

Monday  
October 28, 1985

# federal register

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# Federal Register

Monday  
October 28, 1985



**Briefings on How To Use the Federal Register**

For information on briefings in Atlanta, GA, and Philadelphia, PA, see announcement on the inside cover of this issue.

## Selected Subjects

**Administrative Practice and Procedure**

National Bureau of Standards

**Aviation Safety**

Federal Aviation Administration

**Cemeteries**

National Park Service

**Government Contracts**

Immigration and Naturalization Service

**Government Procurement**

Defense Department

General Services Administration

National Aeronautics and Space Administration

**Railroad Retirement**

Railroad Retirement Board

**Surface Mining**

Surface Mining Reclamation and Enforcement Office

**Watches and Jewelry**

Interior Department

International Trade Administration



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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

**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

#### PHILADELPHIA, PA

- WHEN:** Dec. 17; at 1 pm.  
Dec. 18; at 9 am. (identical session)
- WHERE:** Room 3306/10  
William J. Green, Jr., Federal Building,  
600 Arch Street, Philadelphia, PA.
- RESERVATIONS:** Laura Lewis,  
Philadelphia Federal Information Center.  
215-597-1709

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**Reader Aids**

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

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# Rules and Regulations

Federal Register

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

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 238

#### Contracts With Transportation Lines; Addition of Continental Airlines

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the listing of transportation lines which have entered into agreements with the Service for the preinspection of their passengers and crew at locations outside the United States by adding the name of Continental Airlines.

**EFFECTIVE DATE:** February 28, 1985.

#### FOR FURTHER INFORMATION CONTACT:

Loretta J. Shorgren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633-3048.

**SUPPLEMENTARY INFORMATION:** The Commissioner of Immigration and Naturalization entered into agreement with Continental Airlines to provide for the preinspection of their passengers and crew as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crew upon arrival at a U.S. port of entry and is a convenience to the travelling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds transportation lines' names to the present listing and is editorial in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will

not have a significant impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

#### List of Subjects in 8 CFR Part 238

Airlines, Aliens, Government contracts, Travel, Travel restriction.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

#### PART 238—CONTRACTS WITH TRANSPORTATION LINES

1. The authority citation for Part 238 continues to read as follows:

Authority: Secs. 103 and 238 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103 and 1228).

#### § 238.4 [Amended].

In § 238.4, Preinspection outside the United States, the listing of transportation lines is amended by adding the name "Continental Airlines" under "At Edmonton".

\* \* \* \* \*

Dated: October 10, 1985.

Richard E. Norton,

Acting Associate Commissioner,  
Examinations, Immigration and  
Naturalization Service.

[FR Doc. 85-25604 Filed 10-25-85; 8:45 am]

BILLING CODE 4410-10-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 85-NM-116-AD; Amdt. 39-5161]

#### Airworthiness Directive; Gates Learjet Models 24D, 24D-A, 24E, 24F, 24F-A, 25, 25B, 25C, 25D, 25F, 28, 29, 35, 35A, 36, and 36A Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) which requires repetitive inspections of the battery case for fuel contamination in the battery vent inlet on certain Gates Learjet airplanes. This AD is necessary to eliminate the potential for a fire and

explosion within the battery, caused by leaking fuel entering the battery vent.

**DATES:** Effective November 12, 1985. Compliance as specified in body of AD.

**ADDRESS:** The applicable service bulletins may be obtained from Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277. These documents may be examined at FAA, Central Region, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas, or FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington.

#### FOR FURTHER INFORMATION CONTACT:

Robert R. Jackson, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, Central Region, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4419.

**SUPPLEMENTARY INFORMATION:** A report was recently received from the manufacturer stating that, while conducting a deep cycle of the battery, an operator of a Gates Learjet Model 36 found approximately one cup of fuel in the case of the battery. The report indicated that one of the fuel drains located forward of the battery vent inlet had leaked and fuel had entered the battery vent and remained in the case. This condition, if not corrected, could create the potential for a fire and explosion within the battery, and a hazard to the airplane occupants.

Since this situation is likely to exist or develop on other airplanes of the same type design, this AD requires repetitive inspections of battery cases for evidence of fuel contamination, determination of the source of any contamination found, and correction before further flight.

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

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

involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required).

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations 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 airworthiness directive:

**Gates Learjet Corporation:** Applies to the following Models and serial numbers:

Model	Serial number
24D, 24D-A, 24E, 24F, 24F-A	24-218; 24-230 thru 24-357
25, 25B, 25C, 25D, 25F	25-059; 25-061; 25-066 thru 25-373
28	28-001 thru 29-005
29	29-001 thru 29-004
35, 35A	35-001 thru 35-570; 35-589 thru 35-800
36, 36A	36-001 thru 36-053; 36-065

To prevent fire and explosion within the battery case, accomplish the following within the next 25 flight hours after the effective date of this AD, and thereafter at intervals not to exceed 200 flight hours:

A. Inspect the interior of the battery cases for evidence of fuel contamination. Fuel contamination will be evidenced by odor and oily residue. If evidence of contamination is found, before further flight, inspect the jiffy drains forward of the battery compartment to determine the source of contamination, replace any jiffy drain found to be defective, and remove all contamination from battery cases and vent system, in accordance with Gates Learjet Corporation Maintenance Instructions, as applicable.

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

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

All persons affected by this directive who have not already received the applicable

service bulletins from the manufacturer, may obtain copies upon request to Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277. These documents may be examined at FAA, Central Region, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas, or at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington.

This Amendment becomes effective November 12, 1985.

Issued in Seattle, Washington, on October 17, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-25598 Filed 10-25-85; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 85-NM-59-AD; Amdt. 39-5162]

#### Airworthiness Directives; McDonnell Douglas Model DC-4, C54-DC, and C54 (Military) Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) which requires inspection, rework of the control horn, and repair, if necessary, of the elevator trim tab spars on McDonnell Douglas Model DC-4, C54-DC, and C54 (Military) series airplanes. This AD is prompted by reports of cracks in the elevator trim tab spar which, if uncorrected, could result in loss of elevator trim tab control in flight.

**DATE:** Effective December 5, 1985. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

**ADDRESS:** The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publication and Training, C1-750 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Western Aircraft Certification Office, 15000 Aviation Boulevard, Hawthorne, California.

**FOR FURTHER INFORMATION CONTACT:** Mr. Lyle C. Davis, Aerospace Engineer, Airframe Section, ANM-172W, FAA, Northwest Mountain Region, Western Aircraft Certification Office; telephone (213) 297-1032. Mailing address: FAA, Northwest Mountain Region, Western Aircraft Certification Office, ANM-172W, P.O. Box 92007, Worldway Postal

Center, Los Angeles, California 90009-2007.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD) to require inspection, rework of the control horn, and repair, if necessary, of the elevator trim tab spars on McDonnell Douglas Model DC-4, C54-DC, and C54 (Military) series airplanes was published in the Federal Register on July 5, 1985, (50 FR 27602). The comment period for the proposal closed on August 26, 1985.

Interested persons have been afforded the opportunity to participate in the making of this amendment. No comments were received.

After careful review of the available data, the FAA has determined that air safety and the public interest required the adoption of the rule as proposed.

It is estimated that 110 airplanes of U.S. registry will be affected by this AD, that it would take approximately 15 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$66,000.

For these reasons, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities because few, if any, Model DC-4 series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulation 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); 14 CFR 11.89.

2. By adding the following new airworthiness directive:

**McDonnell Douglas (Douglas Aircraft Company):** Applies to all McDonnell Douglas Model DC-4 and C54-DC series, and all C54 military models eligible or to be made eligible for civil use, certificated in any category. Compliance required within 100 flight hours time in service after the effective date of this AD, unless previously accomplished.

To prevent loss of the elevator trim tab control in flight, accomplish the following:

A. Perform a dye penetrant inspection for cracks in the left-hand and right-hand elevator trim tab spars at station 81.5 (approximately), in accordance with the instructions of paragraph D. of this AD. Note that AD 48-06-05 requires, in part, the replacement of an originally designed aluminum control horn P/N 2114427, with a steel control horn, P/N 2357165.

B. If no cracks are found in the trim tab spar, rework and reinstall the steel control horn (previously identified as P/N 2357165) in accordance with the instructions of paragraph D. of this AD.

C. If cracks are found in the trim tab spar, accomplish prior to further flight: (1) the rework to the control horn in accordance with the instructions of paragraph D. of this AD, and (2) a repair of the cracked spar. McDonnell Douglas Service Rework Drawing J090262 Revision B, dated January 30, 1985, or equivalent approved by the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region, describes an acceptable means of repair.

D. Instructions for inspection of spar and rework of control horn:

1. Remove elevator trim tab in accordance with DC-4 Maintenance Manual (M/M) Flight Control Group, paragraph 3.15.1.

2. Remove elevator trim tab control horn, P/N 2357165, from trim tab spar station 81.5 (approximately).

3. Strip top coat and primer from the area of the spar at station 81.5 (approximately) in accordance with normal shop practice.

4. Using dye penetrant procedures, inspect for cracks in the tab spar radius in accordance with normal shop practice.

5. Rework the steel control horn base by chamfering the upper and lower edges to  $0.06 \pm 0.03$  inches  $\times$   $45^\circ \pm 5^\circ$  and leave no sharp edges.

6. Protect the worked areas with two applications of zinc chromate primer or equivalent.

7. Reinstall flight control system components in accordance with DC-4 M/M Volume VI, paragraph 3.15, Elevator Trim Tab.

8. Required fastener hardware, their torque values, and torque slippage indication instructions are given in the DC-4 M/M, DC-4 Service Bulletin #83 and AD 51-09-02.

Note 1.—If a DC-4 M/M is not available, the equivalent section of the C-54 M/M may be used.

Note 2.—Repetitive inspections, the attachment fasteners with their torque values, and torque slippage indication requirements of Airworthiness Directives AD 48-06-05 and AD 51-09-02 remain applicable and are not intended to be changed by the requirements of this AD.

E. Prior to issuance of a Certificate of Airworthiness for military aircraft being converted for civil certification, the airplane must be inspected, parts reworked, and if cracks are found, a repair accomplished, in accordance with the requirements of this AD.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

G. Alternative inspections, modifications, or other actions which provide an acceptable level of safety may be used when approved by the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publication and Training, C1-750 (54-60). These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 15000 Aviation Boulevard, Hawthorne, California.

This Amendment becomes effective December 5, 1985.

Issued in Seattle, Washington, on October 21, 1985.

Wayne J. Barlow,

Deputy Director, Northwest Mountain Region.

[FR Doc. 85-25599 Filed 10-25-85; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

## DEPARTMENT OF THE INTERIOR

### Office of Territorial and International Affairs

#### 15 CFR Part 303

[Docket No. 50691-5149]

#### Watch Duty-Exemption Program

**AGENCY:** Import Administration, International Trade Administration, Commerce; and Office of Territorial and International Affairs, Interior.

**ACTION:** Final rule.

**SUMMARY:** This document sets forth revisions to 15 CFR Part 303, which governs the allocation of duty-free benefits among watch producers in the insular possessions (the Virgin Islands, Guam, and American Samoa) and the Northern Mariana Islands pursuant to Pub. L. 97-446. The revisions are necessary in order to provide a territorial share of the duty exemption for the Northern Mariana Islands ("NMI") prescribed by Pub. L. 94-241; to afford producers the increased

flexibility they need in producing and marketing insular watches and watch movements; to decrease the paperwork burden on respondents; and to clarify the meaning of the rule.

**EFFECTIVE DATE:** November 27, 1985.

**FOR FURTHER INFORMATION CONTACT:** Faye Robinson, (202) 377-1660.

**SUPPLEMENTARY INFORMATION:** We published these revisions in proposed form on July 18, 1985 (50 FR 29232) and invited comments. Our discussion of the only comment received follows.

The commenter, an insular watch producer in Guam, strongly urged us to put "necessary safeguards into the new rule" in order to forestall inequitable treatment of the producers in the several territories due to the fact that the Northern Mariana Islands (NMI) are not subject to the U.S. immigration and minimum wage laws.

While we agree that producers should, to the maximum feasible extent, be on a "level playing field" in the various territories, and that the commenter has raised a legitimate issue, we do not believe any substantive change from the proposed provisions is necessary. The applicable tariff schedule provision makes it clear that creditable wages are only those paid to "permanent residents." (Schedule 7, Part 2, Subpart E, Headnote 6(h).) Accordingly, any advantage an NMI producer might expect to gain through employment of non-resident aliens would be offset by the disallowance of such wage payments for purposes both of allocating the duty-exemption and of calculating the production incentive certificate. Furthermore, any discrepancies among local or national minimum wage requirements are reduced to relative insignificance by the production incentive certificate system.

In response to this comment, however, we are making an editorial change in the definition of "creditable wages" (§ 303.2(a)(13)) to clarify that these consist only of wages paid to permanent residents.

In accordance with Executive Order 12291 dated February 17, 1981, the Departments of Commerce and the Interior have determined that this rule does not constitute a "major rule" as defined by section 1(b) of the Order. It is not likely to result in:

(1) An annual effect on the economy of \$100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment,

productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Therefore, preparation of a Regulatory Impact Analysis is not required.

This regulation was submitted to the Office of Management and Budget for review, as required by Executive Order 12291.

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., the General Counsel of the Department of Commerce has certified that this action will not have a significant economic impact on a substantial number of small entities. Fewer than ten entities are directly affected by this action. The commercial benefits of the program governed by these regulations, for entities both directly and indirectly affected are less than \$10 million per year.

This rule contains information collection requirements under the Paperwork Reduction Act of 1980, 44 U.S.C. 3.501 et seq. These collections of information have been approved by the Office of Management and Budget under control numbers 0625-0040 and 0625-0134.

#### List of Subjects in 15 CFR Part 303

Imports, Customs duties and inspection, Watches and jewelry, Marketing quotas, Administrative practice and procedure, Reporting and recordkeeping requirements, American Samoa, Guam, Virgin Islands, Northern Mariana Islands.

#### PART 303—[AMENDED]

For reasons set forth above, the following amendments of Part 303 are made:

1a. The authority citation for Part 303 is revised to read as follows:

Authority: Pub. L. 97-446, 96 Stat. 2329 (19 U.S.C. 1202); Pub. L. 94-241, 90 Stat. 263 (48 U.S.C.A. 1681, note).

1b. In § 303.1 paragraph (a) and (b) are revised to read as follows:

##### § 303.1 Purpose.

(a) This part implements the responsibilities of the Secretaries of Commerce and the Interior ("the Secretaries") under Pub. L. 97-446, enacted on 12 January 1983, which substantially amended Pub. L. 89-805, enacted 10 November 1966, amended by Pub. L. 94-88, enacted 8 August 1975, and amended by Pub. L. 94-241, enacted 24 March 1976. The law provides for

exemption from duty of territorial watches and watch movements without regard to the value of the foreign materials they contain, if they conform with the provisions of Headnote 6 of Schedule 7, Part 2, Subpart E of the Tariff Schedules of the United States ("Headnote 6"). Headnote 6 denies this benefit to articles containing any material which is the product of any country with respect to which Column 2 rates of duty apply; authorizes the Secretaries to establish the total quantity of such articles, provided that the quantity so established does not exceed 10,000,000 units or one-ninth of apparent domestic consumption, whichever is greater, and provided also that the quantity is not decreased by more than ten percent nor increased by more than twenty percent (or to more than 7,000,000 units, whichever is greater) of the quantity established in the previous year.

(b) The law directs the International Trade Commission to determine apparent domestic consumption for the preceding calendar year in the first year U.S. insular imports of watches and watch movements exceed 9,000,000 units. Headnote 6 authorizes the Secretaries to establish territorial shares of the overall duty-exemption within specified limits; and provides for the annual allocation of the duty-exemption among insular watch producers equitably and on the basis of allocation criteria, including minimum assembly requirements, that will reasonably maximize the net amount of direct economic benefits to the insular possessions.

2. Section 303.2 is amended by revising paragraph (a)(8).

##### § 303.2 Definitions and forms.

(a) \* \* \*

(8) *Territories, territorial, and insular possessions* refer to the insular possessions of the United States (i.e., the U.S. Virgin Islands, Guam, and American Samoa) and the Northern Mariana Islands.

##### § 303.2 [Amended]

3. Section 303.2(a)(13) is amended by changing the word "resident" to "permanent resident."

##### §§ 303.2, 303.3, 303.5, 303.7, 303.9, 303.10, and 303.14, [Amended]

4. The terms "insular possession" and

"insular possessions" are changed to read "territory" and "territories," respectively, each time they appear in §§ 303.2(a)(14); 303.3 (b)(3) and (c)(1); 303.5(b)(7); 303.7(b)(1); 303.9(b)(4); 303.10(a)(2); and 303.14(b)(2).

##### § 303.6 [Amended]

5. Section 303.6 is amended by changing the word "initial" to "interim" each time it appears in paragraphs (c) and (d).

##### § 303.7 [Amended]

6. Section 303.7 is amended by taking out the words "as prescribed in the annual rules" in the first sentence of paragraph (b)(6).

7. Section 303.12 is amended by revising paragraph (a)(1).

##### § 303.12 Issuance and use of production incentive certificates.

(a) *Issuance of certificates.* (1) Certificates of Entitlement, Form ITA-360, shall be issued before March 1 of the current year.

8. Section 303.14 is amended by revising paragraph (b)(3), (d)(1), and (e).

##### § 303.14 Allocation factors and miscellaneous provisions.

(b) \* \* \*

(3) The maximum value of components referred to in Section 303.10(a)(1) shall be \$30 for watch movements and \$80 for watches.

(d) *New Entrant Invitations.* (1) Applications from new firms are invited for the territorial shares of American Samoa and the Northern Mariana Islands.

(e) *Territorial shares.* The shares of the total duty exemption are 3,500,000 for the Virgin Islands, 1,000,000 for Guam, 500,000 for American Samoa, and 500,000 for the Northern Mariana Islands.

Dated: October 23, 1985.

John L. Evans,

Deputy to the Deputy Assistant Secretary for Import Administration.

Kittie Baier,

Acting Assistant Secretary for Territorial and International Affairs.

[FR Doc. 85-25658 Filed 10-25-85; 8:45 am]

BILLING CODE 3510-DS-M; 4310-10-M

**DEPARTMENT OF THE INTERIOR**  
**Office of Surface Mining Reclamation**  
**and Enforcement**  
**30 CFR Part 924**

**Permanent State Regulatory Program**  
**of Mississippi**

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

**ACTION:** Final rule.

**SUMMARY:** OSM is announcing the approval of amendments to 30 CFR Part 924 to require that Mississippi, prior to allowing coal exploration or surface mining operations, amend its permanent State regulatory program to be consistent with the Federal laws and regulations in existence at that time.

OSM has initiated a review of all State permanent regulatory programs, approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), in light of extensive revisions to the Federal regulations. Such a review results from the requirements of the Federal regulations at 30 CFR 732.17(d), which provide that OSM notify the State regulatory authority of all changes in SMCRA and the Federal regulations thereunder, which will require an amendment to the approved State program to conform the State's program to the Federal standards. Consistency of the State and Federal standards is required by SMCRA. On August 22, 1985, OSM published a notice in the Federal Register, announcing the proposed action and inviting public comment on the adequacy of the proposed action (50 FR 33982-33983). The public comment period ended September 23, 1985. After providing opportunity for public comment and thorough consideration of action to postpone a review of Mississippi program provisions in light of revisions to the Federal regulations, the Director is taking final action as proposed.

Since its permanent regulatory program was approved by the Secretary, Mississippi has not had any surface coal mining activities in the State, nor does the State anticipate any coal mining to occur before the year 2000 A.D.

Mississippi will be required in the event mining is anticipated or if mining does develop, be required, to amend its rules and regulations of its permanent State regulatory program to be consistent with the Federal laws and regulations in existence at such time.

**EFFECTIVE DATE:** November 27, 1985.

**FOR FURTHER INFORMATION CONTACT:** Mr. John T. Davis, Field Office Director, Birmingham Field Office, Office of

Surface Mining, 228 West Valley Avenue, 3rd Floor, Room 302, Homewood, Alabama 35209.

**SUPPLEMENTARY INFORMATION:**

**I. Background of the Mississippi State Program and Proposed Action**

On August 2, 1979, the State of Mississippi submitted to the Department of the Interior its proposed permanent regulatory program under SMCRA. On May 17, 1980, Mississippi resubmitted its program. On September 4, 1980, following a review of the program resubmission, the Secretary of the Interior approved the Mississippi program (45 FR 58520-58526). Background information on the State program and the Secretary's findings can be found in the September 4, 1980 Federal Register notice.

In the latter part of 1983, OSM completed the last in a series of final rules, thus completing its regulatory reform effort for the Federal regulations at 30 CFR Chapter VII. On November 10, 1983, the Director, OSM, provided all States, with approved permanent regulatory programs, with a preliminary list of revised Federal rules which may necessitate changes in the approved State programs. Thus, OSM initiated the procedures required by the Federal regulations at 30 CFR 732.17(d), which provide that OSM notify the State regulatory authority of all changes in SMCRA and the Federal regulations which will require an amendment to the State's program to conform State program provisions to the Federal standards. Consistency of the State and Federal standards is required by section 503(a) of SMCRA and the Federal regulations at 30 CFR 732.15(a). To date eight States have been notified formally by the Director under 30 CFR 732.17 that specific provisions of the respective State programs are now inconsistent with the Federal regulations and must be revised by the States.

On July 23, 1985, Mississippi responded to an inquiry from OSM concerning the status of coal mining in the State. Mississippi said that there is no coal mining in the State. Further, no coal (lignite) mining is anticipated in the near future, probably not before the year 2000 A.D. Also, the letter stated that in the event mining is anticipated or if mining does develop, the rules and regulations of the Mississippi program will be amended to be consistent with the Federal rules and regulations in existence at such time.

Under section 503(a) of SMCRA and the Federal regulations at 30 CFR 736.11(a) it would not be necessary for Mississippi to have a State program or for the Director to promulgate a Federal

program in the State inasmuch as he does not reasonably expect coal exploration or surface coal mining operations to exist on non-Federal and non-Indian lands within the State at any time in the near future.

**II. Director's Findings**

The Director is taking final action to postpone the regulatory reform review of the Mississippi program and the resulting requirement that the State revise to its program until such time as mining is anticipated or mining does develop in the State. The Director finds that the action is consistent with section 503(a) of SMCRA in conjunction with the Federal regulations at 30 CFR 736.11(a).

**III. Public Comment**

No comments were received during the comment period in response to the Director's proposed action.

**IV. Director's Decision**

The Director, based on the above findings, is taking final action to postpone the regulatory reform review of the Mississippi program. The Federal rules at 30 CFR Part 924 are being revised to codify the Director's decision concerning the Mississippi program to implement the action. Specifically, a new section at § 924.16 will be added to codify the requirement that Mississippi, in the event coal exploration or surface mining activities should develop, will amend its program prior to any mining to be consistent with the Federal regulations in existence at the time.

**V. Procedural Requirements**

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not

impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which approval by Office of Management and Budget under 44 U.S.C. 3507.

#### List of Subjects in 30 CFR Part 924

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

Dated: October 21, 1985.

Jed D. Christensen,

Acting Director, Office of Surface Mining.

#### PART 924—MISSISSIPPI

30 CFR Part 924 is amended as follows:

1. The authority citation for Part 924 is revised to read as follows:

Authority: Pub. L. 95-87 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR Part 924 is amended by adding a new § 924.16 as follows:

#### § 924.16 Required program amendments.

Pursuant to 30 CFR 732.17, Mississippi, prior to allowing coal exploration or surface mining operations in the event such activities should develop, shall submit and have approved by the Office of Surface Mining, amendments to its permanent regulatory program to be in accordance with SMCRA and consistent with the Federal regulations at 30 CFR Chapter VII in existence at the time.

[FR Doc. 85-25655 Filed 10-25-85; 8:45 am]

BILLING CODE 4310-05-M

#### DEPARTMENT OF AGRICULTURE

##### Forest Service

#### 36 CFR Part 251

##### Land Uses; Reservation of Rights

AGENCY: Forest Service, USDA.

ACTION: Notice of completion of review of existing rules.

**SUMMARY:** In compliance with Executive Order 12291, the Forest Service has reviewed 36 CFR 251.14-251.19. These rules set forth conditions to be included in deeds of conveyance to the United States where grantors wish to reserve rights to use timber or minerals, reserve rights-of-way, or otherwise use and occupy the lands conveyed. The rules

also describe how the various reservations may be exercised while providing protection for National Forest interests. Notice of intent to review the rules was published in the *Federal Register* on April 29, 1985, at 50 FR 17107 as part of the Department of Agriculture's Semiannual Regulatory Agenda. Review of these existing rules were conducted internally by contacting Regional and Forest Lands Staffs. A review of agency records revealed that no public comment or complaint had been received concerning the rules and regulations.

Based upon this internal administrative review, the Forest Service has determined the rules and regulations should be retained in their present form and that they do not impose economic or regulatory burdens on the public.

**FOR FURTHER INFORMATION CONTACT:** George E. Anderson, Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013, (703) 235-2496.

Dated: October 21, 1985.

F. Dale Robertson,

Associate Chief.

[FR Doc. 85-25623 Filed 10-25-85; 8:45 am]

BILLING CODE 3410-11-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Health Care Financing Administration

#### 42 CFR Parts 405 and 412

[BERC-315-CN]

##### Medicare Program; Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1986 Rates

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of final rule.

**SUMMARY:** This document corrects technical errors that appeared in the final rule, published September 3, 1985, that revised the inpatient hospital prospective payment system and set forth the fiscal year 1986 rates for that system.

**FOR FURTHER INFORMATION CONTACT:** Linda Magno (301) 594-9343.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 85-20881, beginning on page 35646 in the issue of September 3, 1985, make the following corrections:

1. On page 35677, in the first and second columns at the bottom of the

page, the two examples are corrected to read as follows:

##### Example 1

Hospital A had a 1981 case-mix index value of 1.08 and a discharge level of 7,000 in 1981. Because Hospital A also met one of the optional criteria, it qualified for rural referral center status beginning in January 1985 under the criteria published in the August 31, 1984 final rule. During its first year as a referral center, the hospital's case-mix index value rose to 1.1300 for FY 1985 (October 1, 1984 through September 30, 1985) and its number of discharges for its FY 1985 cost reporting period (January 1 through December 31, 1985) declined to 6500. Since both of these criteria are higher than the minimum set forth in this final rule, Hospital A meets the retention criteria for case mix and discharges for its first year of referral center status (assuming it continues to meet one of the optional criteria). The hospital's continued status as a referral center depends essentially on whether it meets the criteria for at least one more year in the following two years.

##### Example 2

Hospital B had a 1981 case-mix index value of 1.08 and a discharge level of 5,900 in 1981. Since it did not meet the discharge criterion, it could not qualify for referral center status beginning in January 1985. During its FY 1985 cost reporting period (January 1 through December 31, 1985), Hospital B's number of discharges rose to 6,050 and, during FY 1985 (October 1, 1984 through September 30, 1985), its case-mix index value rose to 1.1300. Since it will qualify under the criteria set forth in this final rule, Hospital B will be given referral center status beginning January 1, 1986 if it meets one of the optional criteria. It will keep referral center status at least three years. Hospital B's status as a referral center after that will depend essentially on whether or not it meets the criteria applicable to two of those three years.

2. On page 35681, in the third column, the second line of the fourth paragraph is corrected by removing the word "not".

3. On page 35698, in the table that begins at the top of the first column, the section of the table labeled "Policy target adjustment factor" is corrected to read as follows:

Policy target adjustment factor	Per cent
Productivity	-1.0
Cost effective technologies	+1.5
Cost ineffective practice patterns	-2.0

4. On page 35706, in the first column, in the thirteenth line from the top, "x3.0" is corrected to read "-3.0".

5. On page 35706, in the second column, in the ninth line of the fourth full paragraph from the bottom, "cost-effective practice patterns" is corrected

to read "elimination of cost-ineffective practice patterns".

6. On page 35712, in the second full column, the current and revised titles of DRG 263 are corrected to read as follows:

*Current title*

Skin Grafts for Skin Ulcer or Cellulitis  
Age >69 and/or C.C.

*Revised title*

Skin Grafts and/or Debridement for  
Skin Ulcer or Cellulitis Age >69  
and/or C.C.

7. On page 35740, in the lefthand column, in the fourth line of item 18, "code 724.8 (Other unspecified back disorders)" is corrected to read "code 724.8 (Other symptoms referable to back)".

(Secs. 1102, 1871, and 1886 of the Social Security Act (42 U.S.C. 1302, 1395hh, and 1395ww)).

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance Program)

Dated: October 21, 1985.

**K. Jacqueline Holz,**

*Deputy Assistant Secretary for Management Analysis and Systems.*

[FR Doc. 85-25653 Filed 10-25-85; 8:45 am]

BILLING CODE 4120-01-M

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 611**

[Docket No. 41049-5104]

**Foreign Fishing; Correction**

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

**ACTION:** Final rule; corrections.

**SUMMARY:** This document makes several necessary corrections to the foreign fishing regulations, final rule implementing Subparts A and B, as published August 28, 1985, 50 FR 34964.

**FOR FURTHER INFORMATION CONTACT:**

Alfred J. Bilik, 202-634-7432.

Dated: October 23, 1985.

**Carmen J. Blondin,**

*Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.*

1. In FR Doc. 85-20321, page 34968, column 3, last line of response to comment 29, "FFC" is corrected to "FFV."

The following corrections in FR Doc. 85-20321 are also made:

2. Page 34978, in the "Distribution Table," under column heading "Old

section" and "New section," reference to § 611.2(n) is removed.

**§ 611.4 [Corrected]**

3. In § 611.4(c)(7), page 34983, column 2, last word in paragraph (7) is corrected to "FCZ."

4. In § 611.4(f)(4)(i), page 34984, column 1, in the middle of paragraph (4), "inprocessed" is corrected to "unprocessed."

5. In § 611.4(g), page 34984, column 2, line 9, "19 GMT" is corrected to "1900 GMT."

**§ 611.9 [Corrected]**

6. In § 611.9(e)(5)(iii), page 34989, column 3, paragraph (iii), "(0.1 mt)" is corrected to "(0.01 mt)."

**Appendix B to Subpart A—[Corrected]**

7. In Appendix B to Subpart A, page 34995, column 1, in the first message published, line 7, the last portion "N113/" is corrected to "N13/."

8. In Appendix B to Subpart A, page 34995, column 2, in the message from M/V SOPOV, LJUJ, the line that begins with "Received from" is corrected to read. "/NAVIS/LTUX//701/130.OOHG12//702/15.75HG27/701/5.63R22//5. IM06//."

[FR Doc. 85-25606 Filed 10-25-85; 8:45 am]

BILLING CODE 3510-22-M

# Proposed Rules

Federal Register

Vol. 50, No. 208

Monday, October 28, 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 39

[Docket No. 85-NM-102-AD]

#### Airworthiness Directives: McDonnell Model DC-10-10, -10F, -15, -30, -30F, -40, and KC-10A (Military) Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** This notice proposes a new airworthiness directive (AD) that would require modification of anti-skid valve assemblies on the main landing gear and centerline gear on McDonnell Douglas DC-10 and KC-10A (military) series airplanes. This proposal is prompted by reports of failures of anti-skid valve assembly end cap screws which, if not corrected, could result in fluid loss from the affected hydraulic system when the brakes are applied. This proposed AD is required to minimize the potential for reduced braking capability.

**DATE:** Comments must be received no later than December 16, 1985.

**ADDRESS:** Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-102-AD, 17900 Pacific Highway South, C-88966, Seattle, Washington 98168. The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Gilbert L. Thompson, Aerospace Engineer, Systems & Equipment Branch, ANM-130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548-2831.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rule Docket.

##### Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-102-AD, 17900 Pacific Highway South, C-88966, Seattle, Washington 98168.

##### Discussion

Three operators have reported five instances of failed main landing gear anti-skid valve assembly end cap screws. Investigation revealed these screws were improperly heat treated and failed due to either stress corrosion or hydrogen embrittlement. Failure of these screws can result in fluid loss, with subsequent pressure loss, from the affected hydraulic system when the brakes or parking brakes are applied. The loss of the affected hydraulic system pressure can further result in single hydraulic system brake operation with potential increases in airplane

landing braking distances or rejected takeoff stopping distance.

The screws not conforming to specification have been isolated to a batch used on newly-manufactured valves having serial number dates of January 1981 through April 1985. In addition, any valves overhauled by the valve manufacturer during this time period, or overhauled by operators having end cap screws replaced with screws obtained from the valve manufacturer during this time period, are affected. This AD proposes to require replacement of the suspect end cap screws P/N 6001197 (eight per valve assembly, cadmium plated alloy steel) with P/N A71531-1 screws (type A286 stainless steel). This modification will minimize the potential of end cap screw failure and the resulting hydraulic system loss with potential adverse effects upon airplane stopping distance performance.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive (AD) is being proposed which would require modification of anti-skid valve assemblies on the main landing gear and centerline gear on McDonnell Douglas DC-10 and KC-10A (military) series airplanes.

It is estimated that 105 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 11 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Parts required for the modification would be provided by the valve manufacturer upon request. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$46,200.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Model DC-10 and KC-10A (military) series airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for



this action is contained in the regulatory docket.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations as follows:

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:

**McDonnell Douglas:** Applies to McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -40, and KC-10A (Military) series airplanes, certificated in any category, equipped with anti-skid valve assemblies, Goodyear Aerospace Corporation Part Numbers 6000189, 6000189-2, and 6000189-3, having serial number dates of January 1981 through April 1985, or any valves overhauled during January 1981 through April 1985 having end cap screws replaced with screws obtained from Goodyear Aerospace Corporation. Compliance required as indicated, unless previously accomplished.

To preclude the potential of hydraulic system fluid loss with subsequent loss of braking system performance on anti-skid valve assemblies, accomplish the following:

A. Within 6 months after the effective date of this airworthiness directive (AD), modify and reidentify the anti-skid valve assemblies as outlined in the Accomplishment Instructions of Goodyear Service Bulletin DC10-10-32-29 and DC10-30/40-32-41, dated May 3, 1985, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

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

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

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

Issued in Seattle, Washington, on October 17, 1985

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-25597 Filed 10-25-85; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF COMMERCE

### National Bureau of Standards

#### 15 CFR Part 10

[Docket No. 50952-5152]

#### Amendment to Procedures for the Development of Voluntary Product Standards

**AGENCY:** National Bureau of Standards, Commerce.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The Department proposes to amend its published "Procedures for the Development of Voluntary Product Standards." The amendment modifies the section concerning the withdrawal of published standards which became effective in June 1980 following the decision not to use appropriated funds to administer the Voluntary Product Standards program. The proposed amendment also establishes a new appeals mechanism and provides for the development of interpretations of standards.

**DATE:** Comments are due on or before December 12, 1985.

**ADDRESS—**Send comments to: Director, Office of Product Standards Policy, Room A603, Administration Building, National Bureau of Standards, Gaithersburg, Maryland 20889.

**FOR FURTHER INFORMATION CONTACT:**

Donald R. Mackay, Standards Management Program, Room A625, Administration Building, National Bureau of Standards, Gaithersburg, Maryland 20899 (301/921-3287).

**SUPPLEMENTARY INFORMATION:**

#### Background

The Department's Voluntary Product Standards Program was originally initiated by Herbert C. Hoover when he was the Secretary of Commerce. The program then, as now, seeks to assist producers, distributors, users and consumers in establishing common sizes and other characteristics of mass-produced items. Secretary Hoover believed that it was in the public interest for the government to encourage and assist industry groups in the development and use of voluntary standards.

In 1965 the Department revised its procedures to incorporate more stringent requirements to ensure due process and to establish specific requirements for the development of consensus. The standards produced under the revised procedures were titled "Voluntary Product Standards." In 1980 the Department further revised its procedures to accommodate a decision not to use appropriated funds for the administration of the Voluntary Product Standards program (15 CFR Part 10). The revised procedures provided for the withdrawal of all existing standards, except those for which a proponent group agreed to financially sponsor the standards development and maintenance process and the Department agreed that such sponsorship was in the public interest.

As a consequence of the 1980 revision, all but four Voluntary Product Standards have been withdrawn by the Department. Sponsorship of the standards that were withdrawn has been assumed by private standards writing organizations, although in some cases some standards were withdrawn because they were simply obsolete. On January 20, 1984, the Department of Commerce published in the *Federal Register* the current status of those standards it continues to sponsor, as well as those standards whose sponsorship has been taken over by private standards writing organizations (49 FR 2499).

The proposed amendment modifies the detailed mechanism for the withdrawal process set out in the 1980 revision (§ 10.13). The proposed amendment also establishes a process for appealing any substantive or procedural action by the Department relating to the development, revision or withdrawal of a voluntary standard under these procedures (§ 10.14).

The proposed amendment also requires the submission of rationale statements if deemed necessary, pertaining to the requirements and test methods in the standard (§ 10.3(a)(71)). Further, the amendment establishes a procedure for developing interpretations of published Voluntary Product Standards (§ 10.15).

The procedures, when published in 1965, included a mechanism of validating consensus through a concept of "acceptance by volume of production" and "acceptance by volume of distribution." This mechanism allowed for the weighting of ballots according to the volume of the product that was either produced or distributed by a company responding to a letter ballot. This mechanism has been used

only once in over 20 years in determining consensus. The Department has determined that this complicated mechanism is no longer needed for determining consensus and has, therefore, omitted this mechanism from these proposed procedures.

The proposed amendment also changes the status of representatives of Federal agencies serving on Standard Review Committees and Standing Committees. In that regard, deleted from §§ 10.4(a) and 10.8(a) is the provision that such representatives are "advisory, non-voting members" of such committees, thus allowing them to vote and participate fully in the committee deliberations.

Also included in the proposed amendment are several additions and deletions, as well as some minor editorial changes, all of which are believed to improve the document.

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

This proposed amendment is not considered to be a "major rule" under Executive Order 12291 because it will not: (1) Have an annual effect of \$100 million or more on the economy; (2) provide a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions, or (3) have significant adverse economic 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 matters. The General Counsel of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities because it does not affect small companies and only affects trade associations that desire to develop voluntary standards through these procedures. This rule does not have a collection of information for the purposes of the Paperwork Reduction Act. Preparation of a Regulatory Impact Analysis is not required and no preliminary or final Regulatory Impact Analysis has been or will be prepared.

#### List of Subjects in 15 CFR Part 10

Administrative practice and procedure, Voluntary standards.

Dated: October 21, 1985

Raymond G. Kammer,  
Acting Director, National Bureau of Standards.

It is proposed to amend Part 10 of Title 15 CFR as follows:

#### PART 10—[AMENDED]

1. The authority citation for Part 10 is revised to read as follows:

Authority: Sec. 2, 31 Stat. 1449 as amended, Sec. 1, 64 Stat. 371; 15 U.S.C. 272, Reorganization Plan No. 3 of 1946, Part VI (3 CFR 1943-1948 Comp., p. 1065).

2. Section 10.0(b)(3), change the semicolon after the phrase "in the public interest" to a period and remove the remaining language.

3. Section 10.0(c)(9), remove the phrase "the accredited organization procedures of".

4. Section 10.0, add a new paragraph (e) to read as follows:

#### § 10.0 General.

(e) *Role of the National Bureau of Standards.* The National Bureau of Standards (NBS) administers these procedures for the Department. Any communications concerning these procedures (e.g., questions, clarifications, appeals) should be addressed to the Office of Product Standards Policy, National Bureau of Standards, Gaithersburg, Maryland 20899.

5. Section 10.1, revise paragraph (b) to read as follows:

#### § 10.1 Initiating development of a new standard.

(b) The request shall include a commitment to provide sufficient funding to cover all costs associated with the development and maintenance of the proposed Voluntary Product Standard.

6. Section 10.3(a)(4), change the word "form" in the first sentence to "format" and revise the parenthetical statement to read: "Copies of the recommended format may be obtained from the Office of Product Standards Policy, National Bureau of Standards, Gaithersburg, Maryland 20899."

7. Section 10.3(a)(5), remove the word "and" at the end of this section.

8. Section 10.3(a)(6), add the word "and" at the end of this section and change the period to a semicolon.

9. Section 10.3, add a new paragraph (a)(7) to read as follows:

#### § 10.3 Development of proposed standard.

(a) \* \* \*  
(7) Shall be accompanied by rationale statements pertaining to the requirements and test methods contained in the standard, if deemed necessary by the Department.

#### § 10.4 [Amended]

10. Section 10.4(a), remove the sentence reading: "Representatives of Federal agencies shall be advisory, non-voting members."

#### § 10.6 [Amended]

11. Section 10.6, remove paragraphs (e) (8) and (9).

12. Section 10.6, add the word "and" at the end of paragraph (f)(1)(i), remove the word "and" at the end of paragraph (f)(1)(ii), change the semicolon at the end of paragraph (f)(1)(ii) to a period and remove paragraph (f)(1)(iii).

13. Section 10.6, add the word "and" at the end of paragraph (f)(2)(i), remove the word "and" at the end of paragraph (f)(2)(ii), change the semicolon at the end of paragraph (f)(2)(ii) to a period and remove paragraph (f)(2)(iii).

#### § 10.8 [Amended]

14. Section 10.8(a), remove the sentence reading: "Representatives of Federal agencies shall be advisory, non-voting members."

#### § 10.9 [Amended]

15. Section 10.9, remove the designation "(a)" preceding the paragraph.

16. Section 10.9(b), remove paragraph (b).

17. Section 10.13, remove paragraph (a).

18. a. Section 10.13, redesignate paragraph (b) as paragraph (a) and revise the first sentence to read:

#### § 10.13 Withdrawal of a published standard.

(a) Standards published under these and previous procedures may be withdrawn by the Director of the National Bureau of Standards at any time. \* \* \*

b. In newly redesignated § 10.13(a), change the phrase "paragraph (b)(1) of this section" in the second sentence to read "paragraph (a)(1) of this section."

19. Section 10.13(b)(2), revise the last sentence to read:

#### § 10.13 Withdrawal of a published standard.

(b) \* \* \*

(2) \* \* \* If the Director determines that a particular standard does not meet the criteria set out in § 10.0(b), the standard will be withdrawn.

20. Section 10.13, redesignate paragraph (c) as paragraph (b), and remove the words "or (b)" in the first sentence and substitute "Director" for "Assistant Secretary" in this paragraph.

21. Section 10.13, redesignate paragraph (d) as paragraph (c) and revise to read as follows:

**§ 10.13 Withdrawal of a published standard.**

(c) Notice of the withdrawal action will be published in the Federal Register and such withdrawal will take effect 60 days from the date the withdrawal notice is published.

22. Section 10.14 is revised to read as follows:

**§ 10.14 Appeals.**

(a) Any person who is directly affected by a standard has the right to appeal any substantive or procedural action relative to the development, revision or withdrawal of a Voluntary Product Standard under these procedures.

(b) The directly affected person shall file a written complaint with the National Bureau of Standards (NBS) (See § 10.0(e)), within 30 days after the date of the announcement of the action. Such complaint must explain fully why the action complained of should not be taken.

(c) Within 30 days after receipt of the complaint, NBS will respond in writing to the complainant, specifically addressing each allegation of fact in the complaint, and shall endeavor to resolve the complaint. If the complaint and NBS with the advice of the Standing Committee or Standard Review Committee, as appropriate, are unable to resolve the written complaint informally, the complaint will be forwarded to the Deputy Director of the National Bureau of Standards.

(d) The Deputy Director of NBS will, within 30 days of receiving a valid complaint, schedule an informal hearing with an appeals panel at an appropriate location. Announcement of the hearing shall be made to members of the Standards Review Committee or Standing Committee and all acceptors of record, when appropriate, as well as to other known interests.

(e) The Deputy Director of NBS will name two other persons, who have not been directly involved in the matter in dispute and who will not be directly or

materially affected by any decision made or to be made in the dispute, to sit on the panel with the Deputy Director, who will act as the presiding officer. The presiding officer will have the right to exercise such authority as necessary to ensure the equitable and efficient conduct of the hearing and to maintain an orderly proceeding.

(f) The hearing will be an informal, nonadversary proceeding at which there will be no formal pleadings or adverse parties. The hearing will be given to the public. Witnesses should submit a written presentation for the record. A recording will be made of the hearing.

(g) The appeals panel will make a recommendation to the Director of NBS. The Director's decision on the appeal will be announced within 60 days following the hearing and will be communicated to the complainant and other interested parties by letter.

23. Section 10.15 is redesignated as § 10.16 and § 10.15 is added to read as follows:

**§ 10.15 Interpretations.**

(a) An interpretation of the contents of a Voluntary Product Standard may be requested through the submission of a written request to NBS (See § 10.0(e)). The request shall specifically identify the section of the standard requiring interpretation.

(b) If an interpretation can be based on the intent of the committee responsible for reviewing and approving the standard, as evidenced by a rationale statement, minutes of meetings, or other committee documents, the Chairman of the committee will draft an interpretation statement and NBS will subject it to a letter ballot of the committee.

(c) If the interpretation cannot be based on the intent of the committee, as evidenced by a rationale statement, minutes of meetings, or other committee documents, NBS will initiate an amendment of the standard to incorporate such provisions in the standard as are necessary to clarify the standard and eliminate the need for the interpretation.

(d) Interpretations that have been approved by the committee will be mailed by NBS to the acceptors of record with a transmittal letter indicating that in the absence of the receipt of any substantive objections, the interpretation will be effective 30 days from the date of distribution. Approved interpretations will be issued as appendices to the standards to which they apply. Interpretations receiving substantive objections will be reconsidered by the Committee.

(e) Whenever a standard is subject to revision, all current interpretations will be reviewed and provisions will be developed for incorporation of the substance of the interpretations in the standard.

[FR Doc. 85-25465 Filed 10-25-85; 8:45 am]  
BILLING CODE 3510-13-M

**RAILROAD RETIREMENT BOARD**

**20 CFR Parts 234, 237 and 238**

**Lump-Sum Payments**

**AGENCY:** Railroad Retirement Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Railroad Retirement Board [Board] hereby proposes to amend its regulations covering the lump-sum death payment, annuities due but unpaid at death, the residual lump-sum payment, and the lump-sum refund payment. The lump-sum refund payment was not previously described in the Board's regulations. Regulations concerning the other subjects are contained in several sections of the Board's regulations. The proposed amendments would reorganize the rules concerning these subjects into one part that should make them easier to use and understand. In addition, these rules contain provisions implementing amendments to the Railroad Retirement Act [Act] not documented in current regulations.

**DATE:** Comments must be received by the Secretary to the Board on or before November 27, 1985.

**ADDRESS:** Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

**FOR FURTHER INFORMATION CONTACT:** Joseph Drantz, Methods and Procedures, Bureau of Retirement Claims, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4818 (FTS 387-4818).

**SUPPLEMENTARY INFORMATION:** The Board's regulations concerning lump-sum payments were issued under the Railroad Retirement Act of 1937 and are, in certain respects, obsolete. The proposed Part 234 contains the descriptions of and eligibility requirements for the various types of lump-sum payments provided under sections 6(a)(1) through 6(d)(2) of the Railroad Retirement Act of 1974, as amended through 1983. In addition, proposed Part 234 has been written in plain English and the information concerning the various types of lump-sum payments, which is currently spread over the three Parts 234, 237 and

238, has been consolidated under a single part to make the proposed regulations easier to use and understand.

Proposed Part 234 is divided into the six Subparts A through F:

*Proposed Subpart A, General* (§§ 234.1 and 234.2), clearly and simply defines certain terms regarding lump-sum payments as they are used in proposed Part 234. Current regulations fail either to define some of the terms or to define the terms as they specifically relate to lump-sum payments.

The *proposed Subpart B, Lump-Sum Death Payment* (§§ 234.10 through 234.21), would replace the current Subpart E, Lump-Sum Death Payments, (§§ 237.501 through 237.504) of the current Part 237. Proposed Subpart B discusses the lump-sum death payment under the 1974 Act as revised by the 1981 Railroad Retirement Act amendments. The new sections detail the two different types of lump-sum payments which are currently payable: the 1937 Act lump-sum death payment and the 1974 Act lump-sum death payment. The current regulations were issued under the Railroad Retirement Act of 1937 and are obsolete in that they do not detail payment of the 1974 Act lump-sum death payment.

The Board proposes to revise the current Part 234, Annuities Due But Unpaid At Death, with the entirely new *Subpart C, Annuities Due But Unpaid At Death* (§§ 234.30 through 234.34). Proposed Subpart C describes the order and amount of payment for regular employee retirement and supplemental annuities, spouse or divorced spouse annuities and survivor annuities which are due but unpaid at the death of an applicant or annuitant. The new Subpart C also details who is payable when an entitled relative of the deceased railroad employee dies before receiving payment of a due but unpaid annuity. The current regulations were issued under the Railroad Retirement Act of 1937 and are, in certain respects, obsolete.

The *proposed Subpart D, Residual Lump-Sum Payment* (§§ 234.40 through 234.48), would replace the current Part 238, Residual Lump-Sum Payments. Proposed Subpart D describes the order and amount of payment for the residual lump-sum payment. The current regulations were issued under the Railroad Retirement Act of 1937 and are, in various ways, obsolete.

*Proposed Subpart E, Lump-sum Refund Payment* (§§ 234.50 through 234.53), is totally new. There is no similar discussion under current regulations. The proposed Subpart E is necessary to document the lump-sum refund payment which is a benefit

payable under the 1974 Act. The new Subpart E explains in a simple, straightforward manner when and to whom a lump-sum refund payment can be made.

The *proposed Subpart F, Miscellaneous* (§§ 234.60 through 234.62), discusses escheat, assignment of interest by an eligible person and the effect of felonious homicide on entitlement as they relate to lump-sum payments under the Railroad Retirement Act of 1974. Proposed § 234.60, Escheat, of the new Subpart F would replace § 234.6, Escheat, of the current regulations. The discussions on the assignment of interest by an eligible person in proposed § 234.61 and the effect of felonious homicide on entitlement in proposed § 234.62 are included to make the proposed Part 234 complete.

In addition, the Board proposes to amend the current Subpart B, Basic Computation, of the current Part 237, Insurance Annuities And Lump Sums For Survivors, by removing §§ 237.201 through 237.205. The computations discussed in the current Subpart B of the Current Part 237 are obsolete in that they were written under the Railroad Retirement Act of 1937; and they do not reflect the basic computations for either survivor annuities or lump-sum payments under the 1974 Act. Removal of those sections will prevent confusion and misunderstanding. Computations basic to any lump-sum payments have been documented in the new Part 234.

The Board has determined that this is not a major rule under Executive Order 12291. Therefore, no regulatory impact analysis is required. The information collections associated with this rule have been approved by the Office of Management and Budget.

In order to enable users to check the completeness, accuracy and reasoning behind these proposed revisions to the regulations, Derivation and Distribution tables follows:

DERIVATION TABLE

New section and name	Current section and name
Part 234—Lump-Sum Payments	
Subpart A—General	
234.1 Introduction.—New	
234.2 Definitions.—New	
Subpart B—Lump-Sum Death Payment	
234.10 General	237.501—Statutory provisions.
234.11 1974 Act lump-sum death payment (a) New (b) New	
234.12 1937 Act lump-sum death payment	237.502—Lump-sum death payments.

DERIVATION TABLE—Continued

New section and name	Current section and name
234.13 Payment to a funeral home.—New	
234.14 Payment to an equitably entitled person	237.502(b)(2) Lump-sum death payments.—Persons equitably entitled.
234.15 When an employee's estate is entitled	237.502(b)(2) Lump-sum death payments.—Persons equitably entitled.
234.16 When a widow(er) is eligible as an equitably entitled person	237.502(b)(2) Lump-sum death payments.—Persons equitably entitled.
234.17 When an equitably entitled person's estate is payable	237.502(b)(2) Lump-sum death payments.—Persons equitably entitled.
234.18 Payment of a deferred lump-sum to a widow(er)	237.503 Payment when lump sum exceeds insurance annuities accrued.
234.19 Effect of payment on future entitlement	237.502(d) Lump-sum death payments.—Effect on later entitlement.
234.20 Computation of the employee's 1937 Act LSDP basic amount.—New	
234.21 Definition of "living with" and "living in the same household."—New	
Subpart C—Annuities Due But Unpaid At Death	
234.30 General.—New	
234.31 Regular employee retirement and supplemental annuities	234.1 Employee annuities due but unpaid at death.
234.32 Spouse or divorced spouse annuities	234.2 Spouse annuities due but unpaid at death.
234.33 Survivor annuities	234.3 Insurance annuities due but unpaid at death.
234.34 When an entitled relative of the employee dies before receiving payment of a due but unpaid annuity.—New	
Subpart D—Residual Lump-Sum Payment	
234.40 General	238.1 Statutory provisions.
234.41 Persons to whom an RLS is payable	238.2 Residual lump-sum payments.
234.42 How the employee may designate beneficiaries	238.3 Designation of beneficiary.
234.43 Payment to designated beneficiaries	238.2(b)(1) Residual lump-sum payments.—Designated beneficiary.
234.44 Payment to surviving relatives	238.2(b)(2) Residual lump-sum payments.—Surviving relatives.
234.45 Payment to the employee's estate	238.2(b)(3) Residual lump-sum payments.—Estate.
234.46 Amount of the RLS payable.—New	
234.47 Election of the RLS by a widow(er) or parent	238.4 Election to have residual lump-sum payment awarded.
234.48 Computation of the gross RLS amount	238.2(c) Residual lump-sum payments.—Amount of payment.
Subpart E—Lump-Sum Refund Payment	
234.50 General.—New	
234.51 Persons to whom a lump-sum refund payment is payable.—New	
234.52 Effect of the lump-sum refund payment on other benefits.—New	
234.53 Computation of the lump-sum refund payment.—New	

## DERIVATION TABLE—Continued

New section and name	Current section and name
Subpart F—Miscellaneous	
234.60 Escheat	234.6 Escheat.
234.61 Assignment of interest by an eligible person.—New	
234.62 Effect of felonious homicide on entitlement.—New	

## DISTRIBUTION TABLE

Current section and name	New section and name
234.1 Employee annuities due but unpaid at death	234.31 Regular employee retirement and supplemental annuities.
234.2 Spouse annuities due but unpaid at death	234.32 Spouse or divorced spouse annuities.
234.3 Insurance annuities due but unpaid at death	234.33 Survivor annuities.
234.4 Joint and survivor annuities due but unpaid at death	Obsolete.
234.5 Time of filing application	234.30 General.
234.6 Escheat	234.60 Escheat.
237.201 Statutory provisions	Obsolete.
237.202 Basic amount	Obsolete.
237.203 Average monthly remuneration	Obsolete.
237.204 Closing date	Obsolete.
237.205 Reduction because of military service used for other benefits	Obsolete.
237.501 Statutory provisions	234.10 General.
237.502 Lump-sum death payments	234.12 1937 Act lump-sum death payment; 234.13 Payment to a funeral home; 234.14 Payment to an equitably entitled person; 234.15 When an employee's estate is entitled; 234.16 When a widow(er) is eligible as an equitably entitled person; 234.17 When an equitably entitled person's estate is payable.
237.503 Payment when lump-sum exceeds insurance annuities accrued	234.18 Payment of a deferred lump-sum to a widow(er).
237.504 Meaning of terms	Unnecessary.
238.1 Statutory provisions	234.40 General; 234.48 Computation of the gross RLS amount.
238.2 Residual lump-sum payments	234.41 Persons to whom an RLS is payable; 234.43 Payment to designated beneficiaries; 234.44 Payment to surviving relatives; 234.45 Payment to the employee's estate; 234.46 Amount of the RLS payable; 234.48 Computation of the gross RLS amount.
238.3 Designation of beneficiary	234.42 How the employee may designate beneficiaries.
238.4 Election to have residual lump-sum payment awarded	234.47 Election of the RLS by a widow(er) or parent.
238.5 [Reserved]	
238.6 Meaning of "combined credits"	Unnecessary.
238.7 Act of March 7, 1942	Obsolete.
238.8 Payment of residual lump-sum when Social Security Act lump-sum is unpaid	234.46 Amount of the RLS payable.

## List of Subjects in 20 CFR Part 234

Railroad employees, Railroad retirement, Railroads.

For the reasons set out in the preamble, Chapter II of Title 20 of the Code of Federal Regulations is proposed to be amended as follows:

1. Part 234, *Annuities Due But Unpaid At Death*, is revised to read as follows:

## PART 234—LUMP-SUM PAYMENTS

## Subpart A—General

Sec.

234.1 Introduction.

234.2 Definitions.

## Subpart B—Lump-Sum Death Payment

234.10 General.

234.11 1974 Act lump-sum death payment.

234.12 1937 Act lump-sum death payment.

234.13 Payment to a funeral home.

234.14 Payment to an equitably entitled person.

234.15 When an employee's estate is entitled.

234.16 When a widow(er) is eligible as an equitably entitled person.

234.17 When an equitably entitled person's estate is payable.

234.18 Payment of a deferred lump-sum to a widow(er).

234.19 Effect of payment on future entitlement.

234.20 Computation of the employee's 1937 Act LSDP basic amount.

234.21 Definitions of "living with" and "living in the same household."

## Subpart C—Annuities Due But Unpaid At Death

234.30 General.

234.31 Regular employee retirement and supplemental annuities.

234.32 Spouse of divorced spouse annuities.

234.33 Survivor annuities.

234.34 When an entitled relative of the employee dies before receiving payment of a due but unpaid annuity.

## Subpart D—Residual Lump-Sum Payment

234.40 General.

234.41 Persons to whom an RLS is payable.

234.42 How the employee may designate beneficiaries.

234.43 Payment to designated beneficiaries.

234.44 Payment to surviving relatives.

234.45 Payment to the employee's estate.

234.46 Amount of the RLS payable.

234.47 Election of the RLS by a widow(er) or parent.

234.48 Computation of the gross RLS amount.

## Subpart E—Lump-Sum Refund Payment

234.50 General.

234.51 Persons to whom a lump-sum refund payment is payable.

234.52 Effect of payment on other benefits.

234.53 Computation of the lump-sum refund payment.

## Subpart F—Miscellaneous

234.60 Escheat.

Sec.

234.61 Assignment of interest by an eligible person.

234.62 Effect of conviction of a felony on entitlement.

Authority: 45 U.S.C. 231f.

## Subpart A—General

## § 234.1 Introduction.

This part contains information about the various lump-sum payments payable under sections 6(a)(1) through 6(d)(2) of the 1974 Act.

## § 234.2 Definitions.

As used in this part:

"Applicant" means the person who signs an application for an annuity or lump-sum for himself, herself or for some other person.

"Apply" means to sign a form or statement that the Board accepts as an application.

"Burial expenses" means expenses in connection with the actual burial or other disposition of the remains of the deceased employee.

"Eligible" means a person meets all of the requirements for payment of an annuity or a lump-sum, but has not yet applied.

"Employee" means any person who is working or has worked for a railroad employer.

"Entitled" means a person who meets all the requirements for an annuity or a lump-sum, and has applied.

"Equitably entitled person" means the person whose funds were used to pay the burial expenses of a deceased employee.

"Lump-sum" means any non-recurring payment due because of an employee's or beneficiary's death.

"Person" means an individual, partnership, trust estate, association, corporation, government unit, or estate of a deceased individual.

"Reimbursable burial expenses" means that part of the burial expenses not previously reimbursed by another federal agency.

## Subpart B—Lump-Sum Death Payment

## § 234.10 General

A lump-sum death payment (LSDP) is payable when an employee with ten or more years of railroad service and a current connection with the railroad industry dies and is not survived by an individual who is eligible for a monthly annuity in the month the employee died. The amount of the LSDP and the priority for payment depend upon when the employee acquired his or her 120th month of railroad service. If the employee acquired the 120th month of railroad service after 1974, a 1974 Act

lump-sum death payment is payable to the employee's widow(er). If the employee acquired the 120th month of railroad service before 1975, a 1937 Act lump-sum death payment is payable to the employee's widow(er), the funeral home or the payer of the employee's burial expenses. An application for an LSDP must be filed within two years after the employee's death.

(Approved by the Office of Management and Budget under Control No. 3220-0031)

**§ 234.11 1974 Act lump-sum death payment.**

(a) The total amount of the 1974 Act LSDP is payable to the employee's widow(er), if she or he was "living in the same household" as the employee at the time of the employee's death. (Refer to § 234.21 for an explanation of "living in the same household.")

(b) The amount of the 1974 Act LSDP is equal to three times the amount of the PIA, as determined by Section 215 of the Social Security Act, or \$255.00, whichever is less.

**§ 234.12 1937 Act lump-sum death payment.**

(a) The 1937 Act LSDP is payable in the following order and amounts:

(1) The employee's "living with" widow(er) is paid the total amount of the LSDP. (Refer to § 234.21 for an explanation of "living with.")

(2) A funeral home, which has unpaid expenses, is paid the amount of the unpaid expenses or the total amount of the LSDP, whichever is less.

(3) An equitably entitled person is paid the total amount of the LSDP or a proportionate share of the LSDP, depending upon the amount of burial expenses he or she paid.

The 1937 Act LSDP is equal to ten times the basic amount. (Refer to § 234.20 for an explanation of the computation of the employee's basic amount.)

**§ 234.13 Payment to a funeral home.**

The 1937 Act LSDP is paid to a funeral home under the following conditions:

(a) A person who has assumed responsibility for all or part of the burial expenses files an application authorizing payment to the funeral home. Usually, the Board considers the person who makes the arrangements with the funeral home or makes a voluntary payment to the funeral home to be the person who has assumed responsibility for the burial expenses.

(b) An official of the funeral home with unpaid expenses files an application on behalf of the funeral home after 90 days have elapsed from

the date of the employee's death, if during that 90-day period no one has assumed responsibility for the payment of the burial expenses.

(Approved by the Office of Management and Budget under Control No. 3220-0031)

**§ 234.14 Payment to an equitably entitled person.**

(a) An equitably entitled person's funds used to pay burial expenses may consist of:

- (1) The individual's own money;
- (2) Money in a joint account with the employee or another individual;
- (3) Money paid to an individual who was named beneficiary to receive the money;
- (4) A promissory note; or
- (5) Money which several people placed into a pooled fund.

(b) Payment is made to equitably entitled persons in the following order:

- (1) The person who paid the funeral home expenses;
- (2) The person who paid the grave opening and closing expenses;
- (3) The person who provided the burial plot; and
- (4) The person who paid any type of expenses not listed in paragraph (b) (1) through (3) of this section.

**§ 234.15 When an employee's estate is entitled.**

(a) The employee's estate is considered an equitably entitled person if the funds used to pay burial expenses consist of:

- (1) Money in the employee's single-ownership bank account;
- (2) Money paid directly to the funeral home by the employee before death;
- (3) Money paid by the employee under a contract, plan, system or general practice where no beneficiary was named to receive the money;
- (4) Money found among the employee's effects;
- (5) Unpaid salary due the employee by the employee's employer;
- (6) Money obtained by selling the employee's real or personal property; or
- (7) Money from a trust fund.

(b) If the employee's estate is the equitably entitled person, the Board will pay the LSDP to the legal representative of the employee's estate. When no legal representative of the employee's estate has been or is expected to be appointed, the Board will pay the LSDP according to state statutory procedures applicable when no formal probate or administration occurs.

**§ 234.16 When a widow(er) is eligible as an equitably entitled person.**

When a widow(er) files for an LSDP and the "living with" requirement

(described in § 234.21) is not met, the widow(er) could be paid as an equitably entitled person.

**§ 234.17 When an equitably entitled person's estate is payable.**

When an equitably entitled person dies before negotiating the LSDP check, that person's share is payable to his or her estate.

**§ 234.18 Payment of a deferred lump-sum to a widow(er).**

In certain cases, a deferred LSDP may be payable to the employee's widow(er), even if someone may be entitled to a monthly annuity in the month of the employee's death. A deferred LSDP is the difference between the amount of the LSDP and the total of the monthly survivor annuities paid during the 12-month period which begins in the month of the employee's death.

**§ 234.19 Effect of payment on future entitlement.**

Payment of an LSDP does not affect the entitlement of survivors to monthly annuities at a later date.

**§ 234.20 Computation of the employee's 1937 Act LSDP basic amount.**

*Definition of terms used in this section:*

"Average monthly remuneration (AMR)" means the amount obtained by adding together the creditable compensation and wages earned by the employee after 1936 and before the LSDP closing date and dividing that sum by three times the number of calendar quarters in that period. (Refer to Part 211 of this chapter for a definition of creditable compensation and section 209 of the Social Security Act for a definition of creditable wages.)

"Closing date" means whichever of the following produce the highest AMR.

(a) the first day of the calendar year in which the employee both attained age 65 and was completely insured;

(b) the first day of the calendar year in which the employee died; or

(c) the first day of the calendar year following the year in which the employee died.

(d) However, if paragraphs (a) through (c) do not occur before January 1, 1975, the closing date is January 1, 1975.

*LSDP basic amount formula.* The basic amount is computed using the following formula:

(a) Determine 52.4% of the AMR up to and including \$75.00;

(b) Determine 12.8% of the AMR exceeding \$75.00;

(c) Determine 1% of the sum of paragraphs (a) and (b) of this definition;

(d) Multiply the result of paragraph (c) of this definition by the number of years after 1936 through 1974 in which employee earned \$200 or more;

(e) Add the results of paragraphs (a), (b), and (c) of this definition. If the resulting basic amount is less than \$18.14, increase it to \$18.14.

**§ 234.21 Definitions of "living with" and "living in the same household."**

(a) "Living with." A widow(er) is considered "living with" the employee at the time of the employee's death, if one of the following conditions applies:

- (1) The employee and spouse were members of the same household;
- (2) The spouse was receiving regular contributions for support from the employee; or
- (3) The employee was under court order to contribute to the spouse's support.

(b)(1) *Living in the same household.* An employee and spouse were "living in the same household" if they lived together as a married couple in the same residence. However, an employee and spouse, who were temporarily living apart, will be considered "living in the same household" if there was intent to share the same residence had the employee not died. The Board will usually assume that a married couple was living apart temporarily, if the separation was caused by circumstances beyond their control, for example, ill health, financial difficulties, service with the Armed Forces, or confinement in a curative, custodial, or penal institution.

(2) If the employee and spouse were separated solely for medical reasons, the Board will consider them "living in the same household," even if the separation was likely to be permanent.

**Subpart C—Annuities Due But Unpaid At Death**

**§ 234.30 General.**

When an applicant or an annuitant dies before being paid any annuities that may be due, the total of those annuities becomes payable to certain survivors in a lump-sum. Refer to § 234.31 through § 234.34 for information about when and to whom each type of unpaid annuity is payable. An application for an unpaid annuity must be filed within two years after the death of the person originally entitled to the annuity.

(Approved by the Office of Management and Budget under Control Nos. 3220-0031 and 3220-0042)

**§ 234.31 Regular employee retirement and supplemental annuities.**

A regular employee retirement annuity or a supplemental annuity which is unpaid at the death of the employee is payable in the following order and amounts:

(a) A surviving spouse, who was "living with" (see § 234.21) the employee at the time of the employee's death, receives the full amount of the unpaid annuity.

(b) Each person who paid the employee's burial expenses receives a share of the unpaid annuities in the same proportion that he or she paid the burial expenses, but only to the extent that he or she is not reimbursed by the LSDP. If a payer of the employee's burial expenses dies before negotiating his or her check, that payment becomes payable to his or her estate.

(c) Surviving children of the employee receive equal shares.

(d) Surviving grandchildren of the employee receive equal shares.

(e) Surviving parents of the employee each receive equal shares.

(f) Surviving brothers and sisters of the employee receive equal shares. Half blood brothers and sisters share equally with full blood brothers and sisters.

**§ 234.32 Spouse or divorced spouse annuities.**

A spouse annuity or divorced spouse annuity which is unpaid at the death of the spouse or divorced spouse is paid in the following order and amounts:

(a) The employee receives the full amount.

(b) If the employee died before negotiating the check in payment of the unpaid annuities, the unpaid spouse annuity or divorced spouse annuity is paid in the same order and amounts as described in § 234.31 (b) through (f).

**§ 234.33 Survivor annuities.**

Any survivor annuity which is unpaid at the death of the survivor is paid in the same order and amounts as described in § 234.31(a) and § 234.31(c) through § 234.31(f).

**§ 234.34 When an entitled relative of the employee dies before receiving payment of a due but unpaid annuity.**

If a person, who is entitled to unpaid annuities based upon his or her relationship to the employee, dies before negotiating the check in payment of the unpaid annuities, the amount to which he or she was entitled becomes payable to other relatives of the employee in the same degree of relationship. If no relatives in that degree of relationship survive, the amount becomes payable to relatives in the next degree of relationship.

**Subpart D—Residual Lump-Sum Payment**

**§ 234.40 General.**

The residual lump-sum (RLS) is the means by which railroad employees and their survivors are guaranteed to receive at least as much in benefits as the employee paid in railroad retirement taxes during the years 1937 through 1974. An RLS payment can be made only if it appears that no other benefits based at least in part on railroad service will be payable under either the Railroad Retirement Act or Social Security Act in the future. The residual is reduced for any retirement benefits that were paid on the basis of the employee's railroad service, and for any survivor benefits based on the employee's earnings already paid by either the Board or the Social Security Administration. A widow(er) or dependent parent can, before attaining age 60, elect to waive future rights to monthly benefits based on the employee's railroad service in order to receive the RLS.

**§ 234.41 Persons to whom an RLS is payable.**

After the death of an employee, the RLS is payable, in the following order, to: beneficiaries designated by the employee; surviving relatives of the employee in the order provided by law (see § 234.44); or the employee's estate.

**§ 234.42 How the employee may designate beneficiaries.**

The employee may designate one or more persons as beneficiaries of the RLS on a form available at any Board office. The employee may specify the share that each beneficiary is to receive. Also, the employee may designate alternate beneficiaries in the event that all primary beneficiaries die before the RLS becomes payable.

(Approved by the Office of Management and Budget under Control No. 3220-0031)

**§ 234.43 Payment to designated beneficiaries.**

(a) *How designated beneficiaries are paid.* Primary beneficiaries are paid the RLS to the exclusion of alternate beneficiaries. If a designated beneficiary dies before the date on which the RLS becomes payable, his or her share of the RLS becomes payable to any other designated beneficiaries. If an entitled designated beneficiary dies before negotiating the RLS check, that share is payable to his or her estate.

(b) *Amount designated beneficiaries are paid.* If the employee specified the share that each beneficiary is to receive, payment is made in the proportion specified. Otherwise, if there is more

than one designated beneficiary, each is paid an equal share of the RLS.

**§ 234.44 Payment to surviving relatives.**

(a) *How surviving relatives are paid.* If the employee either did not designate a beneficiary or was not survived by a designated beneficiary, the RLS is payable to surviving relatives of the employee in the following order of relationship to the employee:

(1) Widow(er) who was "living with" the employee at the time of the employee's death (see § 234.21 for a definition of "living with");

(2) Child;

(3) Grandchild;

(4) Parent;

(5) Brother or sister, including half blood brother or sister.

(b) *Amount surviving relatives are paid.* If more than one relative in an equal degree of relationship survives the employee, each one is paid an equal share of the RLS. If an entitled relative of the employee dies before negotiating the RLS check, that share becomes payable to other surviving relatives of the employee in the same degree of relationship. If no relatives in that degree of relationship survive, relatives in the next degree of relationship are payable.

**§ 234.45 Payment to the employee's estate.**

(a) *When the employee's estate is paid.* If no designated beneficiaries or relatives survive the employee when the RLS becomes payable, the employee's estate may be paid the RLS. Employees may also designate their estates to receive all or a share of the RLS as beneficiaries.

(b) *How the employee's estate is paid.* If a legal representative of the employee's estate has been appointed and has not been discharged, the Board will pay the RLS to the legal representative. When no legal representative of the employee's estate has been or is expected to be appointed, or the estate of the deceased employee has been closed and reopening is not expected, the Board will pay the RLS according to state statutory procedures applicable when no formal probate or administration occurs.

**§ 234.46 Amount of the RLS payable.**

The gross RLS amount is equal to certain percentages of the employee's creditable compensation, including military service, as described in section § 234.48. (Creditable compensation and military service are discussed in Parts 211 and 212 of this chapter, respectively.) The amount of the RLS payable is equal to the gross RLS minus

the sum of all retirement benefits that have been paid on the basis of the employee's railroad service and all survivor benefits based on the employee's earnings previously paid by either the Board or the Social Security Administration.

**§ 234.47 Election of the RLS by a widow(er) or parent.**

(a) An RLS cannot be paid if it appears that there are immediate or future monthly survivor benefits payable to anyone other than a widow(er) or parent. A widow(er) or parent can elect to have the RLS paid in lieu of future monthly benefits based on the employee's railroad earnings under either the Railroad Retirement Act or Social Security Act.

(b) *When an election must be filed.* An election to have the RLS paid must be filed before the widow(er) or parent attains age 60 if he or she would be entitled to benefits under the Railroad Retirement Act, or before the age of eligibility if he or she would be entitled to future benefits under the Social Security Act instead of the Railroad Retirement Act.

(c) *Filing an election.* An election to have the RLS paid must be made on the certification provided by the Board for that purpose, and must contain an irrevocable election to have the RLS paid in lieu of all benefits based on the employee's railroad service to which the widow(er) or parent might otherwise become entitled. Once the RLS check is negotiated, the election cannot be revoked.

**§ 234.48 Computation of the gross RLS amount.**

The amount of the gross RLS is equal to the percentages of the employee's creditable compensation shown in Table I. However, compensation may only be credited up to the maximum amounts shown in Table II.

(a) *Percentages of the employee's creditable compensation and the periods to which those percentages apply:*

TABLE I

Percent	Period
4	Jan. 1, 1937 through Dec. 1946.
7	Jan. 1, 1947 through Dec. 1958.
7.5	Jan. 1, 1959 through Dec. 1961.
8	Jan. 1, 1962 through Dec. 1965.
8.1	Jan. 1, 1966 through Dec. 1966.
8.65	Jan. 1, 1967 through Dec. 1967.
8.8	Jan. 1, 1968 through Dec. 1968.
9.45	Jan. 1, 1969 through Dec. 1970.
9.85	Jan. 1, 1971 through Dec. 1972.
10.1	Jan. 1, 1973 through Sept. 1973.
5.35	Jan. 1, 1973 through Dec. 1973.
5.45	Jan. 1, 1974 through Dec. 1974.

(b) *Maximum compensation which may be credited per month:*

TABLE II

Compensation per month	Period
\$300	Jan. 1, 1937 through June 1964
350	July 1, 1954 through May 1958
400	June 1, 1959 through Oct. 1963
450	Nov. 1, 1963 through Dec. 1965
550	Jan. 1, 1966 through Dec. 1967
650	Jan. 1, 1968 through Dec. 1971
750	Jan. 1, 1972 through Dec. 1972
900	Jan. 1, 1973 through Dec. 1973
1,100	Jan. 1, 1974 through Dec. 1974

**Subpart E—Lump-Sum Refund Payment**

**§ 234.50 General.**

Under the 1974 Act, railroad employees with 10 or more years of railroad service, who are not entitled to a vested dual benefit payment, may be eligible for a lump-sum refund payment if they had concurrent railroad and social security earnings within the period 1951 through 1974. The combined earnings from the railroad retirement and social security systems in any of those years must exceed the maximum given in § 234.53. The lump-sum refund is payable to either the employee or the employee's survivors.

**§ 234.51 Persons to whom lump-sum refund payment is payable.**

Employees receive their lump-sum refund payment from the Board, without applying for it, at the time their regular annuity is awarded. If an employee dies with out receiving payment of a regular annuity, the lump-sum refund payment is payable to the employee's survivors in the same order of priority as shown for the RLS in § 234.44.

**§ 234.52 Effect of payment on other benefits.**

The lump-sum refund payment is deductible from the the RLS; however, it has no effect on the payment of other benefits.

**§ 234.53 Computation of the lump-sum refund payment.**

(a) *The lump-sum refund payment is calculated as follows:*

(1) Combine the railroad employee's creditable earnings, including military service, under the Social Security Act and Railroad Retirement Act for each of the years 1951 through 1974;

(2) Determine the amount of the employee's creditable earnings in excess of the amounts for each year shown in the chart in paragraph (b) of this section;

(3) Multiply the results of paragraph (a)(2) of this section by the percentage



shown in the chart in paragraph (b) of this section; and

(4) Add the results of paragraph (a)(3) of this section. The total is the amount of the lump-sum refund payment.

(b) *Chart for calculation of lump-sum refund payment.*

Year	Amount	Percentage
1951-53	\$3,600	1.5
1954-56	4,200	2.0
1957-58	4,200	2.25
1959	4,800	2.5
1960-61	4,800	3.0
1962	4,800	3.125
1963-65	5,400	3.625
1966	6,600	4.2
1967	6,600	4.4
1968	7,800	3.3
1969-70	7,800	4.2
1971	7,800	4.6
1972	9,000	4.6
1973	10,800	4.85
1974	13,200	4.95

#### Subpart F—Miscellaneous

##### § 234.60 Escheat.

Any payment under this Part which would be payable to any state, political subdivision of a state, the U.S. government or a foreign government because of the lack of a legal heir, shall remain in the Railroad Retirement Account.

##### § 234.61 Assignment of interest by an eligible person.

(a) Any person who is eligible to receive a share of a lump-sum payment may assign his or her share to another eligible applicant, provided the share is not more than \$500.

(b) If an LSDP or accrued annuity is payable, the request that a share be assigned must be received at a Board office no later than two years after the death of the employee or the originally entitled person.

(Approved by the Office of Management and Budget under Control No. 3220-0031)

##### § 234.62 Effect of conviction of a felony on entitlement.

A person who has been convicted of a felony or an act in the nature of a felony of intentionally causing the employee's death shall not be entitled to any benefits under the Railroad Retirement Act. If a charge of felony is pending against an applicant for a lump-sum payment, the Board will make no payment until the applicant submits proof that the charge has been withdrawn, that no further action will be taken on the charge, or that he or she has been cleared of the charge.

#### PART 237—[AMENDED]

2. Part 237 is amended as follows:

A. The authority citation for Part 237 is revised to read as follows:

Authority: 45 U.S.C. 231f.

#### Subpart B—[Removed and reserved]

B. Part 237 is amended by revising the Part heading to read "Part 237—Insurance annuities for survivors", and by removing and reserving Subpart B—Basic Computations consisting of §§ 237.201 through 237.205.

#### PART 238—RESIDUAL LUMP-SUM PAYMENTS—[REMOVED]

3. Part 238 is amended as follows:

Part 238 is amended by removing Part 238, consisting of §§ 238.1 through 238.8.

Dated: October 18, 1985.

By Authority of the Board.

For the Board,

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 85-25548 Filed 10-25-85; 8:45 am]

BILLING CODE 7905-01-M

#### DEPARTMENT OF THE INTERIOR

##### National Park Service

##### 36 CFR Part 12

##### National Cemetery Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

**SUMMARY:** This proposed regulation revises and deletes portions of existing regulations governing the administration, operation and maintenance of the national cemeteries under the jurisdiction of the National Park Service. Proposed changes refer to and adopt Veterans Administration policy and standards pertaining to national cemetery operations and National Park Service standards for the protection of cultural resources. These revisions are necessary to comply with changes in Federal statutory law and to update and standardize procedures for the operation of national cemeteries. The regulations emphasize the dual mission of the National Park Service to operate national cemeteries as shrines to veterans and as significant cultural resources. They also provide park superintendents and the general public a clear set of standards and procedures that apply to the management of national cemeteries.

**DATES:** Written comments will be accepted through November 27, 1985.

**ADDRESS:** Comments should be addressed to: Associate Director, Cultural Resources, National Park

Service, P.O. Box 37127, Washington, DC 20013-7127.

#### FOR FURTHER INFORMATION CONTACT:

Edwin C. Bearss, Chief, History Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Telephone: 202-343-8163.

#### SUPPLEMENTARY INFORMATION:

##### Background

The National Park Service (NPS) administers fourteen national cemeteries formerly under the jurisdiction of the War Department. These cemeteries are:

1. Andersonville, GA
2. Andrew Johnson, TN
3. Antietam, MD
4. Battleground, Washington, DC
5. Chalmette, LA
6. Custer Battlefield, MT
7. Fort Donelson, TN
8. Fredericksburg, VA
9. Gettysburg, PA
10. Poplar Grove, VA
11. Shiloh, TN
12. Stones River, TN
13. Vicksburg, MS
14. Yorktown, VA

Of these cemeteries, only five remain active and open for additional interments. Others, although inactive, may still have valid reservations to be honored for future interments.

In June, 1933, in an effort to eliminate overlapping and duplication of effort, President Franklin D. Roosevelt issued Executive Order #6166, which sought to transfer certain military parks, battlefields and national cemeteries from the jurisdiction of the War Department to the Department of the Interior. The intent was to consolidate the military sites and cemeteries that were in, near or adjacent to one another under the administration of the Department of the Interior in an effort to streamline the Executive Branch. Objections raised by the War Department over the impending transfer of cemeteries resulted in a second Executive Order (#6288) that clarified and interpreted the first, eventually resulting in the transfer of only eleven national cemeteries to the Department of the Interior, to be administered by the NPS. All eleven cemeteries were either adjacent to or within the immediate vicinity of other park areas transferred to the Department of the Interior by the two Executive Orders, and were chosen because their administration could be easily consolidated with that of the nearby park areas. With these transfers complete, the War Department and the NPS agreed that the former, as the lead agency in matters pertaining to national

cemeteries, would continue to provide certain services such as authorizing interments, maintaining records, completing operations reports and appointing cemetery superintendents. The latter function was later eliminated. Although the administration of these national cemeteries was transferred, the original legislative direction and requirements for the care and maintenance of the cemeteries remained unchanged. Since 1933, four additional national cemeteries have been transferred to the NPS; one was transferred back to the War Department in 1944 at the request of veterans' groups.

In 1973, the National Cemetery Service was established within the Veterans Administration (VA) by Pub. L. 93-43 (38 U.S.C. 1000 *et seq.*), effectively eliminating the Department of the Army from the administration of most national cemeteries. The NPS and VA subsequently entered into a verbal agreement whereby the VA would continue to provide assistance to the NPS previously provided by the War Department and the Department of the Army. The VA administers more than 100 national cemeteries and provides several important support services to the NPS such as bulk headstone purchases, verification of the character of a veteran's discharge and records maintenance.

In 1937, the Secretary of the Interior's Advisory Board on National Parks, Historic Sites, Buildings and Monuments commented on and redefined the objectives of the national cemeteries administered by the NPS as follows:

National cemeteries are those areas which have been set aside as resting places for members of the fighting forces of the United States.

The function of national cemeteries is to serve as suitable and dignified burial-grounds for the men and women who have been interred in them.

Until recently, NPS superintendents with responsibilities for management of national cemeteries had no servicewide policy or guidelines to provide for consistent administration and protection of these 14 areas. Each cemetery was operated generally in compliance with NPS regulations codified in 36 CFR Part 12 and patterned after Army regulations, but a great many local variations in management practices occurred. In 1985, the NPS adopted NPS-61, *Guidelines for National Cemeteries*. This guideline is based on applicable Federal statutory law and follows very closely the VA policy contained in VA M40-2, *Manual of Operations of National Cemeteries* (1984). Most national cemeteries within the National Park System are

administered as integral parts of larger historical parks, and represent a continuum of use dating back to periods before the establishment of those historical parks. Where NPS-61 differs from VA policy, it does so primarily in areas reflecting the significance attached to national cemeteries as important cultural resources. NPS-61 provides consistent policy direction and guidelines for national cemeteries administered by the NPS that can be applied uniformly by park superintendents. The role of the VA remains one of providing the support services logically supplied by the lead agency involved in national cemetery operations.

Serious inconsistencies exist between the current NPS regulations codified in 36 CFR Part 12, the provisions of Federal statutory law and NPS and VA policies that apply to the management of national cemeteries. The proposed revision would correct these deficiencies by eliminating references to the Department of the Army, basing eligibility requirements and other interment criteria on the provisions of existing Federal statutory law, applying statutory penalty provisions to violations of certain regulations and by providing clear guidance to park superintendents and the general public concerning standards and procedures that apply to the operation of national cemeteries within the National Park System. The proposed revision also emphasizes the fact that, while the NPS adopts and complies with VA operational standards for national cemeteries, the protection, maintenance and public use of these cemeteries will be conducted in accordance with applicable NPS legislation and standards for the preservation of cultural resources.

#### Section-by-Section Analysis

As currently codified in Title 36 of the Code of Federal Regulations, Part 12 consists of eight regulations divided in two categories, Visitor Use Regulations and Information Guidelines, which have been in effect since 1971. Since NPS General Regulations pertaining to Resource Protection, Public Use and Recreation codified in 36 CFR Part 2 are quite extensive and apply within national cemeteries, there is little need for additional regulations in Part 12 pertaining to the same concerns. Therefore, the proposed revisions to the regulations in Part 12 remain primarily procedural and informational in nature; the few that pertain to visitor use are a result of the unique atmosphere and purposes of national cemeteries that are

not adequately addressed by the provisions of NPS General Regulations.

The proposed regulations revise 36 CFR as follows:

1. The statutory penalty provision in Part 1 is revised to apply to the few public use provisions of Part 12.

In Part 12:

2. The existing section describing applicability and scope has been updated and clarified.

3. A new section has been added describing the purpose of national cemeteries.

4. A new section has been added to define certain standard terms used throughout Part 12.

5. The section pertaining to services and ceremonies has been revised to prohibit special events and demonstrations except for committal services and a limited number of official commemorative events.

6. The existing section pertaining to interments and disinterments has been divided into two separate sections, each of which has been revised and expanded.

7. The sections pertaining to headstones and markers, monuments and private memorials have been reorganized and simplified for purposes of clarification.

8. The sections pertaining to cemetery maintenance and the use and display of the flag have been deleted.

9. A section has been added to provide guidance on the use of floral and commemorative tributes.

10. A section has been added that prohibits recreational activities within a national cemetery.

11. A section has been added to address requirements of the Office of Management and Budget pertaining to information collection.

The following provides specific information pertaining to each of the revised or new sections:

#### Section 1.3 Penalties

Two paragraphs of this section are revised to correct an inadvertent omission in the July, 1983, revision of NPS General Regulations (48 FR 30291), when the penalty provision in Part 12 was deleted without a corresponding revision making the penalty provision in Part 1 applicable to the regulations in Part 12. These penalty provisions are taken from Federal statutory law and apply to violations of all NPS regulations pertaining to public use and resource protection. The provision in paragraph (a) applies to Andersonville and Andrew Johnson National Cemeteries; the provision in paragraph

(b) applies to all other national cemeteries administered by the NPS.

#### Section 12.1 Applicability and Scope

This section makes clear that the regulations in Part 12 supplement the General and Special Regulations found elsewhere in 36 CFR and are generally procedural in nature.

#### Section 12.2 Purpose of National Cemeteries

This new section emphasizes the purpose of the national cemeteries administered by the NPS. The language reflects direction provided by Federal statutory law and provides park superintendents general guidance under which to exercise the discretionary authority provided by NPS General Regulations in 36 CFR Parts 1 and 2. A superintendent may not authorize activities that are in derogation of the values and purposes for which the national cemetery was established except as may be specifically provided for by Congress.

#### Section 12.3 Definitions

This new section defines sixteen terms used in these regulations and supplements the more extensive list of definitions found in § 1.4 which also apply to Part 12. Listing definitions in one section provides clarity and consistency and eliminates the need for defining terms within individual regulations.

#### Section 12.4 Special Events and Demonstrations

This section revises the existing § 12.2 to prohibit the conducting of special events and demonstrations, as these terms are defined in § 12.3, except for official commemorative events on Memorial Day, Veterans Day, and other dates designated by the superintendent as having special historic and commemorative significance for the particular national cemetery. Examples of such days include Lincoln Fellowship Day at Gettysburg National Cemetery and the anniversary of the Battle of the Little Bighorn at Custer Battlefield National Cemetery. A superintendent's designation of the limited number of such commemorative days that apply to a national cemetery would take place in accordance with the public notice requirements and procedures found in § 1.7 of the General Regulations. Many activities and events that are appropriate and even facilitated or supported by the NPS in other park areas or in other portions of a park area containing a national cemetery are totally inappropriate in a national cemetery because of its protected

atmosphere of peace, calm, tranquility and reverence. The restriction prohibiting special events and demonstrations within national cemetery reflects the substantial government interest that exists in maintaining this protected atmosphere where individuals can quietly contemplate and reflect upon the significance of the contributions made to the nation by those interred. The NPS believes that official commemorative events conducted on a very limited number of occasions constitute the maximum extent that this protected atmosphere should be disturbed. Ample opportunities exist for persons desiring to conduct special events and demonstrations to do so in areas adjacent to or near the national cemeteries that are the subject of this regulation. The restriction does not apply to committal services which are integral to the purpose of national cemeteries.

#### Section 12.5 Interments

This section is a revision of § 12.3 and sets forth the eligibility criteria for interments specified by Federal statutory law (38 U.S.C. 1002). Minor revisions have been made to the general policy and procedures for an interment and requirements for burial permits. This section now makes clear that the NPS has adopted the VA policy of one-gravesite-per-family-unit, and that no new requests for gravesite reservations will be accepted. The NPS will continue to honor existing reservations made in writing. Certain provisions of the paragraph pertaining to burial sections represent departures from VA policy. Provisions requiring an interment plan, requiring that grave-site dimensions conform to certain specifications and restricting burial section expansion are necessary to maintain the historic character of these cemeteries as significant cultural resources.

#### Section 12.6 Disinterments and Exhumations

The provisions in existing § 12.3 pertaining to disinterments and exhumations have been placed in a separate section, revised and expanded. The existing policy that a burial is considered permanent, with a disinterment allowed only pursuant to specific conditions, is reemphasized. A permit requirement is instituted and provisions made for the NPS to recover agency costs incurred pursuant to a disinterment through establishment of a fee. Responsibilities of the next-of-kin are set forth in detail. Failure to obtain a permit, violation of a permit condition and failure to pay the required fee are

prohibited by this section. Court-ordered exhumations are generally exempt from the provisions of this section.

#### Section 12.7 Headstones and Markers

This section combines and revises the provisions of existing §§ 12.4 and 12.5 and provides specific guidance, conditions and application procedures for the installation of private headstones and markers. These provisions are necessary in order to maintain consistency in the appearance of a national cemetery, to maintain its historic character and values and to facilitate cemetery maintenance operations.

#### Section 12.8 Memorial Headstones and Markers

This section revises some of the provisions of existing § 12.6 and sets forth the eligibility criteria for memorialization in a national cemetery as provided by Federal statutory law (38 U.S.C. 1003). Application procedures are also specified.

#### Section 12.9 Commemorative Monuments

This section is also a revision of certain provisions of existing § 12.6 and details the application procedures to be followed and the approvals required before a monument may be installed. It also specifies that such monument, when approved by the Director, may be installed only under the conditions that there be no expense or liability incurred by the NPS and that title to the monument will vest in the NPS.

#### Section 12.10 Floral and Commemorative Tributes

This new section restricts the types of items and materials that may be placed on a grave. Certain items are prohibited and others are allowed only in certain containers and at specific times designated by the superintendent pursuant to discretionary authority provided in § 1.5 of the General Regulations. These designations must be made in accordance with the public notice provisions of § 1.7 and be compiled in writing as required in paragraph (b) of that section. The restrictions contained in this section are necessary to maintain consistency in the types of floral containers and decorations used in a cemetery, to protect headstones, markers and monuments from unnecessary damage and in the interest of the safety of park visitors and cemetery employees involved in maintenance operations.

### Section 12.11 Recreational activities

This section prohibits engaging in a recreational activity, as defined in § 12.3, within a national cemetery. Although engaging in such activities is appropriate in many park areas, and may be within other portions of a park area containing a national cemetery, persons engaged in recreational activities within a national cemetery would conflict with the solemn commemorative character of the area by disrupting its protected atmosphere of peace and tranquility. This regulation again reflects the substantial government interest that exists in maintaining this atmosphere. These restrictions are not intended to inhibit walking, hiking, casual strolling or sitting by individuals while contemplating the significance of the national cemetery or those interred therein.

### Section 12.12 Information collection

This section addresses the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Based on past experience, the NPS anticipates that the information collection requirements (permits, applications, etc.) contained in §§ 12.6, 12.7, 12.8 and 12.9 will each affect fewer than 10 respondents annually and therefore do not require approval by the Office of Management and Budget.

### Public Participation

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

### Drafting Information

The primary authors of these regulations are David McCormack, Andrew Johnson National Historic Site; Andy Ringgold, Branch of Ranger Activities, Washington, DC; and John Tucker, Andersonville National Historic Site. Several other employees with expertise in the management of national cemeteries contributed significantly to their development.

### Paperwork Reduction Act

The information collection requirements contained in §§ 12.6, 12.7, 12.8 and 12.9 do not require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* because there are fewer than ten respondents annually. The National Park Service will utilize standard Veterans Administration forms, previously

approved by the Office of Management and Budget, for the applications required by these regulations and a previously approved National Park Service permit for disinterments.

### Compliance With Other Laws

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 (February 19, 1981), 46 FR 13193, and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The economic effects of this rulemaking are negligible. The regulations do not impose significant additional costs to the expenses involved in a national cemetery burial and the number of persons affected is minimal.

The National Park Service has determined that this proposed rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

- (a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;
- (b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;
- (c) Conflict with adjacent ownerships or land uses; or
- (d) Cause a nuisance to adjacent owners or occupants.

Based in this determination, this proposed rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental regulations in 516 DM 6, (49 FR 21438). As such neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

### List of Subjects

#### 36 CFR Part 1

National Parks, Penalties.

#### 36 CFR Part 12

Cemeteries, Military personnel, National Parks, Veterans.

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

### PART 1—GENERAL PROVISIONS

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

Authority: 16 U.S.C. 1, 3, 9a, 460/-6a(e), 462(k).

2. By revising section 1.3 to read as follows:

#### § 1.3 Penalties.

(a) A person convicted of violating a provision of the regulations contained in Parts 1 through 5, 7, 12 and 13 of this chapter, within a park area not covered in paragraphs (b)( or (c) of this section, shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding 6 months, or both, and shall be adjudged to pay all costs of the proceedings.

(b) A person who knowingly and willfully violates any provisions of the regulations contained in Parts 1 through 5, 7 and 12 of this chapter, within any national military park, battlefield site, national monument, or miscellaneous memorial transferred to the jurisdiction of the Secretary of the Interior from that of the Secretary of War by Executive Order No. 6166, June 10, 1933, and enumerated in Executive Order No. 6228, July 28, 1933, shall be punished upon conviction thereof by a fine of not more than \$100, or by imprisonment for not more than 3 months, or by both. (Note: These park areas are enumerated in a note under 5 U.S.C. 901.)

### PART 12—NATIONAL CEMETERY REGULATIONS

3. By revising Part 12 to read as follows:

#### Sec.

- 12.1 Applicability and scope.
- 12.2 Purpose of National Cemeteries.
- 12.3 Definitions.
- 12.4 Special events and demonstrations.
- 12.5 Interments.
- 12.6 Disinterments and Exhumations.
- 12.7 Headstones and markers.
- 12.8 Memorial headstones and markers.
- 12.9 Commemorative monuments.
- 12.10 Floral and commemorative tributes.
- 12.11 Recreational activities.
- 12.12 Information collection.

Authority: 16 U.S.C. 1, 3, 9a and 462(k); E.O. 6166, 6228 and 8428.

#### § 12.1 Applicability and scope

The regulations in this part apply to the national cemeteries administered by the National Park Service. These regulations supplement regulations found in Parts 1-5 and 7 of this chapter and provide procedural guidance for the administration, operation and maintenance of these cemeteries.

#### § 12.2 Purpose of National Cemeteries.

National cemeteries are established as national shrines in tribute to the gallant dead who have served in the Armed Forces of the United States. Such areas are protected, managed and

administered as suitable and dignified burial grounds and as significant cultural resources. As such, the authorization of activities that take place in national cemeteries is limited to those that are consistent with applicable legislation and that are compatible with maintaining the solemn commemorative and historic character of these areas.

### § 12.3 Definitions.

The following definitions apply only to the regulations in this part:

"Burial section" means a plot of land within a national cemetery specifically designated to receive casketed or cremated human remains.

"Close relative" means a surviving spouse, parent, adult brother or sister, or adult child.

"Commemorative monument" means a monument, tablet, structure, or other commemorative installation of permanent materials to honor more than one veteran.

"Demonstration" means a demonstration, picketing, speechmaking, marching, holding a vigil or religious service or any other like form of conduct that involves the communication or expression of views or grievances, whether engaged in by one or more persons, that has the intent, effect or likelihood to attract a crowd or onlookers. This term does not include casual park use by persons that does not have an intent or likelihood to attract a crowd or onlookers.

"Eligible person" means an individual authorized by Federal statute and VA Policy to be interred or memorialized in a national cemetery.

"Government headstone" means a standard upright stone, provided by the Veterans Administration, of the same design currently in use in a national cemetery to identify the interred remains.

"Gravesite reservation" means a written agreement executed between a person and the National Park Service to secure a gravesite prior to the death of an eligible person.

"Headstone" means a permanent stone placed vertically on a grave to identify the interred remains.

"Historic enclosure" means a permanent fence, wall, hedge, or other structure that surrounds the burial sections and defines the unique historic boundary of a national cemetery.

"Marker" means a permanent device placed horizontally on a grave to identify the interred remains.

"Memorial headstone" means a private or government headstone placed in a memorial section of a national cemetery with the words "In Memory Of" inscribed to honor a deceased

eligible person whose remains could not be interred in the national cemetery.

"NPS Policy" means the National Park Service's *Guidelines for National Cemeteries, NPS-61*.

"Private headstone" means an upright stone provided by a person at no expense to the government and in lieu of a government headstone.

"Recreational activity" means any form of athletics, sport or other leisure pursuit or event, whether organized or spontaneous, that is engaged in by one or more persons for the primary purpose of exercise, relaxation or enjoyment, including but not limited to the following: jogging, racing, skating, skateboarding, ball playing, kite flying, model airplane flying, throwing objects through the air, sunbathing, bicycling and picnicking. This term does not include walking, hiring or casual strolling.

"Special event" means a sports event, pageant, celebration, historical reenactment, entertainment, exhibition, parade, fair, festival or similar activity that is not a demonstration, whether engaged in by one or more persons, that has the intent, effect or likelihood to attract a crowd or onlookers. This term does not include casual park use by persons that does not have an intent or likelihood to attract a crowd or onlookers.

"VA Policy" means the current editions of the Veterans Administration's Manuals that pertain to the administration of the National Cemetery System.

### § 12.4 Special events and demonstrations.

Conducting a special event or demonstration, whether spontaneous or organized, is prohibited except for official commemorative events conducted for Memorial Day, Veterans Day and other dates designated by the superintendent as having special historic and commemorative significance to a particular national cemetery. Committal services are excluded from this restriction.

### § 12.5 Interments.

(a) *Who may be interred.* A person's eligibility for burial in a national cemetery is determined in accordance with the provisions of Federal statutory law. Interments are conducted in accordance with NPS policy and VA Policy.

(b) *Burial permit.* (1) A burial permit is required in accordance with the laws and regulations of the State and local municipality within whose boundaries the cemetery is located.

(2) The remains of a member of the Armed Forces who dies on active duty

may be interred prior to receipt of a burial permit.

(3) The superintendent shall process a burial permit in accordance with VA Policy.

(c) *Gravesite assignment.* (1) Gravesite assignment and allotment are made according to VA Policy which specifies that only one gravesite is authorized for the burial of an eligible member of the Armed Forces and eligible immediate family members. Exceptions to this practice may be approved only by the Director.

(2) The superintendent is responsible for the actual assignment of a gravesite.

(3) The superintendent may not accept a new gravesite reservation. A gravesite reservation granted in writing prior to the adoption of the one-gravesite-per-family-unit restriction shall be honored as long as the person remains eligible.

(d) *Burial sections.* (1) The superintendent of each national cemetery shall develop an interment plan for burial sections in keeping with the historic character of the national cemetery, to be approved by the Regional Director.

(2) The superintendent shall specify gravesite dimensions that conform to the historic design of the national cemetery.

(3) Expansion of a burial section is prohibited without the approval of the Regional Director.

(4) An interment is authorized only within a burial section; the superintendent may not authorize an interment within a memorial section.

(5) Cremated remains may be scattered in a national cemetery in conformance with the provisions of section 2.62 of this chapter and applicable State laws.

(6) Expansion of a national cemetery outside the confines of its historic enclosure is prohibited.

### § 12.6 Disinterments and exhumations.

(a) Interment of an eligible person's remains is considered permanent. Disinterment and removal of remains are allowed only for the most compelling of reasons and may be accomplished only under the supervision of the superintendent.

(b) Except for a directed exhumation conducted pursuant to paragraph (f) of this section, a disinterment is allowed only pursuant to the terms and conditions of a permit issued by the superintendent.

(c) A disinterment shall be accomplished at no cost to the National Park Service. The superintendent shall establish a fee designed to recover the costs associated with supervising and administering a disinterment, including

the costs of opening and closing the grave and redressing any disturbed graves or headstones.

(d) The next-of-kin is responsible for making all arrangements and incurring all financial obligations related to a disinterment. These arrangements and obligations include, but are not limited to the following:

(1) Compliance with State and local health laws and regulations;

(2) Engaging a funeral director;

(3) Recasketing the remains;

(4) Rehabilitation of the gravesite according to conditions established by the superintendent;

(5) Providing the superintendent a notarized affidavit by each living close relative of the deceased and by the person who directed the initial interment, if living, and even though the legal relationship of such person to the decedent may have changed, granting permission for the disinterment; and

(6) Providing the superintendent a sworn statement, by a person having first hand knowledge thereof, that those who supplied such affidavits comprise all the living close relatives of the decedent, including the person who directed the initial interment.

(e) The following are prohibited:

(1) Failure to obtain a permit required pursuant to this section;

(2) Violation of a condition established by the superintendent or of a term or condition of a permit issued in accordance with this section; or

(3) Failure to pay a fee prescribed by the superintendent in accordance with this section.

(f) The directed exhumation of an eligible person's remains shall be accomplished upon receipt by the superintendent of an order issued by a State or Federal court of competent jurisdiction. The superintendent shall retain court orders and other pertinent documents in the national cemetery files as a permanent record of the action.

(g) To the extent practicable, a directed exhumation shall be accomplished without expense to the National Park Service and without direct participation by national cemetery employees.

(h) The superintendent shall coordinate a directed exhumation with the ordering court, assure compliance with all State and local laws and supervise disinterment activities on site.

(i) If reinterment of exhumed remains is to be elsewhere, the superintendent may reassign the gravesite for use in connection with another interment.

#### § 12.7 Headstones and markers.

(a) Government headstones and markers authorized to be furnished at

government expense are provided in accordance with NPS Policy and VA Policy.

(b) The erection of marker or monument at private expense to mark a grave in lieu of a government headstone or marker is allowed only in certain national cemetery sections in which private headstones and markers were authorized as of January 1, 1947, and only with the prior approval of the Director. The name of the person(s) responsible for the purchase and erection of the private headstone or marker may not appear on the headstone or marker or be identified elsewhere in the cemetery as the donor(s) of the private headstone or marker.

(c) A person who requests authorization to erect a private headstone or marker shall provide the following information:

(1) A list of the names of each person to be inscribed upon the private headstone or marker;

(2) The written approval of the next-of-kin and the person who directed the burial of each person whose name is to be inscribed; and

(3) A scale plan depicting the details of design, materials, finish, carving, lettering and arrangement of the inscription and the foundation of the proposed private headstone or marker.

(d) The Director's approval of a request is conditioned upon the applicant's granting to the National Park Service the substantive right to remove and dispose of the private headstone or marker if, after it is installed, the applicant fails to maintain the private headstone or marker in a condition specified by the Director.

(e) When a private headstone or marker has been erected at a veteran's grave in a national cemetery, and the next-of-kin desires to inscribe thereon the name and appropriate data pertaining to an eligible family member of the deceased whose remains will not be interred, such inscription may be accomplished with the prior approval of the superintendent. Appropriate commemorative data may be inscribed when space permits. The words "In Memoriam" or "In Memory Of" are mandatory elements of such an inscription.

(f) Except as may be authorized by the Director or by Federal statutory law for marking a group burial, the erection of a mausoleum, an overground vault or a headstone or marker determined by the superintendent not to be in keeping with historic character of the national cemetery is prohibited. An underground vault may be placed at the time of

interment at no expense to the National Park Service.

#### § 12.8 Memorial headstones and markers.

(a) *Who may be memorialized.* (1) A person's eligibility for memorialization in a national cemetery is determined in accordance with the provisions of Federal statutory law.

(2) The superintendent may authorize the installation of a memorial headstone or marker of an eligible person provided that no more than one individual memorial headstone or marker is authorized for each eligible person. The erection of an individual memorial marker to a person is not allowed in the same national cemetery in which the decedent's name is inscribed on a group burial headstone or marker.

(b) *Application.* (1) The person eligible to submit an application requesting a memorial headstone or marker is the next-of-kin of the decedent to be memorialized. An application received from a close relative will be honored if it is submitted on behalf of the next-of-kin or if the next-of-kin is deceased.

(2) An applicant for a memorial headstone or marker shall submit such a request to the superintendent.

#### § 12.9 Commemorative monuments.

(a) *Application.* (1) A person requesting authorization to erect a commemorative monument shall submit such a request to the Director. The Director's approval should be obtained prior to fabrication of the commemorative marker since approval for installation is conditioned upon compliance with other specifications found in this section and all applicable provisions of this Part.

(2) An applicant for authorization to erect a commemorative monument shall include the following information in the application:

(i) A list of the persons to be memorialized and the other data desired to be inscribed on the commemorative monument; and

(ii) A scale plan depicting the details of the design, materials, finish, carving, lettering and the arrangement of the inscription proposed for the commemorative monument.

(b) *Specifications.* (1) The Director may only authorize a commemorative monument that conforms to the type, size, materials, design, and specifications prescribed for the historic design of the individual cemetery section in which it is proposed for installation.

(2) The Director may not approve a commemorative monument that bears an inscription that includes the name of

the person(s) responsible for its purchase or installation.

(c) *Expense.* A commemorative monument approved by the Director may be installed only under the conditions that there be no expense or liability incurred by the National Park Service in connection with its purchase, fabrication, transportation, delivery and erection.

(d) Title to a commemorative monument vests in the National Park Service upon its acceptance by an official representative of the Director.

#### § 12.10 Floral and commemorative tributes.

The placement on a grave of fresh cut or artificial flowers in or on a metal or other non-breakable rod or container designated by the superintendent is allowed at times designated by the superintendent. The placement of a statue, vigil light, or other commemorative object on a grave, or the securing or attaching of any object to a headstone, marker or commemorative monument is prohibited.

#### § 12.11 Recreational activities.

Engaging in a recreational activity is prohibited.

#### § 12.12 Information collection.

The information collection requirements contained in §§ 12.6, 12.7, 12.8 and 12.9 do not require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*, because there are fewer than 10 respondents annually.

Dated: September 25, 1985.

P. Daniel Smith,

*Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 85-25661 Filed 10-25-85; 8:45 am]

BILLING CODE 4310-70-M

#### 36 CFR Part 66

##### Preservation of Historical and Archeological Data

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of intent to propose rulemaking and request for comments.

**SUMMARY:** The Department of the Interior is considering rulemaking to implement its responsibilities to preserve historical and archeological data endangered by Federal construction activities and federally permitted and assisted activities. This notice explains the current status of rules regarding this matter and the need for the Department to undertake this rulemaking.

**DATE:** Comments and suggestions should be submitted on or before November 27, 1985.

**ADDRESS:** Comments and suggestions should be addressed to: Dr. Bennie C. Keel, Departmental Consulting Archeologist, National Park Service, Department of the Interior, Washington, D.C. 20240. (202)-343-4101.

**SUPPLEMENTARY INFORMATION:** The Archeological and Historic Preservation Act of 1974 furthers the policy established in the Historic Sites Act of 1935 to preserve historic American sites, buildings, and antiquities specifically by providing for the preservation of historical and archeological data which might otherwise be lost as a result of flooding or alteration of the terrain caused as a result of any Federal construction project or federally licensed or assisted activity or program. On January 28, 1977 (42 FR 5374), the National Park Service published methods, standards, and reporting requirements for the recovery of scientific, prehistoric, historic and archeological data for such activities. These guidelines were never finalized.

Subsequent documents prepared by the National Park Service, including especially to Secretary's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716 of September 29, 1983), contain much of the information provided by draft 36 CFR 66. Therefore, the Department proposes to develop a new draft regulation, establishing procedures that the Secretary will follow in carrying out the Department's responsibilities, under the Archeological and Historic Preservation Act of 1974, to provide for the preservation of historical, archeological, and scientific data. The regulations will clarify the role of the Secretary in implementing this Act, and to distinguish Interior's role from the responsibilities of other agencies. These regulations will help ensure that data important to the public interest are protected by establishing procedures for the efficient implementation of the requirements of the Act.

The Department seeks comments on this proposed rulemaking and topics which should be addressed.

Dated: October 15, 1985.

P. Daniel Smith,

*Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 85-25660 Filed 10-25-85; 8:45 am]

BILLING CODE 4310-70-M

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 69

[CC Docket No. 78-72; Phase I; FCC 85-552]

##### MTS and WATS Market Structure

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The FCC proposes to amend §§ 69.601 and 69.604 of its rules to require telephone companies to bill and collect all access charges on a monthly basis.

**DATES:** Comments must be filed on or before November 26, 1985. Reply comments must be filed on or before December 26, 1985.

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

**FOR FURTHER INFORMATION CONTACT:** Kent Nilsson, Common Carrier Bureau, Washington, D.C. 20554. (202)-632-6363.

##### SUPPLEMENTARY INFORMATION:

##### List of Subjects in 47 CFR Part 69

Access charges, Communications common carriers, Reporting and recordkeeping requirements, Telephones.

In the matter of MTS and WATS Market Structure; CC Docket No. 78-72, Phase I.

Adopted: October 9, 1985.

Released: October 17, 1985.

By the Commission:

1. On March 27, 1985, the National Exchange Carrier Association ("NECA") filed a petition for rulemaking to amend §§ 69.601(b) and 69.604 of the Commission's rules<sup>1</sup> to permit exchange carriers to bill and collect carrier common line access charges. These rules now provide that NECA shall bill and collect such charges. Exchange carriers have been performing that function under waivers from Section 69.604 that are scheduled to expire on June 1, 1986.<sup>2</sup> In support of its petition, NECA states that experience under the waivers indicates that NECA can discharge its responsibilities without being engaged in the direct billing and collection of carrier common line charges. Moreover, the presence of existing exchange carrier systems for service order processing, billing, treatment of delinquent accounts and billing errors, and the maintenance of

<sup>1</sup> 47 CFR 69.601(b), 69.604 (1984).

<sup>2</sup> See *Order Granting Waiver* in Docket no. 78-72, Phase I, FCC 84-189 (released May 2, 1984); *Order Granting Waiver* in CC Docket No. 78-72, Phase I, CC 2718 (released February 22, 1985).

accounting books and financial records for purposes other than the billing and collection of carrier common line charges would make the replication of those systems in NECA, for the sole purpose of administering the carrier common line charge, an unnecessary waste of resources.<sup>3</sup> NECA further contends that the recent addition to our Part 69 rules of §§ 69.204 and 69.611, which permit exchange carriers to file optional alternative carrier common line tariffs for different exchange areas, could lead to NECA's billing and collecting carrier common line charges for some exchange carriers, but not others.<sup>4</sup>

2. By Public Notice dated April 5, 1985 (Report No. 1507), we requested comment on whether we should issue a Notice of Proposed Rulemaking in response to the NECA petition. Comments were filed by the United States Telephone Association ("USTA") and the Bell Atlantic Telephone Companies ("Bell Atlantic"). USTA supported the NECA petition, expressly endorsing the reasoning that was contained in the NECA petition. USTA also stated that it supported the requested rule change:

For an additional and most important reason, *i.e.*, its impact on the exchange carriers' cash flow. Simply stated, billing and collection of carrier common line charges by NECA would delay receipt of revenues by the exchange carriers from the time of collection by (NECA) until calculation of each carrier's share of the pooled revenues had been completed. For many exchange carriers, this delay could have disastrous consequences.<sup>5</sup>

Bell Atlantic also supported the NECA proposal by noting that the Commission's existing rule would result in additional unnecessary costs, and that the implementation of optional alternative tariffs "would be difficult if not impossible to administer efficiently if NECA were required to bill and collect all such charges."<sup>6</sup> No comments were filed in opposition to the NECA petition.

3. It appears to us that the NECA petition has merit. The industry has had experience for more than a year now

operating under a system that NECA seeks to have reflected in our permanent rules. Our original concerns in providing that NECA perform the billing and collection function for carrier common line charges (*e.g.*, that such an arrangement could facilitate pool administration) seem to be adequately served by the system as currently operated. Indeed, the exchange carrier industry is apparently of the view that were our present rules to be followed, pool administration of carrier common line revenues would be substantially more burdensome and costly with no concomitant benefits for the industry or the public. Accordingly, we have concluded that we should institute a rulemaking proceeding to modify § 69.601(b) and 69.604 as requested by NECA. We specifically seek comment on whether those sections of our rules should be amended to read as follows:

*Section 69.601*

(b) All telephone companies that participate in the distribution of Carrier Common Line revenues shall be deemed to be members of such Association.

*Section 69.604*

(a) Telephone companies shall bill and collect all access charges.

(b) All access charges shall be billed monthly.

Delete § 69.604(c).

4. Accordingly, it is ordered That parties may file comments with respect to the rule changes that have been proposed by the NECA on or before November 25, 1985, and reply comments may be filed until December 28, 1985.

5. For Purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that ex parte contacts 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, or until a final order disposing of the matter is adopted by the Commission, whichever comes earlier. In general, an ex parte presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person

who submits a written ex parte presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral ex parte presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each ex parte presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates.<sup>7</sup>

6. It is further ordered that the Secretary of the Federal Communications Commission shall effect publication of this Notice of Proposed Rulemaking in the Federal Register.<sup>8</sup>

Federal Communications Commission  
William J. Tricarico,  
Secretary.

**Appendix**

Accordingly, 47 CFR Chapter I is proposed to be amended as set forth below.

1. The Authority citation for Part 69 continues to read as follows:

Authority: Secs 1, 4 and 201-205 of the Communications Act of 1934, 47 U.S.C. 151, 154, 201-205.

2. Section 69.601 is proposed to be amended by revising paragraph (b) to read as follows:

**§ 69.601 Exchange Carrier Association.**

(b) All telephone companies that participate in the distribution of Carrier Common line revenues shall be deemed to be members of such Association.

3. Section 69.604 is proposed to be amended by revising paragraphs (a) and (b) and by removing paragraph (c) as follows:

<sup>7</sup> See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

<sup>8</sup> The provisions of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164 (September 19, 1980), 5 U.S.C. 601-612 (1984)) are not applicable to this proceeding. See 5 U.S.C. 601 (1984). The Commission has found that local exchange carriers do not come within the Regulatory Flexibility Act's definition of a small entity. *Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board*, 96 FCC 2d 781, 810 (1984).

<sup>3</sup> NECA petition at 2-4.

<sup>4</sup> *Id.* at 4. See *Decision and Order*, CC Docket Nos. 78-72 and 80-286, FCC 84-637 (adopted December 19, 1984). *But cf. Memorandum Opinion and Order* in CC Docket Nos. 78-72 and 80-286, FCC 85-71 (released February 26, 1985) at paras. 1-4, 34-35, n.28 (guidelines for implementing optional alternative tariffs do not require exchange carrier billing or collection).

<sup>5</sup> Comments of the USTA (filed May 6, 1985) at 2-3.

<sup>6</sup> Comments of the Bell Atlantic Telephone Companies (filed May 6, 1985) at 1-2.



§ 69.604 **Billing and collection of access charges.**

(a) Telephone companies shall bill and collect all access charges.

(b) All access charges shall be billed monthly.

[FR Doc. 85-25276 Filed 10-25-85; 8:45 am]

BILLING CODE 6712-01-M

**DEPARTMENT OF ENERGY**

**48 CFR Parts 915 and 970**

**Acquisition Regulation; Amendment and Extension of Time**

**AGENCY:** Department of Energy.

**ACTION:** Notice of proposed rulemaking, extension of comment period and withdrawal of proposed item.

**SUMMARY:** On August 26, 1985, at 50 FR 34656, the Department published a notice of proposed rulemaking containing 34 miscellaneous amendments to the Department of Energy Acquisition Regulation (DEAR). That notice invited public comments through September 25, 1985. The purpose of this notice is to revise the content of item 8 of the proposed rule, extend the comment period for item 8 only, and to withdraw items 27 and 29 from consideration.

**DATE:** Written comments should be submitted no later than November 27, 1985.

**ADDRESS:** Comments should be addressed to the Department of Energy, Procurement Policy Branch, Richard B. Langston, MA-421.1, 1000 Independence Avenue, S.W., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** Richard Langston, Procurement Policy Branch, (MA-421.1), Procurement and Assistance Management Directorate, Washington, D.C. 20585, (202) 252-8264

Paul J. Sherry, Office of the AGC for Procurement and Financial Incentives, GC-43, Washington, D.C. 20585, (202) 252-1526

**SUPPLEMENTARY INFORMATION:** Item 8 of the notice of proposed rulemaking is revised at 915.613 to eliminate the proposed addition of the words "fixed-price acquisitions and acquisitions for which selections will be based solely on a published predetermined formula or on lowest price," from the proposed rule's text at the sixth line, center column, page 34658. Also, the second sentence of the proposed 915.613 which reads "The appropriate procedures i.e., construction, architect-engineer, sealed bidding, etc., shall be used for acquisitions in excess of \$10 million that are not subject to this section." is being deleted. It is considered unnecessary and confusing.

Items 27 and 29 of the proposed rule involved changes to subsections 970.0404-4 and 970.5204-4 concerning unclassified and classified work assignments to the Department's management and operating contractors. These items had been added to the proposed rule at an advanced stage of the proposal's drafting and were not described in the proposal's preamble. Department policy in this area is being reevaluated and discussions are ongoing. Consequently, any rulemaking in this area is premature at this time and the items are being withdrawn from consideration. Any future policy promulgation in this area will be the subject of a future separate rulemaking.

**List of Subjects in 48 CFR Ch. 9**

Government procurement.

For the reasons set out in the preamble, Chapter 9 of Title 48 of the Code of Federal Regulations is proposed to be amended as set forth below.

Issued in Washington, DC on October 24, 1985.

Berton J. Roth,

Director, Procurement and Assistance Management Directorate.

**PART 915—[AMENDED]**

1. The authority citation for Part 915 continues to read as follows:

**Authority:** Sec. 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201), and Section 644 of the Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7254).

2. Item 8 of the proposed rule concerning section 915.613 is amended by revising the existing paragraph. As revised section 915.613 reads as follows:

**§ 915.613 Alternative source selection procedures.**

Source Evaluation Board (SEB) procedures shall be used for all negotiated competitive prime acquisitions expected to exceed \$10 million, except acquisitions for architect-engineer services, and acquisitions specifically waived by the Procurement Executive. Guidance regarding the designation and operation of an SEB is set forth in the Acquisition Regulations Handbook—Source Evaluation Board (DOE/MA-0154). The source selection official shall be as determined by the applicable DOE directive.

**PART 970—[AMENDED]**

3. The authority citation for Part 970 continues to read as follows:

**Authority:** Sec. 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201), and Section 644 of the Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7254).

4. Items 27 and 29 concerning sections 970.0404-4 and 970.5204-4 contained in the August 26, 1985 proposed rule, 50 FR 34656, are withdrawn.

[FR Doc. 85-25717 Filed 10-25-85; 8:45 am]

BILLING CODE 6450-01-M

# Notices

Federal Register

Vol. 50, No. 208

Monday, October 28, 1985

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

## DEPARTMENT OF AGRICULTURE

### Cooperative State Research Service

#### Cooperative Forestry Research Advisory Council; Meeting

According to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92-463, 86 Stat. 770-776) U.S. Department of Agriculture announces the following meeting:

Name: Cooperative Forestry Research Advisory Council.  
Place:

December 12, 1985, Department of Agriculture, Room 107, Administration Building, Washington, DC, 8:30 a.m.-4:30 p.m.

December 13, 1985, Department of Agriculture, Room 104 Administration Building Washington, DC, 8:30 a.m.-2:00 p.m.

Type of Meeting: Open to the public. Persons may participate in the meeting if time and space permit.

Comments: The public may file written comments before or after the meeting by contacting the person below.

Purpose: To consider national forestry research matters including: competitive and special grants, research priorities, state research plans, formula for allocation of McIntire-Stennis Cooperative Forestry Research funds, industry research activities, extension of research results.

Contact Person for Agenda and More Information: Dr. Boyd W. Post, Cooperative State Research Service, Room 123 Justin Smith Morrill Building, U.S. Department of Agriculture, Washington, D.C. 20251; telephone (202) 447-4516.

Dated: October 22, 1985.

John Patrick Jordan,  
Administrator, Cooperative State Research Service.

[FR Doc. 85-23854 Filed 10-25-85; 8:45 am]

BILLING CODE 3410-22-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-614-504]

#### Initiation of Countervailing Duty Investigation: Carbon Steel Wire Rod From New Zealand

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in New Zealand of carbon steel wire rod, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigation proceeds normally, we will make our preliminary determination on or before December 17, 1985.

EFFECTIVE DATE: October 28, 1985.

FOR FURTHER INFORMATION CONTACT: John Davies or Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-1785 or (202) 377-2438.

#### SUPPLEMENTARY INFORMATION:

##### The Petition

On September 23, 1985, we received a petition in proper form from counsel for Atlantic Steel Company, Georgetown Steel Corporation, North Star Steel Texas, Incorporated, and Raritan River Steel Company filed on behalf of the U.S. industry producing carbon steel wire rod. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in New Zealand of carbon steel wire rod receive, directly or indirectly, certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act).

Since New Zealand is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and the merchandise being investigated

is dutiable, section 303(a)(1) and 303(b) of the Act apply to this investigation. Accordingly, petitioners are not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of the subject merchandise from New Zealand materially injure, or threaten to materially injure, a U.S. industry.

#### Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for initiation of a countervailing duty investigation, and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on carbon steel wire rod from New Zealand and have found that the petition meets these requirements. Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in New Zealand of carbon steel wire rod, as described in the "Scope of Investigation" section of this notice, receive bounties or grants. If our investigation proceeds normally, we will make our preliminary determination on or before December 17, 1985.

#### Scope of Investigation

For purposes of this investigation, the term "carbon steel wire rod" covers a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch in diameter, nor over 0.74 inch in diameter, tempered or not tempered, treated or not treated, not manufactured or partly manufactured, and valued over or under 4 cents per pound. Wire rod is currently classifiable under items 607.14, 607.17, 607.22, and 607.23 of the *Tariff Schedules of the United States*.

#### Allegations of Bounties or Grants

The petition alleges that manufacturers, producers, or exporters in New Zealand of carbon steel wire rod receive benefits under the following programs that constitute bounties or grants. Although some of the programs listed below have been terminated by the government of New Zealand, we are initiating an investigation to find out if any of the manufacturers, producers, or exporters involved in this investigation receive residual benefits under the

terminated programs. We are initiating an investigation on the following allegations:

- Export Performance Taxation Incentive (EPTI)
- Export Market Development Taxation Incentive (EMDTI)
- Export Marketing Assistance
- Export Credits from the Development Finance Corporation
- Export Suspensory Loans Scheme (ESLS)
- Export Programme Suspensory Loan Scheme (EPSLS)
- Export Programme Grant Scheme (EPGS)
- New Market Increased Exports Taxation Incentive (NMIETI)
- Export Investment Allowances
- Exemption from or Refund of Import Duties or Sales Taxes
- Preferential Treatment to Exporters in Granting Import Licenses
- Development Financing from the Development Finance Corporation
- Research and Development Incentives
- Regional Development Investment Incentives
- Special Industrial Investment Allowances

Although not specifically alleged by petitioners, we are initiating an investigation to find out if the New Zealand wire rod industry receives any residual benefits under the following program.

- Increased Exports Taxation Incentive (IETI)

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

October 15, 1985.

[FR Doc. 85-25611 Filed 10-25-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-351-503]

### Certain Iron Construction Castings From Brazil; Preliminary Determination of Sales at Less Than Fair Value

**AGENCY:** International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** We preliminarily determine that certain iron construction castings from Brazil are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend the liquidation of all entries of the subject merchandise as described in the "Suspension of Liquidation" section

of the notice. If this investigation proceeds normally, we will make a final determination by January 6, 1986.

**EFFECTIVE DATE:** October 28, 1985.

**FOR FURTHER INFORMATION CONTACT:**

David D. Johnston, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-2239.

**SUPPLEMENTARY INFORMATION:**

**Preliminary Determination**

Based upon our investigation, we preliminarily determine that certain iron construction castings from Brazil are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act). We have preliminarily determined the margin of sales at less than fair value to be 68.3 for all construction castings.

If this investigation proceeds normally, we will make a final determination by January 6, 1986.

**Case History**

On May 13, 1985, we received a petition in proper form filed by the Municipal Castings Fair Trade Council, a trade association representing domestic producers of castings and fifteen individually-named members of the association. Those producers are: Alhambra Foundry, Inc.; Allegheny Foundry Co.; Bingham & Taylor; Campbell Foundry Co.; Charlotte Pipe & Foundry Co.; Deeter Foundry Co.; East Jordan Iron Works, Inc.; E.L. Le Baron Foundry Co.; Municipal Castings Inc.; Neenah Foundry Co.; Opeika Foundry Co., Inc.; Pinkerton Foundry, Inc.; Tyler Pipe Corp.; U.S. Foundry and Manufacturing Co.; and Vulcan Foundry, Inc., filing on behalf of the U.S.

producers of certain iron construction castings. In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Brazil are being, or are likely to be sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are causing material injury, or threaten material injury, to a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We notified the ITC of our action and initiated such an investigation on June 7, 1985 (50 FR 24008). On June 27, 1985, the ITC determined that there is a

reasonable indication that imports of iron construction casting are materially injuring, or threatening material injury to, a U.S. industry (50 FR 27498).

On July 29, 1985, a questionnaire was presented to respondents in Brazil. On September 5 and September 24, 1985, Usina Siderurgica Paraense—USIPA Ltda. (USIPA), Fundicao Aldebara Ltda. (Aldebara) and Sociedade de Metalurgia E Processors Ltda. (SOMEPE) responded to our questionnaire.

**Scope of Investigation**

The merchandise covered by this investigation consists of certain iron construction castings, limited to manhole covers, rings and frames, catch basin grates and frames, cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems; and valve, service and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters. These articles must be of cast iron, not alloyed, and not malleable, and are currently classifiable under item number 657.09 of the *Tariff Schedules of the United States*.

Because these three companies accounted for at least 60 percent of exports of the merchandise to the United States during the period of investigation, we limited our investigation to them. We investigated virtually all sales of certain iron construction castings by these companies for the period December 1, 1984 through May 31, 1985.

**Fair Value Comparisons**

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price based on the best information available, with the foreign market value, also based on the best information available.

We used the best information available as required by section 776(b) of the Act, because adequate responses were not submitted in an acceptable form. We have requested additional information from the respondents.

**United States Price**

In accordance with section 772 of the Act, we calculated United States price as described below. Because of the numerous deficiencies found in the responses and the failure of the respondents to provide United States sales information in an acceptable form, we used petitioners' information on pricing or offers of this merchandise without deductions, and average import statistics, as the best information available, in accordance with section

776(b) of the Act. The deficiencies involve the absence of specific data on product descriptions, terms of sale expenses and quantities.

#### Foreign Market Value

In accordance with section 773(e) of the Act, we calculated foreign market value based on constructed value. Two respondents provided a constructed value response since there were not sufficient home market or third country sales of such or similar merchandise. One respondent had sales of such or similar merchandise in the home market. The petitioners alleged that these sales were at prices which were below the cost of production, therefore, we required cost of production data. The cost data provided did not reflect increases which would be expected in a hyper-inflationary economy. In addition, information regarding various elements of cost was not provided or adequately explained. This lack of information made it impossible for us to determine whether the cost data was calculated in a reasonable manner. We, therefore, used the constructed value information for light and for heavy iron construction castings provided by the petitioner as the best information available, pursuant to section 776(b) of the Act. The Department is continuing to review the issue of whether there should be one average cost for all products subject to the investigation, as reported by each respondent, or separate production costs for each product category produced by each respondent. The Department will resolve this issue prior to verification.

#### Verification

As provided in section 776(a) of the Act, we will verify all data used in reaching the final determination in this investigation.

#### Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of certain iron construction castings from Brazil that are entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or the posting of a bond equal to the estimated amount by which the foreign market value of the merchandise subject to this investigation exceeded the United States price is 68.3 percent. This

suspension of liquidation will remain in effect until further notice.

#### ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry before the later of 120 days after we make our preliminary affirmative determination, or 45 days after we make our final determination.

#### Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination and the verification report at 10:00 a.m. on November 26, 1985, at the U.S. Department of Commerce, Room 5611, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by November 19, 1985. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

**John L. Evans,**

*Acting Deputy Assistant Secretary for Import Administration.*

October 21, 1985.

[FR Doc. 85-25626 Filed 10-25-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-503]

#### Certain Iron Construction Castings From Canada; Preliminary Determination of Sales at Less than Fair Value

**AGENCY:** International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** We preliminarily determine that certain iron construction castings from Canada are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend the liquidation of all entries of the subject merchandise as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by January 6, 1986.

**EFFECTIVE DATE:** October 28, 1985.

**FOR FURTHER INFORMATION CONTACT:** Patrick O'Mara or Raymond Busen, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 377-4198 or (202) 377-2830.

#### SUPPLEMENTARY INFORMATION:

##### Preliminary Determination

Based upon our investigation, we preliminarily determine that certain iron construction castings from Canada are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act). We have preliminarily determined the weighted-average margin of sales at less than fair value to be 6.7 percent for LaPerle Foundry, Limited (LaPerle), 0.9 percent for Mueller Canada, Inc. (Mueller), and 15.7 percent for Bibby Ste. Croix (Bibby).

If this investigation proceeds normally, we will make a final determination by January 6, 1986.

##### Case History

On May 13, 1985, we received a petition in proper form filed by the Municipal Castings Fair Trade Council, a trade association representing domestic producers of castings and fifteen individually-named members of the association. These producers are: Alhambra Foundry, Inc.; Allegheny Foundry Co.; Bingham & Taylor; Campbell Foundry Co.; Charlotte Pipe & Foundry Co.; Deeter Foundry Co.; East

Jordan Iron Works, Inc.; E.L. Le Baron Foundry Co.; Municipal Castings Inc.; Neenah Foundry Co.; Opelike Foundry Co., Inc.; Pinkerton Foundry, Inc.; Tyler Pipe Corp.; U.S. Foundry and Manufacturing Co.; and Vulcan Foundry, Inc., filing on behalf of the U.S. producers of certain iron construction castings. In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Canada are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are causing material injury, or threaten material injury, to a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We notified the ITC of our action and initiated such an investigation on June 7, 1985 (50 FR 24264). On June 27, 1985, the ITC determined that there was a reasonable indication that imports of iron construction castings from Canada were materially injuring, or threatening material injury to, U.S. industry (50 FR 27498).

On June 17 and July 8, 1985, questionnaires were presented to respondents LaPerle, Bibby and Mueller. Responses to the questionnaires were received August 9, 16, and 23, 1985, respectively. On September 11, 1985, we received supplemental responses from LaPerle and Bibby.

#### Scope of Investigation

The merchandise covered by this investigation consists of certain iron construction castings, limited to manhole covers, rings and frames, catch basin grates and frames, cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems; and valve, service and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters. These articles must be of cast iron, not alloyed, and not malleable, and are currently classifiable under item-number 657.09 of the *Tariff Schedules of the United States*. Because these three companies accounted for at least 60 percent of exports of merchandise to the United States from Canada during the period of investigation, we limited our investigation to them. We investigated all sales of certain iron construction castings by these companies for the period December 1, 1984 through May 31, 1985.

#### Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with foreign market value as specified below.

#### United States Price

As provided in section 772(b) of the Act, we used the purchase price of castings to represent the United States price for sales by Mueller, LaPerle, and Bibby, because castings were sold to unrelated purchasers prior to their importation into the United States. We made deductions, where appropriate, for foreign inland freight, early payment discounts, and brokerage. For Bibby, we also made a deduction, where appropriate, for sales discounts.

#### Foreign Market Value

In accordance with section 773 of the Act, we based foreign market value for the three respondents on home market prices. We calculated the foreign market value on the basis of gross, delivered prices per pound with appropriate deductions for freight, early payment discounts, and rebates.

In accordance with § 353.15 of the Commerce Regulations (19 CFR 353.15), we also made circumstances of sale adjustments, where appropriate, for differences in credit expenses and commission. For Bibby, sales commissions were paid on most sales in one market and on only few sales in the other market. In cases where we had commissions in only one market, we made adjustments for the differences between commissions in the applicable market and indirect selling expenses in the other market, used as an offset to the commissions, in accordance with § 353.15(c) of our Regulations. Pursuant to § 353.36 of our Regulations, we made currency conversions at the rates certified by the Federal Reserve Bank.

We made comparisons of "such or similar" merchandise based on a consideration of shape, weight, and size of the particular castings involved.

#### Verification

In accordance with section 776(a) of the Act, we verified the information used in making this determination by using standard verification procedures, including on-site examination of records and selection of original source documentation containing relevant information.

#### Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United

States Customs Service to suspend liquidation of all entries of certain iron construction castings from Canada that are entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeded the United States price, as shown below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Weighted-average margin percentage
Mueller	0.9
LaPerle	6.7
Bibby	15.7
All Others	9.3

#### ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC or our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry before the later of 120 days after we make our preliminary affirmative determination, or 45 days after we make our final determination.

#### Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if required, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 2:00 p.m. on November 26, 1985, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a written request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. The request should contain:

(1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by November 19, 1985. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

October 21, 1985.

[FR Doc. 85-25626, Filed 10-25-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-570-502]

**Certain Iron Construction Castings From the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value**

**AGENCY:** Import Administration, International Trade Administration, Commerce.

**ACTION:** Notice of Preliminary Determination of Sales at Less than Fair Value.

**SUMMARY:** We preliminarily determine that certain iron construction castings from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend liquidation on all entries of the subject merchandise as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make our final determination by January 6, 1986.

**EFFECTIVE DATE:** October 28, 1985.

**FOR FURTHER INFORMATION CONTACT:** Steven Lim or Charles E. Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 377-1776 or (202) 377-5288.

**SUPPLEMENTARY INFORMATION:**

**Preliminary Determination**

Based upon our investigation, we preliminarily determine that certain iron construction castings from the PRC are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act

of 1930, as amended (19 U.S.C. 1673b) (the Act). The estimated margin was based on the best information available, as explained below in the section of this notice which describes our fair value comparisons and calculations. The margin is listed in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make our final determination by January 6, 1986.

**Case History**

On May 13, 1985, we received a petition in proper form filed by the Municipal Castings Fair Trade Council, a trade association representing domestic producers of castings and fifteen individually-named members of the association. Those producers are: Alhambra Foundry, Inc.; Allegheny Foundry Co.; Bingham & Taylor; Campbell Foundry Co.; Charlotte Pipe & Foundry Co.; Deeter Foundry Co.; East Jordan Iron Works, Inc.; E.L. Le Baron Foundry Co.; Municipal Castings Inc.; Neenah Foundry Co.; Opelika Foundry Co., Inc.; Pinkerton Foundry, Inc.; Tyler Pipe Corp.; U.S. Foundry and Manufacturing Co.; and Vulcan Foundry, Inc., filing on behalf of the U.S. producers of castings. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from the PRC are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are causing material injury, or threaten material injury, to a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We notified the ITC of our action and initiated this investigation on June 6, 1985 (50 FR 24014). On June 27, 1985, the ITC determined that there is a reasonable indication that imports of certain iron construction castings from the PRC are materially injuring a U.S. industry.

On July 3, 1985, questionnaires were presented to the Embassy of the PRC for transmission to Chinese National Machinery Equipment Import & Export Corp., China National Metals & Minerals Corp., and Wuhan Shipbuilding Corp.

On August 23, 1985, correspondence was received from the Embassy of the PRC; however, it was not responsive to the questionnaire. On September 3, 1985, the Embassy of the PRC was informed that we required responses to all elements of the questionnaire.

On September 26, 1985, we informed the Embassy of the PRC that we may have to use best information available for purposes of our preliminary determination. If responses are received in time to be verified and evaluated, we will use them for purposes of our final determination.

As discussed under the "Foreign Market Value" section of this notice, we have preliminarily determined that the PRC is a state-controlled-economy country for the purpose of this investigation.

**Scope of Investigation**

The merchandise covered by the petition consists of certain iron construction castings, limited to manhole covers, rings and frames, catch basin grates and frames, cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems, and valve, service and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters. These articles must be of cast iron, not alloyed, and not malleable, and are currently classifiable under item number 657.09 of the *Tariff Schedules of the United States*.

**Fair Value Comparison**

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price, based on the best information available, with the foreign market value, also based on the best information available. We used the best information available as required by section 776(b) of the Act because respondents did not submit adequate responses.

**United States Price**

We calculated the purchase price of certain iron construction castings as provided in section 772 of the Act, on the basis of quotes and sales invoices supplied by petitioners from U.S. purchasers of castings.

**Foreign Market Value**

Petitioners alleged that the PRC is a state-controlled-economy country and that sales of the subject merchandise from that country do not permit a determination of foreign market value under section 773(a). After a analysis of the PRC's economy, we have preliminarily concluded that the PRC is a state-controlled-economy country for purposes of this investigation. Central to our decision on this issue is the fact that the central government of the PRC strictly controls the prices and levels of

production of the PRC iron construction castings industry, as well as the internal pricing of the factors of production.

Therefore, we calculated foreign market value as provided in section 773(a) of the Act. The best information available for calculating foreign market value was the constructed value data submitted in the petition. These data were based on alleged Indian costs plus the statutory minimums for general expenses and profit.

#### Verification

In accordance with section 776(a) of the Act, we will verify all data used in reaching the final determination in this investigation, if adequate responses are received.

#### Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of certain iron construction castings from the PRC entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or bond in an amount equal to the estimated amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price.

This suspension of liquidation will remain in effect until further notice.

The margin for all products investigated is 25.52 percent.

#### ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports are materially injuring, or are threatening material injury to, a U.S. industry before the later of 120 days after we make our preliminary affirmative determination, or 45 days after we make our final determination.

#### Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford

interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on November 20, 1985, the U.S. Department of Commerce, Room 5611, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by November 13, 1985. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

Dated: October 21, 1985.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-25628 Filed 10-25-85; 8:45 am]

BILLING CODE 3510-05-M

#### [A-553-501]

### Iron Construction Castings From India: Preliminary Determination of Sales at Less Than Fair Value

**AGENCY:** International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** We have preliminarily determined that iron construction castings (construction castings) from India are being, or are likely to be sold, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by January 6, 1986.

**EFFECTIVE DATE:** October 28, 1985.

#### FOR FURTHER INFORMATION CONTACT:

Terri A. Feldman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW.,

Washington, D.C. 20230; telephone: (202) 377-3534.

#### SUPPLEMENTARY INFORMATION:

##### Preliminary Determination

Based upon our investigation, we have preliminarily determined that construction castings from India are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) (19 U.S.C. 1673(b)) of the Tariff Act of 1930, as amended (the Act). The margins preliminarily found for all companies investigated are listed in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make a final determination by January 6, 1986.

##### Case History

On May 13, 1985, we received a petition in proper form filed by the Municipal Castings Fair Trade Council, a trade association representing domestic producers of castings and fifteen individually-named members of the association. Those producers are: Alhambra Foundry, Inc.; Allegheny Foundry Co.; Bingham & Taylor; Campbell Foundry Co.; Charlotte Pipe & Foundry Co.; Deeter Foundry Co.; East Jordan Iron Works, Inc.; E.L. Le Baron Foundry Co.; Municipal Castings Inc.; Neenah Foundry Co.; Opelika Foundry Co. Inc.; Pinkerton Foundry Inc.; Tyler Pipe Corp.; U.S. Foundry and Manufacturing Co.; and Vulcan Foundry, Inc. In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from India are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that these imports are materially injuring, or threatening material injury to, a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We notified the ITC of our action and initiated such an investigation on June 7, 1985 (50 FR 24014). On June 27, 1985, the ITC determined that there is a reasonable indication that imports of construction castings are materially injuring, or threatening material injury to, a U.S. industry (50 FR 27498).

On June 21, 1985, a questionnaire was presented to counsel for respondents. On August 8 and August 19, 1985, RSI India Pvt. Ltd. (RSI), Kejriwal Iron & Steel Works (Kejriwal), Serampore

Industries Pvt. Ltd. (Serampore) and Kajaria Castings Pvt. Ltd. (Kajaria) responded to our questionnaire.

Because the above-named four companies accounted for at least 60 percent of exports of the merchandise to the United States during the period of investigation, we limited our investigation to them. We investigated virtually all sales of iron construction castings by these companies for the period December 1, 1984, through May 31, 1985.

#### Scope of Investigation

The products covered by this investigation are certain iron construction castings, limited to manhole covers, rings and frames, catch basin grates and frames, cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems; and valve, service and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters. These articles must be of cast iron, not alloyed, and not malleable, and are currently classifiable under item number 657.09 of the *Tariff Schedules of the United States*.

#### Fair Value Comparison

To determine whether sales in the United States of the subject merchandise were made at less than value, we compared the United States price based on purchase price with the foreign market value based on the constructed value of the imported merchandise. Constructed value was based on the best information available for the reasons given in the "Foreign Market Value" section of this notice.

#### United States Price

As provided in section 772 of the Act, we used the purchase price of the subject merchandise to represent the United States price because the merchandise was sold to unrelated purchasers prior to its importation into the United States. We calculated the purchase price based on the packed F.O.B. or C&F price to unrelated customers in the United States. Where appropriate, we made deductions for foreign inland freight, ocean freight, commissions, port charges, inspection charges, brokerage and handling, and insurance. In accordance with section 772(d)(1)(D) of the Act, where appropriate, we added the amount of countervailing duty imposed in India on certain heavy iron metal castings to offset export subsidies. We also added rebated duties and taxes in the form of a cash compensatory support and duty drawback.

#### Foreign Market Value

In accordance with section 773(e) of the Act, we calculated foreign market value based on constructed value since there were not sufficient home market or third country sales of such or similar merchandise. Constructed value was based on the constructed value responses of the respondents. However, for purposes of the preliminary determination, the respondents' data is considered best information available because the Department is continuing to review the issue of whether there should be one average cost for all products subject to the investigation, as reported by each respondent, or separate production costs for each product category produced by each respondent. The Department will resolve this issue prior to verification.

In determining constructed value for RSI, Kejriwal, and Serampore we calculated the cost of materials, fabrication, general expenses, profit, and the cost of packing. The amounts added for general expenses were calculated from data provided in the responses. In all instances the amounts used for general expenses were the statutory minimum of 10 percent of the sum of material and fabrication costs. The amount added for profit was the statutory minimum of 8 percent. For Kajaria we used, as best information available, the highest constructed value of the other respondents, since it appears that certain materials received from related parties did not represent fair value. We added to each company's constructed value the packing cost for sales to the United States. We made an adjustment for differences between home market and United States credit cost.

We made currency conversions in accordance with § 353.56(a)(1) of the Commerce Regulations, using certified exchange rates as furnished by the Federal Reserve Bank of New York.

#### Verification

As provided in section 776(a) of the Act, we will verify all data used in reaching the final determination in this investigation.

#### Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of iron construction castings from India that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the *Federal Register*. The Customs Service shall require a cash deposit or the posting of a

bond equal to the estimated weighted-average amount by the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice. The margins are as follows:

Manufacturers/sellers/exporters	Weighted-average margin percentage
RSI	18.20
Kejriwal	2.58
Serampore	5.27
Kajaria	32.22
All Others	3.10

#### ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry before the later of 120 days after we make our preliminary affirmative determination, or 45 days after we make our final determination.

#### Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on December 9, 1985, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room B099, at the above address within 10 days of the notice's publication. Request should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed.

In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by December 2, 1985. Oral presentations



will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

Dated: October 21, 1985.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-25518 Filed 10-25-85; 8:45 am]

BILLING CODE 3510-05-M

[C-433-502]

**Extension of the Deadline for Final Countervailing Duty Determination; Oil Country Tubular Goods From Austria**

**AGENCY:** Import Administration, International Trade Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** On July 19, 1985, we published a notice in the Federal Register extending the deadline for the final countervailing duty determination on oil country tubular goods from Austria to correspond to the date of the final determination in the antidumping investigation of the same products (50 FR 29457). This extension was made pursuant to section 705(a)(1) of the Tariff Act of 1930, as amended by section 606 of the Trade and Tariff Act of 1984 (Pub. L. 98-573). On October 21, 1985, we postponed the final antidumping duty determination of oil country tubular goods from Austria. The notice of postponement is being published in the Federal Register concurrently with this notice. With this postponement, the new date for the final antidumping duty determination is December 27, 1985. Therefore, the date of the final countervailing duty determination is extended to correspond to the revised date of the final antidumping duty determination.

**EFFECTIVE DATE:** October 28, 1985.

**FOR FURTHER INFORMATION CONTACT:** Loc Nguyen or Mary Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-0167 or 377-3464.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

October 21, 1985.

[FR Doc. 85-25609 Filed 10-25-85; 8:45 am]

BILLING CODE 3510-05-M

[C-489-502]

**Preliminary Affirmative Countervailing Duty Determinations: Certain Welded Carbon Steel Pipe and Tube Products From Turkey**

**AGENCY:** Import Administration, International Trade Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** We preliminarily determine that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Turkey of certain welded carbon steel pipe and tube products (standard pipe and tube and line pipe). The estimated net subsidy is 26.18 percent *ad valorem*. However, we are taking into account several program-wide changes which occurred after our review period, but prior to these determinations, and we are adjusting the bonding rate accordingly. We preliminarily determine that "critical circumstances" exist with regard to standard pipe and tube, and that they do not exist with regard to line pipe.

We have notified the United States International Trade Commission (ITC) of our determinations. We are directing the U.S. Customs Service to suspend liquidation of all entries of standard pipe and tube from Turkey that are entered or withdrawn from warehouse for consumption, on or after the date which is 90 days before publication of this notice, and to require a cash deposit or bond on entries of standard pipe and tube in an amount equal to 23.64 percent *ad valorem*. We are also directing the U.S. Customs Service to suspend liquidation of all entries of line pipe from Turkey that are entered or withdrawn from warehouse for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond on entries of line pipe in an amount equal to 23.64 percent *ad valorem*.

If these investigations proceed normally, we will make our final determinations by January 6, 1986.

**EFFECTIVE DATE:** October 28, 1985.

**FOR FURTHER INFORMATION CONTACT:** Peter Sultan or Mary Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-2815 or 377-3464.

**SUPPLEMENTARY INFORMATION:**

**Preliminary Determinations**

Based upon our investigations, we preliminarily determine that there is reason to believe or suspect that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Turkey of certain welded carbon steel pipe and tube products. For purposes of these investigations, the following programs are found to confer subsidies:

- Export Tax Rebate and Supplemental Tax Rebate
- Preferential Export Financing
- Deduction from Taxable Income for Export Revenues
- Resource Utilization Support Fund

We preliminarily determine the estimated net subsidy to be 26.77 percent *ad valorem* for all manufacturers, producers or exporters in Turkey of certain welded carbon steel pipe and tube products. However, we are adjusting the bonding rate to reflect several program-wide changes that occurred after our review period. Thus, the cash deposit or bond on entries of these products will be 23.64 percent *ad valorem*.

**Case History**

On July 16, 1985, we received a petition in proper form from the Standard Pipe Subcommittee and Line Pipe Subcommittee of the Committee on Pipe and Tube Imports (CPTI) and by each of its member companies which produce standard pipe and tube and line pipe. In compliance with the filing requirements of section 355.26 of our regulations (19 CFR 355.26), the petition alleged that manufacturers, producers, or exporters in Turkey of certain welded carbon steel pipe and tube products directly or indirectly receive benefits which constitute subsidies within the meaning of section 701 of the Act, and that these imports materially injure or threaten material injury to a U.S. industry.

We found that the petition contained sufficient grounds upon which to initiate countervailing duty investigations on certain welded carbon steel pipe and tube products, and on August 5, 1985, we initiated such investigations (50 FR 32248). We stated that we expected to issue preliminary determinations by October 9, 1985.

On September 5, 1985, we received a request from petitioners that the preliminary determinations be postponed to October 21, 1985, and on September 12, 1985 we postponed these determinations (50 FR 37891).

On September 24, 1985, the petitioners alleged that critical circumstances exist with respect to certain welded carbon steel pipe and tube products from Turkey.

Since Turkey is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for these investigations. Therefore, we notified the ITC of our initiation. On August 30, 1985, the ITC determined that an industry in the United States is materially injured or threatened with material injury by reason of imports of certain welded carbon steel pipe and tube products from Turkey (50 FR 37068).

We presented a questionnaire concerning the allegations to the government of Turkey in Washington, D.C. on August 15, 1985. Response to our questionnaire were received from the government of Turkey, and from the following producers in Turkey of certain welded carbon steel pipe and tube products: the Borusan group of companies, Mannesmann-Suemerbank, Yucel Boru ve Profil Endustrisi, Erkrboru Profil Sanayi ve Ticaret, and Umran Spiral Welded Pipe Inc. Because the latter two companies did not export to the United States during 1984 and the first six months of 1985, we have not used their response for these determinations.

#### Scope of Investigation

The products covered by these investigations are:

(1) Welded carbon steel pipe and tube, with an outside diameter of .375 inch or more, but not over 16 inches, of any wall thickness, currently classifiable in the *Tariff Schedules of the United States, Annotated* (TSUSA), under items 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258, and 610.4925. These products, commonly referred to in the industry as standard pipe or tube, are produced to various ASTM specifications, most notably A-120, A-53 or A-135; and

(2) welded carbon steel line pipe with an outside diameter of .375 inch or more but not over 16 inches, and with a wall thickness of not less than .065 inch, currently classifiable in the TSUSA, under items 610.3208 and 610.3209. These products are produced to various American Petroleum Institute (API) specifications for line pipe, most notably API-5L or API-5LX.

#### Analysis of Programs

Throughout this notice, we refer to certain general principles applied to the facts of the current investigations. These principles are described in the

"Subsidies Appendix" attached to the notice of "Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina; Final Affirmative Countervailing Duty Determination and Countervailing Duty Order," which was published in the April 26, 1984, issue of the *Federal Register* (49 FR 18006).

Consistent with our practice in preliminary determinations, where a response to an allegation denies the existence of a program, receipt of benefits under a program, or eligibility of a company or industry under a program, and the Department has no persuasive evidence showing that the response is incorrect, we accept the response for purposes of the preliminary determination. All such responses are subject to verification. If the response cannot be supported at verification, and the program is otherwise countervailable, the program will be considered a subsidy in the final determination.

It is the Department's policy to take into account program-wide changes where these are implemented after the review period, but before a preliminary determination, with the result that the rate for cash deposit or bonding purposes is raised or lowered, as appropriate. This policy is desirable because it promotes the expeditious elimination or curtailment of subsidies. The recognition of program-wide changes also permits the Department to adjust the bonding rate to correspond as nearly as possible to the eventual duty liability.

In these investigations we have discovered that, subsequent to the review period, but prior to these preliminary determinations, a number of programs have been either eliminated, newly instituted, or altered in such a way as to result in a fundamental change in the bestowal of benefits. Descriptions of these program-wide changes, and of our treatment of them, follow in the section of this notice entitled "Analysis of Programs."

For purposes of these preliminary determinations, the period for which we are measuring subsidization ("the review period") is calendar year 1984. The subsidy rates set forth in this notice are country-wide rates.

Although there were no imports of line pipe from Turkey into the United States during the review period, we believe that the circumstances of the production and exportation of standard pipe and tube are so similar to those of line pipe that the incidence of subsidization would be the same for both products.

Therefore, we are attributing the subsidy rates found on the production

and exportation of standard pipe and tube to line pipe also.

Based upon our analysis of the petition and the responses to our questionnaire, we preliminarily determine the following:

#### I. Programs Preliminarily Determined To Confer Subsidies

We preliminarily determine that subsidies are being provided to manufacturers, producers, or exporters in Turkey of certain welded carbon steel pipe and tube products under the following programs:

##### A. Export Tax Rebate and Supplemental Tax Rebate

The government of Turkey provides tax rebates to exporters of certain products, pursuant to Law number 261 of July 1963, and Decree number 7/10624 of September 16, 1975, as amended by Decrees numbers 8/2625 (April 23, 1981), 8/4397 (April 22, 1982) and 83/7542 (December 29, 1983).

In its questionnaire response, the government of Turkey states that the objectives of this program are to expand the range of exportable products, to increase the competitiveness of those products in world markets, and to increase the variety and volume of industrial products among Turkey's exports. This program is administered by Turkey's State Planning Office and its Central Bank.

The State Planning Organization determines which products are eligible for these tax rebates by considering factors such as the tax burden in the costs of the product, the value added to the product, and the import content of the product. Eligible products are classified in ten lists, each list having a separate rebate rate. Rates of rebate are set by considering the incidence of a wide variety of taxes applicable to the exported product or inputs into it. Included among these are production, real estate and sales tax, customs duties on imported raw materials and other inputs used in the production of the product, income taxes on wages, and duties and fees connected with export procedures. The amount of rebate is calculated by applying the applicable rebate rate to the FOB value of the exported goods. (Where exports are transported on Turkish vessels, the CIF value of the exported goods is used.) The rates of rebate during 1984 for certain welded carbon steel pipe and tube products were 20 percent from January 1 to April 1, 16 percent from April 1 to September 1, and 11 percent from September 1.

In addition to the basic export tax rebate described above, the government of Turkey also provides supplemental tax rebates to exporters that have annual exports of more than \$2 million. The rates of these supplemental rebates were reduced during 1984. Effective September 1, 1984, the rates applicable to exports of certain welded carbon steel pipe and tube products were 3.3 percent for exports of between \$2 million and \$10 million, 6.6 percent for exports of between \$10 million and \$30 million, and 5.5 percent for those above \$30 million.

In order to determine whether export payments, purportedly operating as a rebate of indirect taxes, are in fact a *bona fide* rebate of indirect taxes, the Department examines whether: (1) The program operates for the purpose of rebating indirect taxes; (2) there is a clear link between eligibility for export payments and indirect taxes paid; and (3) the government has reasonably calculated and documented the actual indirect tax incidence borne by the product concerned and has demonstrated a clear link between such tax incidence and the rebate amount paid on export. This test had not been met in these investigations. We have not been provided with any studies which would show that the actual indirect tax incidence on the production of certain welded carbon steel pipe and tube products, or in the steel sector, has been reasonably calculated and documented by the government of Turkey, or that there is a clear link between such tax incidence and the amount of rebate paid. Furthermore, among the taxes which are meant to be rebated, there are several that are either direct taxes or appear not to be related to the production of steel products.

Even if the above test had been satisfied, we have not been provided with any data which would allow us to assess the incidence of indirect taxes on the production and exportation of the subject merchandise. Consequently, for purposes of these preliminary determinations, we find that the entire amount of the basic and supplemental export tax rebate is countervailable. At verification, we will seek to determine whether the program meets the Department's test for rebating indirect taxes, as well as examine the indirect taxes, if any, borne by these products.

We calculated the benefit by weight-averaging the rates of rebate and supplemental rebate which applied during the review period. On this basis, we calculated an estimated net subsidy of 23.16 percent *ad valorem*. However, we recognize that the substantial

reductions in the rates of rebate during 1984 have resulted in a significant change in benefit levels under this program. Accordingly, the bonding rate for this program reflects the rebate rates in effect since September 1, 1984. On this basis, the bonding rate is 16.62 percent *ad valorem*.

#### B. Preferential Export Financing

The response of the government of Turkey and the companies state that there were programs providing short- and medium-term export financing at preferential rates during 1984. Short-term export financing was available pursuant to Decree number 84/7557 of January 1984. Both short- and medium-term financing were classified as certificate and non-certificated. Certificated credits were those for which the exporter needed to have an incentive from the State Planning Organization. This preferential export financing is obtained through commercial banks, with the Central Bank of Turkey supplying 90 percent and the commercial bank 10 percent of the loan amount. The questionnaire responses do not provide any further details on the operation of these financing programs. All three companies had loans with principal outstanding under this program during the review period. These loans were obtained at interest rates of between 28.5 and 54 percent. The cost of comparable commercial financing was between 57.3 and 70.5 percent during the review period. We preliminarily determine that this program is countervailable because it provided financing to exporters, at interest rates below those applicable to comparable commercial credits.

To calculate the benefit derived from this program, we compared the cost of the preferential financing to the cost of comparable commercial financing. Because these loans are related to exports, and because the loans reported relate to exports of all products to all markets, we allocated the benefits over the value of each company's total exports of all products during the review period. We then weight-averaged the resulting *ad valorem* benefit for each company by the company's proportion of the value of Turkish exports of the subject merchandise to the United States. On this basis, we calculated a subsidy of 2.61 percent *ad valorem*.

Short-term export financing under Decree number 84/7557 was abolished by Decree number 84/8061, which became effective on January 1, 1985. Pursuant to Decree number 84/8630, medium-term export loans ceased to be available after October 14, 1984. However, one company's response

shows that its loans under this program will continue to be outstanding until the end of November 1985. Because the benefits from these loans will continue to accrue until then, we do not believe that it is appropriate to take the elimination of this program into account for purposes of these preliminary determinations.

#### C. Deduction From Taxable Income for Export Revenues

Article 8 of the Turkish Corporation Tax Law, as amended by Law No. 2362, permits producers that export industrial products valued in excess of \$250,000 annually to deduct 20 percent of their export revenues from taxable corporate income. A 5 percent deduction is provided to exporters that are not producers.

However, under Article 94 of the Turkish Income Tax Law, as amended by Law No. 2772, these deductions are subject to an additional tax. If the income from the deduction is distributed to shareholders, the tax rate on the deduction is 25 percent; if the income is retained, the rate is 20 percent.

This program is countervailable because it provides a benefit which is contingent upon export performance.

All three companies used these deductions. The benefit is the amount of tax savings realized by using the deduction. Each company's benefits were allocated over the value of its total exports during the review period. By weight-averaging the resulting *ad valorem* benefit for each company by the company's proportion of the value of Turkish exports of the subject merchandise to the United States, we calculated an estimated net subsidy of 0.41 percent *ad valorem*.

#### D. Resource Utilization Support Fund (RUSF)

The Resource Utilization Support Fund was created by Decree number 84/8860 which was published in the Official Journal on December 15, 1984, and became effective January 1, 1985. The purpose of the fund is to orient bank sources by supporting exports and source utilization in investments that are consistent with the objectives of the Development Plan and annual implementation programs. The Central Bank sets the procedures for payments from the fund which are available for: (1) Exports subsequent to January 1, 1985; (2) investments covered by Investment Certificates granted since October 14, 1984; and (3) specialty credits opened since January 1, 1985. Exporters are eligible to receive payments in the amount of 4 percent of

their exports. Because the first element of this program provides for payments on the basis of export performance, we preliminarily determine that it confers a countervailable benefit on exports. We intend to seek additional information on the remaining elements of this program for our final determinations.

This program did not exist during our review period. The responses indicated that, although one exporter had neither applied for nor received payments, the other exporters have applied for, and one exporter has received payments during the first six months of 1985. Because it appears as though these benefits are granted automatically for exports, we are adjusting the bonding rate to include an estimated subsidy in the amount of 4 percent *ad valorem*.

## II. Programs Preliminarily Determined Not To Confer a Subsidy

We preliminarily determine that subsidies are not being provided to manufacturers, producers, or exporters in Turkey of certain welded carbon steel pipe and tube products under the following programs:

### A. General Incentives Program

The General Incentives Program is designed to implement the targets of Turkey's five-year development plan and annual development programs. The government of Turkey in its questionnaire response states that the goals of the General Incentives Program are to remove development disparities among different regions, to assure economically efficient investments by region and by sector, and to direct savings to the most economically suitable investment areas.

At least three distinct programs are available under the General Incentives Program. These are: (1) Income and corporation tax allowances; (2) exemptions from or deferrals of customs duties and other duties, fees and taxes; and (3) rebates of interest on medium- and long-term credits.

Prior to January 1, 1985, the sectors and industries which were eligible for benefits were listed on a General Incentives Table. Although the producers of all types of welded steel pipe and tube products were not specifically included on the General Incentives Table, the response of the government of Turkey states that some may have benefited indirectly. In order actually to receive benefits under any of the three programs, a company within an eligible sector or industry was required to obtain an incentive certificate from Turkey's State Planning Organization. Under the regime of the General Incentives Program during our

review period, benefits were available to a wide variety of sectors and industries of the Turkish economy. Therefore, we preliminarily determine that this program is not limited to a specific enterprise or industry, or group of enterprises or industries, and thus, is not countervailable.

Pursuant to Decree No. 84/8630, effective January 1, 1985, the General Incentives Table was replaced by a list of sectors and industries which are not eligible to receive benefits. Producers of certain welded carbon steel pipe and tube products are among those sectors or industries no longer eligible to participate in the program. In addition, the response of the government of Turkey states that the producers of the products under investigation are not located in the development areas that would otherwise make them eligible for program participation. Therefore, we preliminarily determine that the program does not confer a subsidy on certain welded carbon steel pipe and tube products.

The program providing income and corporation tax allowances is discussed in the section of this notice entitled "Programs Preliminarily Determined Not to be Used."

1. *Interest Rebates.* Pursuant to Decree number 83/7507, eligible companies with incentive certificates were able to receive low-interest medium- and long-term investment loans. These loans were disbursed by commercial banks, which received interest rebates of up to 7 percent. These rebates were passed along in the form of reduced interest to borrowers. The interest rebates were made from an Interest Spread Return Fund administered by the Central Bank of Turkey. We preliminarily determine that this program does not confer a subsidy because it is not limited to a specific enterprise or industry, or group of enterprises or industries.

Pursuant to Decree number 84/8860, the provisions of Decree number 83/7507 pertaining to interest rebates were repealed and this program was abolished as of January 1, 1985. However, the decree which abolished the program specifically provides that interest rebates will continue to be paid for the duration of loans which were disbursed before January 1, 1985.

2. *Exemptions from or Deferrals of Customs Duties and Other Duties, Fees and Taxes.* Under the General Incentives Program eligible companies with incentive certificates are exempt from customs duties and other taxes on imports of raw materials and capital equipment during 1984. The responses

stated that deferrals of duties were discontinued.

All three companies reported having used the exemptions from customs duties and other taxes on imports of raw materials during the review period, and not having used them on imports of capital equipment. We preliminarily determine that this program does not confer a subsidy because it is not limited to a specific enterprise or industry, or group of enterprises or industries.

### B. Customs Duty Exemption Under Decree Number 84/8861

Under Decree number 84/8861, which became effective on January 1, 1985, exporters in Turkey may obtain a customs duty exemption on the importation of raw materials used in the manufacture and packaging of exported goods. To be eligible for this exemption, exporters must obtain an export incentive certificate from Turkey's State Planning Organization.

Because the non-excessive drawback, rebate or remission of customs duties on imported items physically incorporated in the final product is not a subsidy, we preliminarily determine that this program is not countervailable.

## III. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that manufacturers, producers or exporters in Turkey of certain carbon steel pipe and tube products did not use the following programs:

### A. Income and Corporation Tax Allowances

This program provides investment deductions to companies with an incentive certificate which are eligible under the General Incentives Program. These are deductions from taxable income on account of investments in new assets. The amount of the deduction varies from 30 percent to 100 percent of the cost of the investment, depending on the region and the economic sector in which it is made.

The responses of all companies indicated that they did not use this program.

### B. \$25 Per Ton Back-up Fund

In our notice of initiation, we identified a \$25 per ton back-up fund as possibly being part of the RUSF program. The government of Turkey has stated that this fund is not part of the RUSF, and that it is not used by producers or exporters of the subject merchandise.

**Preliminary Affirmative Determination of Critical Circumstances With Regard to Standard Pipe and Tube and Preliminary Negative Determination of Critical Circumstances With Regard to Line Pipe**

Petitioners alleged that "critical circumstances" exist with respect to imports of both products that are subject to these investigations. Under section 703(e)(1) of the Act, critical circumstances exist when there is a reasonable basis to believe or suspect that: "(A) the alleged subsidy is inconsistent with the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade ("the Subsidies Code"); and (B) there have been massive imports of the class of kind of merchandise which is the subject of the investigation over a relatively short period."

**A. Consistency With the Subsidies Code**

We have preliminarily determined that the government of Turkey provides export subsidies on the products under investigation.

Although Article 9 of the Subsidies Code prohibits the use of export subsidies on non-primary products, Article 14 provides an exception for developing countries, provided they do not use "export subsidies on their industrial products . . . in a manner which causes serious prejudice to the trade or production of another signatory" (Article 14.3). For a developing country like Turkey, then, the issue is whether we find export subsidies causing "serious prejudice" to U.S. standard pipe and tube and line pipe trade or production. Under section 771(7)(C)(iii) of the Act, the ITC evaluates all relevant economic factors bearing on the state of the industry, including actual and potential decline in output, sales, market share, profits, productivity, return on investment, and capacity utilization. Thus, in making its preliminary and final injury determinations, the ITC considers trade and production in the United States. We conclude that serious prejudice can exist where material injury to a U.S. industry occurs by reason of imports benefiting from export subsidies.

Based on information in the record and the ITC's preliminary determination of August 30, 1985, we conclude that serious prejudice exists within the meaning of Article 14.3. Therefore, we find Turkey's export subsidies on certain carbon steel pipe and tube products are inconsistent with the Subsidies Code.

However, the ITC made its preliminary affirmative injury determination based on the cumulation of imports of certain welded carbon steel pipe and tube products, and not solely on imports of these products from Turkey. We would welcome any comments on relevant factors in determining the standard for "serious prejudice" particularly in instances where the ITC's injury determination is made on a cumulative basis.

We stress that this finding is limited to the facts of these cases and the application of Article 14.3 of the Subsidies Code. This finding draws no conclusion, and none should be inferred, with respect to the commitment made by the government of Turkey under Article 14.5 of the Subsidies Code. Under Article 14.5, developing countries are urged to "enter into a commitment to reduce or eliminate export subsidies when the use of such export subsidies is inconsistent with their competitive and development needs" Article 14.6 precludes any signatory from taking countermeasures pursuant to the provisions of Part II and VI of the Subsidies Code against any export subsidies of such developing country, to the extent that the subsidies in question are covered by a commitment made under Article 14.5.

Part II and VI of the Subsidies Code concern notification of subsidies and international dispute settlement. Significantly, Article 14.6 does not affect actions taken under Part I of the Subsidies Code, concerning domestic countervailing duty proceedings.

We conclude that, as a matter of law, we may find a developing country's export subsidies that cause "serious prejudice" to be inconsistent with Article 14.3 and, therefore, the Subsidies Code, for purposes of our critical circumstances determination.

**B. Massive Imports**

To determine whether there have been massive imports of the products under investigation over a relatively short period of time, we considered: (1) Whether imports have surged recently; (2) whether recent import penetration ratios have increased significantly; and (3) whether recent imports are significantly above the average calculated over the last three years. Based upon our analysis of the information, we preliminarily determine that imports of standard pipe and tube do, and imports of line pipe do not, appear massive over a relatively short period.

Finally, since massive imports of standard pipe and tube exist over a relatively short period of time and since

massive imports of line pipe do not exist over a relatively short period of time, we preliminarily determine that critical circumstances exist with respect to standard pipe and tube from Turkey, and do not exist with respect to line pipe from Turkey.

**Verification**

In accordance with section 776(a) of the Act, we will verify all data used in making our final determinations.

**Suspension of Liquidation**

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all unliquidated entries of standard pipe and tube from Turkey which are entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date of publication of this notice in the *Federal Register*, and to require a cash deposit or bond on entries of standard pipe and tube in an amount equal to 23.64 percent *ad valorem*. We are also directing the U.S. Customs Service to suspend liquidation of all unliquidated entries of line pipe from Turkey which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, and to require an *ad valorem* cash deposit or bond for all such entries of these products at 23.64 percent *ad valorem*. This suspension will remain in effect until further notice.

**ITC Notification**

In accordance with section 703(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry 120 days after the Department makes its preliminary affirmative determinations or 45 days after its final affirmative determinations, whichever is latest.

**Public Comment**

In accordance with § 355.35 of our regulations, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on

these preliminary determinations at 10:00 a.m. on December 2, 1985, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room B-099, at the above address within 10 days of the publication of this notice.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, at least 10 copies of pre-hearing briefs must be submitted to the Deputy Assistant Secretary by November 25, 1985. Oral presentations will be limited to issues raised in the briefs.

In accordance with 19 CFR 355.33(d) and 19 CFR 355.34, written views will be considered if received not less than 30 days before the final determinations or, if a hearing is held, within 10 days after the hearing transcript is available.

This notice is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)).

John L. Evans,

*Acting Deputy Assistant Secretary for Import Administration.*

October 21, 1985.

[FR Doc. 85-25614 Filed 10-25-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-433-501]

#### Postponement of Final Antidumping Duty Determination; Oil Country Tubular Goods From Austria

**AGENCY:** International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** This notice informs the public that we have received a request from the respondent in this investigation to postpone the final determination, as permitted in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)). Based on this request, we are postponing our final determination as to whether sales of oil country tubular goods (OCTG) from Austria have occurred at less than fair value until not later than December 27, 1985.

**EFFECTIVE DATE:** October 28, 1985.

**FOR FURTHER INFORMATION CONTACT:** Paul Thran, Office of Investigations, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution

Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-3963.

**SUPPLEMENTARY INFORMATION:** On March 20, 1985, we published a notice in the *Federal Register* (50 FR 12069) that we were initiating, under section 732(b) of the Act, (19 U.S.C. 1673a(b)), an antidumping duty investigation to determine whether OCTG from Austria were being, or were likely to be, sold at less than fair value. On April 17, 1985, the International Trade Commission determined that there is a reasonable indication that imports of OCTG are materially injuring a U.S. industry. On August 14, 1985, we published a preliminary determination of sales at less than fair value with respect to this merchandise (50 FR 32758). The notice stated that if the investigation proceeded normally, we would make our final determination by October 21, 1985. Pursuant to section 735(a)(2)(A) of the Act, the respondent requested an extension of the final determination date until not later than 135 days after the date of publication of the preliminary determination. The respondent is qualified to make such a request because it accounts for virtually all of the exports of the merchandise. If an exporter who accounts for a significant proportion of exports of the merchandise under investigation properly requests an extension after an affirmative preliminary determination, we are required, absent compelling reasons to the contrary, to grant the request. Accordingly, we are granting the request and postponing our final determination until not later than December 27, 1985.

This notice is published pursuant to section 735(d) of the Act.

The United States International Trade Commission is being advised of this postponement, in accordance with section 735(d) of the Act.

#### Comments

In order to have any comments considered for our final determination, parties must submit them by November 18, 1985. All written views should be filed at the U.S. Department of Commerce, Room B099, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, in at least 10 copies.

Dated: October 21, 1985.

John L. Evans,

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. 85-25610 Filed 10-25-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-351-502]

#### Postponement of Final Antidumping Duty Determination: Fuel Ethanol From Brazil

**AGENCY:** International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** This notice informs the public that we have received a request from respondents in this investigation that the final determination be postponed, as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)), and that we have determined to postpone our final determination as to whether sales of fuel ethanol from Brazil have been made at less than fair value until not later than January 31, 1985.

**EFFECTIVE DATE:** October 28, 1985.

**FOR FURTHER INFORMATION CONTACT:** Kenneth G. Shimabukuro, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-5332.

**SUPPLEMENTARY INFORMATION:** On March 25, 1985, we published a notice in the *Federal Register* (50 FR 11748) that we were initiating, under section 732(b) of the Act (19 U.S.C. 1673a(b)), an antidumping duty investigation to determine whether imports of fuel ethanol from Brazil were being, or were likely to be, sold at less than fair value. On April 11, 1985, the International Trade Commission determined that there is reasonable indication that imports of fuel ethanol from Brazil are threatening to materially injure a U.S. industry. (U.S. ITC Pub. No. 1678, April 1985). On September 25, 1985, we published a preliminary determination of sales at less than fair value with respect to this merchandise (50 FR 38871). The notice stated that if the investigation proceeded normally, we would make our final determination by December 2, 1985.

On October 7, 1985, Interbras, a respondent, requested that we extend the period for the final determination until not later than 105 days after the date of the preliminary determination. On October 8, 1985, counsel for Copersucar, Cotia, and Costa Pinto, respondents, requested that we extend the period for the final determination until 60 days from December 2, 1985, the present final determination due date. Collectively, these respondents account for a significant proportion of the

exports of fuel ethanol. Section 735(a)(2)(A) of the Act provides that the Department may postpone its final determination concerning sales at less than fair value until not later than 135 days after the date of publication of its preliminary determination, if exporters who account for a significant portion of the merchandise which is the subject of the investigation request a postponement after an affirmative preliminary determination. If a qualified exporter properly requests an extension after an affirmative preliminary determination, the Department is required, absent compelling reasons to the contrary, to grant the request. Accordingly, the Department will issue a final determination in this case not later than January 31, 1986.

The public hearing is also being postponed until 2:00 p.m. on December 4, 1985, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Accordingly, prehearing briefs must be submitted to the Deputy Assistant Secretary by November 27, 1985.

This notice is published pursuant to section 735(d) of the Act.

Dated: October 17, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-25607 Filed 10-25-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-598-504]

### Erasable Programmable Read Only Memories (EPROMs) From Japan: Initiation of Antidumping Duty Investigation

**AGENCY:** International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping duty investigation to determine whether erasable programmable read only memories (EPROMs) from Japan are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this product are causing material injury, or threaten material injury, to a United States industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before

November 14, 1985, and we will make ours on or before March 10, 1986.

**EFFECTIVE DATE:** October 26, 1985.

**FOR FURTHER INFORMATION CONTACT:** Francis R. Crowe; Office of Investigations Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-4087.

#### SUPPLEMENTARY INFORMATION:

##### The Petition

On September 30, 1985, we received a petition in proper form filed by Intel Corporation, Advanced Micro Devices, Inc., and National Semiconductor Corporation on behalf of the EPROM industry in the United States. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are causing material injury, or threaten material injury, to a United States industry.

The petitioners based the United States price upon price quotations made to customers of one of the petitioners by Japanese companies.

Petitioners based foreign market value on constructed value because they alleged that home market sales of EPROMs were made at prices below the cost of production. Petitioners constructed values for three of the largest selling types (densities) of Japanese EPROMs based on a model of one of the Japanese manufacturer's costs. The model was prepared by a consultant to the petitioners. Estimates were developed from the consultant's knowledge of specific Japanese costs, validated by comparison to U.S. costs for similar production activities. Adjustments were made as necessary to account for general expenses; material, labor and capital costs; and for profit.

Based upon the comparison of United States price and foreign market value, petitioners allege dumping margins of from 77 to 227 percent.

##### Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation and further, whether it contains information reasonably available to the petitioner supporting the allegations.

We examined the petition on EPROMs from Japan and have found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether EPROMs from Japan are being, or are likely to be, sold in the United States at less than fair value. We are also investigating the allegation of sales below the cost of production. If our investigation proceeds normally, we will make our preliminary determination by March 10, 1985.

##### Scope of Investigation

The products covered by this investigation are erasable programmable read only memories which are a type of memory integrated circuit that is manufactured using variations of Metal Oxide-Semiconductor (MOS) process technology, including both Complementary (CMOS) and N-Channel (NMOS). The products include processed wafers, dice and assembled EPROMs produced in Japan and imported into the United States from Japan. Finished EPROMs are currently provided for in the Tariff Schedules of the United States Annotated (TSUSA) under item 687.7445. Unassembled EPROMs, including unmounted chips, wafers and dice, are provided for under TSUSA item 687.7405.

Processed wafers and dice produced in Japan and assembled into finished EPROMs in another country prior to importation into the United States from the other country are tentatively included in the scope of the investigation. In the course of this proceeding we will determine whether to continue to include these indirect imports in the scope of this investigation. We invite comments, from those not involved in this proceeding as well as from parties to the proceeding, on this issue. We request that such comments be submitted prior to January 27, 1986.

##### Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

**Preliminary Determination by ITC**

The ITC will determine by November 14, 1985, whether there is a reasonable indication that imports of EPROMs from Japan are causing material injury, or threaten material injury, to a United States industry. If its determination is negative, the investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Dated: October 21, 1985.

John L. Evans,

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. 85-25608 Filed 10-25-85; 8:44 am]

BILLING CODE 3510-DS-M

**Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance; Seattle Refrigeration & Manufacturing Co., Inc., et al.**

Petitions have been accepted for filing on the dates indicated for the following firms: (1) Seattle Refrigeration & Manufacturing Company, Inc., 10575 Director Street, Seattle, Washington 98108, producer of commercial refrigeration equipment (September 24, 1985); (2) Posey Manufacturing Company, P.O. Box 418, Hoquiam, Washington 98550, producer of wood parts for pianos, other musical instruments, ladders and airplanes (September 25, 1985); (3) Runnymede Mills, Inc., P.O. Box 1239, Tarboro, North Carolina 27886, producer of socks (September 30, 1985); (4) American Field Corporation, P.O. Box 266, Charlevoix, Michigan 49720, producer of men's and women's hunting pants, jackets, coats and coveralls (October 1, 1985); (5) J.J. Fashions, Inc., 532 Ahui Street, Honolulu, Hawaii 96813, producer of women's dresses, slacks, blouses, culottes, shorts and rompers, and men's shirts (October 1, 1985); (6) Shawnee Industries of Bethlehem PA, Inc., 335-345 Shawnee Street, Bethlehem, Pennsylvania 18015, producer of knit fabric (October 3, 1985); (7) Alison Plastics, Inc., 865 West Grand Street, Elizabeth, New Jersey 07202, producer of plastic toys, display fixtures, closet accessories and other housewares (October 4, 1985); (8) Amerson Display Fixtures, Inc., 107 Trumbull Street, Elizabeth, New Jersey 07206, producer of metal display fixtures, magazine and wine racks, doll furniture and headboards (October 4, 1985); (9) Parallax, Inc., 521 D Street, Clearwater, Florida 33516, producer of injection molds (October 7, 1985); (10) Electric Cord Manufacturing Company, Inc., 312 East Main Street, Westfield,

Pennsylvania 16950, producer of electrical cords and cord sets (October 7, 1985); (11) Quentin and Joyce Spitzer Farms, Box 393, Wilton, North Dakota 58579, producer of hogs (October 8, 1985); (12) The Harry Gill Company, P.O. Box 428, Urbana, Illinois 61801, producer of track and field equipment (October 8, 1985); (13) Gulf Coast Packing Company, Inc., Route 1, Box 456, Dulac, Louisiana 70353, processor of shrimp (October 8, 1985); (14) Sund Manufacturing Company, Inc., Box 79, Newburg, North Dakota 58762, producer of attachments for agricultural equipment (October 8, 1985); (15) Kokomo Opalescent Glass Company, Inc., P.O. Box 2265, Kokomo, Indiana 46902, producer of colored sheet glass (October 9, 1985); (16) Crystaloid Electronics Company, 5282 Hudson Drive, Hudson, Ohio 44236, producer of liquid crystal display panels (October 9, 1985); (17) Metter Manufacturing Company, 800 East Broad Street, Metter, Georgia 30439, producer of women's blouses (October 10, 1985); (18) Cornish Knitgoods Manufacturing Corporation, 121 Ingraham Street, Brooklyn, New York 11237, producer of women's dresses and suits (October 10, 1985); (19) Big John Manufacturing Company, Inc., P.O. Box 456, Osmond, Nebraska 68765, producer of agricultural equipment (October 10, 1985); (20) Baron Drawn Steel Corporation, 1400 Hastings Street, Toledo, Ohio 43607, producer of steel bars and wire (October 10, 1985); (21) Risdon Corporation, P.O. Box 520, Naugatuck, Connecticut 06770, producer of packaging and other metal and plastic products (October 10, 1985); (22) Peck Manufacturing Company of North Carolina, Inc., P.O. Box 459, Gastonia, North Carolina 28052, producer of yarn (October 11, 1985); (23) Sun Metal Products, Inc., P.O. Box 1508, Warsaw, Indiana 46580, producer of wheels and rims for bicycles, motorcycles, lawn and garden equipment, wheel chairs and other vehicles (October 11, 1985); (24) L & S Bearing Company, Inc., 16 South Pennsylvania, Oklahoma City, Oklahoma 73101, producer of bearings, motor mounts and rubber seals (October 15, 1985); (25) Mag-Nif, Inc., 8820 East Avenue, Mentor, Ohio 44060, producer of games, toys, banks, puzzles and novelties (October 15, 1985); (26) The Triangle Corporation, Cameron Road, Orangeburg, South Carolina 29115, producer of hand tools and horseshoes (October 15, 1985); (27) Logansport Machine Company, Inc., 1200 West Linden Avenue, Logansport, Indiana 46947, producer of machine tool accessories (October 15, 1985); (28) American Crucible Products Company,

1305 Oberline Avenue, Lorain, Ohio 44052, producer of bronze bearings (October 16, 1985); (29) Danline, Inc., 137 North Michigan Avenue, Kenilworth, New Jersey 07033, producer of brooms and brushes (October 15, 1985); (30) Transact International, Inc., 6 Thorndal Circle, Darien, Connecticut 06820, producer of air cargo handling equipment (October 16, 1985); and (31) Roman Packing Company, Inc., P.O. Box 72, Norfolk, Nebraska 68701, producer of meat and meat by-products (October 18, 1985).

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Acting Chief, Certification Division, Office of Trade Adjustment Assistance, Room 4015A, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Insofar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Charles L. Smith,

*Acting Chief, Certification Division, Office of Trade Adjustment Assistance.*

[FR Doc. 85-25605 Filed 10-25-85; 8:45 am]

BILLING CODE 3510-DR-M

**National Oceanic and Atmospheric Administration**

**Pacific Fishery Management Council, Public Meetings**

The Pacific Fishery Management Council and its advisory bodies will



convene public meetings, November 12-14, 1985, at the Sheraton-Renton Inn, 800 Rainier Avenue, South, Renton, WA, as follows:

#### Council

On November 13, the Council will begin meeting at 1 p.m., with a closed session (not open to the public) to discuss litigation and personnel matters. The open session will begin at 1:30 p.m., with discussion of administrative matters including appointment of a new member to the Groundfish Management Team (GMT) and to the Salmon Advisory Subpanel. The Council will hear also from its GMT, Scientific and Statistical Committee (SSC), Groundfish Advisory Subpanel (GAP), and the public on groundfish specifications and proposed management measures; adopt specifications and management measures for 1986; continue review of groundfish management plan issues, and consider other groundfish matters. There will be a public comment period at 4:30 p.m. On November 14, the Council will hear an update on recent 1985 ocean salmon fishery management events and harvest; review and adopt the process and schedule for developing the 1986 salmon management measures; review salmon management plan amendment issues, and hear additional reports on salmon matters including a report from the Klamath River Salmon Management Group. Additionally, a draft habitat policy will be considered for adoption and proposals for future research priorities considered.

#### Advisory Bodies

On the morning of November 12 through the evening of November 13 meetings of the Council's SSC, GAP, Salmon Select Group, Salmon Plan Development Team, Salmon and Groundfish Goals and Objectives Committees, and Budget Committee will convene in the same location as that of the Council. Detailed agendas of all meetings will be available for the public on November 1. For further information contact Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, OR 97201; telephone (503) 221-6352.

Dated: October 21, 1985.

Carmen J. Biondin,  
Deputy Assistant Administrator for Fisheries  
Resources Management.

[FR Doc. 85-25612 Filed 10-25-85; 8:45 am]

BILLING CODE 3510-22-M

## COPYRIGHT ROYALTY TRIBUNAL

[Docket No. CRT 85-3-85CA]

### Adjustment of Cable Copyright Royalty Rates

On March 25, 1985, a petition was filed with the Copyright Royalty Tribunal by Turner Broadcasting System, Inc. (TBS) to commence a proceeding solely for the purpose of adjusting the cable compulsory license royalty rate for carriage of WTBS, Atlanta, Georgia in certain circumstances. On April 8, 1985, the Motion Picture Association of America, Inc. (MPAA) requested the Tribunal to establish a notice and comment procedure for resolving preliminary questions presented by the TBS petition. The Tribunal granted the motion and established a comment period ending July 8, 1985, and a reply comment period ending August 8, 1985. *Notice of Inquiry*, 50 FR 23349 (June 3, 1985).

One of the questions which the Tribunal requested comment was whether TBS has the requisite "significant interest" to initiate a cable royalty proceeding. Section 804(a)(2) of the Copyright Act states that "During the calendar years specified in the following schedule any owner or user of a copyrighted work whose royalty rates are specified by this title, or by a rate established by the Tribunal, may file a petition with the Tribunal declaring that the petitioner requests an adjustment of the rate. The Tribunal shall make a determination as to whether the applicant has a significant interest in the royalty rate in which an adjustment is requested. If the Tribunal determines that the petitioner has a significant interest, the Chairman shall cause notice of this determination, with the persons therefor, to be published in the *Federal Register*, together with notice of commencement of proceedings under this chapter."

The Tribunal received comments from the MPAA and from ASCAP, BMI, and SESAC, Inc. asserting that TBS does not have a significant interest.

Major League Baseball, the National Basketball Association and the National Hockey League (Professional Sports Leagues) commented on the timetable of a TBS proceeding should the Tribunal find the requisite "significant interest." They argue that the copyright owners who would have a substantial interest in a TBS proceeding are currently involved in the 1983 cable royalty distribution proceeding, which is consuming a substantial amount of time and resources of the copyright owners and of the Tribunal, and that the

commencement of a TBS proceeding should be scheduled after the 1983 cable distribution proceeding has been substantially completed. They also argue that efforts are currently underway to negotiate an industry-wide compromise concerning the cable royalty rates and might render unnecessary the need for any cable rate adjustment proceeding before the Tribunal. Third, the Tribunal may find it inefficient to initiate a proceeding to deal solely with the TBS petition. In the view of the Professional Sports Leagues, it would be more efficient to await the filing of other petitions during the calendar year of 1985 and hold one consolidated proceeding dealing with all issues.

The Tribunal agrees with all three points raised by the Professional Sports Leagues. The direct case of the 1983 cable distribution proceeding ended on October 11. The rebuttal cases are due to be heard beginning November 18 and ending about December 20. Between October 11 and November 18, the Tribunal has scheduled its consideration and rendering of a final determination of the consolidated 1982 (remand) and 1983 jukebox distribution proceedings.

The Tribunal has decided to defer ruling to January 1986 on whether TBS has a "significant interest" in the copyright royalty rate. The Tribunal intends to afford all parties the full extent of calendar year 1985 to reach either a negotiated settlement, or file additional petitions. Determinations of whether any of the petitioners have a "significant interest," whether petitions should be consolidated or considered separately, and what procedures might govern the consideration of the petitions will be made in 1986.

#### Statutory Construction Problem

Section 804(a)(2) states that an owner or a user may petition the Tribunal, "during the calendar years specified in the following schedule. . ." Section 804(b) states, "Any change in royalty rates made by the Tribunal pursuant to this subsection may be reconsidered in 1980, 1985, and each fifty calendar year thereafter. . ." There is a potential conflict between these sections because to give full force to section 804(a)(2) means that a petitioner may file up to December 31, 1985. However, a literal reading of section 804(b) would require a reconsideration of the cable rate at least to begin in 1985. It would not be possible for the Tribunal to consider a petition and initiate a proceeding in 1985 if a petitioner waited until mid or late December to file.

The Tribunal proposes to favor section 804(a)(2) over section 804(b) and intends to give all interested petitioners until December 31 to file with the Tribunal. We do this given the very apparent reality that the major parties are attempting to negotiate a settlement and may need as much time as we can afford to give them under the law. If any party believes that this construction of the Copyright Act is improper, the Tribunal orders that petitions for reconsideration shall be filed by November 22, 1985.

Edward W. Ray,  
Acting Chairman.  
October 23, 1985.

[FR Doc. 85-25620 Filed 10-25-85; 8:45 am]  
BILLING CODE 1410-09-M

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Public Information Collection Requirement Submitted to OMB for Review

**SUMMARY:** The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

#### Revision

##### *Evaluation of Commissioning Applicants (AF Form 1145)*

AF Form 1145 is used to collect information from applicants for training leading to a commission in the United States Air Force. The information is used to determine qualifications in terms of education, experience, goals, leadership potential, communicative skills and adaptability for military life. The information is used by Air Force application processing and approval activities to evaluate and select applicants for training leading to a commission.

#### Individuals

Responses 2,712  
Burden hours 904

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

**SUPPLEMENTARY INFORMATION:** A copy of the information collection proposal may be obtained from Ms. Wanda Williams, HQ AFMPC/MPCMOP, Randolph, AFB, TX 78150-6001, telephone number (512) 652-4382.

Patricia H. Means,  
OSD Federal Register Liaison Officer,  
Department of Defense.

October 23, 1985.  
[FR Doc. 85-25617 Filed 10-25-85; 8:45 am]  
BILLING CODE 3810-01-M

### Department of the Navy

#### Secretary of the Navy's Advisory Board on Education and Training (SABET); Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Secretary of the Navy's Advisory Board on Education and Training will meet at the Naval Medical Command, Bethesda, Maryland, on November 13 and 14, 1985.

The purpose of SABET is to advise the Secretary of the Navy on policy concerning all facets of education and training for Navy and Marine Corps personnel. During this meeting, education and training initiatives of the Navy Medical Department will be reviewed. Sessions of the meeting will commence at 8:00 a.m. and terminate at 4:30 p.m. on November 13 and commence at 8:00 a.m. and terminate at 11:30 a.m. on November 14. All sessions will be open to the public.

The agenda for Wednesday morning includes an overview of the Naval Medical Department, as well as education and training initiatives within the Navy Medical Command.

During the afternoon the Board will receive a briefing and tour of the Naval Hospital, Bethesda.

On the 14th, a briefing on operational medicine initiatives will be followed by a working session of the Board. This session will include a final report on the Naval Reserve and their interface with the regular Navy, a report on motivation as it ties to job performance, and

discussion about Navy training feedback initiatives.

For further information concerning this meeting, contact Mrs. Carol Osborn (Code 00A1), Professional Assistant to the Principal Civilian Advisor on Education and Training, Naval Air Station, Pensacola, FL 32508, telephone (904) 452-4394.

Dated: October 23, 1985.  
William F. Roos, Jr.,  
Lieutenant, JAGC, U.S. Naval Reserve,  
Federal Register Liaison Officer.  
[FR Doc. 85-25631 Filed 10-25-85; 8:45 am]  
BILLING CODE 3810-AE-M

## FEDERAL MARITIME COMMISSION

### Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 207-01068-006.

Title: Carol Lines Joint Service Agreement.

Parties:

Thos. & Jas. Harrison Ltd.  
Compagnie Generale Maritime (CGM),  
Hapag-Lloyd Aktiengesellschaft  
Ned Llyod B.V.

Synopsis: The proposed amendment would restate the agreement to conform with the Commission's format, organization and content requirements. It would delete the currently effective expiration date and incorporate certain nonsubstantive changes to the language of the agreement. The parties have requested a shortened review period.

Agreement No.: 213-010601-005.

Title: Neptune Orient Lines, Ltd.,  
Orient Overseas Container Line, Inc.,  
and Kawasaki Kisen Kaisha, Ltd. Sailing Agreement.

Parties:

Neptune Orient Lines, Ltd.,  
Orient Overseas Container Line, Inc.  
Kawasaki Kisen Kaisha, Ltd.

Synopsis: The proposed amendment would modify the agreement of permit the parties to transport breakbulk as well as containerized cargo in their common carrier operations. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: October 23, 1985.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-24838 Filed 10-25-85; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Centennial Beneficial Corp.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated

or the offices of the Board of Governors not later than November 12, 1985.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. Centennial Beneficial Corporation, Orange California; to engage *de novo* through its wholly-owned subsidiary, Centennial Leasing Company, Orange, California, in the leasing of personal property and acting as an agent/broker or advisor in connection with the leasing of such personal property pursuant to § 225.25(b)(5).

Board of Governors of the Federal Reserve System, October 24, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-25800 Filed 10-25-85; 8:45 am]

BILLING CODE 6210-01-M

## GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR A-40, Supp. 15]

### Federal Travel Regulations; High Rate Geographical Area Listing and Alaska Ferry System Allowance

AGENCY: Office of Federal Supply and Services, General Services Administration (GSA).

ACTION: Notice of Changes to Federal Travel Regulations.

#### SUMMARY:

1. GSA has issued GSA Bulletin FPMR A-40, Supplement 15, transmitting changed pages to amend the Federal Travel Regulations (FTR), FPMR 101-7, to (a) revise the high rate geographical area (HRGA) listing in appendix 1-A, and (b) increase the per diem allowance for travel by the Alaska Ferry System.

2. The change to the HRGA listing in the FTR reflects an update based on GSA's most recent investigation of travel costs in certain high cost areas.

3. Pertinent FTR provisions have been amended in accordance with various agencies' recommendations that the current per diem allowance applicable to en route boat travel of 6 hours or more outside the conterminous United States be increased in connection with travel by the Alaska Ferry system.

EFFECTIVE DATE: November 3, 1985.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Jones or Mr. Raymond Price, Travel and Transportation Regulations Division (FTA), (703)557-1256 or FTS 557-1256.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order

12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

#### Explanation of Changes

1. Paragraph 1-7.4b(3)(b) is amended to increase the per diem allowance for travel by the Alaska Ferry System outside the conterminous United States.

2. The HRGA listing published in appendix 1-A is revised to designate additional new HRGA's and to increase or decrease the maximum actual subsistence expense rate and/or redefine the boundaries of certain existing HRGA's. Accordingly, the Federal Travel Regulations are amended as follows:

## CHAPTER 1. TRAVEL ALLOWANCES

### Part 1. Applicability and General Rules

1. Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c)

2. Paragraph 1-7.4b(3)(b) is amended to read as follows: 1-7.4. Rates en route outside conterminous United States.

b. \* \* \*

(3) En route 6 hours or more.

(a) \* \* \*

(b) When either of such rates prescribed herein is not commensurate with a traveler's subsistence expenses, a different rate may be authorized or approved not in excess of the maximum rate applicable to the destination duty point or, with respect to boat travel, not in excess of \$9 except that the rate for travel by the Alaska Ferry System shall not exceed \$23.

3. The HRGA listing published in Appendix 1-A is revised to read as follows:

### Designated High Rate Geographical Areas (HRGA's)

The areas listed below are designated as HRGA's. The rate prescribed for each area is the maximum amount of daily reimbursement that may be allowed for travel authorized on an actual subsistence expense basis under the provisions of 1-8.6. These prescribed

rates are not to be construed as per diem rates. Allowable subsistence expenses must be itemized.

Note.—(See end of listing for footnote explanations.)

High rate geographical areas <sup>1,2,3,4</sup>	Pre-scribed maximum daily rates (in dollars)	High rate geographical areas <sup>1,2,3,4</sup>	Pre-scribed maximum daily rates (in dollars)
Alabama		**Victorville/Barstow (all locations within San Bernardino County, including George AFB)	71
*Anniston (all locations within Calhoun County)	59	**West Sacramento (all locations within Yolo County)	68
*Auburn (all locations within Lee County)	58	Colorado	
*Birmingham (all locations within Jefferson County)	75	***Aspen (all locations within Pitkin County)	75
*Dothan (all locations within Houston County)	58	(Effective 11/1 thru 3/31)	75
*Florence (all locations within Laurens County)	55	(Effective 4/1 thru 10/31)	75
*Huntsville (all locations within Madison County)	73	Boulder (all locations within Boulder County)	75
*Mobile (all locations within Mobile County)	63	**Colorado Springs (all locations within El Paso County)	88
*Montgomery (all locations within Montgomery County)	61	(Effective 5/1 thru 9/30)	50
*Sheffield (all locations within Colbert County)	75	(Effective 10/1 thru 4/30)	75
Arizona		Denver (all locations within counties of Denver, Adams, Arapahoe, and Jefferson)	75
*Keyser (all locations within Navajo County)	64	***Durango (all locations within La Plata County)	71
*Page/Flagstaff (all locations within Coconino County)	85	(Effective 5/1 thru 9/30)	86
(Effective 11/1 thru 3/31)	57	(Effective 10/1 thru 4/30)	59
Phoenix/Scottsdale (all locations within Maricopa County)	75	*Ft Collins (all locations within Larimer County)	70
***Tucson (all locations within Pima County, including Davis Monthan AFB)	73	***Glenwood Springs (all locations within Garfield County)	70
(Effective 1/1 thru 4/30)	73	(Effective 5/1 thru 10/31)	70
(Effective 5/1 thru 12/31)	73	(Effective 11/1 thru 4/30)	70
***Yuma (all locations within Yuma County)	57	**Grand Junction (all locations within Mesa County)	62
(Effective 12/1 thru 4/30)	57	*Keystone/Steamboat Springs (all locations within Routt County)	71
(Effective 5/1 thru 11/30)	57	(Effective 11/1 thru 3/31)	P/D
Arkansas		(Effective 4/1 thru 10/31)	61
*Fayetteville (all locations within Washington County)	63	*Pagosa Springs (all locations within Archuleta County)	61
*Fort Smith (all locations within Sebastian County)	61	(Effective 5/1 thru 9/30)	61
*Hot Springs (all locations within Garland County)	58	(Effective 10/1 thru 4/30)	62
(Effective 2/1 thru 10/31)	58	*Pueblo (all locations within Pueblo County)	62
(Effective 11/1 thru 1/31)	58	(Effective 12/1 thru 5/31)	62
**Little Rock (all locations within Pulaski County)	73	(Effective 8/1 thru 11/30)	75
California		*Silverthorne (all locations within Summit County)	75
*Bridgeport (all locations within Mono County)	58	(Effective 11/1 thru 4/30)	70
*El Centro (all locations within Imperial County)	62	(Effective 5/1 thru 10/31)	75
*Fresno (all locations within Fresno County)	75	***Vail (all locations within Eagle County)	75
*Los Angeles (all locations within the counties of Los Angeles, Kern, Orange, and Ventura, including Edwards AFB and Naval Weapons Center & Ordnance Test Station, China Lake)	75	(Effective 11/1 thru 3/31)	75
**Monterey (all locations within Monterey County)	75	(Effective 4/1 thru 10/31)	75
(Effective 3/1 thru 10/31)	75	Connecticut	
(Effective 11/1 thru 2/28-29)	75	**Bridgeport/Danbury (all locations within Fairfield County)	75
***Palm Springs (all locations within Riverside County)	75	Hartford (all locations within the counties of Hartford and Middlesex)	75
(Effective 12/1 thru 4/30)	75	New Haven (all locations within New Haven County)	75
(Effective 5/1 thru 11/30)	75	**New London/Groton (all locations within New London County)	66
Sacramento (all locations within Sacramento County)	75	*Putnam/Danielson (all locations within Windham County)	75
San Diego (all locations within San Diego County)	75	Delaware	
San Francisco/Oakland (all locations within the counties of San Francisco, Alameda, Contra Costa, and Marin)	75	*Dover (all locations within Kent County)	60
San Jose (all locations within Santa Clara County)	75	**Lewis (all locations within Sussex County)	65
**San Luis Obispo (all locations within San Luis Obispo County)	75	(Effective 4/1 thru 9/30)	55
**San Mateo (all locations within San Mateo County)	75	(Effective 10/1 thru 3/31)	75
***Santa Barbara (all locations within Santa Barbara County)	75	Wilmington (all locations within New Castle County)	75
(Effective 5/1 thru 8/31)	75	District of Columbia	
(Effective 9/1 thru 4/30)	75	Washington, DC (all locations within the corporate limits of the District of Columbia; the cities of Alexandria, Falls Church, and Fairfax, and the counties of Arlington, Loudoun, and Fairfax in Virginia; and the counties of Montgomery and Prince Georges in Maryland) (see also Maryland and Virginia)	75
***Santa Cruz (all locations within Santa Cruz County)	75	Florida	
(Effective 5/1 thru 10/31)	75	*Bradenton Beach/Bradenton (all locations within Manatee County)	75
(Effective 11/1 thru 4/30)	75	(Effective 12/1 thru 4/30)	75
*Stockton (all locations within San Joaquin County)	69	(Effective 5/1 thru 11/30)	75
*Tahoe City (all locations within Placer County)	71	***Ocoee Beach (all locations within Strevard County)	68
(Effective 12/1 thru 3/31 and 5/1 thru 9/30)	71	(Effective 1/1 thru 8/31)	63
(Effective 10/1 thru 11/30 and 4/1 thru 5/31)	71	(Effective 9/1 thru 12/31)	75
**Vallejo (all locations within Solano County)	64	****Spacecraft launch periods	75
		*Daytona Beach/Ormond Beach/New Smyrna (all locations within Volusia County)	61
		***FL Lauderdale (all locations within Broward County)	75
		(Effective 12/1 thru 4/30)	75
		(Effective 5/1 thru 11/30)	75
		**FL Myers (all locations within Lee County)	64
		(Effective 1/1 thru 4/30)	64
		(Effective 5/1 thru 12/31)	62
		*FL Pierce (all locations within Saint Lucie County)	62
		(Effective 12/1 thru 4/30)	62
		(Effective 5/1 thru 11/30)	75
		**FL Walton Beach (all locations within Okaloosa County)	75
		(Effective 4/1 thru 9/30)	67
		(Effective 10/1 thru 3/31)	65
		**Gainesville (all locations within Alachua County)	71
		Jacksonville (all locations within Duval County, including Naval Station Mayport) (see also St. Marys, Georgia)	75
		***Miami (all locations within the counties of Dade and Monroe)	75
		(Effective 11/1 thru 5/31)	75
		(Effective 6/1 thru 10/31)	59
		*Naples (all locations within Collier County)	58
		(Effective 12/21 thru 4/14)	75
		(Effective 4/15 thru 12/20)	75
		Orlando (all locations within Orange County)	75
		**Panama City (all locations within Bay County)	75
		(Effective 5/1 thru 9/30)	63
		(Effective 10/1 thru 4/30)	69
		**Pensacola (all locations within Escambia County)	62
		***Sarasota (all locations within Sarasota County)	54
		(Effective 1/1 thru 4/30)	71
		(Effective 5/1 thru 12/31)	66
		**St. Augustine (all locations within Saint Johns County)	65
		*Stuart (all locations within Martin County)	66
		(Effective 12/1 thru 4/30)	65
		(Effective 5/1 thru 11/30)	75
		**Tallahassee (all locations within Leon County)	75
		Tampa/St. Petersburg (all locations within the counties of Hillsborough and Pinellas)	75
		*West Palm Beach (all locations within Palm Beach County)	75
		(Effective 1/1 thru 4/30)	75
		(Effective 5/1 thru 12/31)	63
		Georgia	
		**Albany (all locations within Dougherty County)	59
		*Athens (all locations within Clarke County)	58
		Atlanta (all locations within the counties of Clayton, De Kalb, Fulton, and Cobb)	58
		*Augusta (all locations within Richmond County)	57
		*Brunswick (all locations within Glynn County)	65
		*Columbus (all locations within Muscogee County)	60
		*Macon (all locations within Bibb County, including Robbers AFB)	63
		**Savannah (all locations within Chatham County)	71
		**St. Marys (including the Naval Submarine Base, Kings Bay) (See also Jacksonville, FL)	69
		Idaho	
		**Boise (all locations within Ada County)	62
		*Coeur d'Alene (all locations within Shoshone County)	74
		*Ketchum (all locations within Blaine County)	57
		(Effective 12/25 thru 5/31)	65
		(Effective 6/1 thru 12/22)	65
		*McCall (all locations within Valley County)	68
		*Pocatello (all locations within Bannock County)	68
		Illinois	
		*Alton (all locations within Marion County)	63
		*Champaign/Urbana (all locations within Champaign County)	75
		Chicago (all locations within the counties of Du Page, Cook, and Lake)	61
		*Danville (all locations within Vermilion County)	55
		*Dixon (all locations within Lee County)	60
		*East St. Louis (all locations within St. Clair County)	52
		*Macomb (all locations within McDonough County)	70
		*Moline/Rock Island (all locations within Rock Island County)	62
		Rockford (all locations within Winnebago County)	69
		**Springfield (all locations within Sangamon County)	70
		Indiana	
		*Bloomington (all locations within Monroe County)	70

High rate geographical areas <sup>1,2,3,4</sup>	Pre-scribed maximum daily rates (in dollars)	High rate geographical areas <sup>1,2,3,4</sup>	Pre-scribed maximum daily rates (in dollars)	High rate geographical areas <sup>1,2,3,4</sup>	Pre-scribed maximum daily rates (in dollars)
*Charlestown/Jeffersonville (all locations within Clark County, including the Indian Army Ammunition Plant)	71	**Ocean City (all locations within Worcester County) (Effective 4/1 thru 9/30)	75	*Jefferson City (all locations within Cole County)	61
*Columbus (all locations within Bartholomew County)	59	(Effective 10/1 thru 3/31)	67	Kansas City (all locations within the counties of Clay, Jackson, and Platte) (see also Kansas City, KS)	75
*Elkhart (all locations within Elkhart County)	70	***Salisbury (all locations within Wicomico County) (Effective 4/1 thru 9/30)	65	**Springfield (all locations within Greene County)	68
**Fl. Wayne (all locations within Allen County)	75	(Effective 10/1 thru 3/31)	65	St. Louis (all locations within the counties of St. Charles and St. Louis)	75
**Gary (all locations within Lake County)	59	*Waldorf (all locations within Charles County)	65	Montana	
Indianapolis (all locations within Marion County, including Fort Benjamin Harrison)	75	Montgomery County (see also District of Columbia)	75	*Billings (all locations within Yellowstone County)	59
*Lafayette (all locations within Tippecanoe County)	63	Prince Georges County (see also District of Columbia)	75	**Great Falls (all locations within Cascade County)	61
*Logansport (all locations within Cass County)	56	Massachusetts		*Helena (all locations within Lewis and Clark County)	55
*Michigan City (all locations within La Porte County)	59	Andover (all locations within Essex County)	75	Nebraska	
*Monie (all locations within Delaware County)	66	Boston (all locations within the counties of Middlesex, Norfolk, and Suffolk)	75	**Lincoln (all locations within Lancaster County)	63
*New Albany (all locations within Floyd County)	57	**Hyannis (all locations within Barnstable County) (Effective 6/1 thru 9/30)	75	*Norfolk (all locations within Madison County)	59
**South Bend (all locations within St. Joseph County)	64	(Effective 10/1 thru 5/31)	75	**Omaha (all locations within Douglas County)	74
Iowa		***Martha's Vineyard/Nantucket (all locations within the counties of Dukes and Nantucket) (Effective 2/1 thru 8/31)	75	Nevada	
*Bettendorf/Davenport (all locations within Scott County)	68	(Effective 9/1 thru 1/31)	75	*Beatty/Tonopah (all locations within Nye County)	55
*Cedar Rapids (all locations within Linn County)	61	**New Bedford (all locations within Bristol County)	71	**Carson City (all locations within Carson City County)	57
**Des Moines (all locations within Polk County)	73	***Pittsfield (all locations within Berkshire County) (Effective 5/1 thru 10/31)	73	Las Vegas (all locations within Clark County, including Nellis AFB)	75
*Low City (all locations within Johnson County)	61	(Effective 11/1 thru 4/30)	73	**Reno (all locations within Washoe County)	69
*Soux City (all locations within Woodbury County)	60	**Springfield (all locations within Hampden County)	75	New Hampshire	
*Waterloo (all locations within Black Hawk County)	64	**Worcester (all locations within Worcester County)	75	*Concord (all locations within Merrimack County) (Effective 6/1 thru 10/31)	69
Kansas		Michigan		(Effective 11/1 thru 5/31)	69
*Hays (all locations within Ellis County)	56	*Adrian (all locations within Lenawee County)	61	*Laconia (all locations within Belknap County) (Effective 5/1 thru 10/31)	75
Kansas City (all locations within the counties of Johnson and Wyandotte) (see also Kansas City, MO)	75	**Ann Arbor (all locations within Washtenaw County)	75	(Effective 11/1 thru 4/30)	75
*Topeka (all locations within Shawnee County)	63	*Battle Creek (all locations within Calhoun County)	62	**Manchester (all locations within Hillsborough County)	75
Wichita (all locations within Sedgewick County)	75	*Bay City (all locations within Bay County)	61	**Portsmouth/Newington (all locations within Rockingham County including Pease AFB) (See also Kittery, ME) (Effective 6/1 thru 10/31)	65
Kentucky		Detroit (all locations within Wayne County)	75	(Effective 11/1 thru 5/31)	60
**Covington (all locations within Kenton County)	71	*Flint (all locations within Genesee County)	62	New Jersey	
*Frankfort (all locations within Franklin County)	62	*Grand Rapids (all locations within Kent County)	73	Atlantic City (all locations within Atlantic County)	75
*Lexington (all locations within Fayette County)	74	*Holland (all locations within Ottawa County) (Effective 5/1 thru 9/30)	55	*Belle Mead (all locations within Somerset County)	75
*Louisville (all locations within Jefferson County)	71	(Effective 10/1 thru 4/30)	55	**Camden (all locations within Camden County)	75
*Prestonburg (all locations within Floyd County)	55	*Jackson (all locations within Jackson County)	61	**Cape May (all locations within Cape May County) (Effective 6/1 thru 9/30)	75
Louisiana		**Kalamazoo (all locations within Kalamazoo County)	71	(Effective 10/1 thru 5/31)	69
*Alexandria (all locations within Rapides Parish)	68	*Lansing/East Lansing (all locations within Ingham County)	70	Dover (all locations within Morris County, including Picatinny Arsenal)	75
Baton Rouge (all locations within East Baton Rouge Parish)	75	*Midland (all locations within Midland County)	68	Eatontown (all locations within Monmouth County, including Ft. Monmouth)	75
*Lafayette (all locations within Lafayette Parish)	66	*Muskegon (all locations within Muskegon County) (Effective 6/1 thru 9/30)	56	Edison (all locations within Middlesex County)	75
*Lake Charles (all locations within Calcasieu Parish)	67	(Effective 10/1 thru 5/31)	56	Newark (all locations within the counties of Bergen, Essex, Hudson, Passaic, and Union)	75
*Monroe (all locations within Ouachita Parish)	66	**Pontiac (all locations within Oakland County)	73	Princeton/Trenton (all locations within Mercer County)	75
New Orleans (all locations within the parishes of Jefferson, Orleans, Plaquemines, and St. Bernard)	75	*Port Huron (all locations within St. Clair County)	67	**Tom's River (all locations within Ocean County)	70
*Shreveport (all locations within Caddo Parish)	75	**Saginaw (all locations within Saginaw County)	64	New Mexico	
*Slidell (all locations within St. Tammany Parish)	59	*St. Joseph/Benton Harbor/Niles (all locations within Berrien County)	64	**Albuquerque (all locations within Bernalillo County)	75
Maine		*Traverse City (all locations within Grand Traverse County) (Effective 5/1 thru 10/31)	56	*Las Cruces/White Sands (all locations within Dona Ana County)	64
*Augusta (all locations within Kennebec County) (Effective 5/1 thru 10/31)	64	(Effective 11/1 thru 4/30)	56	**Los Alamos (all locations within Los Alamos County)	63
(Effective 11/1 thru 4/30)	64	**Warren (all locations within Macomb County)	68	***Santa Fe (all locations within Santa Fe County) (Effective 5/1 thru 10/31)	75
***Bath (all locations within Sagadahoc County) (Effective 4/1 thru 9/30)	57	Minnesota		(Effective 11/1 thru 4/30)	75
(Effective 10/1 thru 3/31)	56	*Bemidji (all locations within Beltrami County)	60	Taos (all locations within Taos County) (Effective 12/1 thru 3/31)	74
**Kittery (including the Portsmouth Naval Shipyard) (see also Portsmouth, NH) (Effective 6/1 thru 10/31)	65	**Duluth (all locations within St. Louis County)	67	(Effective 4/1 thru 11/30)	74
(Effective 11/1 thru 5/31)	60	Minneapolis/St. Paul (all locations within the counties of Anoka, Hennepin, and Ramsey, including the Fort Snelling Military Reservation and Navy Astronautics Group) (Detachment BRAVO, Rosemount)	75	New York	
***Portland (all locations within Cumberland County) (Effective 4/16 thru 10/31)	75	*St. Cloud (all locations within Stearns County)	58	Albany (all locations within Albany County)	75
(Effective 11/1 thru 4/15)	71	Mississippi		*Binghamton (all locations within Broome County)	75
*Presque Isle (all locations within Aroostook County)	58	**Gulfport (all locations within Harrison County) (Effective 5/1 thru 9/30)	64	**Buffalo (all locations within Erie County)	75
Maryland		(Effective 10/1 thru 4/30)	59	*Catskill (all locations within Greene County)	56
**Annapolis (all locations within Anne Arundel County)	75	**Jackson (all locations within Hinds County)	74	*Corning (all locations within Steuben County)	73
Baltimore (all locations within the city of Baltimore and the counties of Baltimore and Harford)	75	*Oxford (all locations within Lafayette County)	60	*Glen Falls (all locations within Warren County) (Effective 11/1 thru 5/31)	65
*Columbia (all locations within Howard County)	75	*Vicksburg (all locations within Warren County)	57	(Effective 6/1 thru 10/31)	65
*Cumberland (all locations within Allegany County)	60	Missouri			
*Easton (all locations within Talbot County)	64	*Cape Girardeau (all locations within Cape Girardeau County)	63		
*Frederick (all locations within Frederick County)	71	*Columbia (all locations within Boone County)	71		
*Lexington Park/St. Inge/Leonardtown (all locations within St. Marys County)	68				

High rate geographical areas <sup>1,2,3,4</sup>	Prescribed maximum daily rates (in dollars)	High rate geographical areas <sup>1,2,3,4</sup>	Prescribed maximum daily rates (in dollars)	High rate geographical areas <sup>1,2,3,4</sup>	Prescribed maximum daily rates (in dollars)
<b>Pennsylvania</b>					
*Ithaca (all locations within Tompkins County)	70	*Allentown (all locations within Lehigh County)	70	El Paso (all locations within Paso County)	74
**Lake Placid (all locations within Essex County)	75	**Chester (all locations within Delaware County)	71	***Galveston (all locations within Galveston County)	
(Effective 12/21 thru 10/31)		Coatesville/Valley Forge (all locations within Chester County)	75	(Effective 5/1 thru 8/31)	75
(Effective 11/1 thru 12/20)	70	**Erie (all locations within Erie County)	68	(Effective 9/1 thru 4/30)	75
New York City (all locations within the Boroughs of the Bronx, Brooklyn, Manhattan, Queens, and Staten Island, and the counties of Nassau and Suffolk)	75	Harrisburg (all locations within Dauphin County)	75	Houston (all locations within Harris County, including the L. B. Johnson Space Center and Ellington AFB)	75
**Niagara Falls (all locations within Niagara County)	74	King of Prussia/Ft. Washington (all locations within Montgomery County, except Bala Cynwyd) (see also Philadelphia, PA)	75	*Kingsville (all locations within Kleburg County)	60
(Effective 5/1 thru 8/31)	74	**Mechanicsburg (all locations within Cumberland County)	61	Lajitas (all locations within Brewster County)	72
(Effective 9/1 thru 4/30)	74	Philadelphia/Bala Cynwyd (all locations within Philadelphia County and the city of Bala Cynwyd) in Montgomery County	75	(Effective 10/1 thru 11/30)	72
*Owego (all locations within Tioga County)	64	Pittsburgh/Morrowsville (all locations within Allegheny County)	75	(Effective 12/1 thru 9/30)	P/D
Rechester (all locations within Monroe County)	75	**Reading (all locations within Berks County)	72	*Laredo (all locations within Webb County)	72
*Schenectady (all locations within Schenectady County)	71	*State College (all locations within Centre County)	62	*Longview (all locations within Gregg County)	65
Syracuse (all locations within Onondaga County)	75	**Warminster (all locations within Bucks County including the Naval Air Development Center)	70	**Lubbock (all locations within Lubbock County)	62
*Troy (all locations within Rensselaer County)	73	**York (all locations within York County)	75	*Lufkin (all locations within Angelina County)	61
West Point (all locations within Orange County)	65	<b>Rhode Island</b>			
White Plains (all locations within Westchester County)	75	*East Greenwich (all locations within Kent County including the Naval Construction Battalion Center, Davisville)	67	*McAllen (all locations within Hidalgo County)	65
<b>North Carolina</b>					
***Asheville (all locations within Buncombe County)	66	***Newport (all locations within Newport County)	75	**Midland/Odessa (all locations within the counties of Ector and Midland)	66
(Effective 5/1 thru 10/31)	66	(Effective 4/1 thru 10/31)	75	*Nacogdoches (all locations within Nacogdoches County)	60
(Effective 11/1 thru 4/30)	66	(Effective 11/1 thru 3/31)	75	*San Antonio (all locations within Bexar County)	75
**Charlotte (all locations within Mecklenburg County)	75	Providence (all locations within Providence County)	75	*Temple (all locations within Bell County)	81
*Duck (all locations within Dare County)	75	<b>South Carolina</b>			
*Durham (all locations within Durham County)	58	*Cayce (all locations within Lexington County)	57	*Wichita Falls (all locations within Wichita County)	55
*Fayetteville (all locations within Cumberland County)	58	Charleston (all locations within the counties of Charleston and Berkeley)	66	<b>Utah</b>	
*Greensboro (all locations within Guilford County)	74	**Columbia (all locations within Richland County)	70	*Cedar City (all locations within Iron County)	
*Raleigh (all locations within Wake County)	75	*Greenville (all locations within Greenville County)	64	(Effective 1/1 thru 9/30)	55
*Wilmington (all locations within New Hanover County)	68	**Hilton Head (all locations within Beaufort County)	78	(Effective 10/1 thru 12/31)	55
*Winston-Salem (all locations within Forsyth County)	68	(Effective 5/1 thru 10/31)	78	*Ogden (all locations within Weber County)	60
<b>North Dakota</b>					
*Bismarck (all locations within Burleigh County)	69	(Effective 11/1 thru 4/30)	75	*Provo (all locations within Utah County)	55
*Fargo (all locations within Cass County)	61	**Myrtle Beach (all locations within Horry County, including Myrtle Beach AFB)	66	Salt Lake City (all locations within Salt Lake County, including Dugway Proving Ground and Tooele Army Depot)	75
*Minot (all locations within Ward County)	65	(Effective 5/1 thru 10/31)	61	*Vernal (all locations within Uintah County)	58
<b>Ohio</b>					
*Akron (all locations within Summit County)	71	(Effective 11/1 thru 4/30)	61	<b>Vermont</b>	
*Bridgeport/Martins Ferry/Belair (all locations within Belmont County)	60	*Spartanburg (all locations within Spartanburg County)	65	***Burlington (all locations within Chittenden County)	
Cincinnati/Evendale (all locations within the counties of Hamilton and Warren)	75	<b>South Dakota</b>			
Cleveland (all locations within Cuyahoga County)	75	**Rapid City (all locations within Pennington County)	66	(Effective 5/1 thru 10/31)	68
Columbus (all locations within Franklin County)	75	(Effective 6/1 thru 9/30)	66	(Effective 11/1 thru 4/30)	68
Dayton (all locations within Montgomery County, including Wright-Patterson AFB)	75	(Effective 10/1 thru 5/31)	57	*Montpelier (all locations within Washington County)	
*Defiance (all locations within Defiance County)	57	**Sioux Falls (all locations within Minnehaha County)	66	Effective 5/1 thru 9/30	57
*Geneva (all locations within Ashtabula County)	64	<b>Tennessee</b>			
*Hamilton/Fairfield (all locations within Butler County)	64	*Chattanooga (all locations within Hamilton County)	69	Effective 10/1 thru 4/30	57
*Ironton (all locations within Lawrence County)	56	*Clarksville (all locations within Montgomery County)	61	*Rutland (all locations within Rutland County)	75
*Lima (all locations within Allen County)	57	*Elizabethton (all locations within Carter County)	55	<b>Virginia</b>	
*Portsmouth (all locations within Scioto County)	60	*Greenville (all locations within Greene County)	62	Alexandria (all locations within the city of Alexandria (see also District of Columbia))	75
*Sandusky (all locations within Erie County)	61	*Johnson City (all locations within Washington County)	67	*Blacksburg (all locations within Montgomery County)	75
(Effective 5/1 thru 9/30)	61	*Kingsport/Bristol (all locations within Sullivan County)	62	*Bristol (all locations within the city of Bristol)	63
(Effective 10/1 thru 4/30)	61	Knoxville/Oak Ridge (all locations within Knox County and the city of Oak Ridge)	64	*Charlottesville (all locations within the city of Charlottesville)	75
*Springfield (all locations within Clark County)	65	Memphis (all locations within Shelby County)	75	Fairfax (all locations within the city of Fairfax (see also District of Columbia))	75
*Tinney/Freemont (all locations within Sandusky County)	58	**Nashville (all locations within Davidson County)	75	Falls Church (all locations within the city of Falls Church (see also District of Columbia))	75
**Toledo (all locations within Lucas County)	71	<b>Texas</b>			
<b>Oklahoma</b>					
*Bartlesville/Tulsa (all locations within the counties of Osage, Tulsa, and Washington)	64	**Amarillo (all locations within Potter County)	71	*Fredericksburg (all locations within the City of Fredericksburg)	59
*Lawton (all locations within Comanche County)	58	Austin (all locations within Travis County)	75	*Lexington (all locations within the city of Lexington)	60
*Muskogee (all locations within Muskogee County)	58	*Bastrop (all locations within Bastrop County)	58	*Lynchburg (all locations within the city of Lynchburg)	58
*Norman (all locations within Cleveland County)	61	*Beaumont (all locations within Jefferson County)	61	***Manassas/Manassas Park (all locations within the cities of Manassas and Manassas Park and Prince William County)	68
Oklahoma City (all locations within Oklahoma County)	72	Brownsville (all locations within Cameron County)	62	Norfolk (all locations within the cities of Norfolk, Virginia Beach, Portsmouth, Hampton, Newport News, and Chesapeake, and York County, including the Naval Weapons Station, Yorktown)	75
*Stilwater (all locations within Payne County)	65	*College Station/Bryan (all locations within Brazos County)	68	*Petersburg (all locations within the city of Petersburg, including Ft. Lee)	60
<b>Oregon</b>					
*Bend (all locations within Deschutes County)	61	Corpus Christi (all locations within Nueces County)	75	*Richmond (all locations within the city of Richmond and the counties of Chesterfield and Henrico, including the Defense General Supply Center)	75
Portland (all locations within Multnomah County)	75	Dallas/Ft. Worth (all locations within the counties of Dallas and Tarrant)	75	***Roanoke (all locations within the city of Roanoke and Roanoke County)	65
*Salem (all locations within Marion County)	56				

High rate geographical areas <sup>1 2 3 4</sup>	Pre-scribed maximum daily rates (in dollars)
*Waynesboro (all locations within the city of Waynesboro)	56
**Williamsburg (all locations within the city of Williamsburg)	75
(Effective 3/1 thru 10/31)	74
(Effective 11/1 thru 2/28-29)	75
Arlington County (see also District of Columbia)	75
Fairfax County (see also District of Columbia)	75
Loudoun County (see also District of Columbia)	75
Washington	
*Longview (all locations within Cowlitz County)	61
*Olympia (all locations within Thurston County)	68
*Richland (all locations within Benton County)	59
Seattle (all locations within King County)	75
**Spokane (all locations within Spokane County)	72
***Tacoma (all locations within Pierce County)	64
(Effective 4/1 thru 10/31)	59
(Effective 11/1 thru 3/31)	58
*Yakima (all locations within Yakima County)	58
West Virginia	
Charleston (all locations within Kanawha County)	70
*Harpers Ferry (all locations within Jefferson County)	58
*Huntington (all locations within Cabell County)	65
*Morgantown (all locations within Monongalia County)	64
*Wheeling (all locations within Ohio County)	62
Wisconsin	
*Brookfield (all locations within Waukesha County)	75
*Green Bay (all locations within Brown County)	64
*La Crosse (all locations within La Crosse County)	66
*Madison (all locations within Dane County)	75
*Milwaukee (all locations within Milwaukee County)	75
*Rhinelander (all locations within Oneida County)	58
*Wausau (all locations within Marathon County)	67
Wyoming	
**Casper (all locations within Natrona County)	62
**Cheyenne (all locations within Laramie County)	68
*Gillette (all locations within Campbell County)	63
***Jackson (all locations within Teton County)	75
(Effective 12/1 thru 9/30)	67
(Effective 10/1 thru 11/30)	57
**Rock Springs (all locations within Sweetwater County)	57

<sup>1</sup> Unless otherwise specified, HRGA's are defined as "all locations within, or entirely surrounded by, the corporate limits of the key city, including independent entities located within those boundaries."

<sup>2</sup> HRGA's with county definitions shall include "all locations within, or entirely surrounded by, the corporate limits of the key city as well as the boundaries of the listed counties, including independent entities located within the boundaries of the key city and the listed counties."

<sup>3</sup> Military installations or Government-related facilities (whether or not specifically named in the HRGA definition) that are partially located within the HRGA boundary shall include "all locations that are geographically part of the military installation or Government-related facility, even though part(s) of such activities may be located in an area that is not specifically listed in the HRGA definition."

<sup>4</sup> The abbreviation "P/D" shown in the rate column means that per diem not to exceed the \$50 maximum rate in accordance with Part 7 of Chapter 1 is applicable during the period specified.

\* Newly designated HRGA.

\*\* Rate adjustment or redefined boundary for previously designated HRGA.

\*\*\* Previously designated HRGA that has been newly designated as a seasonal location.

\*\*\*\* Subsistence costs increase during the period immediately preceding and following a spacecraft launch. The maximum \$75 rate applies during the period which begins at 12:01 a.m. 2 days prior to a scheduled launch and runs until midnight of the second day following the actual launch.

Dated: September 24, 1985.

Terence C. Golden,

Administrator of General Services.

[FR Doc. 85-25630 Filed 10-25-85; 8:45 am]

BILLING CODE 6820-24-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 80N-0012; DESI 8924]

#### Drugs for Human Use; Drug Efficacy Study Implementation; Certain Topical Anti-Infective Drug Products; Withdrawal of Approval of New Drug Applications

##### Correction

In FR Doc. 85-19803, beginning on page 33639 in the issue of Tuesday, August 20, 1985, make the following correction: On page 33639, in the third column, the third line of the **FOR FURTHER INFORMATION CONTACT** paragraph should read "Biologics (HFN-366), Food and Drug".

BILLING CODE 1505-01-M

### Public Health Service

#### Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Public Health Service, HHS.

ACTION: Correction.

The Public Health Service (PHS) published an inventory of its active Privacy Act systems of records in the *Federal Register* on October 10, 1985. On page 41417, the inventory of the National Institutes of Health incorrectly lists system 09-25-0155 "Congressional Biographies, HHS/NIH/OPPE" as an active system. This system has been deleted and the records have been destroyed, as stated in the preamble on page 41413.

Dated: October 18, 1985.

Peter J. Bersano,

Acting Deputy Assistant Secretary for Health Operations and Director, Office of Management.

[FR Doc. 85-25596 Filed 10-25-85; 8:45 am]

BILLING CODE 4160-17-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-85-1558]

#### Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

**SUMMARY:** The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork

Reduction Act. The Department is soliciting public comments on the subject proposals.

**ADDRESS:** Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposals by name and should be sent to: Robert Fishman, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number.

**FOR FURTHER INFORMATION CONTACT:** David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

#### Notice of Submission of Proposed Information Collection to OMB

Proposal: Housing Development Grant Information System—Semi-Annual Project Progress Report

Office: Housing

Form No.: None

Frequency of Submission: Semi-Annually

Affected public: Individuals or Households, State or Local Governments, Businesses or Other

For-Profit, and Non-Profit  
Organizations  
Estimated Burden Hours: 8,282  
Status: New

Contact: Jessica Franklin, HUD, (202)  
755-6142; Robert Fishman, OMB, (202)  
395-6880

Authority: Sec. 3507 of the Paperwork  
Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the  
Department of Housing and Urban  
Development Act, 42 U.S.C. 3535(d).

Dated: September 4, 1985.

Proposal: Title I Claim for Loss

Office: Administration

Form No.: HUD-637A

Frequency of Submission: On Occasion

Affected public: Businesses or Other

For-Profit

Estimated burden hours: 10,000

Status: Extension

Contact: Yvonne S. Clarke, HUD, (202)  
755-6448; Robert Fishman, OMB, (202)  
395-6880

Authority: Sec. 3507 of the Paperwork  
Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the  
Department of Housing and Urban  
Development Act, 42 U.S.C. 3535(d).

Dated: August 29, 1985.

Proposal: Request for Construction

Change—Project Mortgages

Office: Housing

Form No: HUD-92437

Frequency of submission: On Occasion

Affected public: Businesses or Other

For-Profit

Estimated burden hours: 30,000

Status: Extension

Contact: Linda Cheatham, HUD, (202)  
426-0035; Robert Fishman, OMB, (202)  
395-6880

Authority: Sec. 3507 of the Paperwork  
Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the  
Department of Housing and Urban  
Development Act, 42 U.S.C. 3535(d).

Dated: August 22, 1985.

Proposal: Title I Refinancing Report

Office: Administration

Form No: FH-5

Frequency of submission: On Occasion

Affected public: Businesses or Other

For-Profit

Estimated burden hours: 1,600

Status: Reinstatement

Contact: Cynthia H. Palmer, HUD, (202)  
755-5263; Robert Fishman, OMB, (202)  
395-6880

Authority: Sec. 3507 of the Paperwork  
Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the  
Department of Housing and Urban  
Development Act, 42 U.S.C. 3535(d).

Dated: September 19, 1985.

Proposal: Title I—Transfer of Note  
Report

Office: Administration

Form No: FH-6

Frequency of submission: On Occasion

Affected public: Businesses or Other

For-Profit

Estimated burden hours: 400

Status: Reinstatement

Contact: Cynthia H. Palmer, HUD, (202)  
755-5263; Robert Fishman, OMB, (202)  
395-6880

Authority: Sec. 3507 of the Paperwork  
Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the  
Department of Housing and Urban  
Development Act, 42 U.S.C. 3535(d).

Dated: September 19, 1985.

Proposal: Survey of Market Absorption

of New Apartment Buildings

Office: Policy Development and

Research

Form No: H-31

Frequency of submission: On Occasion

and Quarterly

Affected public: Businesses or Other

For-Profit

Estimated burden hours: 3,600

Status: Extension

Contact: Connie Casey, HUD, (202) 755-  
5060; Peter J. Fronczek, Census, (301)  
763-2866; Robert Fishman, OMB, (202)  
395-6880

Authority: Sec. 3507 of the Paperwork  
Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the  
Department of Housing and Urban  
Development Act, 42 U.S.C. 3535(d).

Dated: September 18, 1985.

Proposal: Announcement for  
International Year of Shelter for the  
Homeless (IYSH) Project Recognition  
Program

Office: Policy Development and

Research

Form No.: None

Frequency of submission: Single-Time

Affected public: State or Local

Governments, Businesses or Other

For-Profit, Federal Agency or

Employees, Non-Profit Institutions,

and Small Businesses or

Organizations

Estimated burden hours: 600

Status: New

Contact: James W. Stimpson HUD, (202)  
755-5896; Robert Fishman, OMB, (202)  
395-6880

Authority: Sec. 3507 of the Paperwork  
Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the  
Department of Housing and Urban  
Development Act, 42 U.S.C. 3535(d).

Dated: September 19, 1985.

Proposal: Title I Property Improvement  
and Manufactured Home Programs (24  
CFR Part 201)

Office: Housing

Form No.: FH-1(HP), FH-13(MH), HUD-  
9299, HUD-50083, HUD-56001, HUD-  
56001(MH), HUD-56004, and HUD-  
92902

Frequency of submission: On Occasion

Affected public: Individuals or

Households, Businesses or Other For-

Profit, and Small Businesses or  
Organizations

Estimated burden hours: 142,193

Status: Extension

Contact: James L. Anderson, HUD, (202)  
755-6880; Robert Fishman, OMB, (202)  
395-6880

Authority: Sec. 3507 of the Paperwork  
Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the  
Department of Housing and Urban  
Development Act, 42 U.S.C. 3535(d).

Dated: September 19, 1985.

Proposal: Comprehensive Improvement

Assistance Program—Application

Requirements

Office: Public and Indian Housing

Form No.: HUD-52821, 52823, 52824, and

52825

Frequency of submission: On Occasion

and Annually

Affected public: State or Local

Governments and Non-profit

Institutions

Estimated burden hours: 16,288

Status: Extension

Contact: Pris Buckler, HUD, (202) 755-  
6640; Robert Fishman, OMB, (202) 395-  
6880

Authority: Sec. 3507 of the Paperwork  
Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the  
Department of Housing and Urban  
Development Act, 42 U.S.C. 3535(d).

Dated: September 19, 1985.

Dennis F. Geer,

Director, Office of Information Policies and  
Systems.

[FR Doc. 85-25562 Filed 10-25-85; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### California Condor; Emergency Exemption; Issuance

By letter of September 13, 1985, the  
Director of the Patuxent Wildlife  
Research Center applied for an  
amendment to permit number PRT-  
682928 to authorize the taking from the  
wild of three additional California  
condors (*Gymnogyps californianus*),  
exclusive of the "Santa Barbara pair" or  
"IC-9", for the enhancement of  
propagation and survival. The letter also  
asked for an emergency waiver of the  
30-day public comment period required  
by section 10(c) of the Endangered  
Species Act. Permit PRT-682928  
previously authorized the take from the  
wild of one adult male and two adult  
female condors. Those birds have  
already been taken.

The Fish and Wildlife Service  
(Service) has prepared an



Environmental Assessment (EA) associated with the action which supplements the EAs prepared in 1979 and 1981. Based on a review and evaluation of the information contained in the EA, the Service has determined that the conservation actions to be taken on behalf of the California condor are not major Federal actions which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969. Copies of the EA have been sent to all agencies and persons who have already requested copies.

It was determined by the Service that an emergency does in fact exist, and that no reasonable alternative is available to the applicant, for the following reasons:

a. As far as can be determined, the wild population has declined from 18 birds to nine since 1983 for unknown reasons, the removal of three adult birds in the summer of 1985 reduced the wild population to six birds;

b. There was only one nesting pair, the Santa Barbara pair, in the wild in 1985, down from five pairs in 1984;

c. The captive population currently contains only four adults (two male, 2 female), and this may be the last chance to enlarge the gene pool in captivity on a potentially immediate breeding basis; and

d. Because the rainy season is advancing rapidly, field conditions may preclude, or at least inhibit, capture beginning perhaps as early as November.

Therefore, on October 21, 1985, PRT-682928 was amended to authorize take from the wild of three additional adult birds with an emergency waiver of the 30-day public comment period.

For further information contact the following: (1) On permit matters, Mr. Thomas J. Parisot, Chief, Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 611, Arlington, Virginia 22201 (703/235-1903); and (2) on NEPA and other matters, Mr. Jan Riffe, Chief, Division of Wildlife Research, Fish and Wildlife Service, Washington, D.C. 20240 (202/653-8762).

Dated: October 21, 1985.

F. Eugene Hester,  
Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 85-25650 Filed 10-25-85; 8:45 am]

BILLING CODE 4310-55-M

## National Park Service

### San Antonio Missions Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the San Antonio Missions Advisory Commission will be held at 1:00 p.m., Tuesday, November 19, 1985, at the San Jose Mission Parish Hall, 6710 San Jose, San Antonio, Texas.

The San Antonio Missions Advisory Commission was established pursuant to Pub. L. 95-629, Title II, November 10, 1978. The purpose of the commission is to advise the Secretary of the Interior or his designee on matters relating to the park and with respect to carrying out the provisions of the statute establishing the San Antonio Missions National Historical Park.

Matters to be discussed include:

- Minutes of previous meeting
- Swearing-in of new Commission members (Major General William A. Harris, Ms. Annabell S. Ames, Mrs. Alice Wyatt, Mr. Henry Guerra, Mr. Robert L. Washington, Mrs. Minnie D. Garcia, and Mr. Felix D. Almaraz, Jr.)
- Park Operations Update
- Los Compadres Update
- Archdiocesan Report
- City Report
- County Report
- Open Remarks

The meeting will be open to the public, however, facilities and space for accommodating members of the public will be limited and persons will be accommodated on a first-come, first-serve basis.

Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, San Antonio Missions National Historical Park.

Persons wishing further information regarding this meeting or who wish to submit a written statement may contact Jose A. Cisneros, Superintendent, 727 E. Durango, Room A612, San Antonio, Texas 78206 (512) 229-6009.

Minutes of the meeting will be available for public review approximately four weeks after the meeting at the office of the San Antonio Missions National Historical Park.

Dated: October 21, 1985.

Robert I. Kerr,  
Regional Director, Southwest Region.

[FR Doc. 85-25659 Filed 10-25-85; 8:45 am]

BILLING CODE 4310-70-M

## INTERNATIONAL TRADE COMMISSION

[Investigation No. AA1921-114]

### Stainless Steel Plate From Sweden

**AGENCY:** International Trade Commission.

**ACTION:** Dismissal of a request to institute a section 751(b) review investigation concerning affirmative determination in Investigation No. AA1921-114, Stainless Steel Plate from Sweden.

**SUMMARY:** The Commission determines, pursuant to section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)) and rule 207.45 of the Commission's rules (19 CFR 207.45), that the petition does not show changed circumstances sufficient to warrant institution of an investigation to review the Commission's affirmative determination in investigation No. AA1921-114 regarding stainless steel plate from Sweden provided for in items 607.76 and 607.90 of the Tariff Schedules of the United States.

**SUPPLEMENTARY INFORMATION:** On May 1, 1973, the Commission determined that an industry in the United States was injured within the meaning of the Antidumping Act, 1921, by reason of imports of stainless steel plate from Sweden determined by the Secretary of Treasury to be sold or likely to be sold at less than fair value (LTFV).

On June 8, 1973, the Department of the Treasury issued a finding of dumping (T.D. 73-157) and published notice of the dumping finding in the *Federal Register* (38 FR 15079).

On July 8, 1985, the Commission received a request to review its affirmative determination in investigation No. AA1921-114. The request was filed pursuant to section 751(b) by the law firm of Freeman, Wasserman and Schneider on behalf of Avesta AB, the sole Swedish producer and exporter of stainless steel plate, and its affiliated company, Avesta Stainless Inc., a U.S. producer of stainless steel plate.

On July 31, 1985, the Commission published a notice in the *Federal Register* (50 FR 31056) requesting public comment concerning whether the following alleged changed circumstances were sufficient to warrant institution of a review investigation: (1) Imports of Swedish plate into the United States are commercially insignificant and statistically *de minimis*, representing less than one percent of apparent U.S. consumption of plate in every year but

one since 1976; (2) The number of companies producing stainless steel plate in Sweden has fallen from four producers with four mills in 1972 to one producer with two mills in 1985; (3) In 1976, a predecessor of Sweden's sole remaining producer of stainless steel plate acquired Borg Warner Corporation's Ingersoll Division mill at New Castle, IN, and by 1984 this mill's share of apparent U.S. consumption of stainless steel plate had greatly increased; and (4) In 1972, Sweden and the European Community (EC) entered into a bilateral trade agreement which allowed Swedish plate duty-free entry into the EC; today, Swedish exports to the EC are almost 20 times the quantity exported to the United States.

The Commission received comments from the law firm of Collier, Shannon, Rill and Scott on behalf of Allegheny Ludlum Steel Corp., Armco Inc., LTV Steel Co., Washington Steel Corp., and the United Steelworkers of America. Their statement argued that the Commission not institute a review investigation.

After review of the petition for review and the responses to the petition, the Commission has determined, pursuant to 19 U.S.C. 1675(b) and 19 CFR § 207.45, that the petition does not show changed circumstances sufficient to warrant institution of a review investigation regarding stainless steel plate from Sweden.<sup>1 2</sup>

Petitioners allege that Western Europe is a strong, growing market for Swedish stainless steel plate exports and that there have been recent increases in exports of plate to certain Western European countries. They allege that this results from a 1972 agreement between Sweden and the European Community (EC) which grants Swedish products duty-free entry into the EC, in contrast to the pre-1972 period of restricted imports. Petition at 34. However, as the agreement was entered into before the Commission's 1973 determination, it cannot constitute a changed circumstance.

Moreover, the level of Swedish stainless steel plate exports to the EC, although it has fluctuated, has shown a decreasing trend since 1973 and petitioners' reliance on apparent recent

increases in exports to certain EC countries is misplaced for several reasons. First, exports to the EC, even after the recent increases, remain below the levels of the early 1970s. Second, the recent increase in exports depends on 1981 as the base year, and 1981 was a bad year for stainless steel production and exports worldwide. Further, access to the EC market is not unrestricted, but the levels, timing product mix, and geographic distribution of Swedish steel imports are limited. Finally, EC willingness to accept imports of Swedish steel may be damped because there are now additional duties on EC exports to the United States. We note that the petition does not show any enlargement of any other market, including the Swedish domestic market, for Swedish stainless steel plate.

Petitioners allege that during the past five years there has been a restructuring of the stainless steel industry in Sweden. That restructuring consists of the consolidation of four Swedish steel producers into a single company and a decrease in the number of steel mills. Because the specific facts about the current state of the Swedish stainless steel plate industry as they relate to the United States market are confidential, we can only state that they do not show changed circumstances sufficient to warrant institution of a review investigation.

Petitioners allege that the 1976 purchase of the Ingersoll Division of the Borg Warner Corp., a manufacturer of plate located in New Castle, Indiana, constitutes another changed circumstance. Nevertheless, the level of stainless steel plate imports from Sweden has not decreased since that purchase, and there was a notable increase from 1983 to 1984. Petitioners have not shown how the purchase of the domestic mill has affected the quantity of imports of Swedish stainless steel plate and, in fact, the only impact that the petition alleges is that there will be a change in the types of stainless steel plate that will be imported in the future.

Finally, petitioners allege that imports of Swedish plate have decreased significantly, in both absolute and relative terms. It is true that imports of Swedish plate declined sharply in 1974, the year after imposition of the antidumping order. Although fluctuating from year to year, imports of Swedish plate have remained relatively constant since then although increases are apparent in 1984. We note that in addition to the antidumping duty, imports of stainless steel plate from Sweden have been subject to quotas and additional duties during portions of

the intervening years. The level of imports, while clearly a change from the situation at the time of our 1973 determination, is not sufficient here. The petitioners have offered no persuasive reason why the current level of Swedish plate imports in the result of anything other than import relief.

For all the foregoing reasons, the Commission has determined that the petition does not show changed circumstances sufficient to warrant institution of a review investigation and has, therefore, dismissed the petition.

**FOR FURTHER INFORMATION CONTACT:** Jim McClure (202-523-1793), Office of Investigations, or Jack Simmons, (202-523-0493), Office of the General Counsel, U.S. International Trade Commission, 701 E Street, N.W., Washington, DC 20436.

By order of the Commission.

Issued: October 25, 1985.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-25662 Filed 10-25-85; 8:45 am]

BILLING CODE 7020-02-M

#### [Investigation No. 731-TA-252 (Final)]

#### Certain Welded Carbon Steel Pipes and Tubes From Thailand

**AGENCY:** International Trade Commission.

**ACTION:** Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

**SUMMARY:** The Commission hereby gives notice of the institution of final antidumping investigation No. 731-TA-252 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Thailand of certain welded carbon steel pipes and tubes<sup>1</sup> which have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTFV). Unless the investigation is extended, Commerce will make its final

<sup>1</sup> For purposes of this investigation, the term "certain welded carbon steel pipes and tubes" covers welded carbon steel pipes and tubes of circular cross section, 0.375 inch or more but not over 16 inches in outside diameter, provided for in items 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3254, 610.3256, 610.3258, and 610.4925 of the Tariff Schedules of the United States Annotated (1985) (TSUSA).

<sup>1</sup> Chairwoman Stern determined that the petition showed changed circumstances, particularly the purchase by a Swedish producer of a U.S. stainless steel plate production facility, sufficient to warrant institution of a review investigation. Therefore, she does not concur with the statement of reasons contained in this notice.

<sup>2</sup> Vice Chairman Liebel determined that the petition showed changed circumstances sufficient to warrant institution of a review investigation. Therefore, she does not concur with the statement of reasons contained in this notice.

LTFV determination on or before December 10, 1985, and the Commission will make its final injury determination by January 28, 1986 (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

**EFFECTIVE DATE:** October 1, 1985.

**FOR FURTHER INFORMATION CONTACT:** Bonnie Noreen (202-523-1369), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

**SUPPLEMENTARY INFORMATION:**

**Background**

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of certain welded carbon steel pipes and tubes from Thailand are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1673). The investigation was requested in a petition filed on February 28, 1985, and amended on March 12, 1985, by counsel for the standard pipe subcommittee of the Committee of Pipe and Tube Imports, and for each of the individual manufacturers of standard pipe that are members of the subcommittee. In response to that petition the Commission conducted a preliminary antidumping investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (50 FR 16167, April 24, 1985).

**Participation in the Investigation**

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rule (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the *Federal Register*. Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late

entry for good cause shown by the person desiring to file the entry.

**Service List.**

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

**Staff Report**

A public version of the prehearing staff report in this investigation will be placed in the public record on November 27, 1985, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

**Hearing**

The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on December 12, 1985, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on December 2, 1985. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:30 a.m. on December 6, 1985, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is December 9, 1985.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

**Written Submissions**

All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on December 19, 1985. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before December 19, 1985.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with section 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6)

**Authority**

This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: October 23, 1985.

By order of the Commission.

**Kenneth R. Mason,**  
*Secretary.*

[FR Doc. 85-25663 Filed 10-25-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-212 (Final)]

**Certain Welded Carbon Steel Pipes and Tubes From Venezuela**

**AGENCY:** International Trade Commission.

**ACTION:** Termination of investigation.

**SUMMARY:** On October 17, 1985, the Commission received a letter from counsel for the petitioners in the subject investigation (the standard pipe subcommittee of The Committee on Pipe and Tube Imports and the individual

members of that subcommittee) withdrawing their petition. Accordingly, pursuant to § 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)), the antidumping investigation concerning certain welded carbon steel pipes and tubes from Venezuela (investigation No. 731-TA-212 (Final)) is terminated.

**EFFECTIVE DATE:** October 22, 1985.

**FOR FURTHER INFORMATION CONTACT:** Bonnie Noreen (202-523-1369), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

#### Authority

This investigation is being terminated under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.40 of the Commission's rules (19 CFR 207.40).

Issued: October 23, 1985.

By order of the Commission.

**Kenneth R. Mason,**

*Secretary.*

[FR Doc. 85-25664 Filed 10-25-85; 8:45 am]

BILLING CODE 7020-02-M

#### [Investigation No. 731-TA-253 (Final)]

#### Certain Welded Carbon Steel Pipes and Tubes From Venezuela

**AGENCY:** International Trade Commission.

**ACTION:** Revised schedule for the subject investigation.

**EFFECTIVE DATE:** October 22, 1985.

**FOR FURTHER INFORMATION CONTACT:** Bonnie Noreen (202-523-1369), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal on 202-724-0002.

**SUPPLEMENTARY INFORMATION:** On August 13, 1985, the Commission instituted the subject investigation and established a schedule for its conduct (50 FR 35168, August 29, 1985). Subsequently, the Department of Commerce extended the date for its final determination in the investigation from October 21, 1985, to December 26, 1985 (50 FR 42199, October 18, 1985). The Commission, therefore, is revising its schedule in the investigation to conform with Commerce's new schedule.

The Commission's new schedule for the investigation is as follows: requests to appear at the hearing must be filed with the Secretary to the Commission not later than December 20, 1985; the prehearing conference will be held in room 117 of the U.S. International Trade Commission Building at 9:30 a.m. on December 27, 1985; the deadline for filing prehearing briefs is December 31, 1985; the hearing will be held in room 331 of the U.S. International Trade Commission Building at 10:00 a.m. on January 7, 1986; and the deadline for filing all other written submissions, including posthearing briefs, is January 14, 1986. The public version of the prehearing staff report was placed on the public record on October 8, 1985.

For further information concerning this investigation see the Commission's notice of investigation cited above and the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

#### Authority

This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: October 23, 1985.

By order of the Commission.

**Kenneth R. Mason,**

*Secretary.*

[FR Doc. 85-25665 Filed 10-25-85; 8:45 am]

BILLING CODE 7020-02-M

#### INTERSTATE COMMERCE COMMISSION

[Docket No. AB-55 (Sub-157A)]

#### Seaboard System Railroad, Inc.; Abandonment Between Sandland and Alcoma, FL; Findings

The Commission has issued a certificate authorizing Seaboard System Railroad, Inc.; to abandon its 4.60-mile rail line between Sandland (milepost 870) and Alcoma, FL (milepost 874.60). The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on

the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

**James H. Bayne,**

*Secretary.*

[FR Doc. 85-25517 Filed 10-25-85; 8:45 am]

BILLING CODE 7035-01-M

#### DEPARTMENT OF JUSTICE

#### Information Collection(s) Under OMB Review

October 23, 1985.

The Office of Management and Budget (OMB) has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer from whom a copy of the form and supporting documents is available;

(2) The office of the agency issuing the form;

(3) The title of the form;

(4) The agency form number, if applicable;

(5) How often the form must be filled out;

(6) Who will be required or asked to report;

(7) An estimate of the number of responses;

(8) An estimate of the total number of hours needed to fill out the form;

(9) An indication of whether section 3504(h) of Pub. L. 96-511 applies; and,

(10) The name and telephone number of the person or office responsible for the OMB review.

Copies of the proposed form(s) and the supporting documentation may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions regarding the item(s) contained in this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the

Agency Clearance Officer of your intent as early as possible.

Department of Justice Agency  
Clearance Officer: Larry E. Miesse 202/  
633-4312.

• **Revision of a Currently Approved Collection**

- (1) Larry E. Miesse, 202/633-4312
- (2) Bureau of Justice Statistics,  
Department of Justice
- (3) 1985 Probation Data Survey/1985  
Parole Data Survey
- (4) CJ-7, CJ-8
- (5) Annually
- (6) State and local governments.  
Summary data on the probation and  
parole populations are collected from  
State, local and Federal agencies and  
used by officials, administrators and  
researchers to evaluate current  
conditions and trends nationwide.

- (7) 301 respondents
- (8) 390 burden hours
- (9) Not applicable under 3504(h)
- (10) Rober Veeder—395-4814

- (1) Larry E. Miesse, 202/633-4312
- (2) Bureau of Justice Statistics,  
Department of Justice
- (3) National Prisoner Statistics, NPS-1  
Summary of Sentenced Population  
Movement
- (4) NPS-1
- (5) Annually
- (6) State or local governments. To  
provide annual summary measures of  
persons confined in the Nation's  
correctional institutions. Data will  
form the basis for historical trend  
analysis.

- (7) 55 respondents
- (8) 330 burden hours
- (9) Not applicable under 3504(h)
- (10) Robert Veeder—395-4814
- (1) Larry E. Miesse, 202/633-4312
- (2) Drug Enforcement Administration,  
Department of Justice
- (3) Report of Theft or Loss of Controlled  
Substances
- (4) DEA-106
- (5) On occasion
- (6) Business or other for profit. Federal  
agencies or employees. 21 CFR  
1301.74(c) and 1301.76(b) requires DEA  
registrants to complete and submit  
this form upon discovery of a theft or  
loss of controlled substances for  
accountability and to monitor  
substances diverted into illicit market  
and develop leads for criminal  
investigations.

- (7) 5462 respondents
- (8) 3550 burden hours
- (9) Not applicable under 3504(h)
- (10) Robert Veeder—395-4814

• **New Collection**

- (1) Larry E. Miesse, 202/633-4312

- (2) National Institute of Corrections,  
Department of Justice
- (3) Management of Crowded Institutions
- (4) N/A
- (5) One time
- (6) State or local governments. This  
survey will identify successful and  
practical ways for prison managers to  
run crowded prisons. Results  
available to wardens.
- (7) 100 respondents
- (8) 600 burden hours
- (9) Not applicable under 3504(h)
- (10) Robert Veeder—395-4814

• **Reinstatement of a Previously Approved Collection for Which Approval Has Expired**

- (1) Larry E. Miesse, 202/633-4312
- (2) Federal Bureau of Investigation,  
Department of Justice
- (3) Law Enforcement Officers Killed or  
Assaulted
- (4) DO-71
- (5) Monthly
- (6) State or local government. Needed to  
collect information regarding law  
enforcement officers killed or  
assaulted in the United States.  
Summary statistics are published  
annually.
- (7) 277 respondents
- (8) 664 burden hours
- (9) Not applicable under 3504(h)
- (10) Robert Veeder—395-4814

Larry E. Miesse,

*Departmental Clearance Officer, Department  
of Justice.*

[FR Doc. 85-25618 Filed 10-25-85; 8:45 am]

BILLING CODE 4410-01-M

**Attorney General's Commission on  
Pornography; Open Meeting**

In accordance with the Federal  
Advisory Committee Act, Public Law  
92-463, the Department of Justice  
announces the following meetings and  
hearings of the Attorney General's  
Commission on Pornography.

**Meeting**

Date and Time: November 19, 1985, 9:00  
a.m.—11:00 p.m.

Place: 300 NE, 1st Avenue, Room 209,  
Miami, Florida 33101.

Status: Open to the public.

Matters to be considered at meeting:  
Discussion of (1) Issues and Methodology to  
be utilized, (2) Previous hearings and  
evidence received and (3) Review of alleged  
obscene and pornographic material and (4)  
Any other relevant matters.

**Hearing**

Date and Time: November 20, 1985, 8:30  
a.m.—11:00 p.m.

Place: 300 NE, 1st Avenue, Central  
Courtroom, Miami, Florida 33101.

Status: Open to the public.

Matters to be considered at meeting:  
Opening of Fifth Public Hearing—  
Welcoming remarks; Testimony of witnesses  
and examination by Commissioners. At the  
conclusion of the last witness' testimony, the  
Commission may conduct a meeting.

Matters to be considered at meeting:  
Discussion of (1) Issues and methodology to  
be utilized, (2) Previous hearings and  
evidence received, (3) Review of alleged  
obscene and pornographic material and (4)  
Any other relevant matters.

**Meeting**

Date and Time: November 21, 1985, 8:30  
a.m.—11:00 p.m.

Place: 300 NE, 1st Avenue, Central  
Courtroom, Miami, Florida 33101.

Status: Open to the public.

Matters to be considered at meeting:  
Testimony of witnesses and examination by  
Commissioners. At the conclusion of the last  
witness' testimony, the Commission may  
conduct a meeting.

Matters to be considered at meeting:  
Discussion of (1) Issues and methodology to  
be utilized, (2) Previous hearings and  
evidence received, (3) Review of alleged  
obscene and pornographic material and (4)  
Any other relevant matters.

**Hearing**

Date and Time: November 22, 1985, 9:00  
a.m.—11:00 p.m.

Place: 300 NE, 1st Avenue, Central  
Courtroom, Miami, Florida 33101.

Status: Open to the public.

Matters to be considered at meeting:  
Discussion of (1) Issues and methodology to  
be utilized, (2) Previous hearings and  
evidence received, (3) Review of alleged  
obscene and pornographic material and (4)  
Any other relevant matters.

The meetings and hearings will be  
open to the public, and written  
comments may be submitted regarding  
relevant issues. Approximately 150 seats  
will be available at the public hearings  
(including 40 seats reserved for media  
representatives) on a first-come, first-  
served basis. (Public meetings will have  
20 seats.)

Copies of minutes will be available  
upon request, at the actual cost of  
duplication, 60 days after the final  
hearing on October 22, 1985.

Contact person for more information:  
Alan E. Sears, Executive Director,  
Attorney General's Commission on  
Pornography, Department of Justice,  
Room 1018, HOLC Building, 320 First  
Street, N.W., Washington, D.C. 20530,  
(202) 724-7837.

Henry Hudson,

*Commission Chairman.*

[FR Doc. 85-25633 Filed 10-25-85; 8:45 am]

BILLING CODE 4410-01-M

**Drug Enforcement Administration**

[Docket No. 85-34]

**Michael J. Bartek, M. D., Chester, NJ;  
Hearing on Registration Application**

Notice is hereby given that on June 27, 1985, the Drug Enforcement Administration, Department of Justice, issued to Michael J. Bartek, M. D., an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application, executed on February 4, 1985, for registration as a practitioner under 21 U.S.C. 823(f).

Thirty days have elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held, commencing at 10:00 a.m., on Friday, November 15, 1985, in Courtroom No. 10, Room 309, U.S. Claims Court, 717 Madison Place NW., Washington, D.C.

Dated: October 21, 1985.

John C. Lawn,

Administrator, Drug Enforcement  
Administration.

[FR Doc. 85-25635 Filed 10-25-85; 8:45 am]

BILLING CODE 4410-09-M

**Browning Road Apothecary;  
Revocation of Registration and Denial  
of Application**

On July 1, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) directed an order to show cause to Browning Road Apothecary, Route 38 and Browning Road, Pennsauken, New Jersey 08109. The order sought to revoke DEA Certificate of Registration AB2840622 previously issued to the pharmacy and to deny any pending applications for registration. The statutory predicates under 21 U.S.C. 824(a)(1) and (a)(2) were the material falsification of an application for registration executed on July 20, 1984 and the conviction on September 8, 1983 of Carl Phillip Ortell, R.Ph., the former owner and managing pharmacist of Browning Road Apothecary in the New Jersey Superior Court, Camden County, Law Division-Criminal, of distribution of a controlled dangerous substance in violation of N.J.S. 24:21-19, a felony relating to controlled substances. The order to show cause stated that Carl Ortell materially falsified the July 20, 1984 application by stating that no officer, partner, stockholder or proprietor had

been convicted of a felony relating to controlled substances when in fact he had been so convicted. A transfer of the stock representing the ownership interest in the corporation that owned the pharmacy from Carl Ortell to Rosemarie Ortell, his wife, took place on September 13, 1984. Therefore Carl Ortell was the proprietor of Browning Road Apothecary of July 20, 1984.

The order to show cause gave the Respondent pharmacy 30 days to file a response. 21 CFR 1316.47. The response from the pharmacy consisted of numerous agitated telephone calls from Carl Ortell to Government counsel and several handwritten letters from Mr. Ortell in which he denied any employment in the pharmacy. Included among this correspondence was a letter from a psychiatrist treating Mr. Ortell, who stated that Mr. Ortell was suffering from agitated depression and could not adequately represent himself. Since the psychiatrist's letter indicated that he was willing to discuss the matter further, Government counsel contacted the psychiatrist in an attempt to find a responsible representative with whom to discuss the pharmacy's situation. The result of this communication was a letter to Government counsel dated August 20, 1985, from Mrs. Ortell, now the sole shareholder of Ocar, Inc., the corporation that owns the pharmacy. Mrs. Ortell stated "when the doctor finds Mr. Ortell able to attend the hearing we will gladly do so". The letter also stated that "Mr. Ortell does intend to be represented by someone and both the representative and Mr. Ortell will want to be heard at this hearing". The Administrator construes this letter, received on August 27, 1985, to be a request for an indefinite postponement of these proceedings. Such a request must be denied.

While the Administrator has some amount of sympathy for the situation in which the Respondent pharmacy and its owners find themselves, he cannot permit this pharmacy to continue to dispense controlled substances while the Ortells sort out their situation. The order to show cause gave the pharmacy 30 days in which to ask for a hearing in a form set forth in the applicable regulations. Lacking a responsible representative with whom the matter can be discussed, and confronted with a request for an indefinite postponement of any administrative proceedings, the Administrator believes the best interests of the public would be served if he were to decide this matter without further delay. The Ortells can pursue their remedies through a new application, at which time they may be better prepared to deal with the issues. The

Administrator finds that Browning Road Apothecary waived its opportunity for a hearing by failing to timely file a request for a hearing in the form set forth in the applicable regulations. The Administrator therefore enters this final order on the record as it appears. 21 CFR 1301.54 (d) and (e).

The Administrator finds that Carl Phillip Ortell pled guilty to one count of distribution of a controlled dangerous substance in violation of N.J.S. 24:21-19 and four counts of Medicaid fraud, in violation of N.J.S. 30:4D-17. Ortell was the owner and managing pharmacist of Browning Road Apothecary from May, 1978 through January, 1980, when the illegal distribution of controlled substances occurred. Investigation revealed that Ortell sold large quantities of Schedule V codeine-based cough syrups, such as Cheracol and terpin hydrate with codeine, to drug abusers. The patient profiles for these persons were not kept at Browning Road Apothecary but at the home of Carl Ortell. On the evenings when Carl Ortell worked at the store, large numbers of these persons, known as "Carl's Customers" to store employees, would come to the pharmacy to buy quantities of cough syrup from Carl Ortell. Those evenings when these transactions took place were known as "Happy Hour" to the employees and on the street in Camden, New Jersey, where most of "Carl's Customers" lived. Some bogus sales were billed to the State of New Jersey Medicaid Program. These fraudulent billings amounted to \$120,000. Ortell would send unwanted prescription items to welfare recipients before the first prescription expired, and then send a prescription blank to the prescribing physician to fill out to "legitimize" the sale. The State of New Jersey Department of Human Services, Division of Medical Assistance and Health Services, in a consent order dated July 27, 1984, permanently barred Carl Ortell from participation in the New Jersey Medicaid program. In the same consent order, Carl Ortell agreed to permanently divest all of his ownership interest in Browning Road Apothecary. The order also imposed an administrative judgment against Carl Ortell for the \$120,000 he defrauded the State of New Jersey.

The July 1, 1985 order to show cause described Carl Ortell as an employee of Ocar, Inc., the corporation that owns Browning Road Apothecary. In letters to Government counsel, Mr. Ortell described himself as an adviser to his wife, the sole stockholder in Ocar. Mrs. Ortell is not a pharmacist. Regardless of whether Carl Ortell describes himself as

an employee or an adviser, it is clear to the Administrator that he exerts considerable influence over the controlled substances operation of Browning Road Apothecary. The Administrator notes that it was Carl Ortell, not Rosemarie Ortell or the managing pharmacist at the pharmacy who telephoned Government counsel and wrote the letters after receipt of the order to show cause. In addition, the managing pharmacist at Browning Road Apothecary resigned in July, 1985 after receipt of the order to show cause. Apparently the narcotics records necessary for the pharmacist to conduct an inventory were not stored at the store but at the Ortell home. Mr. Ortell had not told the pharmacist that he had been convicted of a felony relating to controlled substances but represented that he had had some recordkeeping problems with the state.

Finally, the Administrator notes that in all the correspondence from Mr. Ortell there is no mention of the material falsification of the July 20, 1984 application for registration. The Administrator is led to the conclusion that Mr. Ortell, who was still the managing pharmacist at the time he filled out the application form, intended to mislead DEA concerning his conviction. Certainly a man who defrauded the state of over \$100,000 is capable of lying on the application for DEA registration he filed for the pharmacy he managed. For all the reasons discussed, the Administrator believes that revocation of registration and denial of application best serves the public interest in this matter.

Accordingly, pursuant to the authority vested in the Attorney General in 21 U.S.C. 824 (a)(1) and (a)(2), and delegated to the Administrator of the Drug Enforcement Administration in 28 CFR 0.100, the Administrator hereby revokes Certificate of Registration AB2840622 previously issued to Browning Road Apothecary, and denies any pending applications for registration, for reason that Carl Phillip Ortell, R.Ph., the former owner, managing pharmacist and adviser to the current owner of the pharmacy, was convicted of a felony relating to controlled substances; and for further reason that Carl Phillip Ortell materially falsified the application for DEA registration which he executed on July 20, 1984. The revocation and denial are effective November 27, 1985.

Dated: October 21, 1985.

John C. Lawn,  
Administrator.

[FR Doc. 85-25634 Filed 10-25-85; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 85-37]

**Ozie T. Faison, Jr., d.b.a. Smith  
Discount Drugs, New Bern, NC;  
Hearing on Registration Application**

Notice is hereby given that on June 17, 1985, the Drug Enforcement Administration, Department of Justice, issued to Ozie T. Faison, Jr., d./b./a./ Smith Discount Drugs, an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application, executed on March 26, 1985, for registration as a pharmacy under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held, commencing at 10:00 a.m. on Wednesday, November 13, 1985, in Courtroom No. 10, Room 309, U.S. Claims Court, 717 Madison Place NW., Washington, D.C.

Dated: October 21, 1985.

John C. Lawn,

Administrator, Drug Enforcement  
Administration.

[FR Doc. 85-25636 Filed 10-25-85; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 85-26]

**Steven M. Gardner, M.D., Deer Park,  
NY; Hearing on Registration  
Application**

Notice is hereby given that on April 19, 1985, the Drug Enforcement Administration, Department of Justice, issued to Steven M. Gardner, M.D. an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application, executed on October 10, 1984, for registration as a practitioner under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held, commencing at 10:00 a.m. on Thursday, November 14, 1985, in Courtroom No. 10, Room 309, U.S. Claims Court, 717 Madison Place NW., Washington, D.C.

Dated: October 21, 1985.

John C. Lawn,

Administrator.

[FR Doc. 85-25637 Filed 10-25-85; 8:45 am]

BILLING CODE 4410-09-M

**NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION**

[Notice 85-69]

**National Commission on Space;  
Meeting**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the National Commission on Space (NCOS).

**DATE AND TIME:** November 19, 1985, 8:30 a.m. to 4:45 p.m.; November 20, 1985, 9 a.m. to 4:15 p.m.

**ADDRESS:** Stanford University, (Durand Building, Room 450) Palo Alto, CA 94305.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Mechthild E. "Mitzi" Peterson, National Commission on Space, Suite 3212, 490 L'Enfant Plaza East, SW., Washington, DC 20024 (202/453-8685).

**SUPPLEMENTARY INFORMATION:** The National Commission on Space was established to study existing and proposed U.S. space activities; formulate an agenda for the U.S. civilian space program; and identify long-range goals, opportunities, and policy options for civilian space activity for the next 20 years. The Commission, chaired by Dr. Thomas O. Paine, consists of 15 voting members. The meeting will be open to the public up to the seating capacity of the room (approximately 60 persons including Commission members and other participants).

Type of meeting: Open.

**Agenda**

November 19, 1985

8:30 a.m.—Introduction.

8:45 a.m.—Space Technology—American Institute of Aeronautics and Astronautics.

11 a.m.—Inner Solar System Space Infrastructure.

1 p.m.—Exploring the Cosmos.

Search for Extraterrestrial Intelligence (SETI)

2:30 p.m.—Overview.

3:15 p.m.—Current Program.

4 p.m.—Possible New Programs.

4:45 p.m.—Adjourn.

November 20, 1985

9 a.m.—Exploration of Mars.

10 a.m.—Mars Base.

1 p.m.—Closed Ecology.

2:15 p.m.—Agriculture.

3:15 p.m.—Life in the 21st Century.

4:15 p.m.—Adjourn.

Richard L. Daniels,

*Deputy Director, Logistics Management and Information Programs Division, Office of Management.*

October 16, 1985.

[FR Doc. 85-25602 Filed 10-25-85; 8:45 am]

BILLING CODE 7510-01-M

## NATIONAL SCIENCE FOUNDATION

### Advisory Committee for Chemistry; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Chemistry  
Date and time: November 14-15, 1985; 9:00 AM to 5:00 PM each day

Place: Room 540, National Science Foundation, 1800 G Street, NW, Washington, DC 20550

Type of meeting: Open  
Contact person: Dr. Edward F. Hayes, Director, Division of Chemistry, National Science Foundation, Washington, D.C. 20550, Telephone (202) 375-7947

Summary minutes: May be obtained from Dr. Edward F. Hayes

Purpose of committee: To provide advice and recommendations concerning NSF support for research in chemistry.

Agenda: Open-Discussion of the current status and future plans of the Chemistry Division's activities.

M. Rebecca Winkler,

*Committee Management Officer.*

[FR Doc. 85-25638, Filed 10-25-85; 8:45 am]

BILLING CODE 7555-21-M

### Advisory Panel for Developmental Neuroscience; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following:

Name: Advisory Panel for Developmental Neuroscience.

Date and time: November 14, and 15, 1985; 9:00 a.m.-5:00 p.m. each day.

Place: National Science Foundation, 1800 G Street, NW., Room 523, Washington, DC 20550.

Type of Meeting: Closed.  
Contact person: Dr. Frank Collins, Program Director, Developmental Neuroscience, Room 320, Science Foundation, Washington, DC 20550; (202) 357-7042.

Purpose of meeting: To provide advice and recommendations concerning support for research in developmental neuroscience.

Agenda: To review and evaluate research proposals as part of the selection process awards.

Reason for closing: The proposals being reviewed include information of a proprietary

or confidential nature, including technical information, financial data, such as salaries, and information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Office was delegated the authority to make such determination by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

*Committee Management Officer.*

[FR Doc. 85-25639, Filed 10-25-85; 8:45 am]

BILLING CODE 7555-21-M

### Advisory Panel for History and Philosophy of Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for History and Philosophy of Science.

Date and time: November 15-16, 1985—Friday—9:00 am to 5:30 pm; Saturday—9:00 am to 4:00 pm.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC, Room 1242A.

Type of Meeting: Closed.

Contact person: Dr. Ronald J. Overmann, Program Director, History and Philosophy of Science, Room 316, National Science Foundation, Washington, DC 20550, Telephone: (202) 357-9877.

Purpose of advisory panel: To provide advice and recommendation concerning support for research in the History and Philosophy of Science Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personnel information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, of July 6, 1979.

M. Rebecca Winkler,

*Committee Management Officer.*

[FR Doc. 85-25640 Filed 10-25-85; 8:45 am]

BILLING CODE 7555-21-M

### Advisory Panel for Linguistics; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Linguistics.  
Date and time: November 14 and 15, 1985; 9:00 a.m.-5:00 p.m. each day.

Place: National Science Foundation, 1800 G Street, NW., Room 1242-B, Washington, DC 20550.

Type of meeting: Closed.

Contact person: Dr. Paul G. Chapin, Program Director, for Linguistics, Room 320, National Science Foundation, Washington, DC 20550; (202) 357-7696.

Purpose of meeting: To provide advice and recommendation concerning support for research in linguistics.

Agenda: To review and evaluate research proposal as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF of July 6, 1979.

M. Rebecca Winkler,

*Committee Management Officer.*

[FR Doc. 85-25641 Filed 10-25-85; 8:45 am]

BILLING CODE 7555-21-M

### Advisory Panel for Sensory Physiology and Perception; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Sensory Physiology and Perception Program.

Date and Time: November 11, 12, & 13, 1985; 9:00 a.m. to 5:00 p.m. each day.

Place: National Science Foundation, 1800 G. St., NW., Room 1242A Washington, DC.  
Type of Meeting: Closed.

Contact person: Dr. Carol Welt, Program Director, Sensory Physiology and Perception, Room 320, National Science Foundation, Washington, DC 20550, telephone (202) 357-7428.

Purpose of meeting: To provide advice and recommendations concerning support for research in sensory physiology and perception.

Agenda: To review and evaluate research proposals as part of the selection process for awards.



Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (b) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.

M. Rebecca Winkler,

*Committee Management Officer.*

[FR Doc. 85-25642 Filed 10-25-85; 8:45 am]

BILLING CODE 7555-21-M

## NUCLEAR REGULATORY COMMISSION

### Commission Policy Statement on Engineering Expertise on Shift

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Policy Statement on Engineering Expertise on Shift.

**SUMMARY:** This Policy Statement presents the policy of the Nuclear Regulatory Commission (NRC) with respect to ensuring that adequate engineering and accident assessment expertise is possessed by the operating staff at a nuclear power plant. This Policy Statement offers licensees two options for providing engineering expertise on shift and meeting licensed operator staffing requirements.

Option 1 provides for elimination of the separate Shift Technical Advisor (STA) position by allowing licensees to combine one of the required Senior Reactor Operator (SRO) positions with the STA position into a dual-role (SRO/STA) position. Option 2 provides that a licensee may continue to use an NRC-approved STA program, with certain modifications, while meeting licensed operator staffing requirements.

**EFFECTIVE DATE:** October 28, 1985.

**FOR FURTHER INFORMATION CONTACT:**

Clare Goodman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301/492-4894.

**SUPPLEMENTARY INFORMATION:**

**Background**

Following the accident at Three Mile Island in March 1979, a number of studies were conducted to determine why the accident occurred, what factors might have contributed to its severity,

and what the industry and the NRC could do to prevent the recurrence of the same or a similar accident. These studies concluded, among other things, that a number of actions should be taken to improve the ability of shift operating personnel to recognize, diagnose, and effectively deal with plant transients or other abnormal conditions.

To address these recommended improvements, the NRC initiated both short-term and long-term efforts. The short-term effort required that as of January 1, 1980, each nuclear power plant have on duty a Shift Technical Advisor (STA) whose function was to provide engineering and accident assessment advice to the Shift Supervisor in the event of abnormal or accident conditions. The STA was required to have a bachelor's degree in engineering or the equivalent and specific training in plant response to transients and accidents. The STA requirement was identified to licensees via NUREG-0578 (July 1979) <sup>1</sup> and NUREG-0737 (November 1980) and was later mandated by plant-specific Confirmatory Orders.

Concurrently, the NRC and industry embarked on a longer-term effort aimed at upgrading staffing levels and the training and qualifications of the operating staffs, improving the man-machine interface, and increasing capabilities for responding to emergencies. At the time the STA requirement was imposed, it was intended that use of the dedicated STA would be an interim measure only until these longer-term goals were achieved.

These long-term initiatives collectively result in an improvement in the capabilities and qualifications of the shift crew and their ability to diagnose and respond to accidents. These initiatives include shift staffing increases, training and qualification program improvements, hardware modifications, emphasis on human factors considerations, procedural upgrades, and development of extensive emergency response organizations to augment on-shift capabilities during abnormal conditions.

**Draft Policy Statement**

On July 25, 1983, the Commission published in the **Federal Register** (48 FR

<sup>1</sup>NUREG-series reports and other documents referenced in this notice are available for inspection or copying for a fee in the NRC Public Document Room, 1717 H Street NW, Washington, DC. The reports may be purchased from the U.S. Government Printing Office (GPO) by calling 202/275-2060 or by writing the GPO, P.O. Box 37082, Washington, DC 20013-7082. They may also be purchased from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

33781) a Draft Policy Statement on Engineering Expertise on Shift to reassert the Commission's belief that engineering and accident assessment expertise must be available to the operating crew at all nuclear power plants.

The Draft Policy Statement on Engineering Expertise on Shift offered licensees of nuclear power plants and applicants for operating licenses two options for meeting the staffing requirements of 10 CFR 50.54(m)(2) and the requirement in NUREG-0737, Item 1.A.1.1 for a Shift Technical Advisor (STA). Option 2 gave them the opportunity to combine the licensed Senior Operators' (SRO) and Shift Technical Advisors' (STA) functions. Under Option 1, licensees that did not want to combine the SRO and STA functions could continue with their approved STA program in accordance with the description in NUREG-0737, "Clarification of TMI Action Plan Requirements."

Interested persons, applicants, and licensees were invited to submit written comments to the Secretary of the Commission. Following consideration of the comments, the Commission amended the Draft Policy Statement, as discussed in the following sections.

**Comments on the Draft Policy Statement**

A total of 34 responses were received and evaluated. The public comments related primarily to the combined SRO/STA position. The following discussion highlights the major points raised in the comments and the resolution of those comments. A detailed analysis of all public comments and their resolution was also prepared. (Copies of those letters and the detailed analysis of all the public comments are available for public inspection and copying for a fee at the NRC Public Document Room at 1717 H Street NW., Washington, DC)

Of the 34 letters received, 18 included support for the flexibility provided by the Policy Statement. The major points made in the public comments were as follows:

1. Support for the Policy Statement;
2. Opposition to combining the functions of the SRO and the STA;
3. Opposition to a bachelor's degree requirement for the SRO/STA position;
4. Recommendation that equivalency to a bachelor's degree be further defined;
5. Concern that a bachelor's degree requirement for the SRO/STA position would result in a higher turnover rate and potentially blocked career paths for operators; and

6. Reference to a proposed bachelor's degree requirement for the Shift Supervisor, believed to be currently under NRC consideration.

A general description of the major public comments and responses to these are as follows:

#### 1. Support for the Policy Statement—

Eighteen commenters favored the option offered in the Draft Policy Statement of combining the SRO and STA functions into one dual-role position. They endorsed the flexibility provided by the Policy Statement. They supported the view that it is beneficial to combine engineering expertise with operating experience.

#### 2. Opposition to the Dual-Role SRO/STA Position—

Four individual commenters stated that there is a possibility that the person in the dual-role position would function as an additional operator in the event of an abnormal occurrence instead of being available to provide the engineering and accident assessment expertise necessary in these circumstances. In response, the Commission notes it is the intent of the Policy Statement that the person in the dual-role position have specific training in accident assessment and provide that expertise during an abnormal occurrence. The staffing levels required by 10 CFR 50.54(m)(2), which became effective January 1, 1984, increased the number of operators and Senior Operators on shift after the initial STA position was required. This increase in shift personnel would allow the SRO/STA to provide both accident assessment expertise and to analyze and respond to off-normal occurrences when needed. Experience has shown that an STA, who is also an SRO, is better accepted by the shift crew. Therefore, the assessment and direction by an SRO/STA in an off-normal event might be better accepted by the crew than assessment and advice by a separate STA.

#### 3. Opposition to a Bachelor's Degree for the SRO/STA Position—

Several commenters felt that the person who filled the SRO/STA position should not be required to have a bachelor's degree. The Commission notes that since NUREG-0737, Item LA.1.1, specified that the STA should have a bachelor's degree or the equivalent in a scientific or engineering discipline, the degree requirement is not new. This continues to be the educational requirement for a dedicated STA. However, the educational requirements for the dual-role (SRO/STA) position have been changed to

allow the individual to meet one of four educational alternatives.

#### 4. Recommendation that Equivalency to a Bachelor's Degree Be Further Defined—

Many commenters stated that the equivalency options were too restrictive or required clarification. In response, the Commission notes that a bachelor's degree in engineering is no longer a basic requirement but is one of four educational alternatives. The term "equivalent" has been deleted.

Changes related to educational alternatives are summarized below:

- Most states require a bachelor's degree in engineering and several years of engineering experience for an individual to sit for the Professional Engineer (PE) examination. A few states still allow an individual without formal education but many years of practical engineering experience and training to sit for the examination. However, this option is becoming available less often. Hence, this alternative allows individuals who do not have a degree but have successfully completed the PE examination to meet one of the educational alternatives of Option 1.

- Other bachelor's degrees determined to be acceptable alternatives are a bachelor's degree in engineering technology from an accredited institution or a bachelor's degree in a physical science from an accredited institution. These degree programs are acceptable provided that they include course work in the physical, mathematical, or engineering sciences. These requirements are intended to ensure that the individual has substantial knowledge and understanding of the physical and mathematical sciences and the principles of engineering.

- The Commission has deleted the educational alternatives that allow for successful completion of the technical portion of an engineering degree program and the successful completion of the Engineer-in-Training (EIT) examination. The Commission's objective is to enhance engineering expertise on shift through more stringent educational requirements for the individual filling the dual-role position.

#### 5. Concern that a Bachelor's Degree Requirement Would Result in a Higher Turnover Rate and a Potentially Blocked Career Path for Shift Employees—

Several commenters expressed concern that degreed individuals would leave for other positions in the plant, contributing to a high turnover rate on shift. Another concern of commenters

was that career paths to the senior operating positions would be blocked for those individuals without degrees. In response, the Commission notes that individuals may move to other positions within the utility. However, this can be viewed as desirable since it would increase the number of employees with valuable operating experience in other positions at the utility.

The only positions which may not be available for individuals without a degree would be the STA or the SRO/STA position. The career path to other senior operating positions remains available.

#### 6. Reference to a Proposed Bachelor's Degree Requirement for the Shift Supervisor—

A few commenters on the Federal Register notice took the opportunity to comment on whether a bachelor's degree should be required for specific positions in the operating staff of nuclear power plants, and in particular, for the Shift Supervisor's position.

The Final Policy Statement on Engineering Expertise on Shift does not address the issue of requiring a degree for the Shift Supervisor. Early in 1984, the staff considered a "Proposed Rulemaking Concerning Requirements for Senior Managers" in SECY-84-106. This proposed rulemaking would have required that an additional degreed, SRO-licensed individual be assigned to each shift of a nuclear power plant who would be responsible for managerial direction of all plant functions including chemistry, health physics, maintenance, operations, security, and technical services. Following several meetings with the staff and industry representatives, the Commission concluded that this proposed rulemaking was not warranted; therefore, it was not approved. One of the primary bases for the proposed senior manager rule was the need to provide engineering expertise to the shift crew, which is also the primary objective of this Policy Statement.

#### Development of Final Policy Statement

As a result of the analysis of public comments, the Commission clarified the educational alternatives of the dual-role (SRO/STA) position. The revisions to the Draft Policy Statement resulted in SECY-84-355, a draft Final Policy Statement on Engineering Expertise on Shift.

The main difference between the Draft Policy Statement and SECY-84-355 concerned the educational qualifications for the dual-role position. The Draft Policy Statement required, of

the person filling the dual-role position, a baccalaureate degree in engineering or related sciences or one of three equivalents to the degree. SECY-84-355 required a bachelor's degree in engineering from an accredited institution or one of five acceptable alternatives to the engineering degree.

The staff met with the Commissioners on November 5, 1984, to discuss SECY-84-355. As a result of that meeting, the Commissioners directed the staff to coordinate the Policy Statement on Engineering Expertise on Shift with the Nuclear Utilities Management and Human Resources Committee (NUMARC). Another draft Final Policy Statement, SECY-85-150, was the result of the Commissioners' direction, staff analysis, resolution to public comments, and staff coordination with NUMARC.

The majority of the Commission approved a version of the Policy Statement in SECY-85-150 with changes in the educational alternatives. Furthermore, the Commission has deleted an item from SECY-85-150, which allowed for college-level training instead of formal college education for the dual-role position. The objective of the Commission is to enhance engineering expertise on shift through more stringent educational requirements for the individual filling the SRO/STA position. The educational alternatives in this Final Policy Statement require a bachelor's degree in engineering, engineering technology, or physical science from an accredited institution, or a PE license obtained through successful completion of the PE examination.

Finally, although this Final Policy Statement includes an option which allows for the continued use of the STA position, as did the Draft Policy Statement, the former encourages licensees to work towards having the STA assume an active role in shift activities.

While it is the Commission's preference that licensees move toward the dual-role (SRO/STA) position, continuation of an approved STA program remains an acceptable option. The Commission acknowledges that some licensees may prefer the dedicated STA position for a number of reasons. The Commission also recognizes the advantages of integrating the qualifications and training of the STA into the licensed operating staff.

The separate views of Commissioner Thomas M. Roberts on this Policy Statement follow:

I am in agreement with the majority's intent that operators should be well trained and qualified to perform their duties. However, this policy, by requiring that an

individual have both an SRO license and a BS degree in engineering or related science or have passed the PE examination prior to assuming the combined STA/SRO duties, places inordinate confidence in "academic" credentials. Strikingly absent from the policy are the specific skills or abilities needed to perform those duties. Thus, the Commission has postponed the question of what those skills should be and how they should or could be achieved and demonstrated. This leaves me no choice but to vote against the modifications proposed to the Policy Statement on Engineering Expertise on Shift. By eliminating alternatives to a bachelor's degree for individuals who would otherwise occupy the dual role, the Commission would be ignoring the compelling arguments made in public comments and the staff's proposal for flexibility. We would be imposing our solution without addressing the benefits that will be eliminated by not allowing flexibility. This leaves the utilities with little incentive to change from the current position, which is allowed by Option 2. Since a majority of the Commission has already determined that improvement from the current program would be desirable, the Commission should provide some mechanism to move toward improvement. The proposed statement, as modified, does not provide that mechanism, and we provide no justification for overriding the staff's evaluation of the benefits that the flexibility would bring.

#### Policy Statement

The Commission continues to stress the importance of providing engineering and accident assessment expertise on shift. In this Policy Statement, "accident assessment" means immediate actions needed to be taken while an event is in progress. This policy Statement does not require any changes in the formal education and training of operators and Senior Operators not expected to fill the dual-role SRO/STA position.

The intent of this policy guidance may be satisfied by either of the options described below. The Commission prefers a combined SRO/STA position (Option 1). In addition, in the long term, the Commission would prefer that the STA be combined with the Shift Supervisor in the dual-role position.

Either Option 1 or Option 2 may be used on each shift. A utility may use Option 1 on some shifts and Option 2 on other shifts, or may use the same option on every shift. If Option 1 is used for a shift, then the separate STA position may be eliminated for that shift.

#### Option 1: Combined SRO/STA Position

This option is satisfied by assigning an individual with the following qualifications to each operating shift crew as one of the SROs (preferably the Shift Supervisor) required by 10 CFR 50.54(m)(2)(i):

a. Licensed as a senior operator on the nuclear power unit(s) to which assigned, and

b. Meets the STA training criteria of NUREG-0737, Item I.A.1.1, and one of the following educational alternatives:

- (1) Bachelor's degree in engineering from an accredited institution;
- (2) Professional Engineer's license obtained by the successful completion of the PE examination;
- (3) Bachelor's degree in engineering technology from an accredited institution, including course work in the physical, mathematical, or engineering sciences; or
- (4) Bachelor's degree in a physical science from an accredited institution, including course work in the physical, mathematical, or engineering sciences.

#### Option 2: Continued Use of STA Position

This option is satisfied by placing on each shift a dedicated Shift Technical Advisor (STA) who meets the STA criteria of NUREG-0737, Item I.A.1.1. The STA should assume an active role in shift activities. For example, the STA should review plant logs, participate in shift turnover activities, and maintain an awareness of plant configuration and status.

Licensee proposals different than the two options described above will be considered by the staff on a case-by-case basis. To eliminate the STA position, a licensee of an operating reactor should apply for a modification to its license and an applicant for an operating license should modify its Final Safety Analysis Report to reflect elimination of the STA position and a commitment to provide a required SRO on shift with the qualifications described in Option 1 above.

NRC will accept a utility's modifications if it finds that the proposal meets the intent of this Policy Statement. NRC will review, on a case-by-case basis, multi-unit sites with dual-licensed SROs to ensure that an adequate number of licensed staff are available and that engineering expertise can be provided when needed. It is the intent of this Policy Statement to ensure that engineering and accident assessment expertise is possessed by the plant operating staff.

Dated at Washington, DC, on this 22 day of October, 1985.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of Commission.

[FR Doc. 85-25649 Filed 10-25-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-455, STN 50-456 and STN 50-457]

**Commonwealth Edison Co.;  
Environmental Assessment and  
Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a schedular exemption from a portion of the requirements of General Design Criterion 4 (10 CFR 50, Appendix A) to the Commonwealth Edison Company, (the applicant) for Byron Station, Unit 2, and Braidwood Station, Units 1 and 2 (the facilities). Byron Station, Unit 2, is located at the applicant's site in Ogle County, Illinois, and Braidwood Station, Units 1 and 2, is located at the applicant's site in Will County, Illinois.

**Environmental Assessment**

*Identification of Proposed Action*

The schedular exemption would permit the applicant, for two cycles of operation, to eliminate the dynamic loading effects associated with postulated pipe breaks in the primary coolant system of each of the three facilities on the basis of advanced calculational methods for assuring that piping stresses would not result in rapid piping failure; i.e., pipe breaks.

*Need for Proposed Action*

The proposed schedular exemption is needed in order to permit the applicant not to install certain protective devices, such as pipe whip restraints and jet shields, in the primary coolant loops of Byron 2 and Braidwood 1 and 2. Analysis shows that pipe breaks, which these devices are designed to protect against, will not occur. On the other hand the presence of these devices increases inservice inspection time in the containment and their elimination would tend to lessen the occupational doses to workers and facilitate inservice inspections. General Design Criterion (GDC) 4 requires that structures, systems and components important to safety shall be appropriately protected against dynamic effects including the effects of discharging fluids that may result from equipment failures, up to and including a double-ended rupture of the largest pipe in the reactor coolant system (Definition of LOCA). In recent submittals the applicant has provided information to show by advanced fracture mechanics techniques that the detection of small flaws by either inservice inspection or leakage monitoring systems is assured long before flaws in the piping materials can

grow to critical or unstable sizes which could lead to large break areas such as the double-ended guillotine break or its equivalent.

The NRC staff has reviewed and accepted the applicant's conclusion. Therefore, the NRC staff agrees that consideration of the dynamic loading effects associated with postulated double-ended guillotine breaks in the primary pressure coolant loop piping need not be required as a design basis accident for pipe protective devices and jet shields. Accordingly, the NRC staff agrees that a schedular partial exemption from GDC 4 is appropriate.

**Environmental Impact of the Proposed Action**

The proposed schedular exemption would not affect the environmental impact of the facilities. No credit is given for the restraints and barriers to be eliminated in calculating accident doses to the environment. While the pipe whip restraints and jet impingement barriers would minimize the damage from jet forces and whipping from a broken pipe, the calculated limitation on stresses required to support this exemption assures that the probability of pipe breaks which could give rise to such forces are extremely small; thus, the pipe whip restraints and jet shields would have no significant effect on overall plant accident risk.

The exemption does not otherwise affect radiological plant effluent. Likewise, the relief granted does not affect non-radiological plant effluents, and has no other environmental impact. The elimination of the pipe whip restraints and jet impingement shields would tend to lessen the occupational doses to workers inside containment. Therefore, the Commission concludes that there are no significant radiological or non-radiological impacts associated with this exemption.

The proposed exemption involves design features located entirely within the restricted area as defined in 10 CFR 20. It does not affect plant non-radioactive effluents and has no other environmental impact. Therefore, the Commission concludes that there are no non-radiological impacts associated with this proposed Exemption.

Since we have concluded that there are no measurable negative environmental impacts associated with this exemption, any alternatives would not provide any significant additional protection of the environment. The alternative to the exemption would be to require literal compliance with GDC 4.

*Alternative Use of Resources*

This action does not involve the use of resources not previously considered in the Final Environmental Statements (construction permit and operating license) for both Byron Station, Units 1 and 2, and Braidwood Station, Units 1 and 2.

*Agencies and Persons Contacted*

The NRC staff reviewed the applicant's request and applicable documents referenced therein that support this exemption for the facilities. The NRC did not consult other agencies or persons.

**Finding of No Significant Impact**

The Commission has determined not to prepare an environmental impact statement for this action. Based upon the environmental assessment, we conclude that this action will not have a significant effect on the quality of the human environment.

For details with respect to this action, see the request for exemption dated September 17, 1984 and additional information provided by the applicant in letters dated June 28, 1985, August 14, 1985 and September 25, 1985. These documents, utilized in the NRC staff's technical evaluation of the exemption request, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois, 61103, and the Wilmington Township Public Library, 202 S. Kankakee Street, Wilmington, Illinois 60481. The staff's technical evaluation of the exemption request will be published with the exemption and will also be available for inspection at all locations listed above.

Dated at Bethesda, Maryland, this 21st day of October, 1985.

For the Nuclear Regulatory Commission,  
**Thomas M. Novak,**  
Assistant Director, Division of Licensing,  
Office of Nuclear Reactor Regulation.  
(FR Doc. 85-25651 Filed 10-25-85; 8:45 am)  
BILLING CODE 7590-01-M

**RAILROAD RETIREMENT BOARD**

**Agency Forms Submitted for OMB Review**

**AGENCY:** Railroad Retirement Board.  
**ACTION:** In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the

Office of Management and Budget for review and approval.

**SUMMARY:**

- (1) Collection title: Placement Service.  
 (2) Form(s) submitted: ES-1a, ES-2, ES-20a, ES-20b, ES-20c, ES-21, ES-21c, ES-22 and UI-35.  
 (3) Type of request: Revision of a currently approved collection.  
 (4) Frequency of use: On occasion.  
 (5) Respondents: Individuals or households, State or local governments, Businesses or other for-profit.  
 (6) Annual responses: 71,100.  
 (7) Annual reporting hours: 4,810.  
 (8) Collection description: Under the RUIA, the Board provides job placement assistance for unemployed railroad workers. The collection obtains information from job applicants, unemployment claims agents, railroad and non-railroad employers, and State Employment Service Offices for use in placement, for providing referrals for job openings and reports of referral results and for verifying and monitoring claimant eligibility.

Additional Information or Comments: Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer Judy McIntosh (202-395-6880), Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Pauline Lohens,

Director of Information and Data Management.

[FR Doc. 85-25619 Filed 10-25-85; 8:45 am]

BILLING CODE 7905-01-M

Meeting Held on September 20, 1985; (3) Chairman's Report on RTCA Administration and Activities; (4) Special Committee Activities Report for September and October 1985; (5) Consideration of Proposals to Establish New Special Committees; (6) Consideration of Change 1 to RTCA Document DO-170, "Audio Systems Characteristics and Minimum Performance Standards: Aircraft Microphones (Except Carbon); Aircraft Headsets and Speakers; Aircraft Audio Selector Panels and Amplifiers"; (7) Consideration of Recommended Change to the RTCA Minimum Operational Performance (MOPS) Drafting Guide and Other Documents Concerning Navigation Facility Identification; (8) Consideration of Special Committee 137 Report on Area Navigation Equipment Using Loran-C input; (9) Report on the European Organization for Civil Aviation Electronics (EUROCAE) Activities; (10) Comments and Reports by RTCA International Associates; and (11) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat; One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on October 21, 1985.

Karl F. Bierach,

Designated Officer.

[FR Doc. 85-25600 Filed 10-25-85; 8:45 am]

BILLING CODE 4910-13-M

Room 7221, 1201 Constitution Avenue NW., Washington, DC 20220.

**Internal Revenue Service**

OMB Number: 1545-0499

Form Number: IRS Form 5305-SEP

Type of Review: Extension

Title: Simplified Employee—Individual Retirement Accounts Contribution Agreement

OMB Number: 1545-0708

Form Number: IRS Form 500-6-36

Type of Review: Reinstatement

Title: VITA Site Information

OMB Number: 1545-0709

Form Number: IRS Form 500-6-37

Type of Review: Reinstatement

Title: VITA Recognition Questionnaire

OMB Number: 1545-0711

Form Number: IRS Form 500-6-39

Type of Review: Reinstatement

Title: Taxpayer Education Film

Transmittal Notice

Clearance Officer: Garrick Shear, (202) 566-6150, Room 5571, 1111 Constitution Avenue NW., Washington, D.C. 20224

OMB Reviewer: Robert Neal, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

**Alcohol, Tobacco and Firearms**

OMB Number: 1512-0036

Form Number: ATF F 5020.20

Type of Review: Extension

Title: Form Letter—Personal Inquiry Re: Applicant for Federal Permit

OMB Number: 1512-0212

Form Number: ATF F 5110.53

Type of Review: Extension

Title: Prepayment Tax Return—Distilled Spirits (Puerto Rico)

Clearance Office: Howard Hood, (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 2228, Federal Building, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

**Comptroller of the Currency**

OMB Number: 1557-0015

Form Number: 7028-36

Type of Review: Extension

Title: Notice of Change of Control of Bank

Clearance Officer: Eric Thompson, Comptroller of the Currency, 5th Floor, L'Enfant Plaza, Washington, DC 20219

OMB Reviewer: Robert Neal, (202) 395-6880, Office of Management and

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Radio Technical Commission for Aeronautics (RTCA) Executive Committee; Meeting**

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 RTCA Executive Committee to be held on November 18, 1985, in the Colonial Room, Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, D.C. commencing at 2:00 p.m.

The Agenda for this meeting is as follows: (1) Chairman's Opening Remarks; (2) Approval of Minutes of

**DEPARTMENT OF THE TREASURY****Public Information Collection Requirement Submitted to OMB for Review**

Dated: October 22, 1985.

The Department of Treasury has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of this submission may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer,

Budget, Room 3208, New Executive  
Office Building, Washington, D.C.  
20503.

Joseph F. Maty,

Departmental Reports Management Office.

[FR Doc. 85-25645 Filed 10-25-85; 8:45 am]

BILLING CODE 4810-25-M

## VETERANS ADMINISTRATION

### Change to Schedule of Productivity Improvement (A-76) Reviews for the Department of Medicine and Surgery

AGENCY: Veterans Administration.

ACTION: Notice of change.

**SUMMARY:** In accordance with OMB Circular No. A-76 the Veterans Administration, Department of Medicine and Surgery serves notice to the public that the schedule of productivity reviews and A-76 cost comparisons published in the **Federal Register** on June 13, 1985, has been substantially changed. Seven field facilities were added to the schedule of productivity (MEO) reviews for Dietetic Food Service. The cost comparisons scheduled to begin in August 1985 began September 1985. Bid opening dates have been changed and facilities have been rearranged to reflect regional realignment.

**FOR FURTHER INFORMATION CONTACT:** Questions relating to this Department of

Medicine and Surgery Schedule may be directed to Mr. John M. Bradley at (202) 389-2706.

Requests for single copies of the schedule should be made in writing to: Director, Office of Procurement and Supply (91), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420.

Questions relating to local matters about "contracting out" should be referred to the Director of the VA medical facility concerned.

Dated: October 17, 1985.

By direction of the Administrator.

Everett Alvarez,  
Deputy Administrator.

### SCHEDULE OF PRODUCTIVITY (MEO) REVIEWS

[Not to be cost compared with private industry]

Department of Medicine and Surgery—VA Medical Centers

Field facility	Study start date	Completion date	Implementation date
Dietetic Food Service			
Region No. 2: Durham, NC	January 1987	May 1987	August 1987
Region No. 3: Memphis, TN	July 1988	November 1988	February 1989
Region No. 4: Marion, IN	September 1988	January 1989	April 1989
Region No. 5: Iowa City, IA	August 1988	December 1988	March 1989
Region No. 7:			
Shreveport, LA	December 1988	April 1989	July 1989
Marlin, TX	do	do	Do.
Tucson, AZ	October 1988	February 1989	May 1989

### SCHEDULE OF A-76 COST COMPARISONS

Department of Medicine and Surgery—VA Medical Centers

Field facility	Study start date	Bid opening date
Chauffeur Services		
Region No. 1:		
Brockton, MA	May 1986	November 1986
Bath, NY	October 1985	April 1986
Region No. 2:		
East Orange, NJ	August 1986	February 1987
Lyons, NJ	do	Do.
Pittsburgh (JD), PA	July 1986	January 1987
Region No. 3:		
Miami, FL	August 1986	February 1987
Region No. 4:		
Cleveland, OH	January 1986	July 1986
Dayton, OH	December 1985	June 1986
Battle Creek, MI	January 1986	July 1986
North Chicago, IL	March 1986	September 1986
Region No. 5:		
Leavenworth, KS	December 1985	June 1986
St. Louis, MO	do	Do.
Region No. 6:		
West Los Angeles, CA	November 1985	May 1986
Region No. 7:		
Little Rock, AR	September 1985	March 1986
Design/Drafting Services		
Region No. 7:		
Little Rock, AR	September 1985	March 1986
Data Entry/Key punching Services		
Region No. 6:		
West Los Angeles, CA	May 1986	November 1986

### SCHEDULE OF A-76 COST COMPARISONS—Continued

Department of Medicine and Surgery—VA Medical Centers

Field facility	Study start date	Bid opening date
Fire Protection		
Region No. 1:		
Northampton, MA	September 1985	March 1986
Bath, NY	December 1985	June 1986
Canandaigua, NY	do	Do.
Castle Point, NY	September 1985	March 1986
Montrose, NY	do	Do.
Northport, NY	do	Do.
Region No. 2:		
Coatesville, PA	September 1986	March 1987
Lyons, NJ	do	Do.
Butler, PA	September 1985	March 1986
Martinsburg, WV	June 1986	December 1986
Perry Point, MD	November 1985	May 1986
Hampton, VA	January 1986	July 1986
Region No. 3:		
Tuskegee, AL	June 1986	December 1986
Murfreesboro, TN	September 1985	March 1986
Region No. 4:		
Chillicothe, OH	September 1985	March 1986
Cleveland, OH	do	Do.
Battle Creek, MI	do	Do.
Marion, IN	do	Do.
Tomah, WI	do	Do.
Hines, IL	do	Do.
Region No. 5:		
Minneapolis, MN	November 1985	May 1986
Leavenworth, KS	September 1985	March 1986
Ft. Meade, SD	do	Do.
Knoxville, IA	do	Do.
Ft. Harrison, MT	do	Do.
Ft. Lyon, Co.	do	Do.
Sheridan, WY	do	Do.

### SCHEDULE OF A-76 COST COMPARISONS—Continued

Department of Medicine and Surgery—VA Medical Centers

Field facility	Study start date	Bid opening date
Furniture Repair		
Region No. 6:		
Livermore, CA	September 1985	March 1986
American Lake, WA	do	Do.
White City, OR	do	Do.
Region No. 7:		
Alexandria, LA	November 1985	May 1986
Little Rock, AR	do	Do.
Grounds Maintenance		
Region No. 1:		
San Juan, PR	September 1986	March 1987
Region No. 1:		
Canandaigua, NY	February 1986	August 1986
Brooklyn, NY	do	Do.
Region No. 2:		
Coatesville, PA	July 1986	January 1987
Lebanon, PA	do	Do.
Mountain Home, TN	September 1986	March 1987
Region No. 3:		
Biloxi, MS	July 1986	January 1987
Murfreesboro, TN	January 1986	July 1986
Bay Pines, FL	September 1986	March 1987
Region No. 4:		
Cleveland, OH	March 1986	September 1986
Dayton, OH	do	Do.
Battle Creek, MI	July 1986	January 1987
Wood, WI	January 1986	July 1986
North Chicago, IL	June 1986	December 1986

SCHEDULE OF A-76 COST COMPARISONS—  
Continued

Department of Medicine and Surgery—VA Medical Centers

Field facility	Study start date	Bid opening date
Region No. 5:		
Minneapolis, MN	September 1985	March 1986
St. Louis, MO	do	Do
St. Louis, IL	March 1986	September 1986
Region No. 6:		
Long Beach, CA	January 1986	July 1986
West Los Angeles, CA	February 1986	August 1986
Region No. 7:		
Dallas, TX	September 1985	March 1986
Houston, TX	do	Do
Waco, TX	do	Do
Interior Design		
Region No. 8:		
West Los Angeles, CA	April 1986	October 1986

## Laundry and Drycleaning Services

Region No. 1:		
Bedford, MA	September 1985	March 1986
Brockton, MA	do	Do
Northampton, MA	do	Do
Albany, NY	do	Do
Bath, NY	do	Do
Buffalo, NY	do	Do
Canandaigua, NY	do	Do
Syracuse, NY	do	Do
Montrose, NY	do	Do
San Juan, PR	do	Do
West Haven, CT	do	Do
Brooklyn, NY	January 1987	July 1987
Region No. 2:		
Coatesville, PA	January 1986	July 1986
Ligon, PA	do	Do
Lyons, NJ	do	Do
Wilkes-Barre, PA	do	Do
Clarksburg, WV	June 1986	December 1986
Pittsburgh (HD), PA	December 1987	June 1988
Martinsburg, WV	September 1985	March 1986
Perry Point, MD	January 1986	July 1986
Hampton, VA	October 1985	April 1986
Richmond, VA	do	Do
Salem, VA	do	Do
Asheville, NC	December 1985	June 1986
Mountain Home, TN	do	Do
Selma, NC	do	Do
Region No. 3:		
Augusta, GA	January 1986	July 1986
Bloom, MS	January 1986	July 1986
Tuscaloosa, AL	December 1985	June 1986
Tuskegee, AL	do	Do
Louisville, KY	October 1985	April 1986
Murfreesboro, TN	do	Do
Bay Pines, FL	March 1986	September 1986
Lake City, FL	do	Do
Miami, FL	do	Do
Region No. 4:		
Chillicothe, OH	September 1985	March 1986
Dayton, OH	do	Do
Battle Creek, MI	do	Do
Marion, IN	do	Do
Cleveland, OH	August 1986	February 1987
Madison, WI	July 1986	January 1987
Tomah, WI	do	Do
Wood, WI	do	Do
North Chicago, IL	October 1985	April 1986
Hines, IL	June 1986	December 1986
Region No. 5:		
Fargo, ND	September 1985	March 1986
Minneapolis, MN	January 1990	July 1990
Sioux Falls, SD	February 1986	August 1986
St. Cloud, MN	August 1986	February 1987
St. Louis, MO	February 1989	August 1989
Knowlton, IA	September 1985	March 1986
Lincoln, NE	do	Do
Omaha, NE	do	Do
Denver, CO	June 1986	December 1986
Salt Lake City, UT	do	Do

SCHEDULE OF A-76 COST COMPARISONS—  
Continued

Department of Medicine and Surgery—VA Medical Centers

Field facility	Study start date	Bid opening date
Sheridan, WY	do	Do
Region No. 6:		
San Diego, CA	September 1985	March 1986
West Los Angeles, CA	do	Do
Palo Alto, CA	do	Do
Portland, OR	do	Do
Roseburg, OR	do	Do
American Lake, WA	February 1989	August 1989
Region No. 7:		
Alexandria, LA	March 1986	September 1986
Little Rock, AR	do	Do
Dallas, TX	December 1985	June 1986
Houston, TX	September 1985	March 1986
Kerrville, TX	January 1986	July 1986
Oklahoma City, OK	do	Do
San Antonio, TX	do	Do
Waco, TX	do	Do
Albuquerque, NM	September 1985	March 1986
Phoenix, AZ	do	Do

## Mail/Messenger Service

Region No. 8:		
West Los Angeles, CA	March 1986	September 1986

## Switchboard Services

Region No. 1:		
Brockton, MA	February 1986	August 1986
Brooklyn, NY	April 1986	October 1986
New York, NY	do	Do
Region No. 2:		
East Orange, NJ	March 1986	September 1986
Washington, DC	June 1986	December 1986
Richmond, VA	July 1986	January 1987
Region No. 3:		
Augusta, GA	September 1986	March 1987
Memphis, TN	June 1986	December 1986
Miami, FL	do	Do
Region No. 4:		
Cleveland, OH	November 1985	May 1986
Wood, WI	September 1985	March 1986
Hines, IL	do	Do
Region No. 5:		
Minneapolis, MN	September 1985	March 1986
Region No. 6:		
Long Beach, CA	September 1985	March 1986
West Los Angeles, CA	do	Do
Palo Alto, CA	do	Do
San Francisco, CA	do	Do
Region No. 7:		
Little Rock, AR	June 1986	December 1986
Houston, TX	September 1985	March 1986

## Transcription Services

Region No. 2:		
Pittsburgh (UD), PA	October 1986	April 1987
Richmond, VA	November 1986	May 1987
Salisbury, NC	October 1986	April 1987
Region No. 3:		
Tuskegee, AL	September 1985	March 1986
Louisville, KY	September 1986	March 1987
Nashville, TN	do	Do
Miami, FL	do	Do
Region No. 4:		
Cleveland, OH	September 1986	March 1987
Allen Park, MI	do	Do
Tomah, WI	December 1985	June 1986
Wood, WI	do	Do
Hines, IL	do	Do
Region No. 5:		
Minneapolis, MN	December 1985	June 1986
Denver, CO	November 1985	May 1986
Region No. 6:		
Long Beach, CA	October 1986	April 1987
West Los Angeles, CA	do	Do
Angies, CA	do	Do
Palo Alto, CA	September 1985	March 1986
Portland, OR	do	Do

SCHEDULE OF A-76 COST COMPARISONS—  
Continued

Department of Medicine and Surgery—VA Medical Centers

Field facility	Study start date	Bid opening date
Seattle, WA	do	Do
Region No. 7:		
Little Rock, AR	December 1986	June 1987
New Orleans, LA	do	Do
Houston, TX	November 1985	May 1986
San Antonio, TX	do	Do

## VCS Food Services

Region No. 1:		
Bedford, MA	September 1985	March 1986
Boston, MA	do	Do
Brockton, MA	do	Do
Providence, RI	do	Do
Togus, ME	do	Do
Albany, NY	do	Do
Buffalo, NY	do	Do
Syracuse, NY	do	Do
Montrose, NY	August 1986	February 1987
New York, NY	do	Do
Northport, NY	do	Do
San Juan, PR	do	Do
West Haven, CT	do	Do
Region No. 2:		
Coatesville, PA	October 1985	April 1986
East Orange, NJ	do	Do
Lyons, NJ	do	Do
Wilkes-Barre, PA	do	Do
Pittsburgh (HD), PA	September 1985	March 1986
Pittsburgh (UD), PA	do	Do
Martinsburg, WV	do	Do
Washington, DC	do	Do
Richmond, VA	do	Do
Salem, VA	do	Do
Asheville, NC	do	Do
Fayetteville, NC	do	Do
Mountain Home, TN	do	Do
Region No. 3:		
Augusta, GA	September 1985	March 1986
Charleston, SC	do	Do
Columbia, SC	do	Do
Atlanta (Decatur), GA	do	Do
Biloxi, MS	do	Do
Birmingham, AL	do	Do
Jackson, MI	do	Do
Lexington, KY	do	Do
Memphis, TN	do	Do
Nashville, TN	do	Do
Bay Pines, FL	do	Do
Gainesville, FL	do	Do
Miami, FL	do	Do
Tampa, FL	do	Do
Region No. 4:		
Cincinnati, OH	September 1985	March 1986
Dayton, OH	do	Do
Allen Park, MI	do	Do
Ann Arbor, MI	do	Do
Danville, IL	May 1986	November 1986
Indianapolis, IN	do	Do
Wood, WI	April 1986	October 1986
Hines, IL	March 1986	September 1986
Region No. 5:		
Minneapolis, MN	February 1986	August 1986
Kansas City, KS	November 1985	May 1986
Leavenworth, KS	do	Do
Topeka, KS	October 1985	April 1986
Des Moines, IA	September 1985	March 1986
Iowa City, IA	do	Do
Omaha, NE	do	Do
Denver, CO	do	Do
Columbia, MO	November 1985	May 1986
St. Louis, MO	do	Do
Region No. 6:		
Tucson, AZ	September 1985	March 1986
Loma Linda, CA	do	Do
Long Beach, CA	do	Do
San Diego, CA	do	Do
West Los Angeles, CA	do	Do
Angies, CA	do	Do
Fresno, CA	do	Do
Palo Alto, CA	do	Do
American Lake, WA	do	Do
Portland, OR	do	Do
Seattle, WA	do	Do

SCHEDULE OF A-76 COST COMPARISONS—  
Continued

Department of Medicine and Surgery—VA Medical Centers

Field facility	Study start date	Bid opening date
Region No. 7:		
Little Rock, AR	January 1986	July 1986
New Orleans, LA	do	Do
Houston, TX	December 1985	June 1986
Oklahoma City, OK	do	Do
San Antonio, TX	do	Do
Temple, TX	do	Do
Phoenix, AZ	September 1985	March 1986
Warehouse Services		
Region No. 1:		
Brockton, MA	December 1985	June 1986
Boston, MA	do	Do
Buffalo, NY	February 1986	August 1986
Brooklyn, NY	November 1985	May 1986
New York, NY	do	Do
Northport, NY	do	Do
San Juan, PR	do	Do
West Haven, CT	do	Do
Region No. 2:		
East Orange, NY	June 1986	December 1986
Pittsburgh (UD), PA	January 1986	July 1986
Washington, DC	September 1986	March 1987
Richmond, VA	February 1986	August 1986

SCHEDULE OF A-76 COST COMPARISONS—  
Continued

Department of Medicine and Surgery—VA Medical Centers

Field facility	Study start date	Bid opening date
Moulton Home, TN		
Region No. 3:		
Augusta, Ga	June 1986	December 1986
Columbia, SC	do	Do
Bloom, MS	March 1986	September 1986
Tuskegee, AL	do	Do
Lexington, KY	do	Do
Memphis, TN	do	Do
Murfreesboro, TN	do	Do
Bay Pines, FL	do	Do
Miami, FL	do	Do
Tampa, FL	do	Do
Region No. 4:		
Cincinnati, OH	September 1985	March 1986
Cleveland, OH	do	Do
Dayton, OH	do	Do
Allen Park, MI	do	Do
Battle Creek, MI	do	Do
Indianapolis, IN	August 1986	February 1987
Wood, WI	do	Do
North Chicago, IL	January 1986	July 1986
Chicago (West Side), IL	do	Do
Hines, IL	July 1986	January 1987

SCHEDULE OF A-76 COST COMPARISONS—  
Continued

Department of Medicine and Surgery—VA Medical Centers

Field facility	Study start date	Bid opening date
Region No. 5:		
Minneapolis, MN	June 1986	December 1986
St. Louis, IL	January 1986	July 1986
Region No. 6:		
Long Beach, CA	September 1985	March 1986
San Diego, CA	do	Do
Sepulveda, CA	do	Do
West Los Angeles, CA	do	Do
Palo Alto, CA	do	Do
San Francisco, CA	do	Do
Portland, OR	do	Do
Seattle, WA	do	Do
Region No. 7:		
Little Rock, AR	May 1986	November 1986
New Orleans, LA	March 1986	September 1986
Dallas, TX	do	Do
Houston, TX	do	Do
Temple, TX	do	Do
Oklahoma City, OK	do	Do
San Antonio, TX	do	Do
Waco, TX	do	Do

[FR Doc. 85-25621 Filed 10-25-85; 8:45 am]  
BILLING CODE 8320-01-M



# Sunshine Act Meetings

Federal Register

Vol. 50, No. 208

Monday, October 28, 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

Consumer Product Safety Commission ....	<i>Item</i> 1, 2
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1

### CONSUMER PRODUCT SAFETY COMMISSION

**TIME AND DATE:** 9:30 a.m., Wednesday, October 30, 1985.

**LOCATION:** CPSC Engineering Laboratory, 10901 Darnestown Road, Gaithersburg, Md.

**STATUS:** Open to the Public.

**MATTERS TO BE CONSIDERED:** *Riding Lawnmowers: Status*

The staff will brief the Commission on the status of the riding lawnmower evaluation. Test methods will be demonstrated.

**FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL:** 301-492-5709.

**CONTACT PERSON FOR ADDITIONAL INFORMATION:** Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301-492-6800.

**Sheldon D. Butts,**  
*Deputy Secretary.*

October 23, 1985.

[FR Doc. 85-25725 Filed 10-24-85; 1:39 pm]

**BILLING CODE 6355-01-M**

2

### CONSUMER PRODUCT SAFETY COMMISSION

**TIME AND DATE:** 9:30 a.m., Thursday, October 31, 1985.

**LOCATION:** Room 456, 5401 Westbard Avenue, Bethesda, Md.

**STATUS:** Closed to the Public.

**MATTERS TO BE CONSIDERED:**

*Management Review Task Force Report*

The Management Review Task Force will brief the Commission on its recommendations based on the management review conducted by Price Waterhouse.

**FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL:** 301-492-5709.

**CONTACT PERSON FOR ADDITIONAL INFORMATION:** Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301-492-6800.

**Sheldon D. Butts,**  
*Deputy Secretary.*

October 23, 1985.

[FR Doc. 85-25726 Filed 10-24-85; 1:39 p.m.]

**BILLING CODE 6355-01-M**

Date	Time	Place
Jan 15	10:00 AM	Hotel... New York
Jan 22	11:00 AM	Hotel... New York
Jan 29	10:00 AM	Hotel... New York
Feb 5	11:00 AM	Hotel... New York
Feb 12	10:00 AM	Hotel... New York
Feb 19	11:00 AM	Hotel... New York
Feb 26	10:00 AM	Hotel... New York
Mar 5	11:00 AM	Hotel... New York
Mar 12	10:00 AM	Hotel... New York
Mar 19	11:00 AM	Hotel... New York
Mar 26	10:00 AM	Hotel... New York
Apr 2	11:00 AM	Hotel... New York
Apr 9	10:00 AM	Hotel... New York
Apr 16	11:00 AM	Hotel... New York
Apr 23	10:00 AM	Hotel... New York
Apr 30	11:00 AM	Hotel... New York
May 7	10:00 AM	Hotel... New York
May 14	11:00 AM	Hotel... New York
May 21	10:00 AM	Hotel... New York
May 28	11:00 AM	Hotel... New York
Jun 4	10:00 AM	Hotel... New York
Jun 11	11:00 AM	Hotel... New York
Jun 18	10:00 AM	Hotel... New York
Jun 25	11:00 AM	Hotel... New York
Jul 2	10:00 AM	Hotel... New York
Jul 9	11:00 AM	Hotel... New York
Jul 16	10:00 AM	Hotel... New York
Jul 23	11:00 AM	Hotel... New York
Jul 30	10:00 AM	Hotel... New York
Aug 6	11:00 AM	Hotel... New York
Aug 13	10:00 AM	Hotel... New York
Aug 20	11:00 AM	Hotel... New York
Aug 27	10:00 AM	Hotel... New York
Sep 3	11:00 AM	Hotel... New York
Sep 10	10:00 AM	Hotel... New York
Sep 17	11:00 AM	Hotel... New York
Sep 24	10:00 AM	Hotel... New York
Sep 30	11:00 AM	Hotel... New York
Oct 7	10:00 AM	Hotel... New York
Oct 14	11:00 AM	Hotel... New York
Oct 21	10:00 AM	Hotel... New York
Oct 28	11:00 AM	Hotel... New York
Nov 4	10:00 AM	Hotel... New York
Nov 11	11:00 AM	Hotel... New York
Nov 18	10:00 AM	Hotel... New York
Nov 25	11:00 AM	Hotel... New York
Dec 2	10:00 AM	Hotel... New York
Dec 9	11:00 AM	Hotel... New York
Dec 16	10:00 AM	Hotel... New York
Dec 23	11:00 AM	Hotel... New York
Dec 30	10:00 AM	Hotel... New York

# **federal register**

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Monday  
October 28, 1985

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## **Part II**

**Department of Defense**

**General Services  
Administration**

**National Aeronautics and  
Space Administration**

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**48 CFR Part 9**

**Federal Acquisition Regulation (FAR);  
Effect on Listing; Proposed Rule**

Monday  
October 26, 1988

Part II

Department of Defense

General Services  
Administration

National Aeronautics and  
Space Administration

13 Oct 1988

Request for Information (RFI)  
Subject: Launch Programs

Request for Information

## DEPARTMENT OF DEFENSE

GENERAL SERVICES  
ADMINISTRATIONNATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION

## 48 CFR Part 9

Federal Acquisition Regulation (FAR);  
Effect of Listing

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering a revision to Subpart 9.4, Debarment, Suspension, and Ineligibility, of the Federal Acquisition Regulation (FAR), specifically inspection 9.405, Effect of listing.

**Comments:** Comments should be submitted to the FAR Secretariat at the address shown below on or before November 27, 1985 to be considered in the formulation of a final rule.

**ADDRESS:** Interested parties should submit written comments to: General Services Administration, FAR

Secretariat (VRS), 18th & F Streets NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 84-33 in all correspondence related to this issue.

**FOR FURTHER INFORMATION CONTACT:** Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523-4755.

**SUPPLEMENTARY INFORMATION:****A. Background**

The proposed change in paragraph (a) of section 9.405 of the FAR, Effect of listing, will exclude a debarred or suspended contractor from conducting business with the Government as a representative or agent of the contractor by which he has been employed during the period of the debarment.

**B. Regulatory Flexibility Act**

This proposed change to FAR 9.405 is not expected to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) because the number of small entities that act as representatives or agents of a contractor are minimal. Therefore, a regulatory flexibility analysis has not been prepared.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because this proposed change in FAR Subpart 9.4 does not impose an additional reporting requirement on the

public, and does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

**List of Subjects in 48 CFR Part 9**

Government procurement.

Dated: October 22, 1985.

Lawrence J. Rizzi,

*Director, Office of Federal Acquisition and Regulatory Policy.*

Therefore, it is proposed that 48 CFR Part 9 be amended as follows:

**PART 9—CONTRACTOR  
QUALIFICATION**

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

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137, and 42 U.S.C. 2453(c).

2. Section 9.405 is amended by adding in paragraph (a) a sentence following the first sentence to read as follows:

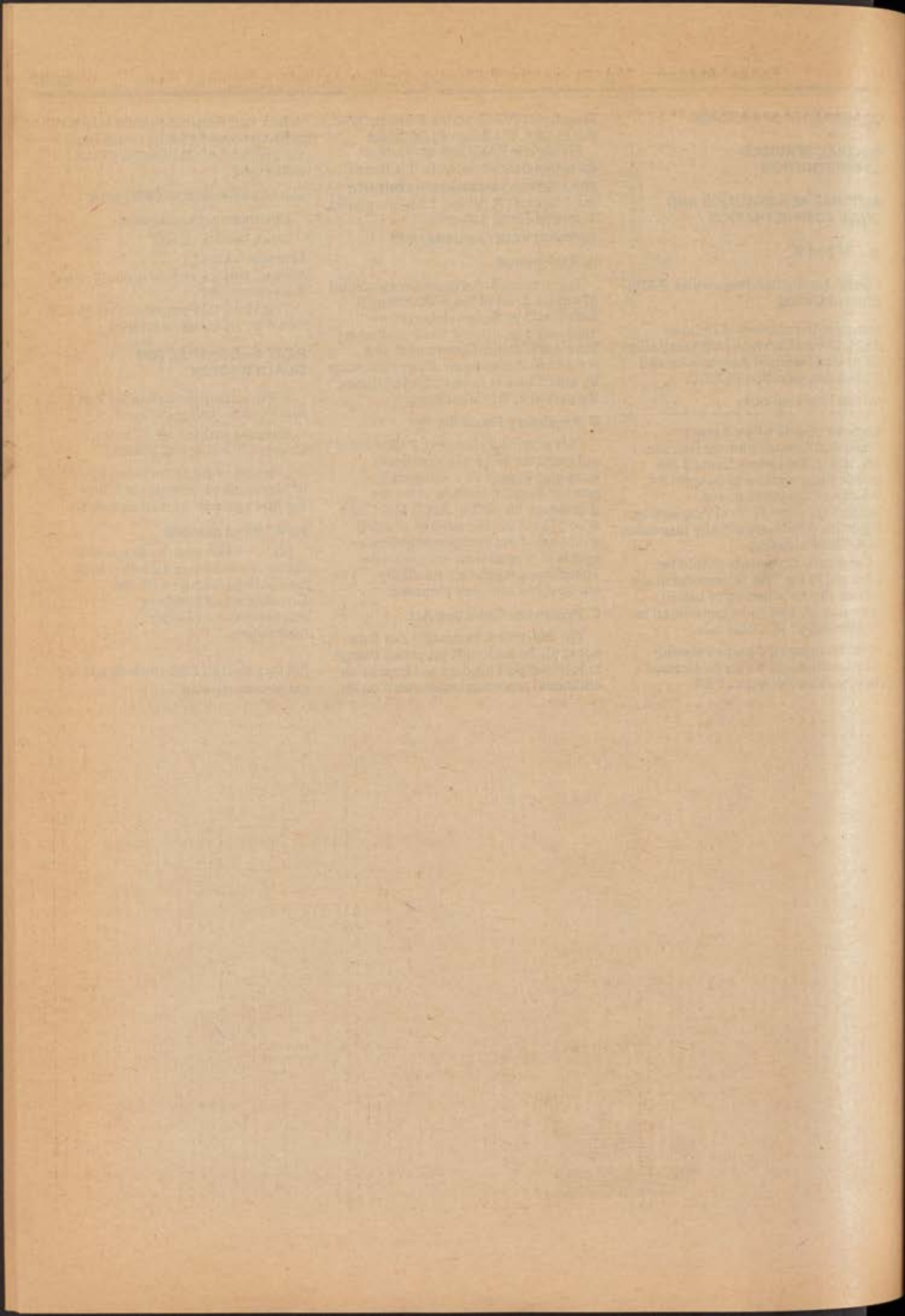
**9.405 Effect of listing.**

(a) \* \* \* Debarred or suspended contractors are also excluded from conducting business with the Government as agents or representatives of other contractors. \* \* \*

\* \* \* \* \*

[FR Doc. 85-25601 Filed 10-25-85; 8:45 am]

BILLING CODE 6820-61-M



# **federal register**

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Monday  
October 28, 1985

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## **Part III**

### **Department of Health and Human Services**

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**Office of Human Development Services**

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**Head Start Program; Enrollment and  
Attendance Policy Guidelines; Notice**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of Human Development Services

#### Head Start Program; Enrollment and Attendance Policy Guidelines

**AGENCY:** Administration for Children, Youth and Families (ACYF), Office of Human Development Services (OHDS), Department of Health and Human Services, (DHHS).

**ACTION:** Notice of Proposal to revise agency guidelines of the Enrollment and Attendance Policies in Head Start; Request for Comments.

**SUMMARY:** The Head Start Bureau (HSB) of the Administration for Children, Youth and Families (ACYF) is proposing to revise its guidelines concerning the Enrollment and Attendance Policies in Head Start. Written comments on this proposal are invited.

**DATE:** The closing date for receipt of written comments is December 12, 1985.

**ADDRESS:** Written comments should be addressed to: Clennie H. Murphy, Jr., Associate Commissioner, Acting Head Start Bureau/ACYF, Post Office Box 1182, Washington, D.C. 20013.

**FOR FURTHER INFORMATION CONTACT:** Douglas Klafehn (202) 755-0590  
Edmund Clark (202) 755-8208

**SUPPLEMENTARY INFORMATION:** The Enrollment and Attendance Policies in Head Start were published in the Federal Register on November 2, 1979 (44 FR 63478). Those policies required that grantees achieve and maintain full enrollment, maintain appropriate average daily attendance (ADA) and maintain appropriate and accurate enrollment and attendance records.

In August, 1982, after consultation with ACYF Regional Office staff and Head Start grantee staff and parents, the Head Start Bureau issued the *Head Start Administrative Regulations Guide* ("Guide"). This guide was developed for use by ACYF staff and the managers of local Head Start programs. It was written to help ensure that administrative requirements which apply to Head Start programs are understood and correctly interpreted. The *Guide* can also be used as a training and technical assistance tool for grantees to strengthen their management capabilities.

During the period 1983-1984, the Office of Inspector General (OIG), Department of Health and Human Services (DHHS), conducted three program inspections of various aspects of the Head Start Program. The OIG reports that program inspections

identified deficiencies in the methods used to calculate, report and monitor Head Start enrollment and attendance. During a two year sample of individual grantees, average enrollment was 97% of funded enrollment. On a month-by-month basis the programs were underenrolled to some degree approximately half the time, with enrollment in some instances dropping to 49%. Average daily attendance was below 80% of funded enrollment in one out of every four grantees surveyed. The OIG recommended that reaching and fully maintaining funded enrollment levels would enable thousands of additional children to participate in Head Start. ACYF has concluded that maintaining high rates of attendance would help children receive more benefits from their participation in Head Start. These increased or improved services could be provided at little or no extra cost.

To help achieve this goal, we are taking the following steps to improve our systems for monitoring, reporting, and auditing compliance with enrollment and attendance policies:

- Staff of all ACYF Regional Offices and American Indian and Migrant Program Branches have been instructed to review enrollment levels and average daily attendance in all program reviews and to identify the problem to Head Start programs that are experiencing difficulties in complying with enrollment and attendance policies. Grantees are then expected to correct the problem identified, utilizing, if necessary, appropriate training and technical assistance.

- We are considering requiring more frequent reports on enrollment and attendance instead of the annual data which will be collected through the Head Start Program Information Report (PIR) this year. We are considering adding several simple questions about enrollment and average daily attendance to the current Quarterly Financial Reports that grantees submit. We will inform grantees and delegate agencies when specific changes are proposed.

- We are recommending that all grantees provide auditors with a copy of the November 2, 1979 Federal Register notice, Enrollment and Attendance Policies in Head Start, and have the auditors review enrollment and attendance as part of the periodic program audit. Reviews of enrollment are already required parts of institutional audits conducted for grantees which are local units of government, including school systems and Indian Tribes.

The proposed changes in our guidelines on enrollment and attendance, on which we are requesting comments, are as follows:

#### (1) Calculating Average Daily Attendance

The OIG found that our guidelines on calculating average daily attendance that instruct grantees to count children with "excused absences" as being present are not consistent with the Enrollment and Attendance Policies. This has resulted in some programs reporting higher average daily attendance than was actually the case. We agree with the OIG's finding and are proposing to change our guidelines to eliminate the practice of counting children with excused absences as being present when computing average daily attendance. The sole purpose of maintaining records of "excused" and "unexcused" absences is to help identify families where unexcused absences indicate a need for support services.

We propose to change Page 204 of the *Guide* to read as follows:

The average daily attendance figure is a percentage calculated from the following formula:

$$ADA = \text{Number Present} \div \text{Funded Enrollment}$$

The "number present" is defined as children who are present for any part of the classroom day and children who are not in class but who are receiving Head Start services during that day at another site. For example, if a child does not attend a class because the child is receiving Head Start medical services elsewhere, that child should be counted as present. Children who do not fall within either of these categories must be excluded from the attendance count whether or not their absences are excused.

The following example demonstrates the use of this formula:

Lawrence City Child Center is funded for enrollment of 30 children. On Monday, three children are absent and one child is receiving Head Start medical services elsewhere. The formula looks like this:

$$ADA = 27 \div 30 = .90 \text{ or } 90\%$$

#### (2) Recording Absences and Preparing Monthly Reports on Average Daily Attendance

Our guidelines on recording "excused" absences (page 203 of the *Guide*) state that "there is no particular form or method for recording excused absences." In addition, there is not standard form for compiling the monthly reports on average daily attendance.

To assist grantees with record keeping, we have developed sample forms for use by grantees. We are proposing to revise our guidelines on recording "excused" absences (page 203 of the *Guide*) to read:



Although there is no particular form or method for recording "excused" absences, a sample form is provided which grantees are encouraged to use. However, grantees may continue to use their own forms if they provide the equivalent information. Regional Offices may request different types of documentation based on past performance of a grantee.

The sample form which may be used to record excused absences is attached as Appendix A.

In addition, we are proposing to revise our guidelines on monthly average daily attendance reports (page 204 of the *Guide*) to read:

Monthly reports of ADA are required by the Enrollment Policies. A sample monthly report form is provided. Grantees are encouraged to use this form; however, grantees may continue to use their own forms if those forms provide the equivalent information. These reports may be calculated by adding the weekly averages together and dividing by the number of weeks in each month.

The sample form which may be used to keep a record of monthly attendance is attached as Appendix B.

A copy of this Notice of Proposal to revise our guidelines is being sent to all

Head Start grantees and delegate agencies.

**Authority:** 42 U.S.C. Sec. 9839(d).  
(Catalog of Federal Domestic Assistance Number: (13.600), Head Start Program)

**Dated:** October 11, 1985.

**Joseph Mottola,**

*Acting Commissioner, Administration for Children, Youth and Families.*

**Approved:** October 22, 1985.

**Dorcas R. Hardy,**

*Assistant Secretary for Human Development Services.*

**BILLING CODE 4130-01-M**



APPENDIX "n"  
MONTHLY ATTENDANCE SHEET

Center \_\_\_\_\_  
Teacher \_\_\_\_\_  
Month/Year \_\_\_\_\_

Child's Name Last, First	Date							# Days Present	Excused Absences	Unexcused Absences	Total Days	Comments
	N	T	W	T	F	S	S					
1.												
2.												
3.												
4.												
5.												
6.												
7.												
8.												
9.												
10.												
11.												
12.												
13.												
14.												
15.												
16.												
17.												
18.												
19.												
20.												
21.												
22.												
23.												
24.												
<b>TOTALS</b>												

ATTENDANCE CODES  
 ✓ - Present  
 ⊖ - Present (Off-site)  
 A - Excused Absence  
 ⊕ - Excused Absence  
 T - Tardy  
 W - Withdrawn  
 E - Enrolled

[FR Doc. 85-25852 Filed 10-25-85; 8:45 am]  
 BILLING CODE 4130-01-C



# **federal register**

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Monday  
October 28, 1985

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## **Part IV**

### **Department of Defense**

#### **General Services Administration**

#### **National Aeronautics and Space Administration**

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**48 CFR Part 52**

**Federal Acquisition Regulation (FAR);  
Cost Accounting Standards; Proposed  
Rule**

Volume 28, 1992

Part IV

Department of Defense

General Services  
Administration

National Aeronautics and  
Space Administration

in 1992

Federal Acquisition Regulation (FAR)  
and associated amendments

Acquisition Handbook

## DEPARTMENT OF DEFENSE

GENERAL SERVICES  
ADMINISTRATIONNATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION

## 48 CFR Part 52

Federal Acquisition Regulation (FAR);  
Cost Accounting Standards Contracts

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering changes to Federal Acquisition Regulation (FAR) clauses 52.230-3, Cost Accounting Standards, and 52.230-5, Disclosure and Consistency of Cost Accounting Practices, concerning changes in the interest rate charged contractors.

**Comments:** Comments should be submitted to the FAR Secretariat at the address shown below on or before November 27, 1985 to be considered in the formulation of a final rule.

**ADDRESS:** Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 85-49 in all correspondence related to this issue.

**FOR FURTHER INFORMATION CONTACT:** Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523-4755.

**SUPPLEMENTARY INFORMATION:****A. Background**

The Defense Acquisition Regulatory Council and the Civilian Agency Acquisition Council are considering a change to the FAR clauses at 52.230-3, Cost Accounting Standards, in paragraph (a)(5); and at 52.230-5, Disclosure and Consistency of Cost Accounting Practices, in paragraph (a)(4). This proposed rule (a) is predicated on enactment in the 1986 Defense Authorization Bill of a change in interest rate determinations and (b) would be adopted in the FAR for nondefense contracts as a matter of policy.

**B. Regulatory Flexibility Act**

The proposed changes at FAR 52.230-3 and 52.230-5 are not expected to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) because the contracts held by these entities are not generally subject to Cost Accounting Standards. Therefore, a regulatory flexibility analysis has not been prepared.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act, Pub. L. 96-511, does not apply because the change deletes contractual language and does not require the contractor to file reports, fill out forms, or keep records.

**List of Subjects in 48 CFR Part 52**

Government procurement.

Dated: October 24, 1985.

Lawrence J. Rizzi,  
*Director, Office of Federal Acquisition and Regulatory Policy.*

Therefore, it is proposed that 48 CFR Part 52 be amended as follows:

**PART 52—SOLICITATION  
PROVISIONS AND CONTRACT  
CLAUSES**

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

**Authority:** 40 U.S.C. 486(c); 10 U.S.C. Chapter 137, and 42 U.S.C. 2453(c).

**52.230-3 [Amended]**

2. Section 52.230-3 is amended by removing in the second sentence of paragraph (a)(5) the words "or 7 percent per annum, whichever is less".

**52.230-5 [Amended]**

3. Section 52.230-5 is amended by removing in the second sentence of paragraph (a)(4) the words "or 7 percent per annum, whichever is less".

[FR Doc. 85-25728 Filed 10-25-85; 8:45 am]

BILLING CODE 6820-61-M

STATEMENT OF OFFICERS

1943-1944

President: [Name]

Vice-President: [Name]

Secretary: [Name]

Treasurer: [Name]

Executive Director: [Name]

Chairman of the Board: [Name]

Members of the Board: [List]

Members of the Council: [List]

Members of the House of Delegates: [List]

Members of the Senate: [List]

Members of the Assembly: [List]

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Members of the Subcommittee: [List]

Members of the Working Group: [List]

Members of the Task Force: [List]

Members of the Study Panel: [List]

Members of the Advisory Board: [List]

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Members of the Joint Committee: [List]

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Members of the Commission: [List]

Members of the Committee: [List]

Members of the Subcommittee: [List]

Members of the Working Group: [List]

Members of the Task Force: [List]

Members of the Study Panel: [List]

Members of the Advisory Board: [List]

Members of the Liaison Committee: [List]

Members of the Special Committee: [List]

Members of the Joint Committee: [List]

Members of the Select Committee: [List]

Members of the Senate Committee: [List]

Members of the House Committee: [List]

Members of the Executive Committee: [List]

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Federal Register

Vol. 50, No. 208

Monday, October 28, 1985

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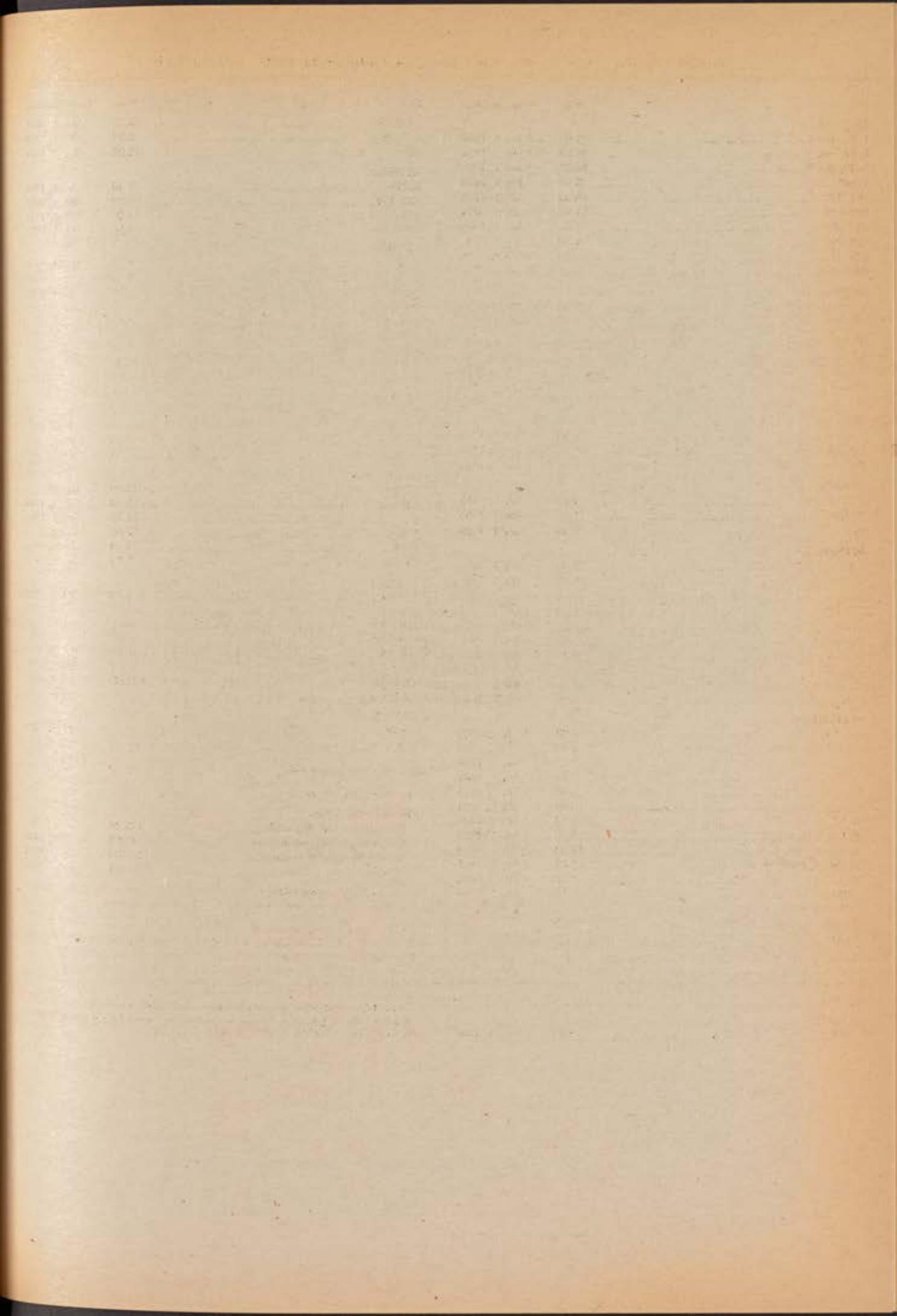
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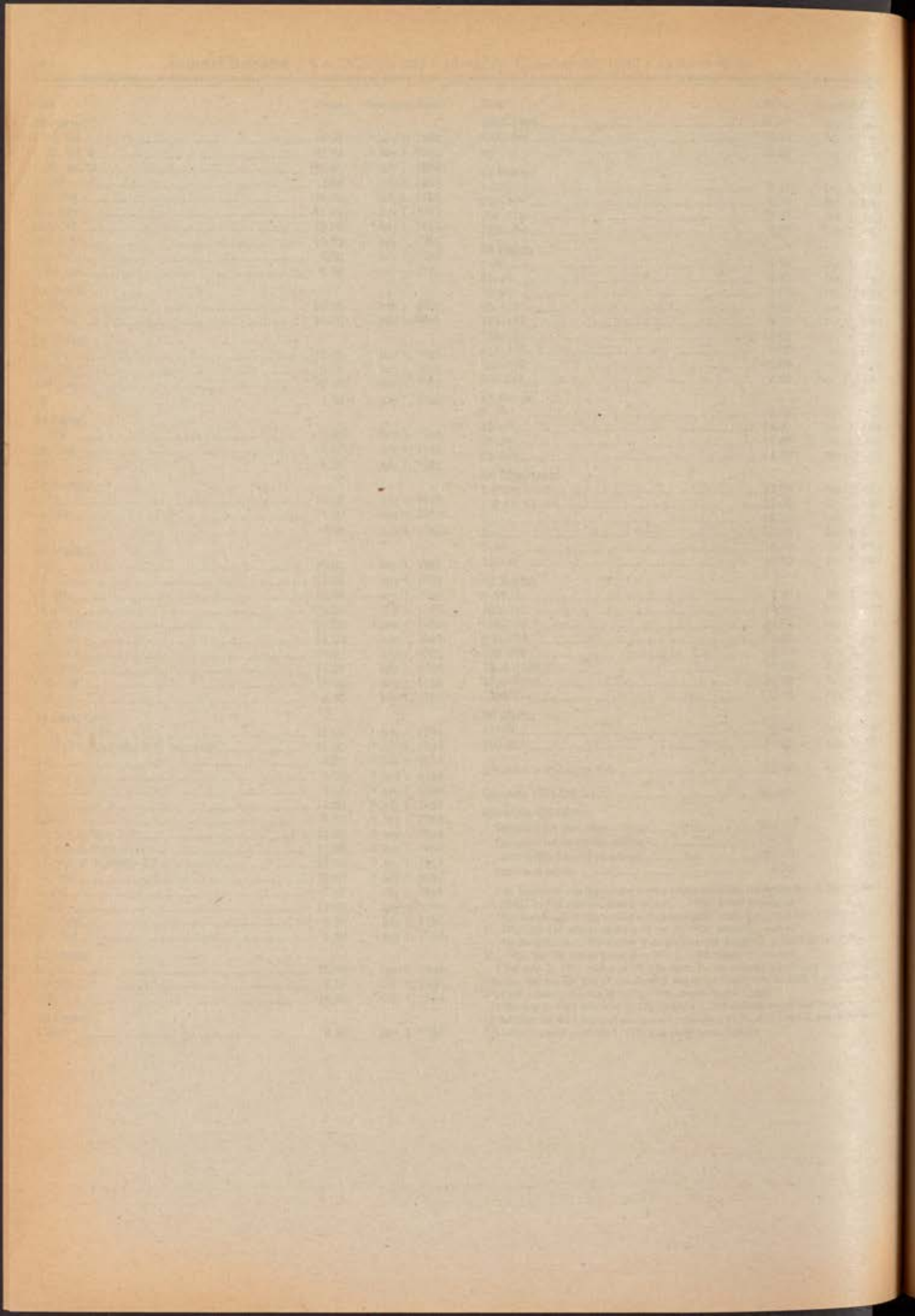
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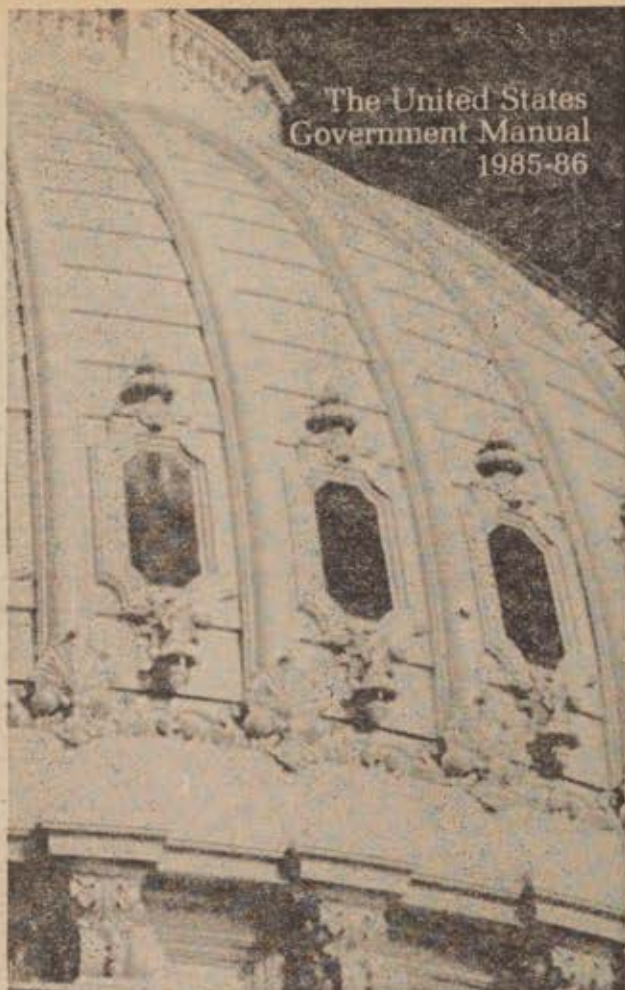
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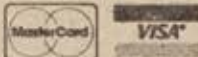
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