, or equivalent devices shall be used to compensate for the angle when tensioned roof bolts are installed at angles greater than 5 degrees from the perpendicular to the roof line.

(f) *Non-tensioned grouted roof bolts.* The first non-tensioned grouted roof bolt installed during each roof bolting cycle shall be tested immediately after the first row of bolts has been installed. If the bolt tested does not withstand 150 foot-pounds of torque without rotating in the hole, corrective action shall be taken.

§ 75.203 Conventional roof support.

(a) When conventional roof support materials are used as the only means of support, the roof at the entrance of all openings along travelways which are no longer needed for storing supplies or for travel of equipment shall be supported by extending the postline across the opening.

(b) Conventional roof support materials shall meet the following specifications:

(1) The smallest diameter or cross-sectional area of wooden posts shall meet the dimensions set forth in the following table:

Post length (inches)	Diameter of round posts (inches)	Cross-sectional area of split posts (square inches)
60 or less	4	13
Over 60 to 84	5	20
Over 84 to 108	6	28
Over 108 to 132	7	39
Over 132 to 156	8	50
Over 156 to 180	9	64
Over 180 to 204	10	79
Over 204 to 228	11	95
Over 228	12	113

(2) A cluster of two or more posts that provide equivalent strength may be used to meet the requirements of paragraph (b)(1) of this section;

(3) Wooden cap blocks and footings shall have flat sides and be at least 2 inches thick, 4 inches wide and 12 inches long;

(4) Crossbars shall have a minimum cross-sectional area of 24 square inches and be at least 3 inches thick;

(5) Planks shall be at least 6 inches wide and 1 inch thick;

(6) Cribbing material shall have at least two parallel flat sides; and

(7) Materials other than wood may be used if they provide equivalent strength.

(c) Posts shall be tightly installed on solid footing.

(d) A cap block, plank, or crossbar shall be placed between the post and the roof when posts are installed under roof susceptible to sloughing.

(e) Blocks used for lagging between the roof and crossbars shall be spaced so as to distribute the load.

(f) Jacks used for roof support shall be used with at least 36 square inches of roof bearing surface.

§ 75.204 Natural roof support and the installation of roof support using mining machines with integral bolters.

(a) When natural roof support is created by means of an arched roof:

(1) A coal roof at least 6 inches thick shall be maintained or all persons except those necessary to install roof supports shall be withdrawn from the area affected and permanent roof supports shall be installed before there is any other work or travel in the area affected;

(2) Before developing the fourth entrance of a four-way intersection, the roof in the intersection shall be permanently supported;

(3) Permanent roof support shall be installed before any other work is performed in an area where an opening is made more than 12 inches wider than the cutting width of the continuous-mining machine;

(4) Where the arch is broken, roof support shall be installed prior to any other work or travel in the area affected; and

(5) When adverse roof conditions such as slips, cutters or clay veins are encountered, all persons except those necessary to install roof supports shall be withdrawn from the area affected and permanent roof support shall be installed before there is any other work or travel in the area affected.

(b) When roof bolts are installed by a continuous-mining machine with integral roof-bolting equipment:

(1) The distance between roof bolts shall not exceed 10 feet crosswise;

(2) Roof bolts to be installed 9 feet or more apart shall be installed with a wooden crossbar at least 3 inches thick and 8 inches wide, or material which provides equivalent support; and

(3) Roof bolts to be installed more than 8 feet but less than 9 feet apart shall be installed with a wooden plank at least 2 inches thick and 8 inches wide, or material which provides equivalent support.

§ 75.205 Pillar recovery.

(a) Full and partial pillar recovery shall not be conducted on the same pillar line, except where physical conditions such as unstable floor or roof, falls of roof, oil and gas well barriers or surface subsidence require that pillars be left in place.

(b) Before mining is started in any pillar split, or lift at least two rows of breaker posts or equivalent support shall be installed:

(1) As close to the intended breakline as practicable; and

(2) Across each opening leading into an area where full or partial pillar extraction has been completed.

(c) Before mining is started in any split or lift, a row of roadside-radius (turn) posts or equivalent support shall be installed leading into the split or lift unless otherwise specified in the roof control plan.

(d) Before mining is started on a final stump:

(1) At least 2 rows of posts or equivalent support shall be installed on not more than 4-foot centers on each side of the roadway; and

(2) Only one open roadway, not more than 16 feet wide, shall lead from solid pillars to the final stump of a pillar.

(e) During open-end pillar extraction, at least 2 rows of breaker posts or equivalent support shall be installed on not more than 4-foot centers. These supports shall be installed between the lift to be started and the area where pillars have been extracted. The supports shall be maintained to within 7 feet of the face and the width of the roadway shall not exceed 16 feet.

§ 75.206 Warning devices.

The end of permanent roof support shall be conspicuously identified with a readily visible warning, or a physical barrier shall be installed to block travel beyond permanent support.

§ 75.207 Automated temporary roof support (ATRS) systems.

(a) To the extent practicable and as technology is available, no person shall work or travel beyond permanent support on the working section unless they are protected by an ATRS system.

(b) Paragraph (a) of this section shall become effective [insert date 24 months from the effective date of this rule].

(c) Work or travel to the left or right of an ATRS system shall be done between the ATRS system and another support and the distance between the ATRS system and the support shall not exceed 5 feet. The coal rib is considered support.

(d) No person shall work or travel beyond an ATRS system unless the distance between the ATRS system and the face or permanent support is 5 feet or less.

(e) Each ATRS system shall meet the following:

(1) The ATRS system shall elastically support a deadweight load measured in pounds of at least 450 times each square foot of roof intended to be supported, but in no case less than 11,250 pounds;

(2) The controls that position and set the ATRS system shall be:

(i) Operable from under permanently supported roof; or

(ii) Located in a compartment which includes a deck, that protects the equipment operator's entire body and has the structural capacity to elastically support a deadweight load of at least 20,000 pounds;

(3) All hydraulic jacks affecting the capacity of the ATRS system and compartment shall have check valves or equivalent devices that will prevent failure in the event of a sudden loss of hydraulic pressure; and

(4) Except for the main tram controls, tram controls for positioning the equipment to set the ATRS system shall limit the speed of the equipment to a maximum of 80 feet-per-minute.

(f) The support capacity of each ATRS system and the structural capacity of each compartment shall be certified by a registered engineer as meeting the applicable requirements of paragraphs (e)(1) and (e)(2) of this section.

§ 75.208 Manual installation of temporary support.

(a) When manually installing temporary support, only persons engaged in installing the support shall proceed beyond permanent support.

(b) Each temporary support shall be completely installed prior to installing the next temporary support.

(c) When installing multiple temporary supports, the first temporary support shall be set within 5 feet of a permanent roof support and the rib. All temporary support shall be set so that the person installing the supports remains between the temporary support being set and two other supports which must be within 5 feet of the support being installed.

(d) All temporary supports shall be placed on centers not to exceed 5 feet. The coal rib and face are considered permanent support.

(e) Once temporary supports have been installed, work or travel beyond permanent roof support shall be done between temporary supports and the nearest permanent support or between other temporary supports.

§ 75.209 Roof testing and scaling.

(a) A visual examination of the roof, face and ribs shall be made immediately before any work is started in an area and thereafter as conditions warrant.

(b) Where the mining height permits and the visual examination does not disclose a hazardous condition, sound and vibration roof tests shall be made where supports are to be installed. The sound and vibration test shall be conducted:

(1) After the ATRS system is set against the roof and before other support is installed; or

(2) Prior to manually installing a roof support. This test shall begin under supported roof and progress no further than the location where the next support is to be installed.

(c) When an overhang, loose roof, face or rib or other hazardous condition is detected, the condition shall be corrected immediately or a readily visible warning shall be posted at each entrance prior to leaving the area or the area shall be blocked against travel by a physical barrier.

(d) A bar for taking down loose material shall be available in the working place or on all face equipment, except haulage equipment. Bars provided for taking down loose material shall be of a length and design that will allow the removal of loose material from a position that will not expose the person performing this work to injury from falling material.

§ 75.210 Rehabilitation of areas with unsupported roof.

(a) Before rehabilitating each area where a roof fall has occurred or the roof has been removed by blasting:

(1) The mine operator shall establish the clean up and support procedures that will be followed;

(2) All persons assigned to perform the rehabilitation work shall be instructed in the clean-up and support procedures; and

(3) Ineffective, damaged, or missing roof support at the edge of the area to be rehabilitated shall be replaced or other equivalent support shall be installed.

(b) All persons assigned to perform rehabilitation work shall be experienced in this work or they shall be supervised by a person designated by the mine operator and experienced in rehabilitation work.

(c) Each entrance to an area where a roof fall has occurred or the roof has been removed by blasting that is not being rehabilitated shall be:

(1) Supported by posts on not more than 5-foot centers, or equally effective support; and

(2) Posted with a readily visible warning, or blocked against travel by a physical barrier.

§ 75.211 Roof support removal.

(a)(1) Removal of permanent roof supports shall be done only in the presence of a supervisor designated by the mine operator and experienced in removing roof supports.

(2) Prior to removing permanent roof supports, the person supervising the work shall examine the roof conditions in the area where the supports are to be removed.

(b) Only persons with at least one year of underground mining experience shall be assigned to perform permanent roof support removal work.

(c)(1) Temporary support shall be installed as close as practicable to each roof bolt being removed.

(2) Persons removing temporary supports shall perform the work under permanent supports which have not been disturbed.

(d) Prior to removing crossbars, beams, or other similar supports, at least two rows of breaker posts on not more than 4-foot centers or equivalent support shall be installed across the opening

within 4 feet of the supports being removed.

(e) Each entrance to an area where supports are being, or have been, removed shall be posted with a readily visible warning or blocked against travel by a physical barrier.

(f) Roof bolts shall not be removed where full pillar extraction is conducted.

(g) No permanent support shall be removed where:

(1) Roof bolt torque or tension measurements or the condition of conventional support indicate excessive loading;

(2) Roof fractures are present; or

(3) There is any other indication that the roof is structurally weak.

Roof Control Plan

§ 75.220 Approved roof control plan.

(a)(1) Each mine operator shall adopt and follow a roof control plan approved by the District Manager that is suitable to the prevailing geological condition and the mining system to be used at the mine. Additional measures shall be taken to protect persons if unusual hazards are encountered.

(2) The roof control plan and any revision to an approved roof control plan shall be submitted in writing to the District Manager. When revisions to an approved roof control plan are proposed only the revised pages need to be submitted, unless otherwise specified by the District Manager.

(b)(1) The mine operator will be notified in writing of the approval or denial of approval of a proposed roof control plan or proposed revision.

(2) When approval of a proposed plan or revision is denied, the deficiencies of the plan or revision and recommended changes will be specified, and the mine operator will be afforded an opportunity to discuss the deficiencies and changes with the District Manager or a designee.

(3) Before new support materials, devices or systems are used as the only means of roof support, the District Manager may require that their effectiveness be demonstrated by experimental installations.

(c) No proposed roof control plan or revision shall be implemented before it is approved.

(d) Before implementing an approved revision to a roof control plan, all supervisors and miners who are affected by the revision shall be instructed in its provisions.

(e) A legible copy of the approved roof control plan shall be posted in conspicuous locations at the mine where all persons can acquaint themselves with the plan. The plan and any revisions shall be available to the miners and representatives of miners at the mine.

(f) All roof control plans shall be revised to meet the requirements of this Subpart C by (insert date 6 months after effective date of this rule). This paragraph (f) shall expire (insert date one year after effective date of this rule).

§ 75.221 Roof control plan information.

(a) The following information shall be included in each roof control plan:

(1) The name and address of the company;

(2) The name, address, mine identification number and location of the mine;

(3) The signature and title of the company official responsible for the plan;

(4) A typical columnar section of the mine strata which shall:

(i) Show the name and the thickness of the coalbed to be mined and any persistent partings;

(ii) Identify the type and show the thickness of each stratum over the coalbed for a distance of two times the maximum planned width for mine openings; and

(iii) Indicate the maximum cover over the area to be mined;

(5) A description and drawings of the sequence of installation and spacing of supports for each method of mining used;

(6) The maximum distance that an ATRS system is to be set beyond the last row of permanent support when an ATRS system is used;

(7) When tunnel liners or arches are to be used, specifications and installation procedures for the liners or arches;

(8) A description and drawings indicating the width of openings, size of pillars, methods of pillar recovery, and the sequence of mining pillars;

(9) A list of all support materials to be used in the roof, face and rib control system, including, when roof bolts are to be installed:

(i) The length, diameter, grade and type of anchorage unit to be used;

(ii) The drill hole size to be used; and

(iii) The installed torque or tension range for tensioned roof bolts;

(10) A description of the method for protecting persons from falling material at drift openings and when mining within 150 feet of an outcrop;

(11) A description of the method of removal when roof support material is to be removed; and

(12) The method and frequency of evaluating the coal roof thickness when natural roof support is created by means of an arched roof.

(b) All roof control plan information, including drawings, shall be submitted on 8½ inch by 11 inch paper.

(c) Each drawing shall contain a legend explaining all symbols used and specifying the scale of the drawing, which shall not be less than 5 feet to the inch or more than 20 feet to the inch.

§ 75.222 Roof control plan approval criteria.

(a) The provisions in this section are generally accepted criteria that shall be considered in the formulation and approval of roof control plans and revisions. Roof control plans that do not conform to the applicable criteria in this section may be approved, provided that the alternative method proposed will provide at least the same measure of protection.

(b) *Roof Bolting.* (1) Roof bolts should be installed on centers not exceeding 5 feet lengthwise and crosswise, except for roof bolts used in accordance with 30 CFR 75.204(c)

(2) Torque or tension ranges for tensioned roof bolts, when installed, should be capable of providing roof bolts loads to at least 50 percent of the yield point of the roof bolts.

(3) Openings should not be more than 20 feet wide when roof bolts are used as the only means of support.

(c) *Conventional roof support.* (1) The spacing of roadway roof support should not exceed 5 feet.

(2) Supports should be installed to within 5 feet of the uncut face.

(3) Roadways should not be more than 14 feet wide where straight and 16 feet wide where curved.

(4) Where the width of an opening exceeds 20 feet, additional rows of posts should be set for each 5 feet of space between the roadway post and the rib.

(d) *Combination roof bolt and conventional roof support.* (1) Any opening that is more than 20 feet wide should be supported by a combination of roof bolts and conventional supports.

(2) In any opening more than 20 feet wide:

(i) Posts should be installed to limit each roadway to 16 feet wide where straight and 18 feet wide where curved; and

(ii) A row of posts should be set for each 5 feet of space between the roadway posts and the ribs.

(3) Openings should not be more than 30 feet wide.

(e) *Natural roof support and the installation of roof support using mining machines with integral roof bolters.* (1) When natural support is created by means of an arched roof, openings should not be more than 16 feet wide.

(2) When roof bolts are installed by a continuous-mining machine with integral roof bolting equipment:

(i) Before an intersection or pillar split is started, roof bolts should be installed on at least 5-foot centers where the work is to be performed; and

(ii) Openings should not be more than 16 feet wide.

(f) *Pillar recovery.* (1) During development, any dimension of a pillar should be at least 20 feet.

(2) Pillar splits and lifts should not be more than 20 feet wide.

(3) Breaker posts should be installed on not more than 4-foot centers.

(4) Roadside-radius (turn) posts, or equivalent support, should be installed on not more than 4-foot centers.

(5) Before full pillar recovery is started in areas where roof bolts are used as the only means of roof support and openings are more than 16 feet wide, at least one row of posts should be installed to limit the roadway width to 16 feet. These posts should be:

(i) Extended from the entrance to the split through the intersection outby the pillar in which the split or life is being made; and

(ii) Spaced on not more than 5-foot centers.

(g) *Manual installation of temporary support used in conjunction with an ATRS system.* (1) Temporary supports may be approved for use in conjunction with an ATRS system:

(i) When necessary for practical use of the ATRS system; or

(ii) When necessary to provide additional support.

§ 75.223 Evaluation and revision of roof control plan.

(a) Revisions to the approved roof control plan shall be proposed by the operator when conditions or experience indicate that the plan may not be suitable for controlling the roof, face, or ribs.

(b) Each unplanned roof fall, and rib fall that occurs in the active workings shall be plotted on a mine map if it:

(1) Is above the anchorage zone where roof bolts are used;

(2) Impairs ventilation;

(3) Impedes passage of persons;

(4) Causes miners to be withdrawn from the area affected; or

(5) Disrupts regular mining activities for more than one hour.

(c) The mine map on which roof falls are plotted shall be available at the mine site for inspection by authorized representatives of the Secretary and representatives of miners at the mine.

[FR Doc. 85-24247 Filed 10-11-85; 8:45 am]

BILLING CODE 4510-43-M

federal register

Tuesday
October 15, 1985

Part III

Committee for Purchase From the Blind and Other Severely Handicapped

Procurement List 1986; Establishment; Notice

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1986; Establishment

The Committee for Purchase from the Blind and Other Severely Handicapped was established by Pub. L. 92–28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46–48c) (hereinafter the Act) for the purpose of directing the procurement of selected commodities and services by the Federal Government to qualified workshops serving blind and other severely handicapped individuals with the objective of increasing the employment opportunities for these individuals. The Committee is required to establish and publish in the **Federal Register** a procurement list of:

(1) Commodities produced by any qualified nonprofit agency for the blind or by any qualified nonprofit agency for other severely handicapped, and

(2) The services provided by any such agency

which the Committee determines are suitable for procurement by the Government pursuant to the Act.

The Act further provides that any entity of the Government which intends to procure any commodity or service on the procurement list, shall procure such commodity or service, at the price established by the Committee, from a qualified nonprofit agency for the blind or such agency for the other severely handicapped if the commodity or service is available within the normal period required by that Government entity. However, this requirement shall not apply to the procurement of any commodity which is available from Federal Prison Industries, Inc.

A Government entity is defined as any entity of the legislative branch or judicial branch, any executive agency or military department (as such agency and department are respectively defined by Sections 102 and 105 of Title 5, United States Code), the U.S. Postal Service, and any nonappropriated fund instrumentality under the jurisdiction of the Armed Forces.

Notice is hereby given pursuant to Section 2 of the Act that Procurement List 1986 is established as set forth below. Procurement List 1986 supersedes Procurement List 1985, October 19, 1984 (49 FR 41195) and subsequent changes thereto through October 8, 1985.

Any proposed additions or deletions to Procurement List 1985 pending on this date shall be considered as pending and applicable to Procurement List 1986.

By the Committee.

C.W. Fletcher,

Executive Director.

ASSIGNMENT CODES

Central nonprofit agency	Code
National Industries for the Blind	IB
National Industries for the Severely Handicapped	SH

Commodities

CLASS 1005

Sling, Adjustable, Small Arms (IB)
1005–00–167–4336
Sling, Padded, Adjustable (IB)
1005–00–312–7177
Swab, Small Arms Cleaning (IB)
1005–00–912–4248
1005–00–288–3565

CLASS 1015

Staff Section (SH)
1015–00–699–0633

CLASS 1025

Staff Section (SH)
1025–00–563–7232
1025–91–044–2587

CLASS 1095

Scabbard, Bayonet-Knife (IB)
1095–00–508–0339

CLASS 1220

Case, Carrying (IB)
1220–00–765–5870
1220–00–937–8286

CLASS 1330

Tape Stiffener Assembly (SH)
1330–01–051–1533 13 million each annually

CLASS 1430

Circuit Card Assembly (SH)
1430–00–409–7997

CLASS 1660

Harness Assembly (SH)
1660–00–066–2078

CLASS 1670

Harness, Parachutist (SH)
1670–00–897–8629
Message Dropper (SH)
1670–00–797–4495

CLASS 1680

Belt, Aircraft Safety (SH)
1680–00–725–5927
Wire Bundle Assemblies (SH)
1680–00–881–4215
1680–00–884–0409
1680–00–894–3991
1680–00–125–9646
1680–00–919–3706
1680–00–883–4487
1680–00–222–3876
1680–00–826–7752
1680–00–974–5275
1680–00–974–5276
1680–00–998–8594

CLASS 1730

Chock Wheel, Codit Reflecting (IB)
1730–00–294–3694
1730–00–063–4095
1730–00–294–3696
1730–00–294–3695
1730–00–945–8450
1730–00–163–8317 (4×6×24")
1730–00–NIB–001A 2×4×8" std
1730–00–NIB–001B 6×8×18" std
1730–00–NIB–001C 6×8×76" std
1730–00–NIB–001D (8×12") U-shaped
1730–00–NIB–001E (10×20") U-shaped
Chock Wheel, Painted (IB)
1730–00–294–3694
1730–00–063–4095
1730–00–294–3696
1730–00–294–3695
1730–00–945–8450
1730–00–163–8317 (4×6× 14")
1730–00–NIB–001A (2×4×8") std
1730–00–NIB–001B (6×8×18") std
1730–00–NIB–001C (6×8×76") std
1730–00–NIB–001D (8×12") U-shaped
1730–00–NIB–001E (10×20) U-shaped
Chock Wheel, Reflective Tape (IB)
1730–00–294–3694
1730–00–063–4095
1730–00–294–3696
1730–00–294–3695
1730–00–945–8450
1730–00–163–8317 (4×6×24")
1730–00–NIB–001A (2×4×8") std
1730–00–NIB–001B (6×8×18") std
1730–00–NIB–001C (6×8×76") std
1730–00–NIB–001D (8×12") U-shaped
1730–00–NIB–001E (10×20") U-shaped
Chock Wheel, Unpainted (IB)
1730–00–294–3694
1730–00–063–4095
1730–00–294–3696
1730–00–294–3695
1730–00–945–8450
1730–00–163–8317 (4×6×24")
1730–00–NIB–001A (2×4×8" std)
1730–00–NIB–001B (6×8×18" std)
1730–00–NIB–001C (6×8×76" std)
1730–00–NIB–001D (8×12" U-shaped)
1730–00–NIB–001E (10×20") U-shaped

CLASS 2090

Weight, Canvas Bag (IB)
2090–00–845–9150

CLASS 2540

Belt, Automobile, Safety (IB)
2540–00–894–1273
2540–00–894–1275
2540–00–894–1274
2540–00–894–1276
Cushion Assembly, Back Rest (SH)
2540–00–737–3308
Cushion Assembly, Seat Back (SH)
2540–01–065–6288
Cushion Seat, Vehicular (SH)
2540–00–808–3811
2540–00–904–5610
Cushion, Seat Back, Vehicular (SH)
2540–00–880–3925

Kit, Deep Water Fording (SH)
2540-00-473-0111
2540-00-780-0844
2540-00-181-8109
Mirror and Bracket Assembly (SH)
2540-00-575-8382

CLASS 2920

Cable Assembly, Electrical (IB)
2920-01-027-0125 (50% of Gov't Rqmt)

CLASS 3510

Net, Laundry (IB)
3510-00-273-9738
3510-00-273-9739

CLASS 3920

Truck, Hand (IB)
3920-00-847-1305

CLASS 3990

Pallet, Corrugated Fiberboard, Material Handling (SH)
3990-00-L77-0044
Navy Ships Parts Control Center, Mechanicsburg, PA only.
Pallet, Material Handling (SH)
3990-00-555-0458 Sharpe Army Depot, Lathrop, CA only
3990-00-599-5326 Mechanicsburg, PA Depot only
3990-01-M00-0075 Pine Bluff Arsenal, AR only
3990-00-222-1051
3990-00-892-4394 Mechanicsburg, PA; Memphis, TN; Richmond, VA and Columbus, OH Depots only
Pallet, Warehouse (SH)
3990-00-NSH-0011 (40×44")
Army and Air Force Exchange Service, Oakland Army Base, CA only.
Pallet, Wood (SH)
3990-00-X77-1721 New Cumberland Army Depot only
3990-00-NSH-0001 48×40×36" Social Security Administration, Baltimore MD only
3990-00-NSH-0005 24×20" New Cumberland Army Depot only
3990-00-366-0806

CLASS 4130

Filter, Air Conditioning (IB)
4130-00-870-8796 Rgns 4,5
4130-00-274-7800 Rgns 2,3,W,4,5,6,7,8,9,10
4130-00-541-3220 Rgns 4,5
4130-00-756-1840 Rgns 2,3,W,4,5,6,7,8,9,10
4130-00-720-4143 Rgns 4,5
4130-00-249-0966 Rgns 2,3,W,4,5,6,7,8,9,10
4130-00-203-3318 Rgns 4,5
4130-00-203-3321 Rgns 2,3,W,4,5,6,7,8,9,10
4130-00-542-4482 Rgns 4,5
4130-00-959-4734 Rgns 4,5
4130-00-756-0978 Rgns 4,5
4130-00-951-1208 Rgns 4,5

CLASS 4240

Bag, Waterproofing (IB)
4240-00-377-9401
Harness, Head (SH)
4240-00-890-8765
4240-00-961-1064
Winterization Kit (SH)
4240-00-065-9319 (40% of Gov't Rqmt)

CLASS 4610

Bag, Drinking Water Storage (SH)
4610-00-268-9890

CLASS 4730

Fitting Kit (SH)
4730-00-470-6625

CLASS 4820

Valve, Ball (SH)
4820-00-052-4651
4820-00-052-4653

CLASS 4910

Creeper, Mechanic's (SH)
4910-00-251-6981
4910-00-106-7834
4910-00-NSH-0001

CLASS 5120

Screwdriver Set, Cross Tip (SH)
5120-00-357-7175
5120-00-580-0334
Screwdriver, Cross-Tip (SH)
5120-00-060-2004
5120-00-820-2995
5120-00-224-7370
5120-00-529-3101
5120-00-227-7293
5120-00-234-8913
5120-00-542-3438
5120-00-224-7375
5120-00-596-0866
5120-00-237-8174
5120-00-580-2361
Screwdriver, Flat-Tip (SH)
5120-00-278-1269
5120-00-289-9662
5120-00-287-2504
5120-00-287-2505
5120-00-278-1267
5120-00-541-3004
5120-00-288-7803
5120-00-236-2127
5120-00-278-1270
5120-00-227-7356
5120-00-260-4837
5120-00-227-7334
5120-00-278-1268
5120-00-293-0314
5120-00-337-2465
5120-00-540-0563
5120-00-180-0708
5120-00-222-6866
5120-00-596-8502
5120-00-278-1273
5120-00-062-0813
5120-00-293-3311
5120-00-222-8852
5120-00-596-9364
5120-00-293-0315
5120-00-293-3309
5120-00-227-7377
5120-00-180-3490
5120-00-236-2140
5120-00-062-8454
5120-00-720-4969
Vise, Multiposition (SH)
5120-00-991-1907

CLASS 5140

Bag, Tool (IB)
5140-00-772-4142
Bag, Tool (Satchel) (SH)
5140-00-473-6256
Belt, Tool, Repairman's (SH)
5140-00-529-2517
5140-00-529-2694
5140-00-529-2691
Tool Box, Portable (SH)
5140-00-289-8911
5140-00-289-8910

CLASS 5340

Strap (SH)
5340-00-235-4433
Strap, Webbing (SH)
5340-00-286-6895

CLASS 5350

Mat, Abrasive (IB)
5350-00-967-5089
5350-00-967-5093
5350-00-967-5092

CLASS 5440

Ladder, Extension (Wood) (IB)
5440-00-223-6025
5440-00-242-1000
5440-00-223-6026
5440-00-242-0998
5440-00-223-6027
Ladder, Straight (Wood) (IB)
5440-00-242-7151
5440-00-816-2585
5440-00-814-5084
5440-00-242-0985
5440-00-816-2575
5440-00-223-6029
5440-00-223-6030
Stepladder (IB)
5440-00-514-4483
5440-00-514-4485
5440-00-514-4487
5440-00-121-9836
5440-00-227-1592
5440-00-227-1593
5440-00-227-1594
5440-00-227-1595
5440-00-227-1596
5440-00-531-2589

CLASS 5510

Lath, Wood (SH)
5510-00-NSH-0002 (⅞×1-½×36")
5510-00-NSH-0003 (⅞×1-½×48")
BLM and U.S. Forest Service in Washington and Oregon only.
Stake, Wood (SH)
5510-00-NSH-0001
BLM at 5 Oregon locations only.
U.S. Forest Service in Washington and Oregon only.
Stake, Wood, Hub (SH)
5510-00-171-7733
5510-00-171-7732
Stakes, Wood, Location (SH)
5510-00-171-7701
5510-00-171-7700
5510-00-171-7734
Wedge, Wood (SH)
5510-00-640-9237

CLASS 5660

Fasteners, Fence Post (SH)

5660-00-148-7251

CLASS 5826

Circuit-Card Assembly (SH)
5826-00-237-9949

CLASS 5831

Amplifier Subassembly (SH)
5831-00-087-3408

CLASS 5940

Adapter, Battery Terminal (SH)
5940-00-549-6583
5940-00-549-6581

CLASS 6150

Cable Assembly, Power (SH)
6150-00-507-8852
6150-00-935-8799

CLASS 6230

Flashlight (SH)
6230-00-163-1856
Lantern, Electric, Head (SH)
6230-00-643-3562
Light, Desk (SH)
6230-00-299-7771
6230-00-682-3432
Light, Marker, Distress (SH)
6230-00-892-5192
Light-Marker,—Distress (without pouch) (SH)
6230-00-938-1778
Light-Marker, Distress (with pouch) (SH)
6230-00-067-5209

CLASS 6505

Ammonia Inhalant Solution, Aromatic (SH)
6505-00-106-0875
Iodine Ampoules, NF (SH)
6505-00-664-1408
-00-
Thimerosal Tincture, NF (SH)
6505-00-664-6911

CLASS 6510

Bandage, Muslin, Compressed Camouflaged (SH)
6510-00-201-1755

CLASS 6515

Bag, Tube Feeding (SH)
6515-00-481-2049
Case, Ear Plug (SH)
6515-00-299-8287 (80% of Gov't Rqmt)
Kit, Suture Removal (IB)
6515-00-690-6911
Tourniquet, Non-Pneumatic (IB)
6515-00-383-0565

CLASS 6520

Toothbrush, Aspiration (SH)
6520-01-085-3438

CLASS 6530

Bag, Urine Collection (SH)
6530-00-057-0953
6530-00-761-0932
6530-00-761-0936
Cover, Litter (IB)
6530-00-784-1250
Drape, Surgical (IB)
6530-00-299-9608
6530-00-299-9607
6530-00-299-9605
6530-00-299-9604
Kit, Shaving Surgical Preparation (IB)
6530-00-676-7372
Litter, Folding (IB)
6530-00-783-7905
Pad, Cooling, Chemical (SH)
6530-00-133-4299
Pad, Examining Table (IB)
6530-00-960-6616
Pad, Hospital Stretcher (IB)
6530-00-269-0004
Pad, Litter (IB)
6530-00-137-3016
Pad, Pre-Operative Preparation (IB)
6530-00-457-8193
Paper Sheeting, Examination Table (IB)
6530-01-092-3914
Spineboard (SH)
6530-01-119-0011
6530-01-119-0012
Spreader Bar and Stirrups, Litter (IB)
6530-00-784-3450
Strap, Webbing Patient Securing (IB)
6530-00-784-4205
Surgical Dressing Set (IB)
6530-00-105-5826
Surgical Pack, Disposable (IB)
6530-00-103-6659
6530-01-174-8844
Towel Pack, Surgical (IB)
6530-00-110-1854
Urinal, Incontinent (IB)
6530-01-004-8969
6530-01-290-8292
6530-01-081-5303
6530-01-081-5304
Urinary Drainage Set (SH)
6530-01-056-3659
Wrapper, Sterilization (IB)
6530-00-299-9603
6530-00-197-9223
6530-00-197-9228
6530-00-197-9283
6530-00-926-4902
6530-00-926-4903
6530-00-926-4904
6530-00-926-4905

CLASS 6532

Cap—Operating, Surgical (SH)
6532-00-250-5042
6532-00-083-6545
6532-00-250-5041
6532-00-122-0468
Cap, Operating, Surgical (IB)
6532-00-299-9614
6532-00-299-9613
6532-00-299-9612
Clothing, Operating Room (SH)
6532-00-261-9005
6532-00-290-1887
6532-00-172-3509
6532-00-172-3507
6532-00-172-3506
6532-00-158-9890
6532-00-009-7174
Dress, Operating, Surgical (SH)
6532-00-149-0464
6532-00-149-0465
6532-00-149-0466
6532-00-149-0467
6532-00-149-0472
6532-00-149-0473
Gown, Hospital (SH)
6532-00-104-9895
Gown, Hospital, Patients's Bedshirt (SH)
6532-01-005-8411
6532-01-005-8412
Gown, Hospital, Personnel (SH)
6532-01-045-5380
6532-01-045-5381
Gown, Operating, Surgical (SH)
6532-00-009-2034
6532-00-009-2035
6532-01-058-2520
6532-01-058-2519
6532-01-058-2523
Gown, Patient Examining (SH)
6532-00-421-7828
Pajamas, Ladies (SH)
6532-00-NSH-0001
6532-00-NSH-0002
6532-00-NSH-0003
6532-00-NSH-0004
Pillowcase—Disposable (IB)
6532-01-125-3269
Robe, Dressing, Nomex (SH)
6532-00-003-3057
6532-00-006-3482
Robe, Ladies (SH)
6532-00-NSH-0005
Shirt, Operating, Surgical (SH)
6532-00-149-0322
6532-00-149-0323
6532-00-149-0324
6532-00-149-0325
Slippers, Convalescent Patient (SH)
6532-00-241-6393
6532-00-279-7794
6532-00-079-7889
6532-00-079-7899
6532-00-079-7902
6532-00-079-7904
6532-01-011-5055
6532-01-011-5056
6532-01-011-5057
Smock, Man's Dental Operating (SH)
6532-00-159-4881
6532-00-926-9964
6532-00-926-9975
6532-00-926-9976
Suit, Convalescent (SH)
6532-01-076-8684
6532-01-076-8683
6532-01-076-7369
6532-01-076-9769
Trousers, Operating, Surgical (SH)
6532-00-149-0327
6532-00-149-0328
6532-00-149-0329
6532-00-149-0330

CLASS 6540

Case, Spectacles (IB)
6540-01-131-7919
6540-01-131-7918

CLASS 6625

Test Set, Lead (SH)
6625-00-553-1442
6625-00-395-9313

CLASS 6630

Micro Bleeder (IB)
6630-01-NIB-0002
Tube, Bleeding (IB)
6630-01-NIB-0001

CLASS 6645

Clock, Wall (IB)
6645-00-514-3523
6645-00-530-3342 RGNS 4,5,6,7
6645-01-046-8848
6645-01-046-8849

CLASS 6695

Sampling Kit, Spectrometric Oil Analysis (IB)
6695-01-045-9820

CLASS 6840

Disinfectant, Detergent (IB)
6640-00-687-7904
6640-00-584-3129
6640-00-551-8346

CLASS 7105

Frame, Picture (SH)
7105-00-053-0170
7105-00-061-5834
7105-00-052-8697
7105-00-052-8695
7105-00-465-6199
7105-00-149-1277
7105-00-297-3398
7105-00-903-1842
7105-00-903-1843
7105-00-149-1282
7105-00-149-1281
7105-00-641-4385
7105-00-986-7356
7105-00-297-3397
7105-00-052-8696
7105-00-149-1276
7105-00-051-1212
7105-00-052-8686
7105-00-052-8698

CLASS 7110

Blackboard (SH)
7110-00-132-6651
Bookcase, Steel, Contemporary (SH)
7110-00-601-9823
7110-00-149-1621
Bookcase, Wood, Executive (SH)
7110-00-973-5127
Credenza (SH)
7110-00-762-5513
Table, Office, Wood (SH)
7110-00-958-0780
7110-00-823-7875
7110-00-903-3061
7110-00-902-3052
Table, Steel (SH)
7110-00-113-0448
7110-00-113-0454
7110-00-149-2044
7110-00-149-2045
7110-00-149-2046
7110-00-149-2047

CLASS 7125

Cabinet, Storage (SH)
7125-00-449-6862

CLASS 7195

Bulletin Board (IB)
7195-00-989-2370
7195-00-844-9036
7195-00-989-2371
7195-00-844-9037
7195-00-989-2372
7195-00-844-9038
7195-00-990-0615
7195-00-843-7938
Costumer, Wood, Executive (SH)
7195-00-132-6642

CLASS 7210

Bedspread (IB)
7210-00-728-0186
7210-00-728-0187
7210-00-728-0188
7210-00-728-0189
7210-00-728-0190
7210-00-728-0191
7210-00-728-0173
7210-00-728-0175
7210-00-728-0176
7210-00-728-0177
7210-00-728-0178
7210-00-728-0179
7210-00-408-2800
Bedspring (IB)
7210-00-582-7540
7210-00-582-0984
7210-00-110-8104
7210-00-582-7541
7210-00-110-8105
Blanket, Bed/Bath (Flame Resistant) (IB)
7210-00-141-2458
Cover, Bed (IB)
7210-01-116-7860
7210-01-120-0679
7210-01-116-7858
7210-01-116-7859
7210-01-118-4085
7210-01-116-7855
7210-01-116-7856
7210-01-116-7857
7210-01-116-7854
7210-01-116-7853
7210-01-120-8015
7210-01-124-7626
7210-01-120-8013
7210-01-120-8014
7210-01-120-8011
7210-01-120-8010
7210-01-122-5015
7210-01-120-8012
7210-01-125-9250
7210-01-120-8009
7210-01-123-5148
7210-01-120-8017
7210-01-120-8021
7210-01-120-8022
7210-01-120-8018
7210-01-124-8303
7210-01-120-8019
7210-01-120-8020
7210-01-123-5149
7210-01-120-8016
Cover, Mattress (IB)
7210-00-291-8419
7210-00-205-3083
7210-00-205-3082
7210-00-067-7969
7210-00-998-7745
7210-00-883-8492
7210-00-140-4231
7210-00-140-4234
7210-00-543-6001
7210-00-171-1091
7210-00-935-6619
7210-00-230-1041
7210-00-241-9718
7210-00-543-6002
7210-00-140-4233
Insect Bar, Nylon (SH)
7210-00-266-9736
Mattress, Cotton-Felt (IB)
7210-00-139-6517
7210-00-139-6555
7210-00-139-6538
Mattress, Foam (IB)
7210-00-290-8300
7210-00-275-5873
7210-00-275-5874
7210-00-290-8298
7210-00-290-8297
7210-00-052-7327
7210-00-889-3733
7210-00-290-8299
7210-00-682-6503
7210-00-682-6504
Mattress, Innerspring (IB)
7210-00-020-3585
7210-00-139-6424
7210-00-716-0708
7210-00-139-6411
7210-00-205-3534
7210-00-139-6434
7210-00-139-6428
7210-00-110-8102
7210-00-110-8103
7210-01-177-3627
7210-01-177-3628
7210-01-177-1491
7210-01-177-1492
7210-01-177-1494
7210-01-177-1495
7210-01-177-1496
7210-01-177-1497
7210-01-177-1498
7210-01-177-1499
7210-01-177-1500
7210-01-177-1501
7210-01-177-1503
7210-01-177-1504
7210-01-177-1505
7210-01-177-1506
7210-01-177-1507
7210-01-177-1508
7210-01-177-1509
7210-01-177-1510
7210-01-177-1512
7210-01-177-1513
7210-01-177-1514
7210-01-177-1515
7210-01-076-9031
7210-01-076-1087
7210-01-078-2593
7210-01-076-1082
7210-01-076-1089
7210-01-076-9029
7210-01-076-1083
7210-01-076-1085
7210-01-076-8730
7210-01-076-1086
7210-01-077-9358
7210-01-075-8358
7210-01-076-1088
7210-01-076-8359
7210-01-076-1084
7210-01-076-9030
Mattress, Plastic Coated Innerspring (IB)
7210-00-995-1093
7210-00-682-7146
7210-00-529-3709
7210-01-138-8177
Pad, Mattress (IB)
7210-00-227-1526
7210-00-753-3042

Pillow, Bed (IB)
7210-00-619-8262
7210-01-035-3342
7210-00-753-6228
7210-00-894-1144
7210-01-015-5190 (96,000 each annually)
7210-00-119-5358
Pillow, Bed (Feather) (IB)
7210-00-205-3205 Rgns W,1,2,3,4,5,6,7
Pillow, Passenger, Headrest (IB)
7210-00-682-6601
Pillowcase (SH)
7210-00-119-7357
7210-01-030-5311
Pillowcase, Cotton/Cotton Polyester (IB)
7210-00-054-7910
7210-00-259-9005
7210-00-259-9006
7210-00-119-7356
7210-00-231-2373
7210-00-259-9004
7210-00-259-8897
7210-00-081-1380
Pillowcase, Disposable (IB)
7210-00-883-8494
7210-00-852-3417
Protector, Hospital Bed, Pillow (IB)
7210-00-958-9118
Protector, Mattress, Hospital Bed (IB)
7210-00-761-1471
7210-00-761-1470
Sheet, Bed (IB)
7210-00-299-9611
Sheet, Bed—Disposable (SH)
7210-00-144-6082
Sheet, Bed, Disposable (IB)
7210-00-498-0512 Memphis, TN and Tracy, CA Depots only
7210-00-139-6376
Tablecloth (SH)
7210-00-492-8381
Towel, Bath, Disposable (IB)
7210-01-029-0370
Washcloth (IB)
7210-01-013-2824

CLASS 7220

Mat, Floor (SH)
7220-00-205-3192
7220-00-205-3182
7220-00-457-6057
7220-00-457-6063
7220-00-151-6519
7220-00-151-6518
7220-00-151-6517
7220-00-477-3063
7220-00-194-1609
7220-00-457-6046
7220-00-457-6054
Mat, Floor (IB)
7220-00-205-3099
7220-00-224-6487
7220-00-238-8852
7220-00-224-6486
7220-00-238-8854
7220-00-165-7020
7220-01-023-9487
7220-01-023-9489
7220-01-024-5997
7220-01-023-9496
7220-01-023-9490
7220-01-023-9491
7220-01-023-9493
7220-01-023-9494
7220-01-023-9495

CLASS 7230

Curtain, Shower (IB)
7230-00-205-1762
7230-00-247-1280

CLASS 7290

Cover, Ironing Board (IB)
7290-00-130-3271

CLASS 7330

Pad, Bakery (IB)
7330-00-379-4439
Tongs, Food Serving (SH)
7330-00-616-0997
7330-00-616-0998
7330-00-616-1000

CLASS 7340

Flatware, Plastic, Heavy Duty (IB)
7340-00-022-1315
7340-00-022-1316
7340-00-022-1317
7340-00-401-8041
Flatware, Plastic, Picnic (IB)
7340-00-170-8374
7340-00-205-3187
7340-00-205-3342
Medium Weight Plastic Cutlery (IB)
7340-00-NIB-0005
7340-00-NIB-0006
7340-00-NIB-0007
7340-00-NIB-0008
Spoon, Picnic, Plastic (IB)
7340-00-J19-1300

CLASS 7360

Dining Packet (IB)
7360-00-935-6407
7360-00-935-6408
7360-00-935-6409
7360-00-935-6410
7360-00-935-6411
7360-00-935-6412
7360-00-935-6413
Dining Packet (Dietetric) (B)
7360-00-177-4958
7360-00-177-4959
7360-00-177-4960
7360-00-177-4961
7360-00-177-4962
7360-00-177-4963
7360-00-935-6416
7360-00-935-6417
7360-00-935-6420
7360-00-935-6421
Dining Packet, Inflight (IB)
7360-00-660-0526
7360-00-167-2610
Flatware Set, Plastic (IB)
7360-00-634-4800

CLASS 7510

Binder, Awards Certificate (IB)
7510-00-115-3250
7510-00-482-2994
7510-00-755-7077
7510-01-056-1927
Binder, Looseleaf, (Pressboard) (IB)
7510-00-281-4309
7510-00-281-4314
7510-00-582-4201
7510-00-281-4310
7510-00-281-4311
7510-00-281-4313
7510-00-281-4315
7510-00-286-7792
7510-00-286-7794
7510-00-582-5488
7510-00-286-7791
7510-00-582-3807
Binder, Looseleaf, Presentation (IB)
7510-00-582-5398
7510-00-582-5399
7510-00-582-5400
Binder, Looseleaf, Three Ring (IB)
7510-00-782-2663
7510-00-409-8646
7510-00-409-8647
7510-00-984-5787
Binder, Looseleaf, Printout (IB)
7510-00-965-2443
Binder, Looseleaf, Three Ring (SH)
7510-00-889-3494
Binder, Note Pad (IB)
7510-00-286-6954
7510-00-145-0296
7510-00-728-8060
7510-01-053-5591
Board, Wall Calendar (IB)
7510-00-789-2455
Calendar Pad (SH)
7510-01-117-7712 (1986)
7510-01-117-7713 (1987)
Clip, Binder (SH)
7510-00-282-8201
7510-00-223-6807
7510-00-285-5995
Clip, Paper (SH)
7510-00-161-4292
Envelope, Crystal Clear Vinyl (IB)
7510-00-NIB-0003
7510-00-NIB-0004
7510-00-NIB-0005
7510-00-NIB-0006
Envelope, Transparent (IB)
7510-00-782-6274
7510-00-782-6275
7510-00-782-6276
Eraser, Blackboard (IB)
7510-00-244-9145
Eraser, Mechanical Pencil (IB)
7510-00-307-7885
File Back (IB)
7510-00-NIB-0002
File Backer, Paper (IB)
7510-00-285-2567
File Front (IB)
7510-00-NIB-0001
Pad, Typerwriter (IB)
7510-00-257-2576
7510-00-530-6412
7510-00-849-1137
Paperweight, Shotfilled (IB)
7510-00-266-6985
Pencil (IB)
7510-00-286-5757
7510-00-281-5234
7510-00-281-5235
Pencil, Fine-Line Writing (IB)
7510-00-286-5755
7510-00-286-5750
7510-00-286-5751
Pocket Planning Set (SH)
7510-01-122-1977 (1986)
7510-01-119-6371 (1987)
Portfolio, Double Pocket (IB)
7510-00-584-2489
7510-00-584-2490

7510-00-584-2491
7510-00-584-2492
Portfolio, Plastic Envelope (IB)
7510-00-558-1572
7510-00-558-1573
7510-00-995-4856
7510-00-995-4852
Refill, Ballpoint Pen (IB)
7510-00-543-6792
7510-00-543-6793
7510-00-754-2687
7510-00-543-6795
7510-00-754-2688
7510-00-754-2689
7510-00-754-2690
7510-00-754-2691
Refill, List Finder, Automatic (SH)
7510-00-285-2800
Sheath, Pen and Pencil (IB)
7510-00-052-2664

CLASS 7520

Arch Board File (IB)
7520-00-240-5498
7520-00-191-1075
7520-00-255-7081
Ballpoint Pen (IB)
7520-00-935-7136
7520-00-935-7135
7520-00-543-7149
Ballpoint Pen, Stick-type (IB)
7520-01-058-9978
7520-01-058-9977
7520-01-058-9976
7520-01-059-4125
7520-01-060-5820
7520-01-058-9975
7520-01-060-8513
7520-01-060-5821
Ballpoint Pen, with Imprinting (IB)
7520-00-8LP-6520
Book Ends (IB)
7520-00-264-5479
7520-00-139-6158
Box, Filing (SH)
7520-00-285-3147
7520-00-285-3143
7520-00-285-3144
7520-00-285-3145
7520-00-285-3146
7520-00-285-3148
7520-00-139-3734
7520-00-240-4830
7520-00-240-4831
7520-00-139-3743
7520-00-240-4839
Case, Maintenance & Operational Manuals (IB)
7520-00-559-9618
Cashbox (SH)
7520-00-281-5931
Clipboard File (IB)
7520-00-281-5918
7520-00-254-4610
7520-00-240-5503
Easel, Display & Training (IB)
7520-00-579-7013
File, Horizontal Desk (SH)
7520-00-139-4869
7520-00-728-5761
Holder, Desk Memorandum (IB)
7520-00-139-3802
7520-00-290-6445
Marker, Tube Type, Broad Tip (IB)
7520-00-973-1059
7520-00-973-1060
7520-00-079-0285
7520-00-973-1061
7520-00-079-0286
7520-00-079-0287
7520-00-973-1062
7520-00-079-0288
7520-00-904-4476
7520-00-558-1501
Marker, Tube Type, Fine Tip (IB)
7520-00-904-1265
7520-00-904-1268
7520-00-935-0979
7520-00-904-1267
7520-00-935-0981
7520-00-935-0982
7520-00-904-1266
7520-00-935-0980
7520-00-051-5031
7520-00-051-5035
7520-00-116-2888
7520-00-051-5036
7520-00-116-2886
7520-00-116-2889
7520-00-051-5033
7520-00-116-2887
7520-00-138-7981
Pen Set, Desk (IB)
7520-00-106-9840
Pencil, Mechanical (IB)
7520-00-223-6672
7520-00-223-6673
7520-00-268-9913
7520-00-223-6675
7520-00-223-6676
7520-00-285-5826
7520-00-285-5822
7520-00-285-5823
7520-00-161-5864
7520-00-164-8950
7520-00-268-9915
7520-00-285-5818
7520-00-268-9916
7520-00-724-5606
7520-00-590-1878
7520-01-132-4996
Perforator, Paper, Desk (SH)
7520-00-139-4101
7520-00-263-3425
Stand, Calendar Pad (IB)
7520-00-162-6153
7520-00-162-6156
7520-00-139-4277
7520-00-139-4341
Tray, Desk (SH)
7520-00-232-6828
7520-00-286-5801
7520-00-285-5043
Trimmer, Paper (IB)
7520-00-224-7620 Rgns 1,2,3,W,4,5,6,7
7520-00-224-7621
7520-00-163-2566
7520-00-634-4675
7520-00-282-2137

CLASS 7530

Book, Memorandum (IB)
7530-00-286-6952
Card Set, Guide, File (IB)
7530-00-989-0698
7530-00-989-0697
7530-00-989-0683
7530-00-082-2635
7530-00-989-0684
7530-00-989-0686
7530-00-989-0692
7530-00-989-0694
7530-00-989-0693
7530-00-989-0695
Card, Guide, File (IB)
7530-00-989-0184
7530-00-989-2425
7530-00-988-6541
7530-00-988-6542
7530-00-988-6543
7530-00-988-6549
7530-00-988-6550
7530-00-988-6551
7530-00-988-6544
7530-00-988-6545
7530-00-988-6546
7530-00-988-6547
7530-00-988-6548
7530-00-988-6515
7530-00-988-6516
7530-00-988-6520
7530-00-988-6521
7530-00-988-6517
7530-00-988-6518
7530-00-988-6522
Card, Index (IB)
7530-00-238-4316
7530-00-244-7453
7530-00-244-7456
7530-00-244-7451
7530-00-244-7459
7530-00-238-4319
7530-00-949-2787
7530-00-238-4331
7530-00-243-9436
7530-00-247-0310
7530-00-281-1315
7530-00-247-0318
7530-00-264-3723
7530-00-247-0311
7530-00-244-7447
7530-00-247-0315
7530-00-243-9437
Envelope, Wallet (IB)
7530-00-281-5976
7530-00-281-4844
7530-00-281-4846
Folder, File, General-Purpose (IB)
7530-00-811-7169
Folder, File, Kraft (IB)
7530-00-889-3555
7530-00-559-4512
7530-00-281-5907
7530-00-281-5908
7530-00-926-8978
7530-00-926-8980
Folder, File, Manila (IB)
7530-00-273-0845
Folder, File, Military Personnel Records Jacket (IB)
7530—DA Form 201
Folder, File, Pressboard (IB)
7530-00-926-8981
7530-00-286-6924
7530-00-926-8982
7530-00-926-8983
7530-00-926-8984
7530-00-043-1194
7530-00-739-7723
Folder-Set, File, Pressboard (IB)
7530-00-286-6923
7530-00-286-7080
7530-00-286-7244
7530-00-286-7253
7530-00-286-7286
7530-00-286-7287
7530-00-286-8570

7530-00-286-8571
7530-00-286-6925
7530-00-286-6926
Index Sheet Set, Looseleaf Binder (IB)
7530-00-160-8474
7530-00-160-8475
7530-00-160-8476
7530-00-959-4441
Jacket, Filing, Wallet (IB)
7530-00-285-2913
7530-00-285-2914
7530-00-285-2915
Notebook, Stenographer's (IB)
7530-00-223-7939
Pad, Writing Paper (IB)
7530-00-285-3090 Rgns 1,5,6 only
7530-00-239-8479 All Regions
7530-01-131-1889 All Regions
7530-01-124-5660 Rgns W,1,3,4,5,6,7,8
7530-01-131-0091 Rgns W,1,3,4,5,6,7,8
7530-01-124-7632 Rgns W,1,2,3,5,7
Pad, Writing Paper (Easel) (IB)
7530-00-619-8880
Paper Set, Manifold and Carbon (IB)
7530-00-401-6910 Rgns W,4,6,7,9
7530-01-072-2536 Rgns W,4,6,7,9
7530-01-072-2537 Rgns W,4,6,7,9
7530-01-072-2538 Rgns W,4,6,7,9
7530-01-072-2539 Rgns W,4,6,7,9
Paper, Carbon, Typewriter (IB)
7530-00-244-4035 Rgns 1,2,3,6,7,8
Paper, Looseleaf, Blank (IB)
7530-00-286-5777
7530-00-286-5778
7530-00-286-5782
7530-00-286-5780
7530-00-286-5781
7530-00-286-5779
7530-00-286-6983
7530-00-286-6984
Paper, Looseleaf, Ruled (IB)
7530-00-286-6366
7530-00-286-4332
7530-00-286-4331
7530-00-286-4333
7530-00-286-4334
7530-00-286-4335
7530-00-198-6265
7530-00-286-4336
7530-00-286-4337
7530-00-286-4338
7530-00-286-4339
Paper, Teletypewriter, Roll (IB)
7530-00-019-6674
7530-00-019-6931
7530-00-019-7267
7530-00-019-7463
7530-00-223-7966
7530-01-056-2900
7530-00-721-9691
7530-00-223-7969
7530-00-262-9178
7530-00-142-9037
7530-00-943-7076
Paper, Writing (IB)
7530-00-285-5836
7530-01-047-3738
Refill, Appointment Book (SH)
7530-01-125-0986 (1986)
7530-01-125-0987 (1987)
Tape, Paper, Computing Machine (IB)
7530-00-286-9052
7530-00-222-3455
7530-00-286-9053
7530-00-286-9054
7530-00-238-8352
7530-00-222-3456
7530-00-286-9055
Tape, Postage Meter (IB)
7530-00-912-3924
7530-00-912-3925

CLASS 7670

Microfiche, Subject Headings and Name Authorities (SH)
7670-00-NSH-0001

CLASS 7690

Folder, Chapel Program (SH)
7690-00-NSH-0001
Illustrative Sheet (SH)
7690-00-NSH-0002

CLASS 7910

Pad, Floor Polishing Machine (IB)
7910-00-685-6686
7910-00-685-6687
7910-00-685-3908
7910-00-685-6671
7910-00-685-3909
7910-00-685-6672
7910-00-685-3910
7910-00-685-6656
7910-00-685-6657
7910-00-685-3912
7910-00-685-6659
7910-00-685-3915
7910-00-685-6660
7910-00-685-3914
7910-00-685-4239
7910-00-685-4240
7910-00-685-4242
7910-00-685-4243
7910-00-685-4241
7910-00-685-4244
7910-00-685-4245
7910-00-820-7991
7910-00-820-7989
7910-00-820-7990
7910-00-820-9926
7910-00-820-9925
7910-00-820-9924
7910-00-820-9698
7910-00-820-7997
7910-00-820-7996
7910-00-820-9903
7910-00-820-9904
7910-00-820-9905
7910-00-820-9900
7910-00-820-9901
7910-00-820-9899
7910-00-820-9922
7910-00-820-9918
7910-00-820-9917
7910-00-820-9916
7910-00-820-9915
7910-00-820-9914
7910-00-820-9913
7910-00-820-9912
7910-00-820-9911
7910-00-820-9910

CLASS 7920

Broom, Push (IB)
7920-00-267-2967
Broom, Upright (IB)
7920-00-292-4371
7920-00-292-4375
7920-00-292-4372
7920-00-291-8305
Broom, Whisk (IB)
7920-00-240-6350
Brush, Chassis and Running Gear (IB)
7920-00-255-7536
Brush, Cleaning, Aircraft (IB)
7920-00-051-4384
Brush, Dusting (IB)
7920-00-178-8315
Brush, Floor Sweeping (IB)
7920-00-243-3407
7920-00-292-2363
7920-00-292-2367
7920-00-264-4638
7920-00-292-2362
7920-00-292-2365
Brush, Sanitary (IB)
7920-00-772-5800
7920-00-234-9317
Brush, Scrub (IB)
7920-00-240-7174
7920-00-951-8795
7920-00-282-2470 Tampico Fibers
7920-00-282-2470 Styrene Fibers
7920-00-297-1511
7920-00-619-9162
7920-00-061-0038
Brush, Shoe and Stove (IB)
7920-00-852-8170
Brush, Wire, Scratch (IB)
7920-00-291-5815
7920-00-282-9246
7920-00-246-8501
7920-00-223-7649
Brush, Wire, Stainless Steel (IB)
7920-00-958-1157
Brush-Set, Shoe and Stove (IB)
7920-00-205-0200
Cloth, Polishing (IB)
7920-00-205-1656
Cloth, Wiping (SH)
7920-LL-L03-6103
7920-LL-L03-6134
Pearl Harbor Naval Shipyard, Pearl Harbor, HI only.
Cloth, Wiping ("Jean Cotton") (SH)
7920-LL-L01-0013
7920-LL-L01-0014
Portsmouth Naval Shipyard, Portsmouth, NH only.
Handle, Mop (IB)
7920-00-205-1168
7920-00-267-1218
7920-00-205-1167
7920-00-550-9902
7920-00-550-9911
7920-00-550-9912
7920-00-998-2485
7920-00-998-2486
7920-00-851-0140
7920-00-851-0142
7920-00-246-0930
7920-00-205-1170
Handle, Paint Roller (IB)
7920-00-682-6512
Handle, Wood (IB)
7920-00-177-5106
7920-00-141-5452
7920-00-263-0328
Kit, Aircraft Cleaning (IB)
7920-00-490-6046
Mop, Dusting, Cotton (IB)
7920-00-205-0481
7920-00-205-0483
7920-00-245-8289

7920-00-205-0484
Mop, Wet (IB)
7920-00-224-8726
Mop, Wet, Cellulose (Sponge Refill) (IB)
7920-00-471-2876
Mop, Wet, Cellulose, Complete (IB)
7920-00-432-7117
7920-00-728-1167
Mophead, Dusting, Cotton (IB)
7920-00-634-0201
7920-00-267-4921
7920-00-998-2482
7920-00-998-2483
7920-00-998-2484
7920-00-851-0141
7920-00-205-0485
7920-00-205-0487
7920-00-205-0488
Mophead, Wet (IB)
7920-00-205-0425
7920-00-205-0426
7920-00-141-5549
7920-00-171-1148
7920-00-141-5550
7920-00-141-5547
7920-00-141-5548
7920-00-141-5544
7920-00-926-5492
7920-00-926-5493
7920-00-926-5494
7920-00-926-5495
7920-00-926-5496
7920-00-926-5497
7920-00-926-5498
7920-00-926-5499
7920-00-926-5501
7920-00-926-5502
Pad, Scouring (IB)
7920-00-753-5242
7920-00-151-6120
Scraper and Squeegee (IB)
7920-00-045-2556
Sponge, Cellulose (IB)
7920-00-161-6219
7920-00-633-9928
7920-00-240-2559
7920-00-884-1116
7920-00-884-1115
7920-00-633-9905
7920-00-240-2555
7920-00-633-9906
Sponge, Plastic (IB)
7920-00-633-9908
7920-00-633-9911
7920-00-633-9915
7920-00-685-4152
Squeegee (SH)
7920-00-224-8339
Squeegee, Window-Cleaning (IB)
7920-00-577-4744
7920-00-577-4745
7920-00-577-4746
Towel, Machinery Wiping (IB)
7920-00-260-1279
Towel, Paper (IB)
7920-00-823-9772 Rgns 1,3,4,5,6,7
7920-00-823-9773

CLASS 7930

Cloth, Wiping (SH)
7930-LL-COO-3782
7930-LL-COO-2768
Mare Island Naval Shipyard, CA only.
Cloth, Filter (SH)
7930-00-NSH-0001
Naval Supply Center, WA only.
Detergent, General Purpose (IB)
7930-00-926-5280
7930-00-357-7386
7930-00-068-1669
7930-01-055-6122
7930-00-177-5243
7930-00-985-6945
7930-00-985-6946
7930-00-530-8067
7930-00-527-1207
7930-00-527-1237
Dishwashing Compound, Hand (IB)
7930-00-880-4454
7930-01-055-6136
7930-00-899-9534
Glass Cleaner (IB)
7930-00-664-6910
Rinse Additive, Dishwashing (IB)
7930-00-619-9573
7930-00-619-9575

CLASS 8105

Bag, Assembly, Crew Relief (IB)
8105-00-922-9469
Bag, Cloth (IB)
8105-00-282-8183
Bag, Cotton (IB)
8105-00-183-6981
8105-00-281-3924
8105-00-183-6982
8105-00-179-0089
8105-00-271-1511
8105-00-183-6985
8105-00-174-0836
8105-00-183-6989
8105-00-290-3360
Bag, Currency (IB)
8105-00-NIB-0006
Bureau of Engraving and Printing, Washington, D.C. only.
Bag, Evidence (IB)
8105-00-NIB-0001
8105-00-NIB-0002
8105-00-NIB-0003
8105-00-NIB-0004
8105-00-NIB-0005
Bag, Motion Sickness (IB)
8105-00-835-7212
Coin Bags (SH)
8105-00-NSH-0005 50% of Gov't requirements
8105-00-NSH-0006 50% of Gov't requirements
8105-00-NSH-0008 50% of Gov't requirements
8105-00-NSH-0009 50% of Gov't requirements
8105-00-NSH-0010 50% of Gov't requirements
8105-00-NSH-0011 50% of Gov't requirements
8105-00-NSH-0012 50% of Gov't requirements

CLASS 8110

Tube, Mailing and Filing (SH)
8110-00-412-4410

CLASS 8115

Box, Set-Up, Mailing Dental (IB)
8115-00-511-5750
Box, Shipping (IB)
8115-00-787-2142
8115-00-787-2147
8115-00-101-7647
8115-00-101-7638
8115-00-787-2146
8115-00-787-2148
8115-00-019-4085
8115-00-019-4084
8115-00-057-1244
8115-00-057-1243
8115-00-057-1245
8115-00-192-1603
8115-00-192-1604
8115-00-192-1605
8115-01-093-3730
Box, Wood (SH)
8115-00-935-5887
8115-00-935-6518
8115-00-935-6525
8115-00-935-6526
8115-00-935-6527
8115-00-935-6528
8115-00-935-6530
8115-00-935-6532
8115-00-935-6531
Box, Wood, Nailed (SH)
8115-00-M00-0081
Pine Bluff Arsenal, AR only.
Wood Container (SH)
8115-L1-599-7220
8115-L1-599-7320
8115-L1-599-7820
8115-L1-599-8020
8115-L1-599-8120
8115-L1-599-7920
8115-L1-465-0920
8115-L1-465-1020
8115-L1-466-4120

CLASS 8135

Block, Currency Packing (IB)
BEP Stock #L-1391
Chipboard (IB)
8135-00-290-0336
8135-00-782-3948
8135-00-782-3951
8135-00-579-8457

CLASS 8315

Sewing Kit (SH)
8315-01-096-4460
8315-01-090-5823

CLASS 8340

Cover, Tent (SH)
8340-00-262-2397
Line, Tent (SH)
8340-00-263-0254
8340-00-263-0255
8340-00-252-2268
8340-00-252-2271
8340-00-252-2273
8340-00-252-2291
8340-00-556-9689
8340-00-252-2280
8340-00-252-2282
8340-00-252-2297
8340-00-252-2293
Pin, Tent, Aluminum (SH)
8340-00-261-9749
Pin, Tent, Wood (SH)
8340-00-261-9750
8340-00-261-9751
Pole Section, Tent (SH)
8340-00-223-7849
Shelter Half, Tent, Incomplete (SH)

8340-00-577-4168
Shelter, Half, Tent, Complete (SH)
8340-01-026-6096

CLASS 8345

Case, Flag, Interment (IB)
8340-00-782-3010
Flag, Signal (IB)
8345-00-935-0588
8345-00-935-0589
8345-00-935-0590
8345-00-935-0591
8345-00-935-0592
8345-00-935-0594
8345-00-935-0595
8345-00-935-0597
8345-00-935-0598
8345-00-935-0599
8345-00-935-0602
8345-00-935-0604
8345-00-935-0607
8345-00-935-0608
8345-00-935-0633
8345-00-935-1840
8345-00-935-0634
8345-00-935-0638
8345-00-935-0639
8345-00-935-0640
8345-00-926-9977
8345-00-926-9216
8345-00-926-9978
8345-00-926-6804
8345-00-926-6806
8345-00-926-9979
8345-00-926-6807
8345-00-926-6809
8345-00-926-9980
8345-00-926-9219
8345-00-935-0582
8345-00-926-9984
8345-00-926-6003
8345-00-926-9985
8345-00-935-0619
8345-00-935-1839
8345-00-935-0620
8345-00-935-0623
8345-00-935-0409
8345-00-935-0624
8345-00-935-0445
8345-00-926-6803
8345-00-935-0446
8345-00-926-6805
8345-00-935-0447
8345-00-926-9987
8345-00-935-0448
8345-00-926-6810
8345-00-926-9988
8345-00-935-0450
8345-00-935-0451
8345-00-935-0453
8345-00-926-6002
8345-00-926-6814
8345-00-935-0436
8345-00-935-0437
8345-00-935-0438
8345-00-935-0408
8345-00-935-0441
8345-00-935-0442
8345-00-935-0464
8345-00-935-0465
8345-00-935-0466
8345-00-935-0467
8345-00-935-0468
8345-00-935-0470
8345-00-935-0471
8345-00-935-0473
8345-00-935-0474
8345-00-935-0475
8345-00-935-0478
8345-00-935-0480
8345-00-935-0483
8345-00-935-0484
8345-00-935-0626
8345-00-935-1838
8345-00-935-0627
8345-00-935-0407
8345-00-935-0630
8345-00-935-0631
Flag, Signal, Vehicle, Danger Red (IB)
8345-00-260-2724
Pennant, Signal, and Special Flags (IB)
8345-00-935-0420
8345-00-935-0517
8345-00-935-4755
8345-00-825-1847
8345-00-935-3201
8345-00-935-4756
8345-00-935-0522
8345-00-914-6086
8345-00-935-4753
8345-00-935-4754
8345-00-935-0404
8345-00-935-0514
8345-00-825-1868
8345-00-935-0406
8345-00-935-0509
8345-00-926-5988
8345-00-935-0512
8345-00-921-4497
8345-00-935-3199
8345-00-825-1839
8345-00-935-0526
8345-00-914-6076
8345-00-914-6080
8345-00-914-6083
8345-00-935-0524
8345-00-926-5987
8345-00-926-5989
8345-00-935-0539
8345-00-926-5991
8345-00-825-1840
8345-00-935-0521
8345-00-914-6087
8345-00-926-6026
8345-00-935-0403
8345-00-935-0536
8345-00-926-9210
8345-00-926-9213
8345-00-926-6028
8345-00-935-0508
8345-00-935-0519
8345-00-935-0415
8345-00-914-6085
8345-00-926-9215
8345-00-935-0411
8345-00-926-9212
8345-00-914-7411
8345-00-914-6079
8345-00-914-6082
8345-00-935-0523
8345-00-935-0417
8345-00-926-5990
8345-00-935-0421
8345-00-926-9207
8345-00-935-0542
8345-00-935-0520
8345-00-935-0492
8345-00-935-0493
8345-00-926-9214
8345-00-935-0513
8345-00-935-0490
8345-00-935-0495
8345-00-926-9208
8345-00-935-0518
8345-00-935-0511
8345-00-914-6084
8345-00-935-0405
8345-00-935-0410
8345-00-935-0525
8345-00-914-6075
8345-00-914-6077
8345-00-914-6081
8345-00-935-0419
8345-00-935-0416
8345-00-935-0537
8345-00-935-0538
8345-00-935-0540
8345-00-935-0541
8345-00-926-9211
8345-00-935-0499
8345-00-935-0500
8345-00-935-0501
8345-00-825-1818
8345-00-935-0497
8345-00-935-0504
8345-00-935-1841
8345-00-935-0418
8345-00-825-1819
8345-00-926-1551
8345-00-935-0503
8345-00-935-0534
8345-00-935-1843
8345-00-926-1548
8345-00-926-1549
8345-00-926-1552
Streamer, Warning, Aircraft (IB)
8345-00-863-9170

CLASS 8405

Cover, Service Cap (IB)
8405-01-046-8544
8405-01-046-8545
Poncho, Wet Weather (SH)
8405-01-100-0976
Strap, Chin (SH)
8405-00-152-3952

CLASS 8415

Apron, Construction Worker's (IB)
8415-00-205-3895
8415-00-257-4290
Apron, Food Handler's (IB)
8415-00-255-8577
8415-00-634-0205
8415-00-051-1173
8415-01-045-0587
Apron, Food Handler's (SH)
8415-00-899-3026
Apron, Impermeable (SH)
8415-00-082-6108
Apron, Laboratory (SH)
8415-00-634-5023
Band, Helmet, Camouflage (IB)
8415-01-110-9981
Cap, Food Handler's (IB)
8415-00-234-7677
8415-00-234-7678
8415-00-234-7679
Cover, Helmet (IB)
8415-00-105-0605
Cover, Helmet, Camouflage Pattern (IB)
8415-01-092-7514
8415-01-092-7515
Cover, Helmet, Chemical Protective (IB)
8415-01-111-9028 (75,000 each annually)
Cover, Helmet, Desert Camouflage (SH)

8415-01-103-1349
8415-01-103-1350
Hood, Anti-Flash (SH)
8415-00-275-3159
Hood, Spray Painter's Protective (SH)
8415-00-NSH-0001
Pearl Harbor Naval Shipyard, HI only
Liner, Coat, Cold Weather (IB)
8415-00-782-2886
8415-00-782-2887
8415-00-782-2888
8415-00-782-2889
8415-00-782-2890
8415-01-062-0679
All Gov't requirements except for Memphis Depot, TN.
Liner, Trousers, Cold Weather (IB)
8415-01-180-0370
8415-01-180-0371
8415-01-180-0372
8415-01-180-0373
8415-01-180-0374
8415-01-180-0375
8415-01-180-0376
8415-01-180-0377
Mask, Extreme Cold Weather (SH)
8415-01-006-3468
Pad, Helmet, Flight Deck Crewman's (IB)
8415-00-178-6830
8415-00-178-6831
Socks, Extreme Cold Weather (SH)
8415-00-177-7992
8415-00-177-7993
8415-00-177-7994
8415-00-057-3503
Traffic Safety Clothing (See Class 8465 also) (IB)
8415-00-177-4978
8415-00-177-4974

CLASS 8430

Footwear Cover (IB)
8430-01-196-8394
8430-00-580-1205
8430-00-580-1206
8430-00-591-1359
8430-01-162-4453
Slide Fastener Unit, Laced Boot (IB)
8430-00-465-1888
8430-00-465-1889
8430-00-465-1890

CLASS 8440

Belt, Coat (IB)
8440-00-261-4965
8440-00-261-4966
Belt, Trousers
8440-00-270-0535
8440-00-412-2309
8440-00-573-1666
8440-00-270-0536
8440-00-412-2312
8440-00-573-1765
8440-00-270-0537
8440-00-412-2314
8440-00-573-3727
8440-00-290-0567
8440-01-052-9738
8440-00-290-0568
8440-01-052-9739
8440-00-269-5311
8440-01-052-9740
8440-00-634-5632
8440-00-753-6363
8440-00-577-4177
8440-00-753-6364
8440-00-577-4178
8440-00-753-6365
8440-00-270-0541
8440-00-412-2326
8440-00-270-0542
8440-00-412-2341
8440-00-270-0543
8440-00-412-2342
Neckerchief (IB)
8440-01-198-5175
Neckerchief, Camouflage, Desert (IB)
8440-01-103-5981
8440-01-148-4549
Necktie (IB)
8440-01-171-7571
8440-01-156-0373
8440-01-190-0066
Scarf, Man's Wool (SH)
8440-01-005-2558
8440-00-160-6843
8440-00-823-7520
Suspenders, Trousers (IB)
8440-00-221-0852

CLASS 8445

Belt, Trousers, Cotton (IB)
8445-01-068-8339
8445-01-068-8340
8445-01-075-0013
8445-01-075-0014
8445-01-075-0015
Scarf, Neckwear (IB)
8445-00-549-5363

CLASS 8455

Holder, Identification (IB)
8455-00-898-9730
Medal and Medal Sets (SH)
855-00-261-4501
855-00-082-5528
855-00-269-5761
855-00-269-5783
855-00-269-5763
855-00-269-5764
855-00-269-5782
Scarf, Branch of Service (IB)
8455-00-916-8398
8455-00-405-2294
8455-00-985-7336
8455-01-078-0745

CLASS 8460

Kit Bag, Flyer's (IB)
8460-00-606-8366

CLASS 8465

Bag, Barrack (IB)
8465-00-530-3692
Bag, Laundry (SH)
8465-00-616-9576
Bag, Laundry, Self-Closing, Ropeless (SH)
8465-00-656-0616
Bag, Personal Effects (SH)
8465-00-174-0808
Bag, Sleeping, Firefighter's (IB)
8465-00-081-0798
Bag, Soiled Clothes (SH)
8465-00-122-3869
Bag, Soiled Clothes, Submarine (IB)
8465-00-762-7671
Belt, Individual, Equipment, Nylon, LC-1 (IB)
8465-00-001-6487
8465-00-001-6488
8465-01-120-0674
8465-01-120-0675
Belt, M.P. (IB)
8465-00-527-8843
Binding, Snowshoe, Universal (IB)
8465-00-985-2175
Canteen, Water, Plastic (IB)
8465-01-115-0026
Carrier, Intrenching Tool (IB)
8465-00-001-6474
Case, Field, First Aid (IB)
8465-00-935-6814
Case, Maintenance Equipment, Small Arms (IB)
8465-00-781-9564
Case, Map and Note, Field (SH)
8465-00-634-1903
Clipboard, Pilot's (SH)
8465-01-012-9174
Clothes Stop (IB)
8465-00-377-5701
Cover, Field Pack, Camouflage (IB)
8465-01-103-0659
Cover, Field-Pack, Camouflage, White (SH)
8465-00-001-6478
Cover, Water, Canteen (IB)
8465-00-118-4956
Fieldpack, Canvas (SH)
8465-00-205-3493
Lanyard, Pistol (SH)
8465-00-262-5237
8465-00-965-1705
Necklace, Personnel, Identification (SH)
8465-00-261-6629
Pack, Personal Gear (SH)
8465-01-141-2321
Pocket, Ammunition Magazine (IB)
8465-00-782-2239
8465-00-261-4963
Protector, Trousers, Pistol Holster (IB)
8465-00-682-6741
Sheath, Ax (SH)
8465-01-110-2078
Sheath, Brush Hook (Bush) (SH)
8465-01-136-4720
Sheath, McLeod Tool (SH)
8465-01-136-4718
Sheath, Pulaski Tool (SH)
8465-01-067-9999
Sheath, Shovel, Hand (SH)
8465-01-136-4719
Strap, Shoulder, Quick Release, Right Hand (IB)
8465-01-078-9282
Strap, Waist, with Pad, LC-2 (IB)
8465-01-075-8164
Strap, Webbing, Cargo, Tie-Down (IB)
8465-00-001-6477
Strap, Webbing, Waist, LC-1 (IB)
8465-00-269-0461
Strap, Shoulder, Quick Release, Left Hand (IB)
8465-00-269-0482
Suspenders, Individual Equipment Belt (IB)
8465-00-001-6471
Traffic-Safety Clothing (IB)
8465-00-177-4975
8465-00-177-4976
8465-00-177-4977
Whistle, Ball, Plastic (IB)
8465-00-254-8803

CLASS 8470

Headband, Ground Troop, Helmet Liner (IB)

8470-00-153-6671
Mechanicsburg, PA and Richmond, VA only.
Headband, Ground-Troop'/Parachutists' Helmet (IB)
8470-01-092-8493
8470-01-092-8492
Neckband, G.T., Helmet Liner (IB)
8470-00-753-6166
Pad, Parachutists' Helmet (IB)
8470-01-092-8494
Strap, Chin, Ground Troops'/Parachutists' Helmet (IB)
8470-01-092-7534
Strap, Chin, Parachutist Steel Helmet (IB)
8470-00-032-2737
Strap, Retention, Parachutists' Helmet (IB)
8470-01-092-7524
Strap, Soldier's Steel Helmet M-1 (IB)
8470-00-030-8003
Suspension Assembly, Liner, Helmet (IB)
8470-00-880-8814
Suspension-Assembly, Ground Troops'/Parachutist (IB)
8470-01-092-7516
8470-01-092-7517
8470-01-092-7518
8470-01-092-7519

CLASS 8520

Soap, Toilet (IB)
8520-00-228-0598
8520-01-058-7463
8520-00-141-2519

CLASS 8915

Potatoes, White, Fresh (SH)
8915-00-456-6111 Whole
8915-00-228-1945 Diced

CLASS 8970

Food Packet, Survival, Aircraft, Life Raft, Indiv. (SH)
8970-01-028-9406

CLASS 9905

Holder, Card-Label (IB)
9905-00-866-0334
Plate, Marking, Blank (SH)
9905-00-473-6336
Sign-Kit, Vehicle (SH)
9905-00-565-6267
Tag, Key (SH)
9905-00-245-7826
Tag, Marker (SH)
9905-00-537-8954
9905-00-537-8955
9905-00-537-8956
9905-00-537-8957
Tree Shade (SH)
9905-00-NSH-0001 8"×12"
9905-00-NSH-0153 8"×16"
BLM and U.S. Forest Service, Washington and Oregon only.

CLASS 9920

Ash Receiver, Tobacco (IB)
9920-00-682-6757
Cleaner, Tobacco Pipe (SH)
9920-00-292-9946

U.S. Postal Service Items

Divider, Separation (SH)
P.S. #01037A
P.S. #01037B
Divider, Steel (SH)
P.S. #124-C-114
P.S. #124-C-234
P.S. #124-R-54
P.S. #124-R-114
U.S. Postal Service Western and Southern Regions only.
Lead Seal with Cord Attachment (SH)
P.S. #0815
Marker, I.D., Plastic (SH)
P.S.#01036
P.S.#01036-A
P.S.#01036-B
P.S.#01036-C
P.S.#01036-D
P.S.#01036-E
P.S.#01036-F
Pallet, Material Handling (SH)
3990-00-NSH-0008
Postal Service, Western Area Supply Center only.
Pocket, Imitation Leather (SH)
P.S. #D-1200-G
Safety Guard (SH)
P.S. #01075-B
Seal, Metal Band (SH)
P.S. #0186-A
P.S. #0186-B
Seat Assembly, Complete (SH)
P.S. #054-A
Seat Cover (SH)
P.S. #054-B
Strap, Mail Tray (IB)
P.S. #01067
Strap, Tie, Mail Carrier's, with buckle (IB)
8465—D-1216-D
8465—D-1216-E
8465—D-1216-F

Military Resale Commodities

Procedures for ordering military resale commodities are contained in section 51-5.6, Code of Federal Regulations, Title 41.

Item No.	Item Name
060	Roller ball pen, red (IB).
061	Roller ball pen, blue (IB).
062	Roller ball pen, black (IB).
063	Retractable ball pen, black (IB).
064	Retractable ball pen, blue (IB).
065	Ultra fine tip marker, red (IB).
066	Ultra fine tip marker, blue (IB).
067	Ultra fine tip marker, black (IB).
068	Pencil, mechanical, 0.5 mm lead (IB).
500	Room air freshener (IB).
501	Deodorizer, toilet bowl (IB).
503	Bowl deodorizer (IB).
504	Bowl deodorizer (IB).
510	Cleaner, all purpose (IB).
519	Fabric softener sheets, reusable, 8¾×4" (60 count) (IB).
520	Fabric softener sheets, reusable, 8¾×4" (40 count) (IB).
521	Candle, air freshening, fruit (IB).
522	Candle, air freshening, holiday (IB).
523	Candle, air freshening, floral (IB).
524	Candle, air freshening, berry (IB).
525	Candle, air freshening, forest (IB).
526	Candle, air freshening, carnival (IB).
527	Candle, air freshening, festival (IB).
528	Candle, air freshening, herbal (IB).
529	Candle, air freshening, assorted scents with holders (IB).
541	Scrubber, bathroom, with handle (IB).
542	Scrubber, kitchen, with handle (IB).
543	Scrubber, grill & garage, with handle (IB).
544	Scrubber, nylon net over polyurethane pad (IB).
554	Scrubber, nylon, rectangular (IB).
555	Scrubber, kitchen, 4⅝×3½×1⅝ (IB).
556	Scrubber, bathroom, 4⅝×3½×1⅝ (IB).
557	Scrubber, general household, 6⅝×3½×1" (IB).
563	Scrubber, plastic, for teflon (IB).
564	Scrubber, stainless steel (IB).
568	Board, ironing, table top (IB).
570	Clothespins, plastic (IB).
574	Clothesline, plastic, rayon reinforced, 100-ft. (IB).
575	Sponge, cellulose, 5½×3⅝×1⅝" (IB).
576	Sponge, cellulose, 7⅛×4×1¾" (IB).
577	Sponge, cellulose, 5½×3⅝×1" (IB).
578	Sponge, cellulose, 5½×3⅝×⅝" (IB).
593	Sponge, bath, circular (IB).
594	Swatter, fly, plastic (IB).
596	Cutlery set, plastic, heavy duty (8 ea knives, forks, spoons) (IB).
597	Knives, plastic, heavy duty (IB).
598	Forks, plastic, heavy duty (IB).
599	Spoons, plastic, heavy duty (IB).
721	Paint roller cover, economy, 9" (IB).
723	Paint roller cover, all purpose, 9" (IB).
727	Paint roller cover, high pile, 9" (IB).
730	Paint roller cover, for rough surfaces, 9" (IB).
901	Broom, mixed fiber (IB).
902	Broom, push, indoor/outdoor, 54" handle (IB).
903	Broom, parlor, corn, medium weight (IB).
904	Broom, corn, plastic cap (IB).
905	Broom, plastic filament, flagged ends (IB).
907	Broom, plastic filament, angle cut (IB).
908	Broom, plastic filament, angle tilt (IB).
909	Broom, whisk, corn (IB).
912	Brush, lint, plastic filament (IB).
914	Brush, barbecue, with scraper (IB).
915	Brush, counter, plastic (IB).
916	Brush, bowl, sanitary, nylon filament (IB).
918	Brush, scrub, household (IB).
919	Brush, scrub, plastic block, vinyl filament (IB).
920	Handle, mop, spring lever, for wet mopheads (IB).
921	Mop, anglomatic (IB).
922	Applicator, wax, foam block (IB).
923	Mop, automatic, block sponge (IB).
924	Mop, block sponge, with scrub strip brush (IB).
925	Mop, dusting, nylon (IB).
926	Mop, stick, orlon/rayon yarn, wet (IB).
927	Mop, stick, rayon yarn, wet (IB).
928	Mop, stick, cotton yarn, wet (IB).
931	Refill, for #921 (IB).
933	Refill, mop, automatic block sponge, for 923 (IB).
934	Refill, mop, block sponge, for 924 (IB).
936	Mophead, orlon/rayon yarn, wet (IB).
937	Mophead, cotton yarn, wet (IB).
940	Towel, heritage design (IB).
941	Cloth, dish, knitted cotton (IB).
942	Dish cloth, heritage design (IB).
943	Towel, modern design (IB).
944	Dish cloth, modern design (IB).
945	Towel, kitchen, cotton (IB).
946	Potholder, quilted, cotton (IB).
947	Oven mitt, modern design (IB).
948	Potholder, modern design (IB).
949	Mitt, oven, quilted, cotton (IB).
950	Mop, dish and bottle, wood handle (IB).
955	Brush, vegetable/utility, plastic filament (IB).
956	Brush, bottle, nylon filament (IB).
957	Brush, dish and pan, nylon filament (IB).
959	Brush, pastry and basting (IB).
962	Cover, ironing board, silicone and pad, poly foam (IB).
964	Cover, ironing board, silicone, double coated (IB).
965	Cover, ironing board, color coated (IB).
970	Bag, washing machine, nylon with zipper (IB).
971	Towel dish, traditional design (IB).
972	Dish cloth, traditional design (IB).
973	Towel, contemporary design (IB).
974	Dish cloth, contemporary design (IB).
975	Oven mitt, traditional design (IB).
977	Oven mitt, contemporary design (IB).
978	Pot holder, contemporary design (IB).
979	Pot holder, traditional design (IB).
980	Cloth, all purpose, cotton (IB).
983	Cloth, dusting (IB).
986	Cloth, wash, face (IB).
995	Dustpan, plastic (IB).

Services

Administrative Services

Department of Commerce:
Herbert Hoover Building, 14th & Constitution Avenue, N.W., Washington, D.C. (SH)

Department of Defense:
DCASR Building B-95, 805 Walker Street, Marietta, Georgia (SH)
Department of Transportation:
FAA Regional Office, East Point, Field Facilities and Accounting Office, Hapeville, Georgia (SH)
Environmental Protection Agency:
1860 Lincoln Street, Denver, Colorado (SH)
Marfair/Fairchild Building, Washington, D.C. (SH)
Waterside Mall Complex, Washington, D.C. (SH)
345 Courtland Street, N.E., Atlanta, Georgia (SH)
General Services Branch, 230 South Dearborn Street, Chicago, Illinois (SH)
Beltsville Research Laboratory, Beltsville, Maryland (SH)
6100 Executive Boulevard, Rockville, Maryland (SH)
9100 Brookville Road, Silver Spring, Maryland (SH)
26 Federal Plaza, New York, New York (SH)
6th and Walnut Street, Philadelphia, Pennsylvania (SH)
Crystal Mall Complex, Arlington, Virginia (SH)

Assembly

Department of Defense:
Belt, Trousers (IB)
Food Packet, Long Range Patrol (8970-00-926-9222) (SH)
Food Packet, Survival, Abandon Ship (8970-00-299-1365) (IB)
Food Packet, Survival, General-Purpose, Individual (8970-00-082-5565) (IB)
General Services Administration:
Living Kit, Basic and Supplemental (SH)

Bursting and Packaging of Commemorative Stamps

U.S. Postal Service:
Washington, D.C. (SH)

Coge Cleaning

Department of Health and Human Services:
Food and Drug Administration, Federal Office Building #8, 200 C Street, SW., Washington, DC (SH)

Cardboard and Paper Scrap Recovery

Department of Army:
New Cumberland Army Depot, Pennsylvania (SH)
Department of Energy:
Bonneville Power Administration, Portland, Oregon (SH)

Carpet Cleaning

General Services Administration:
Portland, Oregon, plus 10-mile radius (SH)

Carwash

Department of Interior:
Bureau of Land Mangement, Medford District Office, 3040 Biddle Road, Medford, Oregon (SH)

Catering Service

Department of Air Force:
Military Entrance Processing Station, Jackson, Mississippi (SH)
Department of Army:
New Cumberland Army Depot, Military Entrance Processing Station, Building 521, New Cumberland, Pennsylvania (SH)

Commissary Shelf Stocking

Department of Navy:
Naval Air Station, Alameda, California (SH)
Naval Air Station, Long Beach, California (SH)
Naval Air Station, Moffett Field, California (SH)
Naval Air Station, Point Mugu, California (SH)
Mare Island Naval Shipyard, Vallejo, California (SH)
Naval Air Station, Barbers Point, Oahu, Hawaii (SH)
Naval Base, Pearl Harbor, Hawaii (SH)
Naval Training Center, Great Lakes, Illinois (SH)
Naval Air Station, Brunswick, Maine (SH)
Naval Air Station, Patuxent River, Maryland (SH)
Naval Construction Battalion Center, Gulfport, Mississippi (SH)
Naval Air Station, Fallon, Nevada (SH)
Naval Administrative Unit, Scotia, New York (SH)
Naval Station, Roosevelt Roads, Puerto Rico (SH)
Naval Education Training Center, Newport, Rhode Island (SH)
Naval Station and Naval Weapons Station, Charleston, South Carolina (SH)
Naval Station, Norfolk, Virginia (SH)
Naval Air Station, Oceana, Virginia Beach, Virginia (SH)
Naval Submarine Base, Bangor, Washington (SH)
Naval Air Station, Whidbey Island, Oak Harbor, Washington (SH)
Naval Support Activity, Sand Point, Seattle, Washington (SH)

Commissary Shelf Stocking and Custodial Service

Department of Air Force:
Gunter Air Force Station, Alabama (SH)
Maxwell Air Force Base, Alabama (SH)
Eielson Air Force Base, Alaska (SH)
Elmendorf Air Force Base, Alaska (SH)
Little Rock Air Force Base, Arkansas (SH)
George Air Force Base, California (SH)
Lowry Air Force Base, Colorado (SH)
Peterson Air Force Base, Colorado (SH)
Homestead Air Force Base, Florida (SH)
Patrick Air Force Base, Florida (SH)
Robins Air Force Base, Georgia (SH)
Mountain Home Air Force Base, Idaho (SH)
McConnell Air Force Base, Kansas (SH)
Hanscom Air Force Base, Massachusetts (SH)
Columbus Air Force Base, Mississippi (SH)
Nellis Air Force Base, Nevada (SH)
Cannon Air Force Base, New Mexico (SH)
Griffiss Air Force Base, New York (SH)
Minot Air Force Base, North Dakota (SH)
Altus Air Force Base, Oklahoma (SH)
Myrtle Beach Air Force Base, South Carolina (SH)
Shaw Air Force Base, South Carolina (SH)
Goodfellow Air Force Base, Texas (SH)
Lackland Air Force Base, Texas (SH)
Randolph Air Force Base, Texas (SH)
Reese Air Force Base, Texas (SH)
Sheppard Air Force Base, Texas (SH)
Francis E. Warren Air Force Base, Wyoming (SH)
Department of Army:
Oakland Army Base, Oakland, California (SH)
Fort Sheridan, Illinois (SH)
Fort Benjamin Harrison, Indiana (SH)

Currency Packaging

Department of Treasury:
Bureau of Engraving and Printing, Washington, DC (SH)

Drill Sharpening

Department of Navy:
Naval Supply Center, San Diego, California (SH)

Food Service

Department of Air Force:
Sheppard Air Force Base, Texas (SH)

Food Service Attendant

Department of Army:
Consolidated Enlisted Dining Facility, Building 61, Fort McPherson, Georgia (SH)
Seneca Army Depot, Romulus, New York (SH)

Forms/Publication Storage and Distribution

Department of Treasury:
Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC (SH)

Furniture Rehabilitation

General Services Administration:
Altus Air Force Base, Oklahoma (SH)
Lawton, Oklahoma including Fort Sill (SH)
Oklahoma City, Oklahoma, plus 25-mile radius, including FAA and Tinker Air Force Base (SH)
San Antonio, Texas, plus 40-mile radius (SH)
Wichita Falls, Texas, including Sheppard Air Force Base (SH)
Spokane, Washington, plus 30-mile radius (SH)

Furniture Rehabilitation (Metal)

Department of Navy:
Naval Ordnance Station, Louisville, Kentucky (IB)

Grounds Maintenance

Department of Air Force:
26 Buildings, 1 Area, and 4 Athletic fields, Edwards Air Force Base, California (SH)
Befgstrom Air Force Base, Texas (SH)
Department of Army:
5 Buildings and 6 Fields, Fort Ord, California (SH)
Lewiston Levee Parkway, Nez Perce County, Idaho (SH)
U.S. Army Reserve Facility-Portland (South), Sears Hall, 2731 SW Multnomah Boulevard, Portland, Oregon (SH)
U.S. Army Reserve Facility-Portland (West), Sharff Hall, 8801 N. Chautauqua Boulevard, Portland, Oregon (SH)
Asotin Recreation Area, Asotin County, Washington (SH)
Cemetery Grounds (includes opening and closing of graves), Fort Lawton, Washington (SH)

U.S. Army Reserve Facility, Mann Hall, N. 4415 Market Street, Spokane, Washington (SH)
U.S. Army Reserve Facility, N. 3800 Sullivan Road, Trentwood, Washington (SH)
Vancouver Army Barracks, Vancouver, Washington (SH)
Department of Commerce:
National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 2725 Montlake Boulevard East, Seattle, Washington (SH)
Department of Energy:
Morgantown Energy Technology Center, Morgantown, West Virginia (SH)
Department of Interior:
Ash Woods, French Drive and Independence Avenue to 17th Street and Independence Avenue, Washington, DC (SH)
National Park Service, LBJ Memorial Grove, Constitution Gardens, Washington, DC (SH)
Department of Navy:
Naval Weapons Center, China Lake, California (SH)
Naval Air Station, Recreation Areas, Lemoore, California (SH)
Mare Island Naval Shipyard, Combat Systems Technical School Command, Vallejo, California (SH)
Naval Air Station Miramar, 15 Parcel Areas, San Diego, California (SH)
Naval Postgraduate School, Monterey, California (SH)
U.S. Naval Security Activity, Skaggs Island, Sonoma, California (SH)
Naval Ordnance Station, Nonindustrial Area, Indian Head, Maryland (SH)
Naval Weapons Station, 2 Parks, 5 Buildings, and 7 Areas, Yorktown, Virginia (SH)
Naval Air Station, Whidbey Island, Washington (SH)
Department of Transportation:
Federal Aviation Administration, AFSFO, 55 Midway Avenue, Daytona Beach, Florida (SH)
Federal Aviation Administration, Airway Facilities Sector, 1100 South Service Road, Atlanta, Georgia (SH)
Federal Aviation Administration, Air Route Traffic Control Center, Ronkonkoma, New York (SH)
Federal Aviation Administration, New York TRACON Facility, Westbury, New York (SH)
Federal Aviation Administration, Air Route Traffic Control Center, Leesburg, Virginia (SH)
Department of Treasury:
U.S. Secret Service, Special Training Building and Complex, Beltsville Maryland (SH)
General Services Administration:
Federal Center, 620 Central Avenue, Alameda, California (SH)
Federal Building and U.S. Post Office, 11000 Wilshire Boulevard, Los Angeles, California (SH)
U.S. Geological Survey, 345 Middlefield Road, Menlo Park, California (SH)
Federal Building, 2800 Cottage Way, Sacramento, California (SH)
U.S. Court of Appeals, 7th and Mission Streets, San Francisco, California (SH)
Social Security Administration Complex, 6401 Security Boulevard, Baltimore, Maryland (SH)
Social Security Administration Computer Center, 6201 Security Boulevard, Baltimore, Maryland (SH)
Internal Revenue Service Center, 310 Lowell Street, Andover, Massachusetts (SH)
U.S. Custom House, 6 World Trade Center, New York, New York (SH)
Federal Building, 1002 N.E. Holladay, Portland, Oregon (SH)
Pioneer Courthouse, 520 S.W. Morrison, Portland, Oregon (SH)
U.S. Courthouse, 620 S.W. Main, Portland, Oregon (SH)
Wyatt Federal Building, 1220 S.W. Third, Portland, Oregon (SH)
Federal Building, 500 West 12th, Vancouver, Washington (SH)
U.S. Marine Corps:
Marine Corps Air Station, Yuma, Arizona (SH)
U.S. Postal Service:
1088 Nandino Boulevard, Lexington, Kentucky (SH)

Janitorial/Custodial

Department of Agriculture:
Forest Service, Sequoia National Forest, 2 Buildings, Porterville, California (SH)
Forest Service, Coeur d'Alene Nursery, 3600 Nursery Road, Coeur d'Alene, Idaho (SH)
Forest Service, Fernan Ranger Station, 2502 E. Sherman Avenue, Coeur d'Alene, Idaho (SH)
Wallace Ranger District of the Panhandle National Forest, Coeur d'Alene, Idaho (SH)
Umpqua National Forest-Radio Shop, 2691 N.E. Diamond Lake Boulevard, Roseburg, Oregon (SH)
Umpqua National Forest, Supervisor's Office, 2900 N.W. Stewart Parkway, Roseburg, Oregon (SH)
Department of Air Force:
5 Buildings, Bergstrom Air Force Base, Texas (SH)
Ellsworth Air Force Base, South Dakota (SH)
Fairchild Air Force Base, Washington (excluding USAF Hospital, Air National Guard and Commissary) (SH)
Griffiss Air Force Base, New York (SH)
Building 1293, Hill Air Force Base, Utah (SH)
McChord Air Force Base, Washington (SH)
Department of Army:
U.S. Army Reserve Center, Memorial Parkway, Huntsville, Alabama (SH)
National Defense University, Health Fitness, Fort McNair, Washington, D.C. (SH)
Pentagon Officers Athletic Center, The Pentagon, Washington, D.C. (SH)
U.S. Army Reserve Center, John Williams Street, Attleboro, Massachusetts (SH)
U.S. Army Reserve Center, Belmont & Manley Streets, Brockton, Massachusetts (SH)
U.S. Army Reserve Center, 915 W. Chestnut Street, Brockton, Massachusetts (SH)
U.S. Army Reserve Center, 675 American Legion Highway, Roslindale, Massachusetts (SH)
U.S. Army Reserve Center, 130 Eldridge Street, Taunton, Massachusetts (SH)
Army Materials and Mechanics Research Center, 10 Buildings, Watertown, Massachusetts (SH)
U.S. Army Reserve Center, Fort Snelling, Minnesota (SH)
U.S. Readiness Group, Fort Snelling, Minnesota (SH)
U.S. Army Reserve Center #3, 4301 Goodfellow Boulevard, St. Louis, Missouri (SH)
U.S. Army Reserve Center, Fort Drum, New York (SH)
U.S. Army Reserve Center, 111 Finney Boulevard, Malone, New York (SH)
U.S. Army Reserve Center, Burrstone Road, Utica, New York (SH)
U.S. Army Reserve Facility, Salem, Oregon (SH)
U.S. Army Reserve Center, 3273rd U.S. Army Reserve Hospital, Suites B & C, 1003 Grove Road, Greenville, South Carolina (SH)
U.S. Army Reserve Center, Center No. 1, 2201 Laurens Road, Greenville, South Carolina (SH)
U.S. Army Reserve Center, Kukowski-Donaldson Center, Perimeter Road, Greenville, South Carolina (SH)
Lewisville Lake Park, Lewisville, Texas (SH)
U.S. Army Reserve Center, Butler Farm Road; Hampton, Virginia (SH)
U.S. Army Reserve Center, Marcella Road, Hampton, Virginia (SH)
U.S. Army Reserve Facility, Grant County Airport, Moses Lake, Washington (SH)
U.S. Army Reserve Facility, 14631 S.E. 1092nd Street, Renton, Washington (SH)
Hiram M. Chittenden Locks, Seattle, Washington (SH)
Vancouver Army Barracks, Vancouver, Washington (SH)
Yakima Firing Center, Yakima, Washington (SH)
Departments of Army and Air Force:
Army and Air Force Exchange System, Fort Bliss Exchange, Main Store, Building 1735, Fort Bliss, Texas (SH)
Army and Air Force Exchange, Alamo Exchange Region, 5315 Summit Parkway, San Antonio, Texas (SH)
Department of Defense:
DCASR Building B-95, 2 Buildings, Marietta, Georgia (SH)
Department of Energy:
3 Buildings, Idaho Falls, Idaho (SH)
Morgantown Energy Technology Center, Morgantown, West Virginia (SH)
Department of Health and Human Services:
National Institute for Occupational Safety and Health, 5555 Ridge Avenue, Cincinnati, Ohio (SH)
Department of Interior:
Indiana Dunes National Lakeshore, 1100 North Mineral Springs Road, Porter, Indiana (SH)
Bureau of Land Management, District Building, Roseburg, Oregon (SH)

Bureau of Land Management, Salem District Office, 1717 Fabry Road, S.E., Salem, Oregon (SH)
Department of Navy:
Naval Air Station Miramar, California (SH)
12 Buildings, Naval Research Laboratory, Washington, D.C. (SH)
Naval Communications Unit (Cheltenham), Washington, D.C. (SH)
Naval and Marine Corps Reserve Center, Jackson, Mississippi (SH)
Naval Resale and Support Office, Fort Wadsworth, Staten Island, New York (SH)
Naval and Marine Corps Reserve Center, Newport News, Virginia (SH)
Puget Sound Naval Shipyard, Equipment Maintenance Shops, Bremerton, Washington (SH)
Naval Air Station, 36 Buildings, Whidbey Island, Washington (SH)
Department of Transportation:
Federal Aviation Administration, Air Traffic Control Tower, Atlanta, Georgia (SH)
Federal Aviation Administration Facilities, Air Route Traffic Control Center, Hampton, Georgia (SH)
Federal Aviation Administration, TRACON Facility, Westbury, New York (SH)
Federal Aviation Administration Facilities, 7 Buildings, Spokane, Washington (SH)
Department of Treasury:
Bureau of Engraving and Printing, Annex Building, 14th & C Streets, SW., Washington, D.C. (SH)
Bureau of Engraving and Printing, Main Building, 14th & C Streets, SW., Washington, D.C. (SH)
General Services Administration:
Federal Building, 3rd Avenue and 1st Street, Cullman, Alabama (SH)
Federal Building, 109 St. Joseph Street, Mobile, Alabama (SH)
GSA Motor Pool and Parking Garage, St. Joseph Street, Mobile, Alabama (SH)
John A. Campbell U.S. Courthouse, 113 St. Joseph Street, Mobile, Alabama (SH)
Federal Building and U.S. Courthouse, 15 Lee Street, Montgomery, Alabama (SH)
Federal Building, 55 East Broadway, Tucson, Arizona (SH)
Federal Building and U.S. Courthouse, 1130 "O" Street, Fresno, California (SH)
Federal Building, 801 I Street, Sacramento, California (SH)
John E. Moss Federal Building, 650 Capitol Mall, Sacramento, California (SH)
U.S. Court of Appeals and Post Office, 7th and Mission Streets, San Francisco, California (SH)
Denver Federal Center, Building 85, Denver, Colorado (SH)
Federal Building-U.S. Courthouse, 401 S.E. First Avenue, Gainesville, Florida (SH)
Federal Building, 51 SW First Avenue, Miami, Florida (SH)
Federal Building, U.S. Courthouse, U.S. Post Office, 601 North Florida Avenue, Tampa, Florida (SH)
Federal Building, 355 Hancock Avenue, Athens, Georgia (SH)
Federal Building, 275 Peachtree Street, N.E., Atlanta, Georgia (SH)
U.S. Court of Appeals, Forsyth & Walton Streets, Atlanta, Georgia (SH)
IRS Center, 4800 Buford Highway, Chamblee, Georgia (SH)
Federal Building, Moultrie, Georgia (SH)
Federal Building, U.S. Post Office and U.S. Courthouse, Thomasville, Georgia (SH)
Federal Regional Center, Pinetree Boulevard, Thomasville, Georgia (SH)
Federal Building, U.S. Post Office, 304 N. 8th, Boise, Idaho (SH)
Federal Building and U.S. Courthouse, 205 4th Street, Coeur d'Alene, Idaho (SH)
Federal Building, 536 South Clark Street, Chicago, Illinois (SH)
Federal Parking Facility, 450 South Federal Street, Chicago, Illinois (SH)
Interagency Motor Pool, 701 South Clinton Street, Chicago, Illinois (SH)
U.S. Customhouse, 610 South Canal Street, Chicago, Illinois (SH)
OSHA Training Center, 1555 Times Drive, Des Plaines, Illinois (SH)
Federal Building and U.S. Courthouse, 121 W. Spring Street, New Albany, Indiana (SH)
Federal Building and U.S. Courthouse, 101 First Street, S.E., Cedar Rapids, Iowa (SH)
Federal Building, 210 Walnut Street, Des Moines, Iowa (SH)
Leased Space, 603–11 East 2nd Street, Des Moines, Iowa (SH)
U.S. Courthouse, 123 East Walnut Street, Des Moines, Iowa (SH)
Federal Building, 400 South Clinton, Iowa City, Iowa (SH)
Federal Building, U.S. Post Office and Courthouse, 330 Shawnee, Leavenworth, Kansas (SH)
U.S. Post Office—Courthouse, 601 Broadway, Louisville, Kentucky (SH)
Federal Building, U.S. Post Office, U.S. Courthouse, Frederica and 5th Streets, Owensboro, Kentucky (SH)
Federal Building and U.S. Post Office, 40 Western Avenue, Augusta, Maine (SH)
U.S. Federal Building & U.S. Post Office, 212 Harlow, Bangor, Maine (SH)
Roth Building, Social Security Administration Complex, 5536 Caswell Road, Baltimore, Maryland (SH)
Social Security Complex, Woodlawn Annex and Supply Buildings, 6401 Security Boulevard, Baltimore, Maryland (SH)
Social Security Administration Computer Center, 6201 Security Boulevard, Woodlawn, Maryland (SH)
John W. McCormack Post Office and Courthouse, Post Office Square, Boston, Massachusetts (SH)
U.S. Custom House, 8 McKinley Square, Boston, Massachusetts (SH)
Philip J. Philbin Federal Building, 385 Main Street, Fitchburg, Massachusetts (SH)
GSA Depot Building 58, Hingham Industrial Park, 349 Lincoln Street, Hingham, Massachusetts (SH)
Springfield Federal Building, Main and Bridge Streets, Springfield, Massachusetts (SH)
Federal Records Center, 380 Trapelo Road, Waltham, Massachusetts (SH)
Waltham Federal Center, 424 Trapelo Road, Waltham, Massachusetts (SH)
Gerald R. Ford Museum, 303 Pearl Street, N.W., Grand Rapids, Michigan (SH)
Federal Building, 212 3rd Avenue South, Minneapolis, Minnesota (SH)
Social Security Building, 1811 Chicago Avenue South, Minneapolis, Minnesota (SH)
Federal Building and U.S. Courthouse, 316 N. Robert Street, St. Paul, Minnesota (SH)
Federal Building, U.S. Post Office, and U.S. Courthouse, Main and Poplar Streets, Greenville, Mississippi (SH)
Federal Building, U.S. Post Office, 200 East Washington Street, Greenwood, Mississippi (SH)
William M. Colmer Federal Building-Courthouse, 701, Main Street, Hattiesburg, Mississippi (SH)
Federal Building, 100 West Capitol Street, Jackson, Mississippi (SH)
U.S. Post Office and U.S. Courthouse, 245 East Capitol Street, Jackson, Mississippi (SH)
Federal Building & U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebraska (SH)
Social Security Administration District Office Building, 22 Morris Street, Hackensack, New Jersey (SH)
Social Security Administration District Office Building, 686 Nye Avenue, Irvington, New Jersey (SH)
Social Security Administration District Office Building, 396 Bloomfield Avenue, Montclair, New Jersey (SH)
Federal Building, 20 Washington Place, Newark, New Jersey (SH)
Federal Building, 3rd & Hill Avenue, Gallup, New Mexico (SH)
Leo W. O'Brien Federal Building, Clinton Avenue & N. Pearl Street, Albany, New York (SH)
U.S. Post Office and Courthouse, 455 Broadway, Albany, New York (SH)
Federal Building, 111 West Huron, Buffalo, New York (SH)
U.S. Courthouse, 68 Court Street, Buffalo, New York (SH)
Internal Revenue Service, 120 Church Street, New York, New York (SH)
U.S. Courthouse Annex, 1 St. Andrews Plaza, New York, New York (SH)
U.S. Courthouse, 40 Foley Square, New York, New York (SH)
U.S. Mission to the United Nations, 799 U.N. Plaza, New York, New York (SH)
Kenneth B. Keating Federal Building and U.S. Courthouse, 100 State Street, Rochester, New York (SH)
Federal Building, 45 Bay Street, Staten Island, New York (SH)
U.S. Courthouse and Federal Building, Broad and Catherine Streets, Utica, New York (SH)
Federal Building, 401 West Trade Street, Charlotte, North Carolina (SH)
Social Security Administration Building, 215 West Third Avenue, Gastonia, North Carolina (SH)
Federal Building, 125 South Main Street, Muskogee, Oklahoma (SH)
Federal Building and Courthouse, 5th and Okmulgee, Muskogee, Oklahoma (SH)
Federal Building, U.S. Courthouse, 211 East 7th Avenue, Eugene, Oregon (SH)

Federal Building, 511 N.W. Broadway, Portland, Oregon (SH)
Federal Building, Bonneville Power Administration, 1002 N.E. Holladay Street, Portland, Oregon (SH)
Federal Warehouse, 2760 NW Yeon Avenue, Portland, Oregon (SH)
Lloyd Group Buildings, 5 Locations, Portland, Oregon (SH)
Pioneer Courthouse, 520 SW Morrison, Portland, Oregon (SH)
U.S. Courthouse, Broadway and Maine, Portland, Oregon (SH)
U.S. Customs House, 220 N.E. 8th Avenue, Portland, Oregon (SH)
Federal Building, 6th & State Streets, Erie, Pennsylvania (SH)
Federal Building and Courthouse, 228 Walnut Street, Harrisburg Pennsylvania (SH)
William J. Green, Jr., Federal Building, 600 Arch Street, Philadelphia, Pennsylvania (SH)
L. Mendel Rivers Federal Building, 334 Meeting Street, Charleston, South Carolina (SH)
U.S. Post Office-Courthouse, Broad and Meeting Street, Charleston, South Carolina (SH)
C. F. Haynesworth Federal Building and U.S. Courthouse, 300 East Washington Street, Greenville, South Carolina (SH)
Federal Building/U.S. Courthouse, 515 9th Street, Rapid City, South Dakota (SH)
Federal Building–U.S. Courthouse, 400 South Phillips Street, Sioux Falls, South Dakota (SH)
Armed Forces Examining Station and Bureau of Mines Building, 1100 Filmore Street, Amarillo, Texas (SH)
J. Marvin Jones Federal Building and U.S. Courthouse, 295 E. 5th Street, Amarillo, Texas (SH)
Jack Brooks Federal Building, U.S. Post Office—Court House, Willow and Broadway Streets, Beaumont, Texas (SH)
3 Bridges and 1 Building, El Paso, Texas (SH)
U.S. Courthouse, 511 E. San Antonio Avenue, El Paso, Texas (SH)
Forest Service Building, 507 25th Street, Ogden, Utah (SH)
Federal Executive Institute, Route No. 29 North, Charlottesville, Virginia (SH)
U.S. Customs House, 101 E. Main Street, Norfolk, Virginia (SH)
U.S. Post Office and Courthouse, 600 Granby Mall, Norfolk, Virginia (SH)
Federal Building, 400 N. 8th Street, Richmond, Virginia (SH)
U.S. Courthouse, 10th and Main Streets, Richmond, Virginia (SH)
GSA Center, 2 Buildings, Auburn, Washington (SH)
Federal Building, 3002 Colby Avenue, Everett, Washington (SH)
Federal Center, 25th and Dover Streets, Moses Lake, Washington (SH)
Federal Building, U.S. Post Office, 403 West Lewis Street, Pasco, Washington (SH)
Federal Building, U.S. Post Office, and Courthouse, 825 Jadwin Avenue, Richland, Washington (SH)
Federal Archives and Records Center, 6125 Sandpoint Way, Seattle, Washington (SH)
Federal Building, Immigration and Naturalization Services, 815 Airport Way, Seattle, Washington (SH)
Federal Center South, 4735 E. Marginal Way, Seattle, Washington (SH)
U.S. Courthouse, 1010 Fifth Avenue, Seattle, Washington (SH)
Federal Building, U.S. Post Office, W. 904 Riverside, Spokane, Washington (SH)
U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington (SH)
Federal Building, 500 W. 12th Street, Vancouver, Washington (SH)
Federal Center, 14 Buildings, Walla Walla, Washington (SH)
U.S. Courthouse, 120 North Henry Street, Madison, Wisconsin (SH)
Smithsonian Institution:
National Zoological Park, Washington, D.C. (SH)
Smithsonian Institution Service Center, 1111 North Carolina Street, N.E., Washington (SH)
Paul E. Garber Complex, 3904 Old Silver Hill Road, Suitland, Maryland (SH)
U.S. Marine Corps:
Marine Corps Development and Education Command, 5 Buildings, Quantico, Virginia (SH)
U.S. Postal Service:
Mailbag Facility, 7600 West Roosevelt Road, Forest Park, Illinois (SH)
Veterans Administration:
Veterans Administration Medical Center, Building No. 32, Dublin, Georgia (SH)

Janitorial Elevator Operator

Department of Treasury:
Bureau of Engraving and Printing, Public Debt Building, Washington, D.C. (SH)
General Services Administration:
3 Buildings, Navy Yard Annex, 2nd and M Streets, S.E., Washington, D.C. (SH)
Veterans Administration Clinic Building, 17 Court Street, Boston, Massachusetts (SH)
Federal Building, 35 Ryerson Street, Brooklyn, New York (SH)
Federal Building, 201 Varick Street, New York, New York (SH)
Veterans Administration Building, 252 Seventh Avenue, New York, New York (SH)

Laundry

Department of Air Force:
Hill Air Force Base, Utah (Wiping Rags only) (SH)
Department of Army:
U.S. Army Medical Materiel Agency, Fort Detrick, Maryland (SH)
Department of Navy:
Naval Training Center, Great Lakes, Illinois (SH)

Mailing

Department of Agriculture:
Washington, D.C. (Metropolitan area) (SH)
Department of Commerce:
National Oceanic and Atmospheric Administration, 5 Offices, Rockville, Maryland (SH)
National Technical Information Services, 5285 Port Royal Road, Springfield, Virginia (SH)
Department of Defense:
Defense Supply Service, National Committee for Employer Support for Guard and Reserve, 1117 N. 19th Street, Arlington, Virginia (SH)
Department of Education:
Office for Civil Rights, Office of Program Review & Assistance, 330 C Street, S.W., Washington, D.C. (SH)
Department of Energy:
Distribution, 12th & Pennsylvania, N.W., Washington, D.C. (SH)
Department of Health and Human Services:
Office of the Secretary, Washington, D.C. (SH)
National Institutes of Health, Bethesda, Maryland (SH)
Alcohol, Drug Abuse, and Mental Health Administration, Rockville, Maryland (SH)
Food and Drug Administration, Rockville, Maryland (SH)
Health Resources Administration, Rockville, Maryland (SH)
Health Services Administration, Rockville, Maryland (SH)
Office of Assistant Secretary for Health, Rockville, Maryland (SH)
Department of Housing and Urban Development:
Washington, D.C. (SH)
Department of Interior:
18th & C Streets, N.W., Washington, D.C. (SH)
U.S. Geological Survey, 2 Divisions, Reston, Virginia (SH)
Department of Labor:
200 Constitution Avenue, N.W., Washington, D.C. (SH)
Manpower Administration, Washington, D.C. (SH)
President's Committee on Employment of the Handicapped, Washington, D.C. (SH)
Department of Transportation:
National Highway Traffic Administration, 400 7th Street, S.W., Washington, D.C. (SH)
Office of the Secretary, Distribution Unit, 400 7th Street, S.W., Washington, D.C. (SH)
Department of the Treasury:
Bureau of Engraving and Printing, 14th & C Streets, S.W., Washington, D.C. (SH)
Bureau of Public Debt, 14th & C Streets, S.W., Washington, D.C. (SH)
Architectural and Transportation Barriers Compliance Board: 330 C Street, S.W., Washington, D.C. (SH)
Environmental Protection Agency:
Specialized Procurement Unit, 401 M Street, S.W., Washington, D.C. (SH)
Federal Election Commission:
1325 K Street, N.W., Washington, D.C. (SH)
Federal Trade Commission:
Pennsylvania Avenue & 6th Street, N.W., Washington, D.C. (SH)
General Services Administration:
National Archives & Records Services, 7th & Pennsylvania Avenue, N.W., Washington, D.C. (SH)
Library of Congress:
Washington, D.C. (SH)
Merit Systems Protection Board:
Office of Special Counsel, 1120 Vermont Avenue, N.W., Washington, D.C. (SH)
National Credit Union Administration:
Printing Service, 1375 K Street, N.W., Washington, D.C. (SH)

National Endowment for the Humanities:
1100 Pennsylvania Avenue, N.W., Room 202, Washington, D.C. (SH)
National Science Foundation:
1800 G Street, N.W., Washington, D.C. (SH)
Office of Personnel Management:
1900 E Street, N.W., Washington, D.C. (SH)
Smithsonian Institution:
Supply Division, Washington, D.C. (SH)
U.S. Commission on Civil Rights:
1211 Vermont Avenue, N.W., Washington, D.C. (SH)
U.S. Consumer Product Safety Commission:
Washington, D.C. (SH)
U.S. Information Agency: 400 C Street, S.W., Washington, D.C. (SH)

Mattress and Box Spring Rehabilitation

General Services Administration:
Orders for renovated mattresses may be arranged through GSA regional offices. IB will provide requirements for mattress and box spring renovation for GSA Regions W,2,3,4,5,6,7, and 8 only (IB)

Microfilming Contract Files

Department of Navy:
OICC Trident, Bremerton, Washington (SH)

Microfilm Reproduction

Department of Navy:
Naval Submarine Base, Bangor, Silverdale, Washington (SH)

Operation of USDA Central Shipping and Receiving Facility

Department of Agriculture:
South Building, 12th & C Streets, S.W., Washington, D.C. (SH)

Operation of Visitors Center Gift Shop

Department of Treasury:
Bureau of Engraving and Printing, 14th & C Streets, S.W., Washington, D.C. (SH)

Pallet Repair

Department of Navy:
Naval Supply Center, Norfolk, Virginia (SH)
Naval Supply Center, Cheatham Annex, Williamsburg, Virginia (SH)
Naval Supply Center, Puget Sound, Bremerton, Washington (SH)

Parts Sorting

Department of Air Force:
Hill Air Force Base, Utah (SH)

Photocopying

Department of Agriculture:
National Agricultural Library Building, Beltsville, Maryland (SH)

Publications Distribution

Department of Navy:
Naval Construction Battalion Center, Gulfport, Mississippi (SH)

Repair and Maintenance of Electric Typewriters Only

General Services Administration:
Health and Human Services, 300 S. Wacker Drive, Chicago, Illinois (SH)
Social Security Administration, 600 W. Madison, Chicago, Illinois (SH)
Syracuse, New York (including Onondaga County) (SH)

Repair and Maintenance of Manual Typewriters Only

General Services Administration:
Federal Court House Building, Syracuse, New York (SH)

Repair of Air Cargo Pallet Top and Side Nets

Department of Air Force:
Wright-Patterson Air Force Base, Ohio (SH)

Repair of Rubberized Items

Department of Army:
Mattress Pneumatic (Noninsulated 8465-00-254-6887), Fort Bliss, Texas (SH)
Mattress Pneumatic (Insulated 8465-00-518-2781), Fort Bliss, Texas (SH)
Ponchos (8405-00-935-3257), Fort Bliss, Texas (SH)
Bag, Clothing, Waterproof (8465-00-261-6909), Fort Bliss, Texas (SH)

Repair Service

Department of Army:
Bag, Sleeping (8465-00-242-7855 and 8465-01-049-0088), Fort Bliss, Texas (SH)
Case, Sleeping Bag (8465-00-237-8719), Fort Bliss, Texas (SH)
Liner, Field Jacket (8415-00-782-2888), Fort Bliss, Texas (SH)
Liner, Trousers, Field (8415-00-782-2926), Fort Bliss, Texas (SH)
Bag, Barracks (8465-00-530-3692), Fort Bliss, Texas (SH)
Bag, Duffel (8465-00-141-0932), Fort Bliss, Texas (SH)
Department of Navy:
Electrode Holder Assemblies, Bremerton, Washington (SH)

Seedling Harvesting

Department of Agriculture:
Forest Service, Humboldt Nursery, McKinleyville, California (SH)

Sewing

Department of Army:
Redstone Arsenal, Alabama (Provide specified end items produced through use of customized, heavy-duty sewing service) (SH)

Shrink Wrapping Gift Packages

U.S. Postal Service:
Washington, D.C. (SH)

Sponge Rubber Mattresses Rehabilitation

General Services Administration:
Requirements for GSA Region 3 (IB)

Tax Form Order Fulfillment

Department of Treasury:
Internal Revenue Service, Buffalo, New York (SH)

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Federal Register

Tuesday
October 15, 1985

Part IV

Advisory Council on Historic Preservation

36 CFR Part 800

Protection of Historic Properties; Proposed Rule

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Part 800

Protection of Historic Properties

AGENCY: Advisory Council on Historic Preservation.

ACTION: Proposed revision of regulations.

SUMMARY: These revisions to existing regulations implementing section 106 of the National Historic Preservation Act (16 U.S.C. 470f) will carry out the Council's regulatory reform efforts for the process of review and comment upon federally supported undertakings that affect historic properties.

DATE: Comments should be submitted not later than December 16, 1985.

ADDRESS: Comments should be addressed to the Executive Director, Advisory Council on Historic Preservation, Room 809, 1100 Pennsylvania Avenue, NW, Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT: John M. Fowler, Deputy Executive Director, Advisory Council on Historic Preservation, Room 809, 1100 Pennsylvania Avenue, NW, Washington, D.C. 20004 (202) 786-0503.

SUPPLEMENTARY INFORMATION: In June, 1981, the Council initiated review of its regulations implementing section 106 of the National Historic Preservation Act. Section 106 requires the head of a Federal agency to take into account the effects of Federal, federally assisted and federally licensed undertakings on properties included in or eligible for the National Register of Historic Places and afford the Council a reasonable opportunity to comment on such undertakings. The objective of the review was threefold: to implement amendments to the National Historic Preservation Act enacted in December, 1980 (Pub. L. 96-515); to reflect policies adopted by the newly reconstituted Council; and to conform the regulations to the Administration's recently announced regulatory reform principles.

The purpose of the proposed changes is to reduce regulatory burdens and paperwork, increase flexibility of compliance with Section 106 and generally streamline the administrative process while maintaining a proper degree of Council involvement in the process, encouraging State and local level decisionmaking, and providing a reasonable opportunity for active public participation. After giving full consideration to alternative schemes for meeting the statutory mandate, the Council concluded that the existing system, embodied in regulations last revised in January, 1979, was essentially sound. Attention was therefore focussed on improvements and refinements to the current regulations, retaining the basic principle of early consultation among Federal officials, State Historic Preservation Officers and the Council to resolve conflicts between development projects and historic preservation concerns. As a result of the detailed analysis undertaken by the Council membership, a considerable number of innovations and regulatory improvements are now being proposed.

1. A new section (§ 800.1(c)) has been added delineating the general roles of the participants in the section 106 process. Special attention has been given to encouraging the participation of Native Americans, in response to the American Indian Religious Freedom Act. (42 U.S.C. Sec. 1996).

2. Provisions to encourage active involvement of the public has been included throughout.

3. Agencies are encouraged to deal programmatically with classes of similar historic properties that may be affected by an undertaking in a uniform manner, thereby resulting in routinized methods of treating commonly occurring effects.

4. The Council is concerned that its regulations primarily be of assistance to agencies in complying with section 106 and not be the source of extensive litigation regarding whether agencies have complied with each and every procedural aspect of these regulations. To that end, the Council has included express language in § 800.3 making clear that the procedures set forth in §§ 800.4 (Identifying Historic Properties) and 800.5 (Assessing Effects) should be implemented "in a flexible manner reflecting differing program requirements"; and that the requirements of these Sections "are statisfied" where the agency has substantially fulfilled "the purposes of" section 106 and these regulations. The Council does not intend for this provision to be hortatory. It is particularly interested in whether its policy formulation as expressed in § 800.3 accomplishes the Council's intended purpose of ensuring that compliance with §§ 800.4 and 800.5 is flexibly determined on the basis of whether the broad purposes of the statute and regulations have been met. The Council also solicits comments on any other formulations or regulatory approaches which would accomplish this.

5. Eligibility determinations are simplified by accepting determinations jointly made by the agency and the SHPO instead of requiring subsequent review by the Department of the Interior. The Department is supporting this revision.

6. The definitions of "effect" and "adverse effect" in the present regulations have been revised and simplified, as have the review steps when impacts on historic properties fall below a certain threshold (§§ 800.4(b) and 800.9).

7. Major restructuring of the Council commenting system is proposed to reduce demands on Council resources and to relate the degree of Council review more closely to the complexity of each case and the extent of conflict. Primary emphasis is placed on consulation between the Agency Official and the State Historic Preservation Officer to accommodate historic preservation values with project needs. Numerous innovations are proposed in these provisions to reduce paperwork and time requirements.

8. Section 800.6(d) contains a new provision concerning the Council's opportunity to comment. Public comment is invited on the applicable standard for determining substantial compliance by the agency with § 800.6.

9. A new section (§ 800.7) provides for States to enter into agreements with the Council to substitute State review systems for the normal Section 106 review process. This is designed to encourage the use of State processes to deal with Federal project impacts.

10. A new section (§ 800.11) has been added to implement Section 110f of the National Historic Preservation Act, providing a greater degree of Council involvement when undertakings affect National Historic Landmarks.

11. A new section (§ 800.12) has been added for emergency situations.

12. The documentation requirements have been revised to make them more flexible. (§ 800.8)

In addition, the current regulations have been reviewed to remove non-regulatory material, and those provisions more appropriately set forth as guidelines have been deleted from the regulations.

It should be noted that special regulations governing Section 106 requirements for Urban Development Action Grant Projects, currently set forth in 36 CFR Part 801, will be amended after amendments to 36 CFR Part 800 are finalized. Also under consideration is incorporating the Council's "Guidelines for Exemptions under section 214 of the National Historic Preservation Act" (47 FR 46347) into the revised regulations when they

are issued in final. Comments are invited on this proposition.

The Council has determined that these amendments are not "major rules" within the meaning of Executive Order 12291. Because the revised regulations expedite the current commenting process under section 106 of the National Historic Preservation Act, they will not cause major increases in costs for local government agencies and will not have significant adverse effects on competition, employment or investment. Consequently, these amendments have been submitted to the Office of Management and Budget 10 days prior to publication.

Pursuant to 36 CFR Part 805, "National Environmental Policy Act Implementation Procedures," the Council has determined that an Environmental Impact Statement is not required.

The Council has determined there are no information collection, reporting or recordkeeping requirements in these revised regulations that require Office of Management and Budget approval under the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

Dated: October 8, 1985.

Robert R. Garvey, Jr.,

Executive Director.

Title 36, Chapter VIII is amended by revising Part 800 to read as follows:

PART 800—PROTECTION OF HISTORIC AND CULTURAL PROPERTIES

Subpart A—Background and Policy

Sec.

Subpart B—The Section 106 Process

Subpart C—Special Provisions

Authority: Pub. L. 89-665, 80 Stat. 915 (16 U.S.C. 470), as amended, 84 Stat. 204 (1970), 87 Stat. 139 (1973), 90 Stat. 1320 (1976), 92 Stat. 3467 (1978); E.O. 11593, 3 CFR 1971 Comp. p. 154

Subpart A—Background and Policy

§ 800.1 Purpose, authorities and policy.

(a) *Purpose and authority.* Section 106 of the National Historic Preservation Act requires a Federal agency head with jurisdiction over a Federal, federally assisted or federally licensed undertaking to take into account the effects of their undertaking on properties included in or eligible for the National Register of Historic Places and, prior to approval of an undertaking, afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking. Section 110(f) of the Act requires that Federal agency heads, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking. A similar opportunity for Council comment is also required. The procedure used to meet these responsibilities is commonly called the Section 106 process and is defined in these regulations.

(b) *Goals of the Section 106 process.* The Council seeks the public interest in its comments under Section 106 and encourages the resolution of conflicts with historic preservation values to best accommodate Federal project needs with the protection of historic properties. To achieve this, the Council encourages the resolution of historic preservation issues through normal administrative processes with active public involvement. Agency Officials should establish contact with the appropriate State Historic Preservation Officer early in the planning process and seek to satisfy the historic preservation concerns of State and local governments and the public.

(c) *Roles of the participants.*—(1) *Agency Official.* The Agency Official with jurisdiction over an undertaking has legal responsibility for complying with section 106 and must do so prior to approving the undertaking. The Agency Official may involve applicants for Federal assistance or approval in the Section 106 process as is appropriate.

(2) *State Historic Preservation Officer.* The State Historic Preservation Officer is the principal source of preservation information and expertise at the State level and is a key participant in the section 106 process. Where the State Historic Preservation Officer does not participate or does not respond within 30 days to a written request for participation, the Agency Official may consult with the Council in lieu of the State Historic Preservation Officer and complete the section 106 process. The State Historic Preservation Officer may assume primary responsibility for reviewing Federal undertakings in the State by agreement with the Council as prescribed in § 800.7 of these regulations.

(3) *Local Government.* Local governments are encouraged to take an active role in the Section 106 process. However, except where a local government has assumed legal responsibility for Section 106 compliance under program such as the Community Development Block Grant Program, the extent of local government participation is at the discretion of local government officials. If the State Historic Preservation Officer, the appropriate local government, and the Council agree, a local government whose historic preservation program has been certified pursuant to section 101(c)(1) of the Act may assume any of the duties that are given to the State Historic Preservation Office by these regulations or that originate from agreements concluded under these regulations.

(4) *Indian Tribes.* The Agency Official, the State Historic Preservation Officer and the Council should be sensitive to the special concerns of Indian tribes in historic preservation issues, which often extend beyond reservations lands and include historic, cultural and religious values associated with other historic properties. When an undertaking will affect the lands or interests of an Indian tribe, the Agency Official should keep the Indian tribe or its designated representative informed of actions concerning the undertaking.

(5) *The Public.* The Council values the views of the public on historic preservation questions and encourages maximum public participation in the section 106 process. The Agency Official and the State Historic Preservation Officer should seek and consider the views of the public when taking steps to identify historic properties, evaluate effects and develop alternatives. Agency Officials are encouraged to make information about undertakings and their effects on historic properties readily available to the public and make the public fully aware of opportunities to provide their views in public meetings or in writing.

§ 800.2 Definitions.

(a) "Act" means the National Historic Preservation Act of 1966, as amended (16 U.S.C. Section 470 et seq.)

(b) "Agency Official" means the Federal agency head or a designee with authority over a specific undertaking, including any State or local government officials who has been delegated legal

responsibility for compliance with section 106 and section 110(f) pursuant to statute.

(c) "Class of historic properties" means a group of properties that possess generally similar characteristics which may make those properties eligible for the National Register.

(d) "Council" means the Advisory Council on Historic Preservation or a Council member or employee designated to act for the Council.

(e) "Historic property" means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register; this term includes artifacts, records, and remains which are related to such district, building, structure or object.

(f) "Local government" means a city, county, parish, township, municipality, borough, or other general purpose political subdivision of a State.

(g) "National Historic Landmark" means a historic property that the Secretary of the Interior has designated a National Landmark.

(h) "National Register" means the National Register of Historic Places maintained by the Secretary of the Interior.

(i) "National Register Criteria" means the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR Sec. 60.4).

(j) "State Historic Preservation Officer" means the official appointed pursuant to section 101(b)(1) of the Act to administer the State Historic Preservation Program or a representative designated to act for the State Historic Preservation Officer.

(k) "Undertaking" means any project, activity or program that has the potential to have an effect on a historic property and that is under the direct or indirect jurisdiction of a Federal agency or is licensed or assisted by a Federal agency. Undertakings include new and continuing projects, activities or programs and any of their elements not previously considered under section 106.

Subpart B—The Section 106 Process

§ 800.3 General.

The procedure in this subpart guides Agency Officials, State Historic Preservation Officers and the Council in the conduct of the Section 106 process. Alternative methods of meeting Section 106 obligations are found in § 800.7 governing review of undertakings in States that have entered into agreements with the Council for Section 106 purposes and § 800.13, governing programmatic agreements with Federal agencies that pertain to specific programs or activities. Under each of these methods, the objective is to reach agreement on alternatives or measures to avoid or reduce effects on historic properties. The Council recognizes that the procedures set forth in §§ 800.4 and 800.5 for identification of historic properties and for assessing affects of undertakings should be implemented by the Agency Official in a flexible manner reflecting differing program requirements; the Agency Official will statisfy the requirements of § 800.4 and 800.5 by substantially fulfilling the purposes of section 106 and these sections.

§ 800.4 Identifying historic properties.

(a) *Assessing information needs.* To decide how to meet the information needs of section 106, the Agency Official shall review existing information on historic properties potentially affected by the undertaking and request the views of the State Historic Preservation Officer on further actions to identify historic properties that may be affected. The Agency Official shall make a reasonable and good faith effort to identify local governments, Indian tribes, public and private organizations, and other parties likely to be concerned with the undertaking's effects on historic properties. The Agency Official should make this assessment early in the planning process and establish a schedule for completing Section 106 process that is consistent with the planning and approval schedule for the undertaking.

(b) *Locating historic properties.* In consultation with the State Historic Preservation Officer, the Agency Official shall make a reasonable and good faith effort to identify individual and, where appropriate, classes of historic properties in the area that may be affected by the undertaking and gather sufficient information to evaluate the eligibility of these properties for the National Register. Efforts to identify historic properties should be consistent with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716) and should be sensitive to the views of affected local governments, Indian tribes and the public.

(c) *Evaluating historic significance.* (1) In consultation with the State Historic Preservation Officer, the Agency Official shall apply the National Register Criteria to each property or class of properties that may be affected by the undertaking and has not been previously evaluated for National Register eligiblity.

(2) If the Agency Official and the State Historic Preservation Officer agree that the criteria are met, the property or class of properties shall be considered eligible for the National Register for Section 106 purposes.

(3) If the Agency Official and the State Historic Preservation Officer agree that the criteria are not met, the property or class of properties shall be considered not eligible for the National Register for Section 106 purposes.

(4) If the Agency Official and the State Historic Preservation Officer do not agree, if a question exists or if the Agency Official does not obtain the State Historic Preservation Officer's views, the Agency Official shall obtain a determination from the Secretary of the Interior pursuant to applicable National Park Service regulations.

(d) *When no historic properties are found.* If there are no historic properties in the area that the undertaking may affect, the Agency Official is not required to take further steps in the Section 106 process. Documentation of this finding shall be provided to the State Historic Preservation Officer. The Agency Official should notify parties known to be interested in the undertaking and its possible effects on historic properties and make the documentation available to the public.

(e) *When historic properties are found.* If there are historic properties in the area that the undertaking may affect, the Agency Official shall consult with the State Historic Preservation Officer to evaluate the effects.

§ 800.5 Assessing effects.

(a) *Applying the criteria of effect.* In consultation with the State Historic Preservation Officer, the Agency Official shall apply the Criteria of Effect (§ 800.9) to each property or class of historic properties, giving consideration to the views, if any, of local government, Indian tribes, and the public.

(b) *When no effect is found.* (1) If the Agency Official finds the undertaking will have no effect on historic properties, the Agency Official shall either:

(i) Obtain the State Historic Preservation Officer's concurrence with the finding and notify the Council; or

(ii) Submit the finding with necessary documentation (§ 800.8(a)) to the Council for a 30 day review period and notify the State Historic Preservation Officer.

(2) Unless the State Historic Preservation Officer or the Council disagrees with the finding within 30 days of notice under § 800.59(b)(1)(i) or within 30 day review period of

§ 800.5(b)(1)(ii), the Agency Official is not required to take any further steps in the Section 106 process.

(c) *When effects are found.* If an effect on historic properties is found, the Agency Official shall consult with the State Historic Preservation Officer to seek ways to avoid or reduce the effects on historic properties. Either may request the Council to participate. The Council may participate in the consultation without such a request.

(1) Involving interested parties. Other parties shall be invited to participate in the consultation as follows:

(i) The head of a local government when the undertaking may affect historic properties within the local government's jurisdiction;

(ii) The representative of an Indian tribe when the undertaking may affect tribal lands or historic properties in which the Indian tribe has historic, cultural or religious interests; and

(iii) Grantees, permittees, licensees and others when determined appropriate by the Agency Official, the State Historic Preservation Officer or the Council.

(2) *Documentation.* The Agency Official shall provide each of the consulting parties with the documentation set forth in § 800.8(b).

(3) *Informing the public.* The Agency Official, shall provide an adequate opportunity for the public to receive information on the case and express their views. The State Historic Preservation Officer or the Council may meet with interested parties or conduct a public information meeting for this purpose.

(4) *Agreement.* If the Agency Officials and the State Historic Preservation Officer agree upon how the effects will be taken into account, they shall execute a memorandum of Agreement. As appropriate, they may invite others to concur with the agreement. The Memorandum of Agreement shall be submitted to the Council for comment in accordance with § 800.6.

(5) *Terminating consultation.* After initiating consultation with the State Historic Preservation Officer to seek ways to reduce or avoid effects on historic properties, the Agency Official, at the Agency Official's discretion, may end consultation and request the Council's comments in accordance with § 800.6(b).

§ 800.6 Affording the Council an opportunity to comment.

(a) *Review of a Memorandum of Agreement.*

(l) When an Agency Official submits a Memorandum of Agreement accompanied by the documentation specified in § 800.8(b), the Council shall have 30 days to review it. Before this review period ends, the Council shall:

(i) Accept the Memorandum of Agreement;

(ii) Advise the Agency Official of changes to the Memorandum of Agreement that would make it acceptable. Acceptance by the Agency Official and the State Historic Preservation Officer in the changes concludes the Section 106 process; or

(iii) Decide to comment on the undertaking.

(2) When the Council decides to comment on the undertaking the Council shall provide its comments within 60 days of the Agency Official's submission under § 800.6(a)(1), unless the Agency Official agrees otherwise.

(b) *Comment when there is no agreement.* (1) When no Memorandum of Agreement is submitted, the Agency Official shall request Council comment and provide the documentation specified in § 800.8(c). Unless the Agency Official agrees otherwise, the Council shall provide its comment within 60 days of receipt of the Agency Official's request and the specified documentation.

(2) The Agency Official shall provide reasonably available additional information concerning the undertaking and shall assist the Council in arranging an onsite inspection and public meeting when requested by the Council.

(3) The Council shall provide its comments to the head of the agency requesting comment. Copies shall be provided to the State Historic Preservation Officer, affected local governments and Indian tribes, and others as appropriate.

(c) *Response to Council comment.* (1) When a Memorandum of Agreement becomes final in accordance with § 800.6(a)(1)(i) or (ii), the Agency Official shall carry out the undertaking in accordance with the terms of the agreement. This evidences fulfillment of the agency's section 106 responsibilities. Failure to carry out the terms of a Memorandum of Agreement requires the Agency Official to resubmit the undertaking to the Council for comment in accordance with § 800.7.

(2) When the Council has commented pursuant to § 800.6(b), the Agency Official shall consider the Council's comments in reaching a final decision on the proposed undertaking, and report the decision to the Council prior to initiating the undertaking.

(d) *Foreclosure of the Council's opportunity to comment.* The Council may advise an Agency Official it considers that the Agency Official has not provided the Council a reasonable opportunity to comment on an undertaking only upon a majority vote of the Council members considering the undertaking, provided that at least three (3) members shall so vote.

§ 800.7 Agreements with States for Section 106 reviews.

(a) *Establishment of agreements* (1) Any State Historic Preservation Officer may enter into an agreement with the Council to substitute a State review process for the procedures set forth in § 800.4 through § 800.6 provided that:

(i) The State historic preservation program has been approved by the Secretary of the Interior pursuant to section 101(b)(1) of the Act, and

(ii) the Council determines that the State review process is at least as effective as, and no more burdensome than the procedures set forth in §§ 800.4 through 800.6 in meeting the requirements of section 106.

(2) The Council, in consultation with the National Conference of State Historic Preservation Officers and the Secretary of the Interior, shall develop criteria and standards for the evaluation of agreements.

(3) An agreement shall be developed through consultation between the State Historic Preservation Officer and the Council and concurred in by the Secretary of the Interior before submission to the Council for approval. The agreement shall:

(i) Specify the historic preservation review process employed in the State, showing that this process is at least as effective as and no more burdensome than that set forth in §§ 800.4 through 800.6 of these regulations;

(ii) Provide for Council review of actions taken under its terms, and for appeal of such actions to the Council, and

(iii) Be certified by the Secretary of the Interior as consistent with the Secretary's Standards and Guidelines for Archeology and Historic Preservation.

(b) *Review of undertaking where an agreement is in effect.* (1) Where an agreement under § 800.7(a) is in effect, an Agency Official may elect to comply with the State review process in lieu of compliance with §§ 800.4 through 800.6 of these regulations.

(2) At any time during review of an undertaking under an agreement, an Agency Official may terminate such review and comply instead with §§ 800.4 through 800.6 of these regulations.

(c) *Monitoring the agreement.* (1) The Council shall monitor activities carried out under § 800.7(a) agreements, in coordination with the Secretary of the

Interior's approval of State programs under section 101(b)(1) of the Act, and may request that the Secretary monitor such activities on behalf of the Council.

(2) The Council may revoke an agreement with the State Historic Preservation Officer after consultation with the State Historic Preservation Officer and the Secretary of the Interior.

§ 800.8 Documentation requirements.

(a) *Determination of no effect.* The required documentation is as follows:

(1) A description of the undertaking, including photographs, maps and drawings, as necessary;

(2) A description of historic properties within the vicinity of the undertaking;

(3) A statement of why the Criteria of Effect were found inapplicable;

(4) The views of the State Historic Preservation Officer, affected local government, Indian tribes, and the public, if any were provided.

(b) *Consultation.* The required documentation is as follows:

(1) A description of the undertaking, including photographs, maps and drawings, as necessary;

(2) A description of the efforts to identify historic properties;

(3) A description of the affected historic properties, using materials already compiled during the evaluation of significance, as appropriate; and

(4) A description of the undertaking's effects on historic properties.

When a Memorandum of Agreement is submitted for review in accordance with § 800.6(a)(1), the documentation shall also include a description and evaluation of any proposed mitigation measures or alternatives that were considered to deal with the undertaking's effects and a summary of the views of the State Historic Preservation Officer, local government, Indian tribes, and public.

(c) *Requests for comment where there is no agreement.* The required documentation is as follows:

(1) A description of the undertaking, with photographs, maps and drawings, as necessary;

(2) A description of the efforts to identify historic properties;

(3) A description of the affected historic properties, with information on the significant characteristics of each property;

(4) A description of the effects of the undertaking on historic properties and the basis for the determinations;

(5) A description and evaluation of any alternatives or mitigation measures that the Agency Official proposes for dealing with the undertaking's effects;

(6) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection;

(7) Documentation of consultation with the State Historic Preservation Officer regarding the identification and evaluation of historic properties, assessment of effect and any consideration of alternatives or mitigation measures;

(8) A description of the Agency Official's efforts to obtain and consider the views of affected local government, Indian tribes, interested public and private organizations and individuals and the general public; and

(9) The planning and approval schedule for the undertaking indicating the date by which the Agency Official must have the Council's comments.

§ 800.9 Criteria of Effect.

(a) An undertaking has an effect on a historic property when the following two criteria are both met:

(1) The undertaking may alter characteristics of the property, including relevant features of its environment or its use, which qualify the property for inclusion in the National Register, and

(2) The alteration may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling or association.

(b) Effects on historic properties include, but are not limited to:

(1) Physical destruction, damage, or alteration of all or part of the property;

(2) Alteration of the character of the property's surrounding environment where that character contributes to the property's qualification for the National Register;

(3) Introduction of visual, audible or atmospheric elements that are out of character with the property or alter its setting; and

(4) Neglect of a property resulting in its deterioration or destruction.

(c) Effects include those caused by the undertaking that occur at the same time and place and those caused by the undertaking that are later in time or farther removed in distance, but are still reasonably foreseeable.

Subpart C—Special provisions

§ 800.10 Protecting National Historic Landmarks.

(a) Section 110(f) of the Act requires that the Agency Official to the maximum extent possible undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark which may be directly and adversely affected by an undertaking. When commenting on such undertakings, the Council shall use the process set forth in §§ 800.4 through 800.6 and give special consideration to protecting National Historic Landmarks as follows:

(1) Any consultation conducted under § 800.6(a) shall include the Council;

(2) The Council shall request under section 213 of the Act the Secretary of the Interior to provide a report to the Council detailing the significance of the property, describing the effects of the undertaking on the property, and recommending measures to avoid, minimize or mitigate adverse effects; and

(3) The Council shall report the outcome of the Section 106 process to the President, the Congress, the Secretary of the Interior, and the head of the agency responsible for the undertaking.

§ 800.11 Properties discovered during construction.

(a) *Federal agency responsibilities.* When an Agency Official has completed the Section 106 process and finds or is notified after beginning construction that the undertaking will affect a previously unidentified historic property, this shall be treated as a new undertaking, and the Agency Official shall afford the Council an opportunity to comment by choosing one of the following courses of action:

(1) Comply with § 800.8;

(2) If the property is subject to the requirements of the Archeological and Historical Preservation Act [16 U.S.C. 469(a)–(c)], comply with that Act instead of these regulations. If the Secretary of the Interior determines that the significance of the property, the effect, or any proposed mitigation actions warrants Council consideration, the Agency Official shall request the comments of the Council in accordance with § 800.11(a)(3); or

(3) Develop a plan to take into account the effects of the undertaking on the historic property to the extent feasible, and provide it to the State Historic Preservation Officer and the Council for comment pursuant to § 800.11(b).

(b) *Council Comments.* When comments are requested, the Council shall provide interim comments to the Agency Official within 48 hours and final comments to the Agency Official within 30 days of the request. The Agency Official is not required to delay the undertaking until the Council has commented but should make a reasonable and good faith effort to avoid or minimize harm to the historic property.

§ 800.12 Emergency Undertakings.

(a) The Agency Official may seek Council comment on undertakings that are proposed as an essential and immediate response to a disaster declared by the President or the appropriate Governor by notifying the Council and the appropriate Historic Preservation Officer of the emergency undertaking and affording them an opportunity to comment within seven days if circumstances permit.

(b) This section does not apply to undertakings that may directly and adversely affect a National Historic Landmark or undertakings that will not be implemented within 30 days of the disaster or emergency.

§ 800.13 Programmatic agreements.

(a) *Application.* A Programmatic Agreement may be used to fulfill an agency's Section 106 responsibilities for a particular program or class of undertakings that would otherwise require numerous individual requests for comments.

(b) *Consultation process.* The Council and the Agency Official shall consult to develop a Programmatic Agreement. When a particular State is affected, the appropriate State Historic Preservation Officer shall be a consulting party. When the agreement involves issues national in scope, the President of the National Conference of State Historic Preservation Officers or a designated representative shall be invited to be a consulting party. The Council may invite other Federal agencies or parties to participate, as appropriate.

(c) *Public involvement.* The Council shall arrange for public notice and involvement appropriate to the subject matter. Views from affected units of State and local government and Indian tribes will be invited as appropriate.

(d) *Execution of the Agreement.* After consideration of any comments received and reaching final agreement, the Council the Agency Official, and any other consulting parties shall sign the agreement.

(e) *Effect of the Agreement.* An approved Programmatic Agreement satisfies the Agency's Section 106 responsibilities for all individual undertakings carried out in accordance with the agreement until it expires or is revoked by any of the signatories.

(f) *Notice.* The Council shall publish notice of an approved Programmatic Agreement in the **Federal Register** and make copies readily available to the public.

(g) *Failure to carry out an Agreement.* If the terms of a Programmatic Agreement are not carried out, the Agency Official shall comply with §§ 800.4 through 800.6 with regard to individual undertakings covered by the agreement.

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[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

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