AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

3-27-85
Vol. 50 No. 59
Pages 11991-12214

federal register

Wednesday
March 27, 1985

Selected Subjects

Air Pollution Control
Environmental Protection Agency

Animal Diseases
Animal and Plant Health Inspection Service

Aviation Safety
Federal Aviation Administration

Chemcials
Environmental Protection Agency

Exports
International Trade Administration

Government Contracts
Federal Highway Administration

Government Procurement
Defense Department
Energy Department
Small Business Administration

Income Taxes
Internal Revenue Service

Milk Marketing Orders
Agricultural Marketing Service

Motor Vehicle Safety
National Highway Traffic Safety Administration

Organization and Functions (Government Agencies)
Arms Control and Disarmanent Agency

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $300.00 per year, or $150.00 for 6 months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

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.

Selected Subjects

Pesticides and Pests
Environmental Protection Agency

Postal Service
Postal Service

Radio
Federal Communications Commission

Railroads
Interstate Commerce Commission

Real Property Acquisition
Soil Conservation Service

Reporting and Recordkeeping Requirements
National Highway Traffic Safety Administration
National Oceanic and Atmospheric Administration

Veterans
Veterans Administration

Wine
Alcohol, Tobacco and Firearms Bureau

Contents

Federal Register
Vol. 50, No. 59
Wednesday, March 27, 1985

Agricultural Marketing Service
RULES
Milk marketing orders:
11991 New Orleans-Mississippi

Agriculture Department
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Forest Service; Soil Conservation Service.
NOTICES
12060 Agency information collection activities under OMB review

Alcohol, Tobacco and Firearms Bureau
PROPOSED RULES
Alcohol; viticultural area designations:
12038 North Yuba, CA
NOTICES
Alcoholic beverages:
12106 Display and retailer advertising specialties; dollar limitations

Animal and Plant Health Inspection Service
RULES
Livestock and poultry disease control:
11992 Brucellosis; interim rule affirmed

Arms Control and Disarmament Agency
RULES
11995 Organization and functions
NOTICES
Meetings:
12061 General Advisory Committee

Arts and Humanities, National Foundation
NOTICES
Meetings:
12096 Dance Advisory Panel
12097 Expansion Arts Advisory Panel
12097 Literature Advisory Panel
Senior Executive Service:
12096 Performance review board; membership

Centers for Disease Control
NOTICES
12083 Advisory committees; annual reports; availability

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration; National Telecommunications and Information Administration.

Defense Department
RULES
Acquisition regulations:
12028 Overhead cost certification; interim

Drug Enforcement Administration
NOTICES
Environmental statements; availability, etc.;
12096 Cannabis eradication program; Federal lands; supplement

Energy Department
RULES
Acquisition regulations:
12180 Competition in contracting
PROPOSED RULES
Acquisition regulations:
12053 Competition in contracting; protest procedures

Environmental Protection Agency
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
12043 Illinois
Air quality planning purposes; designation of areas:
12044 Indiana
Pesticide programs:
12045 Automatic requirement for registrant submission of risk/benefit and exposure data; notification to Agriculture Secretary; correction
12208 Registration standards; docketing and public participation procedures
12188 Special review criteria and procedures
Toxic substances:
12046 Acrylate and methacrylate chemicals; significant new uses
NOTICES
Meetings:
12076 Administrator's Pesticide Advisory Committee
12081 Science Advisory Board
Pesticide programs:
12072 Ethylene dibromide; use on exported citrus; amendment
12075 Texas Department of Agriculture; specific exemptions for unregistered use; inquiry
Pesticide registration, cancellation, etc.:
12078 Zoecon Corp. et al.
Pesticides; emergency exemption applications:
12074 B-(4-Chlorophenoxy)-a-(1,1-dimethylethyl)-1*H*-1, 2,4-triazole-1-ethanol; inquiry
12072 Diazinon, et al.
12079 Pesticides; receipts of State registration
Pesticides; temporary tolerances:
12076 Diethatyl-ethyl
12079 Fenarimol
12077 Florida
12077 Mefluidide
12080 Nor-Am Chemical Co.

Federal Aviation Administration
PROPOSED RULES
Airworthiness directives:
12036 Airbus Industrie
12035 British Aerospace

Federal Communications Commission
RULES
Radio services, special:
12021 Public mobile radio services; offshore radio telecommunication service frequency allocations

Federal Deposit Insurance Corporation
NOTICES
12108 Meetings; Sunshine Act

Federal Highway Administration
PROPOSED RULES
Engineering and traffic operations:
12037 Contract procedures; submission of an affidavit of noncollusion with bids

Federal Maritime Commission
NOTICES
12081 Agreements filed, etc.
12108 Meetings; Sunshine Act

Federal Reserve System
NOTICES
Bank holding company applications, etc.:
12082 Equimark Purchasing Partners et al.
12082 Norwest Corp. et al
12108 Meetings; Sunshine Act

Fine Arts Commission
NOTICES
12071 Meetings

Forest Service
NOTICES
Environmental statements; availability, etc.:
12060 San Juan National Forest, CO

Health And Human Services Department
See Centers for Disease Control.

Housing and Urban Development Department
RULES
Low income housing:
11998 Housing assistance payments program (Section 8); contract rent annual adjustment factors

Interior Department
See also Land Management Bureau; Minerals Management Service; National Park Service.
NOTICES
Watches and watch movements; allocation of quotas:
12061 Virgin Islands

Internal Revenue Service
RULES
Income taxes:
12012 Addition to tax for substantial understatement of liability

International Trade Administration
RULES
Export licensing:
11994 Parts to service equipment; quarterly, report
NOTICES
Antidumping:
12067 Circular welded carbon steel line pipe from Venezuela
12068 Circular welded carbon steel pipes and tubes from Thailand
Oil country tubular goods from:
12069 Austria
12070 Romania
12071 Venezuela
Countervailing duties:
12066 Circular welded carbon steel pipe and tubes from Venezuela
12062 Circular welded carbon steel pipes and tubes from Thailand
Oil country tubular goods from:
12065 Austria
12063 Venezuela
Scientific articles; duty free entry:
12062 Massachusetts Institute of Technology
Watches and watch movements; allocation of quotas:
12061 Virgin Islands

International Trade Commission
NOTICES
Import investigations:
12090 Automatic bowling machine printed circuit control boards
12090 Barter and countertrade transactions; hearing rescheduled and deadline for filing written submissions
12091 Expansion tanks
12092 Meat deboning machines
12090 Oleoresins from India and Spain; termination; case numbers
12092 Photo albums and photo album filler pages from Hong Kong and Korea
12092 Porch, patio, and lawn gliders
12093 Spring retainers for garage door hardware
12094 Stainless steel wire cloth from Japan; termination
12094 Welded carbon steel pipes and tubes from Brazil; termination

Interstate Commerce Commission
RULES
Railroad car service orders:
12031 Chicago, Milwaukee, St. Paul & Pacific Railroad Co.; track use by various railroads
NOTICES
Railroad operation, acquisition, construction, etc.:
12094 Burlington Northern Railroad Co.
12095 Delaware Otsego Corp. et al.

Justice Department
See also Drug Enforcement Administration.
NOTICES
12095 Agency information collection activities under OMB review

Land Management Bureau
RULES
Recreation management:
12020 Wilderness areas; management procedures; mining claims
PROPOSED RULES
12053 Coal management; competitive leasing requirements and environmental protection procedures; extension of time
NOTICES
Classification of public lands:
12087 Minnesota
Environmental statements; availability, etc.:
12083 Federal coal management program; inquiry; extension
Exchange of lands:
12083 Arizona
12085 California

Meetings:
12085 Las Cruces District Advisory Council
12085 Miles City District Advisory Council
Oil and gas leases:
12083 Wyoming
Sale of public lands:
12085 Nevada
12087 Oregon
12088 Wyoming; rescheduled
Survey plat filings:
12086 California
Withdrawal and reservation of lands:
12086 Washington

Minerals Management Service
NOTICES
Outer Continental Shelf; development operations coordination:
12089 Chevron U.S.A. Inc.
12088 Shell Offshore Inc.

National Highway Traffic Safety Administration
RULES
Motor vehicle safety standards:
12029 Door locks and door retention components
PROPOSED RULES
12056 Defect and noncompliance notification; quarterly reports

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
12032 Atlantic mackerel, squid, and butterfish; interim
11995 Reporting and recordkeeping requirements
PROPOSED RULES
Fishery conservation and management:
12059 Ocean salmon off coasts of Washington, Oregon, and California; hearings

National Park Service
NOTICES
Meetings:
12089 National Park System Advisory Board
12089 Statue of Liberty-Ellis Island Centennial Commission
12089 Wrangell-St. Elias National Park Subsistence Resource Commission

National Telecommunications and Information Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
12110 Public telecommunications facilities planning and construction

Nuclear Regulatory Commission
NOTICES
Meetings:
12097 Enforcement Policy Review Advisory Committee
12132 Operating licenses, amendments; no significant hazards considerations; monthly notices

Postal Service
RULES
Domestic Mail Manual:
12019 Miscellaneous amendments

Securities and Exchange Commission
NOTICES
Applications, etc.:
12099 South Jersey Industries, Inc.
Self-regulatory organizations; proposed rule changes:
12098 Chicago Board Options Exchange, Inc.
12098 Philadelphia Stock Exchange, Inc.
Self-regulatory organizations; unlisted trading privileges:
12098 Midwest Stock Exchange, Inc.
12098 Pacific Stock Exchange, Inc.

Small Business Administration
RULES
11994 Procurement assistance; certificate of competency program

Soil Conservation Service
PROPOSED RULES
Support activities:
12034 Real property acquisition under federally assisted programs

Transportation Department
See Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.

Treasury Department
See also Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service.
NOTICES
Bonds, Treasury:
12101 2005 series
Notes, Treasury:
12105 E–1992 series
12103 L–1989 series
12103 T–1987 series
Organization, functions, and authority delegations:
12100 Procurement Executive et al.

United States Information Agency
NOTICES
Art objects, importation for exhibition:
12106 Gallery for a King: Old Master Paintings from Dulwich; correction

Veterans Administration
PROPOSED RULES
Adjudication; pensions, compensation, dependency, etc.:
12041 Incompetent veterans; computations of estate value, waiver of payment discontinuance, etc.
NOTICES
12107 Agency information collection activities under OMB review
Meetings:
12107 Environmental Hazards Advisory Committee

Separate Parts in this Issue

Part II
12110 Department of Commerce, National Telecommunications and Information Administration

Part III
12132 Nuclear Regulatory Commission

Part IV
12180 Department of Energy

Part V
12188 Environmental Protection Agency

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

CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR
1094 11991
Proposed Rules:
651 12034

9 CFR
51 11992

13 CFR
125 11994

14 CFR
Proposed Rules:
39 (2 documents) 12035, 12036

15 CFR
376 11994
902 11995

22 CFR
601 11995

23 CFR
Proposed Rules:
635 12037

24 CFR
888 11998

26 CFR
1 12012
602 12012

27 CFR
Proposed Rules:
9 12038

38 CFR
Proposed Rules:
3 12041

39 CFR
111 12019

40 CFR
Proposed Rules:
52 12043
81 12044
153 12045
154 12188
155 12208
162 12188
721 12046

43 CFR
8560 12020
Proposed Rules:
3400 12053
3420 12053
3460 12053

47 CFR
2 12021
22 12021
74 12021
90 12021

48 CFR
242 12028
252 12028
901 12180
902 12180
903 12180
904 12180
905 12180
906 12180
914 12180
915 12180
919 12180
924 12180
928 12180
943 12180
950 12180
952 12180
970 12180
Proposed Rules:
914 12053
933 12053
952 12053
970 12053

49 CFR
571 12029
1033 12031
Proposed Rules:
573 12056

50 CFR
655 12032
Proposed Rules:
661 12059

Rules and Regulations

Federal Register
Vol. 50, No. 59
Wednesday, March 27, 1985

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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1094

[Docket No. AO-103-A44]

Milk in the New Orleans-Mississippi Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the New Orleans-Mississippi milk order. As amended, 12 counties of northeastern Mississippi are added to the marketing area. Plant location adjustments to prices are revised to accommodate the area expansion. Also, the proportion of member milk that must be received at pool distributing plants for a cooperative association to qualify its plant for pooling is reduced to 45 percent from 50 percent. The action is based on proposals by several cooperative associations considered at a public hearing held August 28, 1984, in Tupelo, Mississippi. These changes are necessary to reflect current marketing conditions and to insure orderly marketing conditions in the New Orleans-Mississippi marketing area.

EFFECTIVE DATE: May 1, 1985.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-6274.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued July 24, 1984; published July 30, 1984 (49 FR 30316).

Recommended Decision: Issued January 14, 1985; published January 18, 1985 (50 FR 2678).

Final Decision: Issued March 5, 1985; published March 11, 1985 (50 FR 9654).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the New Orleans-Mississippi order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to the tentative marketing agreement and order:

(a) *Findings upon the basis of the hearing record.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans-Mississippi marekting area. The hearing was held pursuant to the provisions of the Agriculture Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing area. The hearing was held orders (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficent quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held; and

(4) All milk and milk products handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1094

Milk marketing orders, Milk, Dairy products

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby further amended, as follows:

PART 1094—MILK IN THE NEW ORLEANS-MISSISSIPPI MARKETING AREA

1. In § 1094.2, Zone 5 is revised to read as follows:

§ 1094.2 New Orleans-Mississippi marketing area.

* * * * *

Zone 5

Mississippi Counties

Calhoun, Chickasaw, Clay, Coahoma, Grenada, Monroe, Quitman, Tallahatchie, Yalobusha.

* * * * *

2. In § 1094.2, add a new Zone 6 to read as follows:

§ 1094.2 New Orleans-Mississippi marketing area.

* * * * *

Zone 6

Mississippi Counties

Alcorn, Benton, Itawamba, Lee Pontotoc, Prentiss, Tippah, Tishomingo, Union.

3. In § 1094.7, paragraph (c) is revised to read as follows:

§ 1094.7 Pool plant.

* * * * *

(c) Any plant located in the marketing area that is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and 45 percent or more of the producer milk of members of the cooperative association is physically received during the month in the form of a bulk fluid milk product at pool plants described in paragraph (a) of this section either directly from farms or by transfer from plants of the cooperative association for which pool status under his paragraph has been requested, subject to the following conditions:

* * * * *

4. In § 1094.52, paragraph (a)(1), the table is revised to read as follows:

§ 1094.52 Plant location adjustments for handlers.

(a) * * *

(1) * * *

ADJUSTMENT PER HUNDREDWEIGHT

Zone 1	No Adjustment.
Zone 2	Minus 18 cents.
Zone 3	Minus 40 cents.
Zone 4	Minus 55 cents.
Zone 5	Minus 65 cents.
Zone 6	Minus 75 cents.

* * * * *

5. In § 1094.52, paragraph (a)(3) is revised to read as follows:

§ 1094.52 Plant location adjustments for handlers.

(a) * * *

(3) For a plant located in the State of Mississippi outside the marketing area the adjustment shall be minus 75 cents;

* * * * *

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

Effective date: May 1, 1985.

Signed at Washington, D.C., on: March 21, 1985.

Karen Darling,

Acting Assistant Secretary for Marketing and Inspection Services.

[FR Doc. 85–7186 Filed 3–26–85; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 51

[Docket No. 83–107]

Animals Destroyed Because of Brucellosis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document, with one change, affirms the interim rule which amended the regulations governing the payment of indemnity for animals destroyed because of brucellosis by establishing an indemnity progam (flat rate system) for bison affected with or exposed to brucellosis and by reestablishing a flat rate indemnity system for cattle affected with or exposed to brucellosis. This rule is needed to ensure that owners of affected bison herds who participate in the brucellosis eradication program do not suffer disproportionate losses compared to owners of affected cattle herds and to endure that adequate indemnity, within budgetary constraints, is paid without endangering the effectiveness of the brucellosis eradication program. The intended effect of this rule is to gain the cooperation of bison herd owners by establishing an indemnity program for bison affected with or exposed to brucellosis. The rule is also intended to eliminate overcompensation of cattle owners by returning to a flat rate indemnity system for cattle, thereby encouraging cattle owners to rid their herds of brucellosis.

EFFECTIVE DATE: March 27, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas J. Holt, Cattle Diseases Staff, VS, APHIS, USDA, Room 817, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8711.

SUPPLEMENTARY INFORMATION:

Background

An interim rule published in the **Federal Register** on November 26, 1982 (47 FR 53320–53325), amended 9 CFR Part 51 by establishing an indemnity program (a flat rate system) for bison destroyed because of brucellosis and by reestablishing a flat rate indemnity system for cattle destroyed because of brucellosis. Except as otherwise explained below, the provisions in the interim rule have been adopted as a final rule.

The document of November 26, 1982, invited the submission of written comments on or before January 25, 1983. Eighteen comments were received. These comments were from individuals, State Departments of Agriculture, cattlemen's assocations, dairymen's associations, and a farm bureau. The comments were in favor of the provisions of the interim rule except as discussed below.

Rate of Indemnity

Prior to the interim rule of November 26, 1982, there was no indemnity program for bison destroyed because of brucellosis. As noted above, the interim rule established a flate rate indemnity program for bison destroyed because of brucellosis. Also, prior to the interim rule of November 26, 1982, indemnity payments for cattle destroyed because of brucellosis were calculated based on market values for slaughter and replacement, and indemnity payments of up to $1,000 were allowed for certain registered dairy cattle. The interim rule reestablished a flat rate indemnity system for cattle. Under the interim rule indemnity payments for registered cattle were limited to $250.

One commenter recommended that APHIS reestablish the indemnity system that was in effect prior to the interim rule. One commenter favored the flat rate system for all animals except registered dairy cattle. One commenter asserted that "registered dairy cattle should be indemnified at $1,000 maximum rate to more accurately reflect their higher value" rather than be limited to $250 as provided in the interim rule. One commenter favored a flat rate system except in the case of depopulation, and asserted that herd owners would be encouraged to depopulate if indemnity for depopulation remained at the previous rate. No changes are made based on these comments.

The rationale for the change to the flat rate system was stated in the interim rule at page 53321 as follows:

> Numerous problems have plagued the brucellosis indemnity program since June 27, 1980. For example, reliable data on replacement values for all except dairy cattle was not developed as expected. Also, overcompensation unavoidably occurred in some locations making it profitable for herd owners to maintain the disease in the herd. Comments have been received from Federal officials and State officials from a number of States, and numerous industry officials expressing concern with overpayments. They have requested a flat rate system be reinstituted for all classes of cattle. Two States have already requested that indemnity payments in their States be made at flat rates similar to those being promulgated by this document. Eradication of brucellosis is the goal of the program. However, the financial

incentive to induce individual herd owners to be disease free has caused an intolerable drain on appropriated funds, to the point where the true goal of the program—eradication—is being jeopardized.

To correct these problems in the indemnity program, the Department is reestablishing flat rates for brucellosis indemnity. Assessment of livestock values indicates that reinstitution of the rates in effect prior to June 27, 1980, with two exceptions, would be adequate to encourage timely removal of infected and exposed cattle and bison. One exception is the nonregistered dairy cow. Values of these animals rose rapidly in 1978 and 1979, but rates in effect in 1980 reflected values of 1977. Therefore, nonregistered dairy cattle indemnity would be raised to $250 from $150. Values have stabilized during 1980, 1981, and 1982, and the indications are that $250 would provide the necessary incentive for timely removal of affected nonregistered dairy cattle.

Although the role of the transmission of brucellosis of the exposed female calf under 6 months of age nursed by a reactor dam is not fully demonstrated, sufficient knowledge does exist to indicate that voluntary removal for slaughter is a worthwhile goal. Therefore, the present flat rate of $50, which has worked better than the 1980 rate of $25, is retained for such calves.

This document reaffirms this rationale. Further, in accordance with this rationale it has been determined that higher payments for registered cattle would not result in the most effective utilization of available funds for eradicating brucellosis. In addition, there is no evidence that higher rates for depopulation would lead to a more effective brucellosis eradication program.

Indemnity Claims Not Allowed

The interim rule included a new § 51.9(h) which provided that claims for compensation for animals destroyed because of brucellosis shall not be allowed if any known reactors remain in the herd. It was stated in the document of November 26, 1982, that §51.9(h) was "designed to halt the occurrence of herd owners destroying only some of their reactors, leaving others in the herd, where they pose a continuing threat of infection. This practice defeats the purpose of the entire brucellosis eradication program, and of the indemnity program specifically" (47 FR 53323).

One commenter asserted that § 51.9(h) would "have a serious deleterious effect on the brucellosis program in Louisiana." The commenter made the following statement in support of this assertion:

> The predominant Brahma-type animal common to the southern half of Louisiana and pastured in large, semirange and marshy areas provides unique problems to its owner. This long-eared bovine is seldom cooperative during roundup and corralling for brucellosis testing and has a particular aversion to attempts at confinement pending the results of supplemental brucellosis tests. Consequently, many such cattle, some of which are found to be brucellosis reactors, escape into marshlands before branding and tagging or removal to slaughter can be accomplished. Combined with the difficult and wet geography of the area, the weather (a lot of rain and subsequent flooding), at times, makes it virtually impossible to locate some of these reactor cattle.

The Department agrees that such conditions could occur. In addition, it appears that herd owners in other parts of the United States experience similar difficulties. For example, in Texas and other States where ranches often consist of thousands of acres, roundups may not locate all of the cattle even after a diligent search has been conducted.

The commenter further suggested that § 51.9(h), be amended to allow indemnity to be paid in those cases where, although some reactor animals may remain on the property, they do so only because of circumstances such as those described above. The commenter asserted that this change in the regulations would enhance the brucellosis eradication program by encouraging the cattle industry to cooperate with the program.

The Department agrees with the rationale of the commenter, and § 51.9(h) is changed to provide that claims for compensation for animals destroyed because of brucellosis shall not be paid if any known brucellosis reactor animal remains in the herd, unless, in the opinion of the Veterinarian in Charge, a reasonable search has been made for the brucellosis reactor animal and the brucellosis reactor animal cannot be found and removed.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this action will have an annual effect of the economy of less than $100 million dollars; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; will not have a significant adverse effect on competition, employment or investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities. This is because bison herds comprise less than 0.01 percent of livestock herds in the United States, that is, an estimated 1,000 herds, and less than 10 percent of those herds are affected with brucellosis. Also, the change from indemnity rates that vary with the market to a flat rate will affect less than one percent of the cattle herds in the United States.

Effective Date

The amendment to the interim rule is made effective upon publication. The amendment to the interim rule constitutes the granting of an exemption, and is therefore exempted from the effective date provisions under 5 U.S.C. 553. Also, Dr. John K. Atwell, Deputy Administrator of APHIS for Veterinary Services, has determined that there is good cause for making this amendment to the interim rule effective upon publication. The amendment needs to be made effective immediately in order to encourage herd owners to cooperate in eradicating brucellosis from their herds.

Paperwork Reduction Act

In accordance with section 3504(h) of the Paperwork Reduction Act of 1980, (44 U.S.C. 3504(h)), the information collection provisions included in 9 CFR Part 51 have been approved by the Office of the Management and Budget (OMB) and have been assigned OMB Control Number 0579–0067.

List of Subjects in 9 CFR Part 51

Animal diseases, Bison, Brucellosis, Cattle, Hogs, Indemnity payments.

Accordingly, it has been determined that the interim rule concerning animals destroyed because of brucellosis (47 FR 53320–53325) is adopted as a final rule, except that 9 CFR 51.9(h) is revised to read as follows:

PART 51—ANIMALS DESTROYED BECAUSE OF BRUCELLOSIS

§ 51.9 Claims not allowed.

* * * * *

(h) If any known brucellosis reactor animal remains in the herd, unless, in the opinion of the Veterinarian in Charge, a reasonable search has been made for the brucellosis reactor animal and the brucellosis reactor animal could not be found and removed.

Authority: Secs. 3, 4, 5, 11, and 13, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. , 76 Stat. 130; 21 U.S.C. 111–

113, 114, 114a–1, 120, 121, 125, 134b; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 21st day of March, 1985.

K.R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 85–7259 Filed 3–26–85; 8:45 am]

BILLING CODE 3410-34-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 125

[Rev. 1, Amdt. 2]

Procurement Assistance; Certificate of Competency Program: All Small Business Non-Responsibility Determinations Referred to Small Business Administration

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This change eliminates the current discretion allowed contracting officers to determine if a referral [COC] should be made when the contract value is less than $10,000. The change was statutorily mandated. Contracting agencies must now refer to SBA for COC action all small businesses determined non-responsible for award regardless of the value of the contract.

EFFECTIVE DATE: March 27, 1985.

FOR FURTHER INFORMATION CONTACT: Robert J. Moffitt, Office of Industrial Assistance, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416. Telephone No. (202) 653–6582.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553(b)(3)(B) this rule is being published as a final rule as it is mandated by statute. Public Law 98–577, Small Business and Federal Procurement Competition Enhancement Act of 1984, requires contracting agencies to refer all small businesses determined non-responsible to SBA for COC. The current SBA COC program regulations allow the contracting agency the discretionary authority to determine if a COC referral should be made to SBA on contracts valued at $10,000 or less. This discretionary authority is now removed from the regulation. SBA certifies that this proposal will not have a significant economic impact on a substantial number of small entities.

The last year COC referrals were required on all contracts regardless of dollar value, only 27 COCs were issued with the total contract value of less than $270,000.

This regulation is not a major rule for purposes of Executive Order 12291 because it has no significant economic effect, major increase in cost, or significant adverse effect on any segment of the economy.

Lastly, the regulation imposes no recordkeeping requirements subject to the Paperwork Production Act 44 U.S.C. 35.

The following topic index may be useful in determining interest in this regulation:

List of Subjects in 13 CFR Part 125

Certificate of competency, Government contracts, Government procurement, Small businesses, Procurement assistance.

PART 125—[AMENDED]

Therefore, 13 CFR Part 125.5(d) is revised to read as follows:

§ 125.5 [Amended]

(d) Government procurement officers, and officers engaged in the sale and disposal of Federal property, upon determining and documenting that a small business lacks certain elements of responsibility, including but not limited to competency, capability, capacity, credit, integrity, perseverance, and tenacity, shall notify SBA of such determination. Award is withheld by the contracting officer for a period up to 15 working days following the date of receipt by SBA of notice of such determination (with appropriate documentation) in order to permit SBA to investigate and certify as to the bidder's responsibility.

Dated: March 5, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85–7093 Filed 3–26–85; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 376

[Docket No. 50225–5025]

Change in Reporting Frequency From Monthly to Quarterly on Exports of Parts to Service Equipment Previously Shipped Under a Validated License

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: Section 376.4 of the Export Administration Regulations establishes a procedure which allows persons or firms to ship parts needed to service equipment previously sent to consignees in Country Groups Q, W, and Y. The frequency of reporting under this procedure is being reduced from monthly to quarterly. The institution of a comprehensive auditing program has enabled the Office of Export Administration to reduce the frequency of required reports. This is consistent with the Administration's program of reducing unnecessary regulatory burdens.

EFFECTIVE DATE: This rule is effective March 27, 1985.

FOR FURTHER INFORMATION CONTACT: Roy Flinn, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone (202) 377–3856).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Since this regulation involves a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring a notice of proposed rulemaking, an opportunity for public participation and a delay in effective date are inapplicable.

2. This rule relieves a regulatory burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* by reducing the requirement for certain monthly reports to a requirement for quarterly reports only.

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. Because this rule concerns a foreign affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291 and, accordingly, is not subject to the requirements of that order. Accordingly, no preliminary or final Regulatory Impact Analysis has been or will be prepared.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in 15 CFR Part 376

Exports.

Accordingly, § 376.4(d) of the Export Administration Regulations (15 CFR Parts 368–399) is revised to read as follows:

§ 376.4 Servicing of Equipment Previously Exported or Reexported to Country Groups Q, W, and Y.

* * * * *

(d) *Reports.* (1) The U.S. exporter to whom a validated export license is issued pursuant to the provisions of this § 376.4 shall prepare and submit, on a quarterly basis, a report of all exports made against the license during the preceding quarter. The report shall include, as a minimum:

(i) The export license number and expiration date;

(ii) A description of the instrument or equipment that was serviced;

(iii) The full name and address of the person or firm on whose premises the instrument or equipment was serviced;

(iv) A description, including the quantity and value, of the part or parts that were used to service the instrument or equipment; and

(v) The date the servicing was performed.

(2) This report shall be in addition to the entries on the reverse side of the export license required by § 386.2(d).

(Approved by Office of Management and Budget under OMB No. 0625–0067).

* * * * *

Authority: Sec. 203, 206, Pub. L. 95–223, Title II, 91 Stat. 1626, 1628 (50 U.S.C. 1702, 1704) Executive Order No. 12470 of March 30, 1984 (49 FR 13099, April 3, 1984).

Dated: March 21, 1985.

James K. Pont,

Acting Director, Office of Export Administration, International Trade Administration.

[FR Doc. 85–7224 Filed 3–26–85; 8:45 am]

BILLING CODE 3510–DT–M

National Oceanic and Atmospheric Administration

15 CFR Part 902

NOAA Information Collection Requirements Under the Paperwork Reduction Act; OMB Control Numbers

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rule.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is revising its display of the Office of Management and Budget (OMB) control numbers assigned to NOAA information collection requirements contained in Title 15 regulations. NOAA is required by 5 CFR 1320.7(f)(2) to publish these control numbers in the Code of Federal Regulations (CFR). This revision adds control numbers for information collection requirements which have received OMB approval since the previous publication of this display. Because this rule is informational only, prior notice and comment, and delayed effectiveness for 30 days, are unnecessary.

EFFECTIVE DATE: March 27, 1985.

FOR FURTHER INFORMATION CONTACT: Richard Roberts, General Services Management Divsion, Office of Administrative Management, NOAA, Rockville, MD 20852; (301) 443–8595.

SUPPLEMENTARY INFORMATION:

List of Subjects in 15 CFR Part 902

Reporting and recordkeeping requirements.

PART 902—[AMENDED]

For the reasons set forth in the summary, 15 CFR 902.1 is amended by revising paragraph (b) to read as follows:

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) Display.

15 CFR part or section where identified or described	Current OMB control No.
Part 908	0648–0025
917.11	0648–0008
	0648–0019
	0648–0034
917.22	0648–0008
	0648–0019
	0648–0034
917.30b	0648–0008
	0648–0019
	0648–0034
917.43c	0648–0119
918.7	0648–0147
921 Subpart B	0648–0121
923 Subpart J	0648–0119
924.6	0648–0141
929.7	0648–0141
935.9	0648–0141
936.9	0648–0141
937.8	0648–0141
938.8	0648–0141
970	0648–0145
981	0648–0144

(Pub. L. 96–511, Stat. 2812 (44 U.S.C. Chapter 35; 5 CFR Part 1320))

Dated: March 19, 1985.

Mirco P. Snidero,

Director, Office of Administrative Management.

[FR Doc. 85–7263 Filed 3–26–85; 8:45 am]

BILLING CODE 3510–08–N

ARMS CONTROL AND DISARMAMENT AGENCY

22 CFR Part 601

Statement of Organization

AGENCY: United States Arms Control and Disarmament Agency.

ACTION: Final rule.

SUMMARY: The Agency is publishing a current description of its organization and functions.

EFFECTIVE DATE: March 8, 1985.

FOR FURTHER INFORMATION CONTACT: John E. Grassle, Deputy Administrative Director, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451, telephone 202–632–3442.

SUPPLEMENTARY INFORMATION: This information is published in compliance with section 552(a)(1) of Title 5, United States Code, and 1 CFR 305.76–2.

List of Subjects in 22 CFR Part 601

Organization and functions (government agencies), Arms control.

Accordingly, 22 CFR Part 601, is revised to read as follows:

PART 601—STATEMENT OF ORGANIZATION

Sec.

601.1 Definition.

Subpart A—Agency Responsibilities and Structure

601.5 Responsibilities.
601.6 Structure.
601.7 General Advisory Committee.
601.8 Office of Arms Control Negotiations in Geneva.

Subpart B—Functional Statements

601.10 Office of the Director.
601.11 Bureau of Strategic Programs (SP).
601.12 Bureau of Multilateral Affairs (MA).
601.13 Bureau of Nuclear and Weapons Control (NWC).
601.14 Bureau of Verification and Intelligence (VI).
601.15 Office of the General Counsel (GC).
601.16 Office of Congressional Affairs (OCA).
601.17 Office of Public Affairs (PA).
601.18 Office of Administration (A).

Authority: Sec. 1, Pub. L. 90–23, 81 Stat. 54 (5 U.S.C. 552(a)(1)); Title II, Pub. L. 87–297, 75 Stat. 632, as amended (22 U.S.C. 2561 et seq.); and sec. 41(h), Pub. L. 87–297, 75 Stat. 636, as amended (22 U.S.C. 2581(i)).

§ 601.1 Definition.

As used in this part, "Agency" means the U.S. Arms Control and Disarmament Agency.

Subpart A—Agency Responsibilities and Structure

§ 601.5 Responsibilities.

(a) The Agency is charged with providing the President, the Secretary of State, other officials of the executive branch, and the Congress with recommendations concerning United States arms control and disarmament policy, and assessing the effect of these recommendations upon our foreign

policies, our national security policies, and our economy.

(b) The Agency also has the capacity for providing the essential scientific, economic, political, legal, social, psychological, military, and technological information on which realistic arms control and disarmament policy must be based, and the authority, under the direction of the President and the Secretary of State, to carry out the following primary functions:

(1) The conduct, support, and coordination of research for arms control and disarmament policy formulation;

(2) The preparation for and management of United States participation in international negotiations in the arms control and disarmament field;

(3) The dissemination and coordination of public information concerning arms control and disarmament; and

(4) The preparation for, operation of, or as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.

(c) The Agency works at the highest level of the United States Government and, under the direction of the Secretary of State, conducts United States participation in international arms control and disarmament negotiations. It does not normally hand down decisions or engage in regulations affecting the general public, since its functions are principally in the advisory or diplomatic areas. Copies of publications resulting from the Agency's activities, such as its Annual Report, may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or requested directly from the U.S. Arms Control and Disarmament Agency, 320 21st Street, NW., Washington, D.C. 20451.

§ 601.6 Structure.

(a) The Agency is headed by a Director, appointed by the President with the advice and consent of the Senate, who is responsible for the executive direction of the Agency. He also functions as the principal adviser to the Secretary of State, the National Security Council, and the President on arms control and disarmament matters and, under the direction of the Secretary, has primary responsibility within the Government for such matters. He is assisted by a Deputy Director, similarly appointed by the President with the advice and consent of the Senate, who acts for him in his absence.

(b) The Director is supported by a personal staff which includes the Counselor of the Agency and the Executive Secretary. Other senior officials included within the Director's immediate office are the two Special Representatives for Arms Control and Disarmament Negotiations, the U.S. Commissioner on the Standing Consultative Commission, and the U.S. Representative to the Conference on Disarmament. The Office of the Director also supports the General Advisory Committee.

(c) In its deliberations during the establishment of the Agency, Congress made it clear that the Director of the Agency would rank with the Under Secretary (now Deputy Secretary) of State and report directly to the Secretary; the Deputy Director would rank with the Deputy Under Secretary of State (now Under Secretary). Congress also made it clear that although he has a special and close relationship to the Secretary of State, the Director also has direct access to the President when necessary and that he has sufficient authority and independence to deal directly with the heads of other agencies, such as the Department of Defense, on matters not falling within the competence of the Department of State.

(d) The Agency's program responsibilities are primarily discharged through four bureaus, each of which is headed by an Assistant Director appointed by the President with the advice and consent of the Senate. These are the Bureau of Strategic Programs, the Bureau of Multilateral Affairs, the Bureau of Nuclear and Weapons Control, and the Bureau of Verification and Intelligence. Within the range of its program responsibilities, each bureau is responsible for generating policy proposals, and for working closely with other Agency bureaus and Government agencies on matters related to its program areas. Other organizational units with staff responsibilities are the Office of the General Counsel, the Office of Congressional Affairs, the Office of Public Affairs, and the Office of Administration.

§ 601.7 General Advisory Committee.

The Act creating the Agency authorized the President, by and with the advice and consent of the Senate, to appoint a General Advisory Committee (GAC) of not to exceed 15 members. This committee must meet at least twice each year. From time to time it advises the President, the Secretary of State, and the Director of the Agency on matters affecting arms control, disarmament, and world peace. Under the Federal Advisory Committee Act (5 U.S.C. Appendix I) and Executive Order 12024, as implemented by the General Services Administration, the Agency exercises significant support functions for the GAC.

§ 601.8 Office of Arms Control Negotiations in Geneva.

This diplomatic mission was established by the State Department for the expanded negotiations on defense and space weapons, strategic nuclear weapons, and intermediate range nuclear weapons. Consistent with the Agency's statutory authority, under the direction of the President and the Secretary of State, for management of United States participation in arms control negotiations, the Agency will manage the operation of these negotiations. For these purposes all personnel of said Office will be detailed by the State Department to the Agency.

Subpart B—Functional Statements

§ 601.10 Office of the Director.

(a) The Director of the Agency is the principal adviser to the Secretary of State, the National Security Council and the President on arms control matters. Under the direction of the Secretary of State, he has primary responsibility within the Government for formulation of policy recommendations and for operations in such matters. He is responsible for the executive direction and coordination of all activities of the Agency and the Agency's relations with the Congress. He attends all meetings of the National Security Council involving weapons procurement, arms sales, consideration of the defense budget, and all arms control and disarmament matters.

(b) The Deputy Director assists the Director in carrying out his responsibilities as head of the Agency, and acts for and exercises the powers of the Director during his absence.

(c) The Special Representatives for Arms Control and Disarmament Negotiations, appointed by the President with the advice and consent of the Senate with the rank of Ambassador, serve as Chairmen of United States delegations and act as chief negotiators.

(d) The Standing Consultative Commissioner, under the direction of the President and the Director of the Agency, serves as U.S. Commissioner and heads the United States component of the U.S.-Soviet Standing Consultative Commission with the rank of Ambassador.

(e) The U.S. Representative to the Conference on Disarmament (CD), with

the rank of Ambassador, serves as U.S. Representative to the CD, may represent arms control interests on the United States delegation to the United Nations and its constituent bodies, and also represents the Director of the Agency in other negotiations having arms control significance as requested by the Director.

(f) The Counselor assists the Director and serves as a principal adviser on all aspects of the Agency's operations and as a link between the Director and top decisionmakers within the Agency and in other agencies.

(g) The Senior Military Adviser to the Director is responsible for serving as the principal adviser to the Director on military affairs and is the principal representative of the Director to the Office of the Secretary of Defense and The Joint Chiefs of Staff. He evaluates arms control proposals from a military perspective, and assesses their potential contribution to the national security.

(h) The Executive Director of the General Advisory Committee (GAC) provides substantive and administrative support to the GAC, including White House and Congressional liaison, in the GAC's exercise of broad statutory responsibilities as a Presidential advisory body on arms control and disarmament activities.

(i) The Executive Secretary of the Agency directs and coordinates staff work for the Director, directs substantive issues studies, and assists the Director in keeping policy and organizational functional aspects of arms control matters in phase.

§ 601.11 Bureau of Strategic Programs (SP).

SP has principal responsibility for the diplomatic, political and technical aspects of bilateral negotiations, including strategic and theater nuclear arms and outer space arms control, and the U.S.-Soviet Standing Consultative Commission (SCC). SP coordinates implementation of agreed policy, generates and analyzes proposals, and evaluates weapons systems and verification questions relating to these negotiations. It also takes the leading role in formulating Agency positions on basic strategic and theater nuclear arms and space arms control and outer space policy issues that require high-level decision within the Government. In cooperation with the Director's office, SP assumes responsibility for overseeing the backstopping function.

§ 601.12 Bureau of Multilateral Affairs (MA).

MA develops arms control policy, strategy, tactics, and language for on-going arms limitations negotiations in multilateral fora. It provides organizational support, staffing for United States delegations, and Washington backstopping for the Conference on Disarmament in Geneva, the First Committee and the Disarmament Commission of the United Nations in New York, the NATO Disarmament Experts in Brussels, the Mutual and Balanced Force Reductions negotiations in Vienna, and the Conference on Disarmament in Europe negotiations in Stockholm.

§ 601.13 Bureau of Nuclear and Weapons Control (NWC).

NWC has technical and policy responsibility with regard to nuclear non-proliferation and for promoting United States interests with regard to the Nuclear Non-Proliferation Treaty. It participates in the review of nuclear exports and provides technical and policy support for the International Atomic Energy Agency's safeguards efforts. NWC is responsible for assessing the arms control implications of proposed arms transfers and technology transfers, and for preparing Arms Control Impact Statements and guiding them through the interagency review process. The publication each year of *World Military Expenditures and Arms Transfers* is coordinated by NWC which also is responsible for planning and participating in inspections to ensure compliance with the Antarctic Treaty.

§ 601.14 Bureau of Verification and Intelligence (VI).

VI has principal responsibility for all of the Agency's verification, compliance, intelligence, and quantitative analysis issues dealing with all current treaties and arms control negotiations currently in progress, and develops for the Director the Agency position on these issues. VI is also responsible for the development of United States actions related to compliance questions including all compliance issues addressed by the U.S.-Soviet Standing Consultative Commission. As appropriate, the development of these positions is carried out in coordination with the bureau responsible for the policy on specific treaties or negotiations.

§ 601.15 Office of the General Counsel (GC).

This office is responsible for all matters of domestic and international law relevant to the work of the Agency. It provides advice and assistance in drafting and negotiating arms control treaties and agreements, and on questions regarding their approval by Congress, implementation, interpretation, ratification, and revision. The office is also involved in the legal aspects of the nuclear weapons non-proliferation responsibilities of the Agency. It is responsible for legal matters relating to arms control policy formulation and Agency legislation, including drafting of such legislation. It also handles the legal aspects of Agency policies and operations in the areas of personnel, security, patents, contracts, procurement, fiscal, and administrative matters.

§ 601.16 Office of Congressional Affairs (OCA).

This office has the primary responsibility for Congressional liaison. Congressional liaison covers briefings, consultations, hearings, legislative inquiries, visits by Members of Congress to arms control negotiating fora, and other matters such as the status of proposed and existing arms control agreements. Communication between the Agency and Congressional committees, staff and Members, formal and informal, is designed to keep Congress informed of United States arms control efforts and obtain for the Agency relevant Congressional insights and suggestions.

§ 601.17 Office of Public Affairs (PA).

PA carries out the Agency's legislative mandate for the dissemination and coordination of public information concerning arms control matters. It is responsible for all contacts with the media and prepares daily guidance on questions relating to the Agency's business. It oversees the operation of the Agency's library. It collects, screens, and distributes information to bureaus and offices to keep the Agency's staff abreast of developments of interest and use in connection with carrying out their responsibilities. It also prepares publications, including the annual report to the Congress, and it handles the planning as well as the details of speaking engagements by Agency officials. Within PA, the Agency historian is responsible for the preparation of historical analyses on arms control topics and previous negotiations.

§ 601.18 Office of Administration (A).

This office is responsible for administrative management of the Agency and for providing support to all of its components. This includes all personnel, budget, fiscal, supply, contracting, security, communications, and general administrative activities.

The office maintains regular liaison with the Office of Management and Budget, the Appropriations Committees of the Congress, the Department of State, and other organizations providing services for the Agency.

Dated: March 25, 1985.

William J. Montgomery,

Administrative Director.

[FR Doc. 85-7256 Filed 3-26-85; 8:45 am]

BILLING CODE 6820-32-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. N-85-1495; FR-2039]

Section 8 Housing Assistance Payments Program—Contract Rent Annual Adjustment Factors

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

ACTION: Revised Contract Rent Annual Adjustment Factors.

SUMMARY: The United States Housing Act of 1937 requires that the assistance contracts signed by owners participating in the Department's section 8 Housing Assistance Payments Programs provide for annual or more frequent adjustment in the maximum monthly rentals for units covered by the contract to reflect changes in the average market rents prevailing in a particular market area or based on a reasonable formula. This Notice announces revised Annual Adjustment Factors, which are based on a formula using rent and utility data from the Consumer Price Index and the Bureau of the Census American Housing Surveys. The revised Factors are to be used to adjust current rents in the section 8 Housing Assistance Payments Programs.

EFFECTIVE DATE: March 27, 1985.

FOR FURTHER INFORMATION CONTACT: Cecelia D. Livingston, Existing Housing Division, Office of Elderly and Assisted Housing (202) 755-5720; James Tahash, Program Planning Division, Office of Multifamily Housing Management (202) 426-3970; for technical information regarding the development of the schedules for specific areas or the method used for calculating the Adjustment Factor, Ellis V. St. Clair, Economic and Market Analysis Division, Office of Policy Development and Research (202) 755-5590. Mailing address for above persons: Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410 (Telephone numbers are not toll-free.).

SUPPLEMENTARY INFORMATION: Section 8(c)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f) requires the Department to provide for adjustments in the maximum monthly rents for units covered by section 8 Housing Assistance Payments (HAP) Contracts. Adjustments must reflect changes in the market rents prevailing in particular market areas or be based on a reasonable formula.

This Notice establishes revised Annual Adjustment Factors (AAFs), based on a formula using rent and utility data from the Consumer Price Index (CPI) and the Bureau of the Census American Housing Surveys ((AHS) formerly called Annual Housing Survey). The revised Factors are to be used to adjust current rents under the section 8 Housing Assistance Payments Programs. HUD regulations (see 24 CFR 888.202) provide for annual publication of these Factors in the **Federal Register**. The annual anniversary date for publication of the Factors is November 8.

These Factors apply to all Section 8 units whose HAP contracts have anniversary dates that fall on or after the publication of this Notice, except for Section 8 units assisted under 24 CFR 882.110(d). (For the method of computing rent adjustments for Section 8 units assisted under 24 CFR 882.110(d), see 24 CFR 207.19 (e)(2) and (e)(4)). Section 8 subsidies under the Loan Management and Property Disposition provisions of 24 CFR Part 886, Subparts A and C, have the option of applying the annual adjustment factors or computing rent adjustments in accordance with 24 CFR 207.19 (e)(2) and (e)(4). In addition, owners of Section 8 projects (other than projects assisted under the Section 8 Existing Housing Finders-Keepers Program or the FmHA Section 8 Program) who have contracts with anniversary dates between November 8 and the publication date of these Factors may request that the Factors be applied retroactively to the anniversary date of their Contracts. Retroactivity is permitted to avoid any detriment to owners because of HUD's delay in the annual publication of the Factors as required by 24 CFR 888.202. Owners of projects assisted under the Section 8 Existing Housing Finders-Keepers and FmHA Program may not apply the Factors retroactively, because HUD program regulations require that these owners use the Factors most recently published in the **Federal Register** on the renewal date of their contracts.

Different adjustment factors are provided for the four Census Regions, eight Metropolitan Statistical Areas (MSAs) and 69 Primary Metropolitan Statistical Areas (PMSAs). A list of the counties (and cities and towns in New England) that are included in each metropolitan area is being published as part of this Notice. Section 611(d)(5) of the Deficit Reduction Act of 1984 (Pub. L. 98-369, approved July 18, 1984) combined the Kansas City, Kansas PMSA and Kansas City, Missouri PMSA into a single MSA. However, this notice presents separate Factors for the two PMSAs to be used in adjusting contracts existing when there were two Fair Market Rent (FMR) schedules. The next publication of the FMRs and the AAFs will be based on estimates of rents and rent changes for the newly designated MSA only.

The formula for calculating the Adjustment Factors for each area was developed as follows: (1) The increases in the residential rent and the fuel and utilities components of the CPI were calculated for the 12-month period from June 1983 to June 1984; (2) a shelter rent increase factor was calculated by eliminating the effect of units in the CPI residential rent index that includes heating costs, as determined by Bureau of Labor Statistics data; (3) a gross rent increase factor for each of the metropolitan areas covered by the CPI and for each of the four Census Regions was calculated by weighting the shelter rent and utility increases in accordance with Census Regional Weights of these component parts of rent, as derived from 1983 AHS data; (4) Adjustment Factors for Contract rents including the highest cost utility were calculated to reflect variations by rent range in each area based on variations developed from 1983 national AHS data as applied to the local FMR levels; and (5) Adjustment Factors for Contract rents excluding the highest cost utility were calculated by developing updated shelter rents from the updated gross-rents, by rent ranges, and then comparing the updated shelter rents with those of the previous year.

The Adjustment Factors developed by the formula apply to rental units of all bedroom sizes in each rent interval. The Adjustment Factors excluding highest cost utilities are to be used for manufactured home space rent adjustments at each applicable rent interval. Under the section 8 Moderate Rehabilitation Program, the Public Housing Agency should use the base rent, not the Contract rent, to select the correct AAF to apply to the base rent.

Each AAF applies to a particular geographical area, as indicated in the Tables at the end of this document. However, application of a Factor may not result in material differences between the rents charged for assisted and comparable unassisted units as determined by the Secretary. (See 42 U.S.C. 1437f, and applicable program regulations in 24 CFR Chapter VIII.) Thus, an AAF for an entire PMSA may not be uniformly applicable to all rental housing within that geographical area, if the rent comparability test cannot be met.

In some cases, however, the AAF established for a particular area may result in rents that are substantially lower than rents charged for comparable units not receiving assistance under the Section 8 program. If this occurs, a PHA or private owner may apply to the Field Office for a revised Adjustment Factor for the area, as provided for in 24 CFR 888.204.

Authority: Sec. 7 (d), Department of HUD Act (42 U.S.C. 3535(d); sec. 8(c)(2)(A), U.S. Housing Act (42 U.S.C. 1437f))

Dated: March 19, 1985.

Shirley McVay Wiseman,

General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

Accordingly, the Department publishes these Contract Rent Annual Adjustment Factors for the Section 8 Housing Assistance Payments Programs as set forth in the following Tables:

BILLING CODE 4210-27-M

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

NORTHEAST CENSUS REGION

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 190	1.071	1.058
$ 190 TO 240	1.059	1.053
$ 240 TO 290	1.055	1.048
$ 290 TO 340	1.052	1.045
$ 340 TO 380	1.048	1.041
$ 380 TO 430	1.046	1.035
$ 430 TO 480	1.043	1.033
$ 480 TO 530	1.038	1.031
$ 530 TO 570	1.035	1.031
$ 570 PLUS	1.034	1.031

NORTHCENTRAL CENSUS REGION

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 170	1.059	1.058
$ 170 TO 210	1.048	1.052
$ 210 TO 250	1.045	1.046
$ 250 TO 290	1.043	1.043
$ 290 TO 330	1.040	1.039
$ 330 TO 370	1.038	1.033
$ 370 TO 420	1.035	1.031
$ 420 TO 460	1.031	1.029
$ 460 TO 500	1.029	1.029
$ 500 PLUS	1.028	1.029

SOUTH CENSUS REGION

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 170	1.059	1.044
$ 170 TO 210	1.048	1.041
$ 210 TO 260	1.045	1.037
$ 260 TO 300	1.043	1.035
$ 300 TO 340	1.040	1.032
$ 340 TO 390	1.038	1.027
$ 390 TO 430	1.035	1.025
$ 430 TO 470	1.031	1.024
$ 470 TO 510	1.029	1.024
$ 510 PLUS	1.028	1.024

WEST CENSUS REGION

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 200	1.105	1.095
$ 200 TO 250	1.087	1.085
$ 250 TO 300	1.081	1.073
$ 300 TO 340	1.076	1.072
$ 340 TO 390	1.071	1.068
$ 390 TO 440	1.067	1.063
$ 440 TO 490	1.063	1.054
$ 490 TO 540	1.056	1.050
$ 540 TO 590	1.052	1.048
$ 590 PLUS	1.050	1.048

PMSA AKRON, OH

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 190	1.041	1.048
$ 190 TO 230	1.034	1.042
$ 230 TO 280	1.032	1.038
$ 280 TO 330	1.030	1.034
$ 330 TO 370	1.028	1.031
$ 370 TO 420	1.027	1.027
$ 420 TO 470	1.025	1.024
$ 470 TO 510	1.022	1.023
$ 510 TO 560	1.021	1.023
$ 560 PLUS	1.020	1.023

PMSA ALTON-GRANITE CITY, IL

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 190	1.082	1.095
$ 190 TO 230	1.068	1.084
$ 230 TO 280	1.063	1.075
$ 280 TO 330	1.060	1.068
$ 330 TO 370	1.056	1.062
$ 370 TO 420	1.053	1.053
$ 420 TO 470	1.049	1.049
$ 470 TO 510	1.044	1.046
$ 510 TO 560	1.041	1.045
$ 560 PLUS	1.039	1.045

PMSA ANAHEIM-SANTA ANA, CA

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 280	1.098	1.092
$ 280 TO 350	1.081	1.083
$ 350 TO 420	1.075	1.076
$ 420 TO 490	1.071	1.070
$ 490 TO 560	1.066	1.065
$ 560 TO 630	1.063	1.060
$ 630 TO 700	1.059	1.053
$ 700 TO 770	1.052	1.049
$ 770 TO 840	1.048	1.046
$ 840 PLUS	1.046	1.046

MSA ANCHORAGE, AK

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 350	1.092	1.079
$ 350 TO 440	1.076	1.072
$ 440 TO 520	1.071	1.067
$ 520 TO 610	1.067	1.062
$ 610 TO 700	1.062	1.058
$ 700 TO 780	1.059	1.054
$ 780 TO 870	1.055	1.047
$ 870 TO 960	1.049	1.044
$ 960 TO 1050	1.046	1.042
$1050 PLUS	1.044	1.042

PMSA ANN ARBOR, MI

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 230	1.050	1.047
$ 230 TO 280	1.041	1.042
$ 280 TO 340	1.038	1.041
$ 340 TO 400	1.036	1.035
$ 400 TO 450	1.034	1.032
$ 450 TO 510	1.032	1.032
$ 510 TO 570	1.030	1.028
$ 570 TO 630	1.026	1.025
$ 630 TO 680	1.025	1.024
$ 680 PLUS	1.024	1.024

MSA ATLANTA, GA

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 200	1.084	1.049
$ 200 TO 250	1.070	1.048
$ 250 TO 300	1.065	1.045
$ 300 TO 350	1.061	1.043
$ 350 TO 400	1.057	1.040
$ 400 TO 450	1.054	1.034
$ 450 TO 500	1.051	1.032
$ 500 TO 550	1.045	1.031
$ 550 TO 600	1.042	1.031
$ 600 PLUS	1.040	1.031

PMSA AURORA-ELGIN, IL

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 290	1.069	1.077
$ 290 TO 360	1.057	1.068
$ 360 TO 440	1.053	1.061
$ 440 TO 510	1.051	1.056
$ 510 TO 580	1.047	1.052
$ 580 TO 650	1.045	1.048
$ 650 TO 730	1.042	1.042
$ 730 TO 800	1.037	1.038
$ 800 TO 870	1.034	1.036
$ 870 PLUS	1.033	1.036

MSA BALTIMORE, MD

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 230	1.089	1.069
$ 230 TO 280	1.073	1.064
$ 280 TO 340	1.068	1.064
$ 340 TO 400	1.065	1.055
$ 400 TO 450	1.060	1.051
$ 450 TO 510	1.057	1.051
$ 510 TO 570	1.053	1.041
$ 570 TO 620	1.047	1.039
$ 620 TO 680	1.044	1.039
$ 680 PLUS	1.042	1.039

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

PMSA BEAVER COUNTY, PA

	HIGHEST COST UTILITY INCLUDED	UTILITY EXCLUDED
UNDER $ 190	1.069	1.036
$ 190 TO 240	1.057	1.036
$ 240 TO 280	1.053	1.034
$ 280 TO 330	1.050	1.033
$ 330 TO 380	1.047	1.031
$ 380 TO 420	1.044	1.026
$ 420 TO 470	1.041	1.024
$ 470 TO 520	1.036	1.024
$ 520 TO 570	1.034	1.024
$ 570 PLUS	1.033	1.024

PMSA BERGEN-PASSAIC, NJ

	HIGHEST COST UTILITY INCLUDED	UTILITY EXCLUDED
UNDER $ 280	1.065	1.063
$ 280 TO 350	1.053	1.056
$ 350 TO 420	1.050	1.052
$ 420 TO 490	1.047	1.047
$ 490 TO 560	1.044	1.044
$ 560 TO 630	1.042	1.041
$ 630 TO 700	1.039	1.035
$ 700 TO 760	1.034	1.033
$ 760 TO 830	1.032	1.031
$ 830 PLUS	1.031	1.031

PMSA BOSTON, MA

	HIGHEST COST UTILITY INCLUDED	UTILITY EXCLUDED
UNDER $ 270	1.087	1.078
$ 270 TO 340	1.072	1.070
$ 340 TO 410	1.067	1.065
$ 410 TO 470	1.063	1.060
$ 470 TO 540	1.059	1.056
$ 540 TO 610	1.056	1.052
$ 610 TO 680	1.052	1.045
$ 680 TO 740	1.046	1.042
$ 740 TO 810	1.043	1.040
$ 810 PLUS	1.041	1.040

PMSA BOULDER-LONGMONT, CO

	HIGHEST COST UTILITY INCLUDED	UTILITY EXCLUDED
UNDER $ 280	1.054	1.060
$ 280 TO 350	1.045	1.053
$ 350 TO 420	1.042	1.048
$ 420 TO 490	1.039	1.044
$ 490 TO 560	1.037	1.041
$ 560 TO 630	1.035	1.037
$ 630 TO 700	1.033	1.033
$ 700 TO 770	1.029	1.030
$ 770 TO 840	1.027	1.029
$ 840 PLUS	1.026	1.028

PMSA BRAZORIA, TX

	HIGHEST COST UTILITY INCLUDED	UTILITY EXCLUDED
UNDER $ 190	1.000	1.000
$ 190 TO 240	1.000	1.000
$ 240 TO 290	1.000	1.000
$ 290 TO 340	1.000	1.000
$ 340 TO 390	1.000	1.000
$ 390 TO 430	1.000	1.000
$ 430 TO 480	1.000	1.000
$ 480 TO 530	1.000	1.000
$ 530 TO 580	1.000	1.000
$ 580 PLUS	1.000	1.000

PMSA BRIDGEPORT-MILFORD, CT

	HIGHEST COST UTILITY INCLUDED	UTILITY EXCLUDED
UNDER $ 220	1.065	1.060
$ 220 TO 270	1.053	1.054
$ 270 TO 330	1.050	1.049
$ 330 TO 380	1.047	1.045
$ 380 TO 440	1.044	1.041
$ 440 TO 490	1.042	1.036
$ 490 TO 550	1.039	1.033
$ 550 TO 600	1.034	1.031
$ 600 TO 660	1.032	1.031
$ 660 PLUS	1.031	1.031

PMSA BROCKTON, MA

	HIGHEST COST UTILITY INCLUDED	UTILITY EXCLUDED
UNDER $ 210	1.087	1.073
$ 210 TO 260	1.072	1.067
$ 260 TO 310	1.067	1.060
$ 310 TO 360	1.063	1.056
$ 360 TO 420	1.059	1.052
$ 420 TO 470	1.056	1.045
$ 470 TO 520	1.052	1.041
$ 520 TO 570	1.046	1.039
$ 570 TO 630	1.043	1.039
$ 630 PLUS	1.041	1.039

PMSA BUFFALO, NY

	HIGHEST COST UTILITY INCLUDED	UTILITY EXCLUDED
UNDER $ 200	1.054	1.062
$ 200 TO 250	1.045	1.054
$ 250 TO 300	1.042	1.048
$ 300 TO 350	1.039	1.044
$ 350 TO 400	1.037	1.040
$ 400 TO 450	1.035	1.035
$ 450 TO 500	1.033	1.032
$ 500 TO 550	1.029	1.030
$ 550 TO 600	1.027	1.030
$ 600 PLUS	1.026	1.029

PMSA CHICAGO, IL

	HIGHEST COST UTILITY INCLUDED	UTILITY EXCLUDED
UNDER $ 260	1.069	1.079
$ 260 TO 330	1.057	1.069
$ 330 TO 400	1.053	1.062
$ 400 TO 460	1.051	1.057
$ 460 TO 530	1.047	1.052
$ 530 TO 590	1.045	1.048
$ 590 TO 660	1.042	1.042
$ 660 TO 730	1.037	1.039
$ 730 TO 790	1.034	1.037
$ 790 PLUS	1.033	1.036

PMSA CINCINNATI, OH-KY-IN

	HIGHEST COST UTILITY INCLUDED	UTILITY EXCLUDED
UNDER $ 170	1.039	1.046
$ 170 TO 210	1.032	1.040
$ 210 TO 250	1.030	1.035
$ 250 TO 290	1.028	1.032
$ 290 TO 340	1.026	1.029
$ 340 TO 380	1.025	1.025
$ 380 TO 420	1.023	1.023
$ 420 TO 460	1.020	1.022
$ 460 TO 500	1.019	1.021
$ 500 PLUS	1.018	1.021

PMSA CLEVELAND, OH

	HIGHEST COST UTILITY INCLUDED	UTILITY EXCLUDED
UNDER $ 180	1.041	1.049
$ 180 TO 220	1.034	1.043
$ 220 TO 270	1.032	1.038
$ 270 TO 310	1.030	1.034
$ 310 TO 360	1.028	1.031
$ 360 TO 400	1.027	1.027
$ 400 TO 450	1.025	1.025
$ 450 TO 490	1.022	1.023
$ 490 TO 540	1.021	1.023
$ 540 PLUS	1.020	1.023

PMSA DALLAS, TX

	HIGHEST COST UTILITY INCLUDED	UTILITY EXCLUDED
UNDER $ 200	1.039	1.036
$ 200 TO 250	1.032	1.033
$ 250 TO 290	1.030	1.029
$ 290 TO 340	1.029	1.027
$ 340 TO 390	1.027	1.025
$ 390 TO 440	1.025	1.021
$ 440 TO 490	1.024	1.020
$ 490 TO 540	1.021	1.019
$ 540 TO 590	1.019	1.019
$ 590 PLUS	1.019	1.019

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

PMSA DANBURY, CT

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 250	1.065	1.064
$ 250 TO 310	1.053	1.057
$ 310 TO 370	1.050	1.052
$ 370 TO 440	1.047	1.048
$ 440 TO 500	1.044	1.044
$ 500 TO 560	1.042	1.041
$ 560 TO 620	1.039	1.036
$ 620 TO 690	1.034	1.033
$ 690 TO 750	1.032	1.031
$ 750 PLUS	1.031	1.031

PMSA DENVER, CO

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 250	1.054	1.062
$ 250 TO 310	1.045	1.055
$ 310 TO 370	1.042	1.049
$ 370 TO 430	1.039	1.045
$ 430 TO 490	1.037	1.041
$ 490 TO 560	1.035	1.038
$ 560 TO 620	1.033	1.033
$ 620 TO 680	1.029	1.030
$ 680 TO 740	1.027	1.029
$ 740 PLUS	1.026	1.029

PMSA DETROIT, MI

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 200	1.050	1.053
$ 200 TO 260	1.041	1.043
$ 260 TO 310	1.038	1.039
$ 310 TO 360	1.036	1.036
$ 360 TO 410	1.034	1.033
$ 410 TO 460	1.032	1.028
$ 460 TO 510	1.030	1.026
$ 510 TO 560	1.026	1.025
$ 560 TO 610	1.025	1.025
$ 610 PLUS	1.024	1.024

PMSA EAST ST. LOUIS-BELLEVILLE, IL

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 190	1.082	1.096
$ 190 TO 240	1.068	1.084
$ 240 TO 290	1.063	1.074
$ 290 TO 330	1.060	1.068
$ 330 TO 380	1.056	1.062
$ 380 TO 430	1.053	1.053
$ 430 TO 480	1.049	1.049
$ 480 TO 530	1.044	1.046
$ 530 TO 570	1.041	1.045
$ 570 PLUS	1.039	1.045

PMSA FT LAUDERDALE-HOLLYWOOD-POMPANO BH, FL

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 260	1.063	1.030
$ 260 TO 320	1.052	1.030
$ 320 TO 390	1.049	1.030
$ 390 TO 450	1.046	1.029
$ 450 TO 520	1.043	1.028
$ 520 TO 580	1.041	1.027
$ 580 TO 650	1.038	1.023
$ 650 TO 710	1.034	1.021
$ 710 TO 780	1.031	1.021
$ 780 PLUS	1.030	1.021

PMSA FORT WORTH-ARLINGTON, TX

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 190	1.039	1.036
$ 190 TO 230	1.032	1.033
$ 230 TO 280	1.030	1.030
$ 280 TO 330	1.029	1.027
$ 330 TO 370	1.027	1.025
$ 370 TO 420	1.025	1.021
$ 420 TO 470	1.024	1.020
$ 470 TO 510	1.021	1.019
$ 510 TO 560	1.019	1.019
$ 560 PLUS	1.019	1.019

PMSA GALVESTON-TEXAS CITY, TX

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 180	1.000	1.000
$ 180 TO 220	1.000	1.000
$ 220 TO 260	1.000	1.000
$ 260 TO 310	1.000	1.000
$ 310 TO 350	1.000	1.000
$ 350 TO 400	1.000	1.000
$ 400 TO 440	1.000	1.000
$ 440 TO 490	1.000	1.000
$ 490 TO 530	1.000	1.000
$ 530 PLUS	1.000	1.000

PMSA GARY-HAMMOND, IN

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 180	1.069	1.082
$ 180 TO 220	1.057	1.072
$ 220 TO 270	1.053	1.064
$ 270 TO 310	1.051	1.058
$ 310 TO 360	1.047	1.053
$ 360 TO 400	1.045	1.045
$ 400 TO 450	1.042	1.042
$ 450 TO 490	1.037	1.039
$ 490 TO 540	1.034	1.039
$ 540 PLUS	1.033	1.038

PMSA HAMILTON-MIDDLETOWN, OH

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 160	1.039	1.047
$ 160 TO 200	1.032	1.040
$ 200 TO 240	1.030	1.036
$ 240 TO 280	1.028	1.032
$ 280 TO 320	1.026	1.029
$ 320 TO 360	1.025	1.025
$ 360 TO 400	1.023	1.023
$ 400 TO 440	1.020	1.022
$ 440 TO 480	1.019	1.021
$ 480 PLUS	1.018	1.021

MSA HONOLULU, HI

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 260	1.103	1.089
$ 260 TO 320	1.085	1.081
$ 320 TO 390	1.079	1.075
$ 390 TO 450	1.075	1.069
$ 450 TO 510	1.070	1.065
$ 510 TO 580	1.066	1.060
$ 580 TO 640	1.062	1.052
$ 640 TO 710	1.055	1.048
$ 710 TO 770	1.051	1.046
$ 770 PLUS	1.049	1.046

PMSA HOUSTON, TX

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 190	1.000	1.000
$ 190 TO 240	1.000	1.000
$ 240 TO 290	1.000	1.000
$ 290 TO 330	1.000	1.000
$ 330 TO 380	1.000	1.000
$ 380 TO 430	1.000	1.000
$ 430 TO 480	1.000	1.000
$ 480 TO 520	1.000	1.000
$ 520 TO 570	1.000	1.000
$ 570 PLUS	1.000	1.000

PMSA JERSEY CITY, NJ

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 190	1.065	1.062
$ 190 TO 240	1.053	1.055
$ 240 TO 290	1.050	1.049
$ 290 TO 340	1.047	1.046
$ 340 TO 390	1.044	1.042
$ 390 TO 430	1.042	1.036
$ 430 TO 480	1.039	1.033
$ 480 TO 530	1.034	1.031
$ 530 TO 580	1.032	1.031
$ 580 PLUS	1.031	1.031

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

PMSA JOLIET, IL

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 270	1.069	1.078
$ 270 TO 340	1.057	1.069
$ 340 TO 410	1.053	1.062
$ 410 TO 480	1.051	1.056
$ 480 TO 540	1.047	1.052
$ 540 TO 610	1.045	1.048
$ 610 TO 680	1.042	1.042
$ 680 TO 750	1.037	1.039
$ 750 TO 820	1.034	1.037
$ 820 PLUS	1.033	1.036

PMSA KENOSHA, WI

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 190	1.069	1.081
$ 190 TO 230	1.057	1.071
$ 230 TO 280	1.053	1.063
$ 280 TO 330	1.051	1.057
$ 330 TO 370	1.047	1.052
$ 370 TO 420	1.045	1.045
$ 420 TO 470	1.042	1.041
$ 470 TO 510	1.037	1.039
$ 510 TO 560	1.034	1.038
$ 560 PLUS	1.033	1.038

PMSA LORAIN-ELYRIA, OH

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 190	1.041	1.048
$ 190 TO 240	1.034	1.042
$ 240 TO 280	1.032	1.037
$ 280 TO 330	1.030	1.034
$ 330 TO 380	1.028	1.031
$ 380 TO 430	1.027	1.027
$ 430 TO 470	1.025	1.024
$ 470 TO 520	1.022	1.023
$ 520 TO 570	1.021	1.023
$ 570 PLUS	1.020	1.022

PMSA MIAMI-HIALEAH, FL

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 260	1.063	1.030
$ 260 TO 330	1.052	1.030
$ 330 TO 390	1.049	1.030
$ 390 TO 460	1.046	1.029
$ 460 TO 520	1.043	1.028
$ 520 TO 590	1.041	1.027
$ 590 TO 650	1.038	1.023
$ 650 TO 720	1.034	1.021
$ 720 TO 780	1.031	1.021
$ 780 PLUS	1.030	1.021

PMSA KANSAS CITY, KS

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 190	1.102	1.080
$ 190 TO 240	1.084	1.074
$ 240 TO 290	1.078	1.067
$ 290 TO 330	1.074	1.063
$ 330 TO 380	1.069	1.058
$ 380 TO 430	1.065	1.050
$ 430 TO 480	1.061	1.046
$ 480 TO 520	1.054	1.044
$ 520 TO 570	1.051	1.044
$ 570 PLUS	1.048	1.044

PMSA LAKE COUNTY, IL

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 300	1.069	1.076
$ 300 TO 370	1.057	1.067
$ 370 TO 450	1.053	1.061
$ 450 TO 520	1.051	1.056
$ 520 TO 600	1.047	1.052
$ 600 TO 670	1.045	1.047
$ 670 TO 750	1.042	1.041
$ 750 TO 820	1.037	1.038
$ 820 TO 900	1.034	1.036
$ 900 PLUS	1.033	1.036

PMSA LOS ANGELES-LONG BEACH, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 290	1.098	1.092
$ 290 TO 360	1.081	1.083
$ 360 TO 430	1.075	1.076
$ 430 TO 500	1.071	1.070
$ 500 TO 580	1.066	1.065
$ 580 TO 650	1.063	1.060
$ 650 TO 720	1.059	1.053
$ 720 TO 790	1.052	1.049
$ 790 TO 860	1.048	1.046
$ 860 PLUS	1.046	1.046

PMSA MIDDLESEX-SOMERSET-HUNTERDON, NJ

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 250	1.065	1.064
$ 250 TO 310	1.053	1.057
$ 310 TO 370	1.050	1.052
$ 370 TO 430	1.047	1.048
$ 430 TO 490	1.044	1.044
$ 490 TO 550	1.042	1.041
$ 550 TO 620	1.039	1.036
$ 620 TO 680	1.034	1.033
$ 680 TO 740	1.032	1.031
$ 740 PLUS	1.031	1.031

PMSA KANSAS CITY, MO

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 160	1.102	1.080
$ 160 TO 210	1.084	1.073
$ 210 TO 250	1.078	1.067
$ 250 TO 290	1.074	1.062
$ 290 TO 330	1.069	1.057
$ 330 TO 370	1.065	1.049
$ 370 TO 410	1.061	1.045
$ 410 TO 450	1.054	1.043
$ 450 TO 490	1.051	1.043
$ 490 PLUS	1.048	1.043

PMSA LAWRENCE-HAVERHILL, MA-NH

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 230	1.087	1.072
$ 230 TO 280	1.072	1.066
$ 280 TO 340	1.067	1.066
$ 340 TO 400	1.063	1.056
$ 400 TO 450	1.059	1.052
$ 450 TO 510	1.056	1.052
$ 510 TO 570	1.052	1.045
$ 570 TO 630	1.046	1.039
$ 630 TO 680	1.043	1.039
$ 680 PLUS	1.041	1.039

PMSA LOWELL, MA-NH

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 230	1.087	1.072
$ 230 TO 280	1.072	1.066
$ 280 TO 340	1.067	1.066
$ 340 TO 400	1.063	1.060
$ 400 TO 460	1.059	1.052
$ 460 TO 510	1.056	1.045
$ 510 TO 570	1.052	1.045
$ 570 TO 630	1.046	1.039
$ 630 TO 680	1.043	1.039
$ 680 PLUS	1.041	1.039

PMSA MILWAUKEE, WI

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 210	1.065	1.057
$ 210 TO 260	1.054	1.052
$ 260 TO 310	1.050	1.047
$ 310 TO 360	1.047	1.043
$ 360 TO 410	1.044	1.040
$ 410 TO 470	1.042	1.034
$ 470 TO 520	1.039	1.032
$ 520 TO 570	1.035	1.030
$ 570 TO 620	1.032	1.030
$ 620 PLUS	1.031	1.030

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

MSA MINNEAPOLIS-ST. PAUL, MN-WI

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER $ 230	1.055	1.055
$ 230 TO 290	1.046	1.046
$ 290 TO 340	1.043	1.042
$ 340 TO 400	1.040	1.041
$ 400 TO 460	1.038	1.035
$ 460 TO 510	1.036	1.031
$ 510 TO 570	1.033	1.030
$ 570 TO 630	1.029	1.028
$ 630 TO 690	1.027	1.027
$ 690 PLUS	1.026	1.027

PMSA NASSAU-SUFFOLK, NY

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER $ 270	1.065	1.063
$ 270 TO 340	1.053	1.056
$ 340 TO 410	1.050	1.052
$ 410 TO 480	1.047	1.047
$ 480 TO 550	1.044	1.044
$ 550 TO 620	1.042	1.041
$ 620 TO 680	1.039	1.035
$ 680 TO 750	1.034	1.033
$ 750 TO 820	1.032	1.031
$ 820 PLUS	1.031	1.031

PMSA NIAGARA FALLS, NY

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER $ 190	1.054	1.063
$ 190 TO 240	1.045	1.055
$ 240 TO 290	1.042	1.049
$ 290 TO 330	1.039	1.045
$ 330 TO 380	1.037	1.040
$ 380 TO 430	1.035	1.035
$ 430 TO 480	1.033	1.032
$ 480 TO 520	1.029	1.030
$ 520 TO 570	1.027	1.030
$ 570 PLUS	1.026	1.029

PMSA ORANGE COUNTY, NY

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER $ 210	1.065	1.066
$ 210 TO 270	1.053	1.054
$ 270 TO 320	1.050	1.049
$ 320 TO 370	1.047	1.045
$ 370 TO 430	1.044	1.042
$ 430 TO 480	1.042	1.036
$ 480 TO 530	1.039	1.033
$ 530 TO 580	1.034	1.031
$ 580 TO 640	1.032	1.031
$ 640 PLUS	1.031	1.031

PMSA MONMOUTH-OCEAN, NJ

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER $ 230	1.065	1.065
$ 230 TO 290	1.053	1.057
$ 290 TO 350	1.050	1.053
$ 350 TO 410	1.047	1.048
$ 410 TO 470	1.044	1.045
$ 470 TO 530	1.042	1.041
$ 530 TO 590	1.039	1.033
$ 590 TO 640	1.034	1.031
$ 640 TO 700	1.032	1.031
$ 700 PLUS	1.031	1.031

PMSA NEW YORK, NY

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER $ 220	1.065	1.065
$ 220 TO 280	1.053	1.054
$ 280 TO 330	1.050	1.049
$ 330 TO 390	1.047	1.045
$ 390 TO 440	1.044	1.041
$ 440 TO 500	1.042	1.036
$ 500 TO 550	1.039	1.033
$ 550 TO 610	1.034	1.031
$ 610 TO 660	1.032	1.031
$ 660 PLUS	1.031	1.031

PMSA NORWALK, CT

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER $ 250	1.065	1.064
$ 250 TO 310	1.053	1.057
$ 310 TO 370	1.050	1.052
$ 370 TO 440	1.047	1.048
$ 440 TO 500	1.044	1.044
$ 500 TO 560	1.042	1.041
$ 560 TO 620	1.039	1.036
$ 620 TO 680	1.034	1.033
$ 680 TO 750	1.032	1.031
$ 750 PLUS	1.031	1.031

PMSA OXNARD-VENTURA, CA

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER $ 250	1.098	1.094
$ 250 TO 320	1.081	1.084
$ 320 TO 380	1.075	1.077
$ 380 TO 440	1.071	1.070
$ 440 TO 510	1.066	1.066
$ 510 TO 570	1.063	1.061
$ 570 TO 630	1.059	1.053
$ 630 TO 700	1.052	1.049
$ 700 TO 760	1.048	1.046
$ 760 PLUS	1.046	1.046

PMSA NASHUA, NH

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER $ 250	1.087	1.079
$ 250 TO 310	1.072	1.071
$ 310 TO 380	1.067	1.065
$ 380 TO 440	1.063	1.060
$ 440 TO 500	1.059	1.056
$ 500 TO 570	1.056	1.052
$ 570 TO 630	1.052	1.045
$ 630 TO 690	1.046	1.042
$ 690 TO 760	1.043	1.040
$ 760 PLUS	1.041	1.040

PMSA NEWARK, NJ

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER $ 220	1.065	1.060
$ 220 TO 270	1.053	1.054
$ 270 TO 320	1.050	1.049
$ 320 TO 380	1.047	1.045
$ 380 TO 430	1.044	1.042
$ 430 TO 490	1.042	1.036
$ 490 TO 540	1.039	1.033
$ 540 TO 590	1.034	1.031
$ 590 TO 650	1.032	1.031
$ 650 PLUS	1.031	1.031

PMSA OAKLAND, CA

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER $ 260	1.137	1.112
$ 260 TO 320	1.113	1.102
$ 320 TO 390	1.105	1.096
$ 390 TO 450	1.100	1.088
$ 450 TO 520	1.093	1.083
$ 520 TO 580	1.088	1.077
$ 580 TO 650	1.082	1.067
$ 650 TO 710	1.073	1.062
$ 710 TO 780	1.068	1.059
$ 780 PLUS	1.065	1.059

PMSA PHILADELPHIA, PA-NJ

	HIGHEST COST INCLUDED	UTILITY EXCLUDED
UNDER $ 200	1.087	1.044
$ 200 TO 250	1.071	1.044
$ 250 TO 310	1.067	1.042
$ 310 TO 360	1.063	1.041
$ 360 TO 410	1.059	1.039
$ 410 TO 460	1.056	1.033
$ 460 TO 510	1.052	1.031
$ 510 TO 560	1.046	1.030
$ 560 TO 610	1.043	1.030
$ 610 PLUS	1.041	1.030

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

PMSA PITTSBURGH, PA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 200	1.069	1.037
$ 200 TO 250	1.057	1.037
$ 250 TO 300	1.053	1.035
$ 300 TO 350	1.050	1.034
$ 350 TO 400	1.047	1.031
$ 400 TO 450	1.044	1.027
$ 450 TO 490	1.041	1.025
$ 490 TO 540	1.036	1.024
$ 540 TO 590	1.034	1.024
$ 590 PLUS	1.033	1.024

PMSA RIVERSIDE-SAN BERNARDINO, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 230	1.098	1.095
$ 230 TO 290	1.081	1.084
$ 290 TO 350	1.075	1.078
$ 350 TO 410	1.071	1.071
$ 410 TO 470	1.066	1.066
$ 470 TO 530	1.063	1.053
$ 530 TO 580	1.059	1.049
$ 580 TO 640	1.052	1.049
$ 640 TO 700	1.048	1.046
$ 700 PLUS	1.046	1.046

MSA SAN DIEGO, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 260	1.110	1.119
$ 260 TO 320	1.091	1.105
$ 320 TO 380	1.085	1.096
$ 380 TO 450	1.080	1.087
$ 450 TO 510	1.075	1.081
$ 510 TO 580	1.071	1.074
$ 580 TO 640	1.066	1.065
$ 640 TO 700	1.058	1.060
$ 700 TO 770	1.055	1.057
$ 770 PLUS	1.052	1.056

PMSA SANTA CRUZ, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 250	1.137	1.112
$ 250 TO 310	1.113	1.102
$ 310 TO 370	1.105	1.095
$ 370 TO 430	1.100	1.088
$ 430 TO 500	1.093	1.083
$ 500 TO 560	1.088	1.077
$ 560 TO 620	1.082	1.066
$ 620 TO 680	1.073	1.062
$ 680 TO 740	1.068	1.059
$ 740 PLUS	1.065	1.059

PMSA PORTLAND, OR

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 190	1.056	1.023
$ 190 TO 240	1.046	1.023
$ 240 TO 280	1.043	1.023
$ 280 TO 330	1.041	1.023
$ 330 TO 380	1.038	1.022
$ 380 TO 430	1.036	1.019
$ 430 TO 470	1.034	1.018
$ 470 TO 520	1.030	1.017
$ 520 TO 570	1.028	1.017
$ 570 PLUS	1.027	1.017

PMSA ST. LOUIS, MO-IL

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 200	1.082	1.094
$ 200 TO 240	1.068	1.083
$ 240 TO 290	1.063	1.074
$ 290 TO 340	1.060	1.067
$ 340 TO 390	1.056	1.061
$ 390 TO 440	1.053	1.053
$ 440 TO 490	1.049	1.048
$ 490 TO 540	1.044	1.046
$ 540 TO 590	1.041	1.045
$ 590 PLUS	1.039	1.045

PMSA SAN FRANCISCO, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 290	1.137	1.112
$ 290 TO 370	1.113	1.102
$ 370 TO 440	1.105	1.096
$ 440 TO 510	1.100	1.089
$ 510 TO 590	1.093	1.084
$ 590 TO 660	1.088	1.078
$ 660 TO 730	1.082	1.067
$ 730 TO 810	1.073	1.063
$ 810 TO 880	1.068	1.060
$ 880 PLUS	1.065	1.060

PMSA SANTA ROSA-PETALUMA, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 270	1.137	1.112
$ 270 TO 330	1.113	1.102
$ 330 TO 400	1.105	1.096
$ 400 TO 470	1.100	1.088
$ 470 TO 530	1.093	1.083
$ 530 TO 600	1.088	1.077
$ 600 TO 670	1.082	1.067
$ 670 TO 730	1.073	1.062
$ 730 TO 800	1.068	1.059
$ 800 PLUS	1.065	1.059

PMSA RACINE, WI

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 190	1.065	1.057
$ 190 TO 230	1.054	1.052
$ 230 TO 280	1.050	1.047
$ 280 TO 320	1.047	1.044
$ 320 TO 370	1.044	1.040
$ 370 TO 420	1.042	1.034
$ 420 TO 460	1.039	1.032
$ 460 TO 510	1.035	1.030
$ 510 TO 560	1.032	1.030
$ 560 PLUS	1.031	1.030

PMSA SALEM-GLOUCESTER, MA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 270	1.087	1.078
$ 270 TO 340	1.072	1.070
$ 340 TO 410	1.067	1.065
$ 410 TO 470	1.063	1.060
$ 470 TO 540	1.059	1.056
$ 540 TO 610	1.056	1.052
$ 610 TO 680	1.052	1.045
$ 680 TO 740	1.046	1.042
$ 740 TO 810	1.043	1.040
$ 810 PLUS	1.041	1.040

PMSA SAN JOSE, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 270	1.137	1.112
$ 270 TO 330	1.113	1.102
$ 330 TO 400	1.105	1.096
$ 400 TO 470	1.100	1.088
$ 470 TO 530	1.093	1.083
$ 530 TO 600	1.088	1.077
$ 600 TO 670	1.082	1.067
$ 670 TO 730	1.073	1.062
$ 730 TO 800	1.068	1.059
$ 800 PLUS	1.065	1.059

MSA SCRANTON--WILKES-BARRE, PA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 180	1.046	1.000
$ 180 TO 220	1.038	1.000
$ 220 TO 260	1.036	1.000
$ 260 TO 310	1.034	1.000
$ 310 TO 350	1.031	1.000
$ 350 TO 400	1.030	1.000
$ 400 TO 440	1.028	1.000
$ 440 TO 490	1.025	1.000
$ 490 TO 530	1.023	1.000
$ 530 PLUS	1.022	1.000

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

PMSA SEATTLE, WA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 230	1.070	1.043
$ 230 TO 290	1.057	1.041
$ 290 TO 350	1.053	1.040
$ 350 TO 410	1.051	1.037
$ 410 TO 470	1.047	1.036
$ 470 TO 530	1.045	1.028
$ 530 TO 580	1.042	1.025
$ 580 TO 640	1.037	1.026
$ 640 TO 700	1.035	1.026
$ 700 PLUS	1.033	1.026

PMSA STAMFORD, CT

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 260	1.065	1.063
$ 260 TO 320	1.053	1.057
$ 320 TO 390	1.050	1.052
$ 390 TO 450	1.047	1.047
$ 450 TO 510	1.044	1.044
$ 510 TO 580	1.042	1.041
$ 580 TO 640	1.039	1.035
$ 640 TO 710	1.034	1.033
$ 710 TO 770	1.032	1.031
$ 770 PLUS	1.031	1.031

PMSA TACOMA, WA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 190	1.070	1.034
$ 190 TO 240	1.057	1.034
$ 240 TO 290	1.053	1.033
$ 290 TO 340	1.051	1.032
$ 340 TO 390	1.047	1.030
$ 390 TO 430	1.045	1.026
$ 430 TO 480	1.042	1.024
$ 480 TO 530	1.037	1.023
$ 530 TO 580	1.035	1.023
$ 580 PLUS	1.033	1.023

PMSA TRENTON, NJ

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 220	1.087	1.046
$ 220 TO 270	1.071	1.046
$ 270 TO 330	1.067	1.043
$ 330 TO 380	1.063	1.042
$ 380 TO 440	1.059	1.039
$ 440 TO 490	1.056	1.034
$ 490 TO 540	1.052	1.031
$ 540 TO 600	1.046	1.030
$ 600 TO 650	1.043	1.030
$ 650 PLUS	1.041	1.030

PMSA VALLEJO-FAIRFIELD-NAPA, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 250	1.137	1.112
$ 250 TO 320	1.113	1.102
$ 320 TO 380	1.105	1.095
$ 380 TO 440	1.100	1.088
$ 440 TO 510	1.093	1.083
$ 510 TO 570	1.088	1.077
$ 570 TO 640	1.082	1.067
$ 640 TO 700	1.073	1.062
$ 700 TO 760	1.068	1.059
$ 760 PLUS	1.065	1.059

PMSA VANCOUVER, WA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 170	1.056	1.020
$ 170 TO 220	1.046	1.020
$ 220 TO 260	1.043	1.020
$ 260 TO 300	1.040	1.020
$ 300 TO 350	1.038	1.020
$ 350 TO 390	1.036	1.018
$ 390 TO 440	1.033	1.016
$ 440 TO 480	1.030	1.016
$ 480 TO 520	1.028	1.016
$ 520 PLUS	1.026	1.016

PMSA VINELAND-MILLVILLE-BRIDGETON, NJ

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 200	1.087	1.044
$ 200 TO 250	1.071	1.044
$ 250 TO 300	1.067	1.042
$ 300 TO 350	1.063	1.041
$ 350 TO 400	1.059	1.038
$ 400 TO 450	1.056	1.033
$ 450 TO 500	1.052	1.030
$ 500 TO 550	1.046	1.030
$ 550 TO 600	1.043	1.030
$ 600 PLUS	1.041	1.030

MSA WASHINGTON, DC-MD-VA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 220	1.080	1.080
$ 220 TO 280	1.066	1.066
$ 280 TO 330	1.062	1.060
$ 330 TO 390	1.058	1.059
$ 390 TO 450	1.054	1.051
$ 450 TO 500	1.052	1.044
$ 500 TO 560	1.048	1.041
$ 560 TO 610	1.043	1.039
$ 610 TO 670	1.040	1.038
$ 670 PLUS	1.038	1.038

PMSA WILMINGTON, DE-NJ-MD

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 210	1.087	1.052
$ 210 TO 270	1.071	1.045
$ 270 TO 320	1.067	1.043
$ 320 TO 370	1.063	1.042
$ 370 TO 430	1.059	1.039
$ 430 TO 480	1.056	1.033
$ 480 TO 530	1.052	1.031
$ 530 TO 590	1.046	1.030
$ 590 TO 640	1.043	1.030
$ 640 PLUS	1.041	1.030

CODE	AREA TITLE	DEFINITION
	NORTHEAST CENSUS REGION	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont
	NORTH CENTRAL CENSUS REGION	Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin
	SOUTH CENSUS REGION	Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia (Puerto Rico and Virgin Islands use South Census Region factors)
	WEST CENSUS REGION	Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming (Guam uses West Census Region factors)
80	AKRON, OH PMSA	Portage and Summit Counties
275	ALTON-GRANITE CITY, IL PMSA	Jersey (added), and Madison Counties
360	ANAHEIM-SANTA ANA, CA PMSA	Orange County
380	ANCHORAGE, AK MSA	Anchorage Borough
440	ANN ARBOR, MI PMSA	Washtenaw County
520	ATLANTA, GA MSA	Barrow (added), Butts, Cherokee, Clayton, Cobb, Coweta (added), De Kalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, Rockdale, Spalding (added), and Walton Counties
620	AURORA-ELGIN, IL PMSA	Kane and Kendall (added) Counties
720	BALTIMORE, MD MSA	Anne Arundel, Baltimore, Carroll, Hartford, Howard, Queen Anne's (added) Counties, and Baltimore City
845	BEAVER COUNTY, PA PMSA	Beaver County
875	BERGEN-PASSAIC, NJ PMSA	Bergen and Passaic Counties
1120	BOSTON, MA PMSA	BRISTOL COUNTY, MA (part): Mansfield town (added), Norton town, and Raynham town (added) ESSEX COUNTY, MA (part): Lynn city, Lynnfield town, Nahant town, and Saugus town

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - DEFINITIONS OF REGIONS AND METROPOLITAN STATISTICAL AREAS

CODE	AREA TITLE	DEFINITION
1120	BOSTON, MA PMSA (continued)	MIDDLESEX COUNTY, MA (part): Acton town, Arlington town, Ashland town, Ayer town (added), Bedford town, Belmont town, Boxborough town, Burlington town, Cambridge city, Carlisle town, Concord town, Everett city, Framingham town, Groton town (added), Holliston town, Hopkinton town (added), Hudson town (added), Lexington town, Lincoln town, Littleton town (added), Malden city, Marlborough city (added), Maynard town (added), Medford city, Melrose city, Natick town, Newton city, North Reading town, Reading town, Sherborn town, Shirley town, Somerville city, Stoneham town, Stow town (added), Sudbury town, Townsend town, Wakefield town, Waltham city, Watertown town, Wayland town, Weston town, Wilmington town, Winchester town, and Woburn city NORFOLK COUNTY, MA (part): Bellingham town, Braintree town, Brookline town, Canton town, Cohasset town, Dedham town, Dover town, Foxborough town, Franklin town, Holbrook town, Medfield town, Medway town, Millis town, Milton town, Needham town, Norfolk town, Norwood town, Quincy city, Randolph town, Sharon town, Stoughton town, Walpole town, Wellesley town, Westwood town, Weymouth town, and Wrentham town PLYMOUTH COUNTY, MA (part): Carver town (added), Duxbury town, Hanover town, Hanson town, Hingham town, Hull town, Kingston town, Lakeville town, Marshfield town, Middleborough town (added), Norwell town, Pembroke town, Plymouth town (added), Plympton town (added), Rockland town, and Scituate town SUFFOLK COUNTY, MA: Boston city, Chelsea city, Revere city, and Winthrop town WORCESTER COUNTY, MA (part): Berlin town, Bolton town (added), Harvard town (added), Hopedale town (added), Lancaster town (added), Mendon town (added), Milford town (added), Southborough town (added), and Upton town
1125	BOULDER-LONGMONT, CO PMSA	Boulder County
1145	BRAZORIA, TX PMSA	Brazoria County
1160	BRIDGEPORT-MILFORD, CT PMSA	FAIRFIELD COUNTY, CT (part): Bridgeport city, Easton town, Fairfield town, Monroe town, Shelton city, Stratford town, and Trumbull town NEW HAVEN COUNTY, CT (part): Ansonia city (added), Beacon Falls town, Derby city, Milford city, Oxford town (added), and Seymour town (added)

CODE	AREA TITLE	DEFINITION
1200	BROCKTON, MA PMSA	BRISTOL COUNTY, MA (part): Easton town NORFOLK COUNTY, MA (part): Avon town PLYMOUTH COUNTY, MA (part): Abington town, Bridgewater town, Brockton city, East Bridgewater town, Halifax town, West Bridgewater town, and Whitman town
1280	BUFFALO, NY PMSA	Erie County
1600	CHICAGO, IL PMSA	Cook, DuPage, and McHenry Counties
1640	CINCINNATI, OH-KY-IN PMSA	Clermont, Hamilton, and Warren Counties, OH, Boone, Campbell, and Kenton Counties, KY, and Dearborn County, IN
1680	CLEVELAND, OH PMSA	Cuyahoga, Geauga, Lake, and Medina Counties
1920	DALLAS, TX PMSA	Collin, Dallas, Denton, Ellis, Kaufman, and Rockwall Counties
1930	DANBURY, CT PMSA	FAIRFIELD COUNTY, CT (part): Bethel town, Brookfield town, Danbury city, New Fairfield town, Newtown town, Redding town, Ridgefield town (added), and Sherman town (added) LITCHFIELD COUNTY, CT (part): Bridgewater town (added) and New Milford town
2080	DENVER, CO PMSA	Adams, Arapahoe, Denver, Douglas, and Jefferson Counties (Gilpin County deleted)
2160	DETROIT, MI PMSA	Lapeer, Livingston, Macomb, Monroe, Oakland, St. Clair, and Wayne Counties
2285	EAST ST. LOUIS-BELLEVILLE, IL PMSA	Clinton and St. Clair Counties
2680	FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL PMSA	Broward County
2800	FORT WORTH-ARLINGTON, TX PMSA	Johnson, Parker, and Tarrant Counties (Hood and Wise Counties deleted)
2920	GALVESTON-TEXAS CITY, TX PMSA	Galveston County
2960	GARY-HAMMOND, IN PMSA	Lake and Porter Counties
3200	HAMILTON-MIDDLETOWN, OH PMSA	Butler County
3320	HONOLULU, HI MSA	Honolulu County
3360	HOUSTON, TX PMSA	Fort Bend, Harris, Liberty, Montgomery and Waller Counties
3640	JERSEY CITY, NJ PMSA	Hudson County
3690	JOLIET, IL PMSA	Grundy (added) and Will Counties
3755	KANSAS CITY, KS PMSA	Johnson, Leavenworth (added), Miami (added), and Wyandotte Counties 1/
3760	KANSAS CITY, MO PMSA	Cass, Clay, Jackson, Lafayette (added), Platte and Ray Counties 1/
3800	KENOSHA, WI PMSA	Kenosha County

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - DEFINITIONS OF REGIONS AND METROPOLITAN STATISTICAL AREAS

CODE	AREA TITLE	DEFINITION
3965	LAKE COUNTY, IL PMSA	Lake County
4160	LAWRENCE-HAVERHILL, MA-NH PMSA	ESSEX COUNTY, MA (part): Amesbury town, Andover town, Boxford town, Georgetown town, Groveland town, Haverhill city, Lawrence city, Merrimac town, Methuen town, Newbury town (added), Newburyport city (added), North Andover town, Salisbury town, and West Newbury town ROCKINGHAM COUNTY, NH (part): Atkinson town, Brentwood town (added), Danville town (added), Derry town, East Kingston town (added), Hampstead town, Kingston town, Newton town, Plaistow town, Salem town, Sandown town (added), Seabrook town (added), and Windham town
4440	LORAIN-ELYRIA, OH PMSA	Lorain County
4480	LOS ANGELES-LONG BEACH, CA PMSA	Los Angeles county
4560	LOWELL, MA-NH PMSA	MIDDLESEX COUNTY, MA (part): Billerica town, Chelsford town, Dracut town, Dunstable town (added), Lowell city, Pepperell town (added), Tewksbury town, Tyngsborough town, and Westford town HILLSBOROUGH COUNTY, NH (part): Pelham town
5000	MIAMI-HIALEAH, FL PMSA	Dade County
5015	MIDDLESEX-SOMERSET-HUNTERDON, NJ PMSA	Hunterdon (added), Middlesex, and Somerset Counties
5080	MILWAUKEE, WI PMSA	Milwaukee, Ozaukee, Washington, and Waukesha Counties
5120	MINNEAPOLIS-ST. PAUL, MN-WI MSA	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti (added), Ramsey, Scott, Washington, and Wright Counties, MN, and St. Croix County, WI
5190	MONMOUTH-OCEAN, NJ PMSA	Monmouth and Ocean (added) Counties
5350	NASHUA, NH PMSA	HILLSBOROUGH COUNTY, NH (part): Amherst town, Brookline town (added), Hollis town (added), Hudson town, Litchfield town (added), Merrimack town, Milford town, Mont Vernon town (added), Nashua city, and Wilton town (added) ROCKINGHAM COUNTY, NH (part): Londonderry town
5380	NASSAU-SUFFOLK, NY PMSA	Nassau and Suffolk Counties
5600	NEW YORK, NY PMSA	Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland, and Westchester Counties
5640	NEWARK, NJ PMSA	Essex, Morris, Sussex (added), and Union Counties
5700	NIAGARA FALLS, NY PMSA	Niagara County
5760	NORWALK, CT PMSA	FAIRFIELD COUNTY, CT (part): Norwalk city, Weston town, Westport town, and Wilton town
5775	OAKLAND, CA PMSA	Alameda and Contra Costa Counties

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - DEFINITIONS OF REGIONS AND METROPOLITAN STATISTICAL AREAS

CODE	AREA TITLE	DEFINITION
5950	ORANGE COUNTY, NY PMSA	Orange County
6000	OXNARD-VENTURA, CA PMSA	Ventura County
6160	PHILADELPHIA, PA-NJ PMSA	Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, PA, Burlington, Camden, and Gloucester Counties, NJ
6280	PITTSBURGH, PA PMSA	Allegheny, Fayette (added), Washington, and Westmoreland Counties
6440	PORTLAND, OR PMSA	Clackamas, Multnomah, Washington, and Yamhill (added) Counties
6600	RACINE, WI PMSA	Racine County
6780	RIVERSIDE-SAN BERNARDINO, CA PMSA	Riverside and San Bernardino Counties
7040	ST. LOUIS, MO-IL PMSA	Franklin, Jefferson, St. Charles, and St. Louis Counties, MO, St. Louis city, MO, and Monroe County, IL
7090	SALEM-GLOUCESTER, MA PMSA	ESSEX COUNTY, MA (part): Beverly city, Danvers town, Essex town (added), Gloucester city (added), Hamilton town, Ipswich town (added), Manchester town, Marblehead town, Middleton town, Peabody city, Rockport town (added), Rowley town (added), Salem city, Swampscott town, Topsfield town, and Wenham town
7320	SAN DIEGO, CA MSA	San Diego County
7360	SAN FRANCISCO, CA PMSA	Marin, San Francisco, and San Mateo Counties
7400	SAN JOSE, CA PMSA	Santa Clara County
7485	SANTA CRUZ, CA PMSA	Santa Cruz County
7500	SANTA ROSA-PETALUMA, CA PMSA	Sonoma County
7560	SCRANTON--WILKES-BARRE, PA MSA	Columbia (added), Lackawanna, Luzerne, Monroe, and Wyoming (added) Counties
7600	SEATTLE, WA PMSA	King and Snohomish Counties
8040	STAMFORD, CT PMSA	FAIRFIELD COUNTY, CT (part): Darien town, Greenwich town, New Canaan town, and Stamford city
8200	TACOMA, WA PMSA	Pierce County
8480	TRENTON, NJ PMSA	Mercer County
8720	VALLEJO-FAIRFIELD-NAPA, CA PMSA	Napa and Solano Counties
8725	VANCOUVER, WA PMSA	Clark County, WA
8760	VINELAND-MILLVILLE-BRIDGETON, NJ PMSA	Cumberland County
8840	WASHINGTON, DC-MD-VA MSA	District of Columbia, Calvert (added), Charles, Frederick (added), Montgomery, and Prince George's Counties, MD, Arlington, Fairfax, Loudoun, Prince William, and Stafford (added) Counties, VA, Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park cities, VA
9160	WILMINGTON, DE-NJ-MD PMSA	New Castle County, DE, Salem County, NJ, and Cecil County, MD

1/ The Kansas City, MO-KS MSA definition will be used for the next Fair Market Rent and Adjustment Factor updates.

[FR Doc. 85-7099 Filed 3-26-85; 8:45 am]
BILLING CODE 4210-27-C

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[T. D. 8017]

Internal Revenue Practice; Income Tax; Taxable Years Beginning After December 31, 1953; OMB Control Numbers Under the Paperwork Reduction Act; Addition to Tax for a Substantial Understatement of Liability

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the addition to tax imposed in the case of a substantial understatement of income tax. Changes to the applicable law were made by the Tax Equity and Fiscal Responsibility Act of 1982. The regulations affect all taxpayers that are subject to the income tax and provide them with guidance concerning the addition to tax.

DATES: The regulations apply to returns due after December 31, 1982 (determined without regard to extensions of the time for filing) and are effective after December 31, 1982.

FOR FURTHER INFORMATION CONTACT: Ewan D. Purkiss of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T (LR-277-84), (202) 566-3238 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the Income Tax Regulations (26 CFR Part 1) under section 6661 of the Internal Revenue Code of 1954 and a conforming amendment to 26 CFR Part 602. The amendments are issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Section 6661 was added to the Code by section 323 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248; 96 Stat. 613), and imposes an addition to tax in an amount equal to ten percent of a substantial understatement of income tax. On March 15, 1983, proposed regulations under section 6661 were published in the **Federal Register** (48 FR 10902). Public comments were received on a number of issues and a public hearing was held on July 12, 1983. After consideration of the public comments, and the statements at the public hearing, the proposed regulations are adopted as revised by this Treasury decision. The public comments and changes made to the proposed regulations are discussed in the immediately following parts of this preamble.

Computation of Penalty

Section 714(h)(3) of the Tax Reform Act of 1984 (Pub. L. 98-369; 98 Stat. 962) amended section 6661(b)(2)(A)(ii) to provide that the amount of tax shown on the return is reduced by any rebate. Accordingly, the rules relating to the computation of the penalty have been revised to reflect this reduction in tax shown.

Carryovers and Carrybacks

Some comments objected to the application of the penalty to carryovers from taxable years before the effective date of section 6661 that are taken into account after the effective date. Although the Treasury Department believes that the application of the penalty to such carryovers is consistent with the statute, it has determined that waiver of the penalty attributable to carryover items arising before the effective date of the section is appropriate because of the difficulty taxpayers might have in identifying such items. Accordingly, the Treasury decision provides in § 1.6661-2(d)(2)(iv) that an understatement will not be increased by carryovers from preeffective date taxable years.

A number of other comments indicated that the proposed regulations are unclear regarding the effect of section 6661 on a carryback to a taxable year before the effective date of the section. Section 1.6661-1(b) of the regulations provides that the penalty does not apply to amended returns if the due date of the return to which the amended return relates is before January 1, 1983. Thus, the penalty does not apply to a carryback claimed on an amended return unless section 6661 applies to the original return for the taxable year.

The Treasury decision also makes a clarifying change to the carryover rule. The carryover rule now provides that a carryover is treated as a carryback if such carryover was created by reason of carrybacks from a year subsequent to the year of the understatement. This rule is consistent with the general rule that carrybacks are not taken into account to reduce or eliminate a penalty.

Authorities

The proposed regulations provided a list of authorities to be used in making the substantial authority determination. Several comments expressed the view that the list is too narrow and provided suggestions for expansion. The Treasury Department examined the suggested additions and concluded that floor statements by the managers of a bill prior to enactment were sufficiently analogous to other acceptable authorities to warrant inclusion on the list of authorities. In addition, technical advice memoranda and revenue agent's reports relating to a taxpayer are generally treated as substantial authority with respect to that taxpayer.

On the other hand, the Treasury decision adds "actions on decision" and descriptions of statutes prepared after enactment (such as "General Explanations" prepared by the Staff of the Joint Committee on Taxation) to the list of expressions of opinion that are not considered authorities. As with other expressions of opinion that are not considered authorities under the regulations, the authorities underlying actions on decisions and "General Explanations" may give rise to substantial authority.

Finally, the Treasury decision provides that proposed regulations are not authority for purposes of section 6661. Therefore, a position expressed in a proposed regulation is not authority either for or against the tax treatment of an item. Because the Treasury Department believes taxpayers should not be subject to a penalty if the tax treatment of an item is supported by a proposed regulation, however, the Treasury decision provides in § 1.6661-6(b) that reliance on a proposed regulation ordinarily will constitute reasonable cause and good faith. Thus, waiver of the penalty will be appropriate in the case of taxpayers relying on proposed regulations.

Issues of Fact

The proposed regulations required, but did not explain how to determine, substantial authority for issues of fact. Some comments expressed the view that substantial authority for issues of fact was not required by the statute and not contemplated by its legislative history. Other comments suggested that reasonable reliance on certain factual information (for example, information in a corporation's financial books and records) ought to constitute substantial authority.

In response to these comments, the Treasury decision deletes the reference to substantial authority for issues of fact and provides additional guidance concerning the circumstances in which any penalty attributable to a factual error will be waived.

Evaluation of Authorities

The proposed regulations provided that the substantial authority determination requires a comparison of the weight of the authorities supporting a position with the weight of authorities contrary to the position. Some comments suggested that any unreversed court opinion supporting the taxpayer's position should be substantial authority regardless of contrary court opinions. The Treasury Department believes this suggestion is inconsistent with the legislative history of section 6661, which clearly anticipates a comparative, qualitative test. To reflect the qualitative, rather than quantitative, nature of the substantial authority determination, the examples relating to determination of substantial authority that were contained in the proposed regulations have been deleted. The deletion of these examples does not signify any change in the Treasury Department's position that substantial authority is a comparative test. Rather, the examples were deleted solely because they did not illustrate the qualitative nature of the analysis required in determinations of substantial authority.

The proposed regulations also provided that the taxpayer's residence in a particular judicial jurisdiction would not be taken into account in the substantial authority determination. Several comments argued that a court would not follow such a rule in its analysis of the treatment of an item. Although the Treasury Department believes that jurisdictional neutrality is appropriate as a general rule for purposes of section 6661, it is persuaded that taxpayers should be able to rely on controlling precedents in their jurisdictions.

Accordingly, the Treasury decision provides that a taxpayer has substantial authority for a position supported by controlling precedent of a United States Court of Appeals to which the taxpayer has a right of appeal.

When Substantial Authority Determined

Some comments objected to the rule contained in the proposed regulations that substantial authority is determined as of the time of filing the return. These comments suggested that the rule is contrary to the statute, which provides for a reduction of the understatement if there "is or was" substantial authority for the tax treatment resulting in the understatement. Most of these comments interpreted the word "is" to mean a time subsequent to filing, and the word "was" to mean the time of the filing. Two comments interpreted the word "is" to refer to the time of filing, and the word "was" to refer to a time before filing.

The Treasury Department believes the latter interpretation is more consistent with the purpose of section 6661, which is to "assure that taxpayers who take highly aggressive filing positions are penalized while those who endeavor in good faith to fairly self-assess are not penalized." H.R. Rep. No. 97-760, 97th Cong., 2d Sess. 575 (1982). Consistent with this intention, the applicability of section 6661 should be determined on or before the date the return is filed. Accordingly, the Treasury decision provides that substantial authority exists if there is substantial authority on the date the return is filed or there was substantial authority on the last day of the taxable year to which the return relates. This rule also will lessen the administrative burden for taxpayers and tax return preparers who, under the proposed regulations, would have been required to determine whether substantial authority exists on the date the return was filed.

Disclosure

Most comments objected to the proposed rules relating to disclosure in a separate captioned statement attached to the return. The comments generally indicated that these rules are inconsistent with the statute.

As a general matter, the Treasury Department believes that it has regulatory authority to provide for disclosure in a separate captioned statement. Moreover, a separate captioned statement is not the only permissible disclosure method. Although the regulations do not provide assurances concerning the adequacy of alternative disclosure methods, such alternative methods will not be considered inadequate solely because they are not specifically described in the regulations. In this connection, the proposed regulations provided that disclosure in the form described in the regulations would "generally" be adequate. The Treasury decision eliminates the suggestion that such a disclosure statement might be inadequate in any case by deleting the word "generally."

Some comments suggested that disclosure should be adequate for purposes of section 6661 if it satisfies the standard of section 6501(e) (the six-year statute of limitations). This suggestion was not adopted because sections 6501(e) and 6661 prescribe different disclosure requirements. Section 6501(e) requires disclosure only of the nature and amount of the item while section 6661 requires disclosure of the relevant facts affecting the item's tax treatment.

Finally, the proposed regulations included a rule authorizing the Commissioner to prescribe by revenue procedure the circumstances in which information provided on the return or in an attached schedule is adequate disclosure for purposes of section 6661. The Treasury decision adopts this rule without change. Moreover, the Commissioner has in fact issued revenue procedures describing the circumstances in which disclosure may be made on the return or in an attached statement and encourages comments on additional circumstances in which disclosure on the return will be considered adequate.

Entities

The proposed regulations provided that disclosure with respect to pass-through items (for example, items attributable to a partnership) is to be made at the entity level. Any penalty with respect to a pass-through item was automatically waived, however, if the taxpayer, rather than the pass-through entity, made adequate disclosure with respect to the item. Some comments objected to the imposition and subsequent waiver of the penalty under such circumstances. The Treasury decision provides that disclosure by the taxpayer is taken into account in computing the amount of an understatement in the same manner as disclosure regarding items other than pass-through items. Accordingly, the automatic waiver applicable to adequately disclosed pass-through items is deleted.

The Treasury decision also changes the rule relating to pass-through tax shelter items. The proposed regulations required the entity to form the "reasonable belief" that the tax treatment of the item was more likely than not the proper treatment. Several comments argued that the use of the word "taxpayer" in the statute meant that the person paying the tax with respect to pass-through items, rather than the entity, could form the reasonable belief. Accepting this criticism, the Treasury decision requires the taxpayer to form the requisite reasonable belief and provides, in essence, that the reasonable belief of the entity will be imputed to the taxpayer.

Under the proposed regulations, only partnerships, S corporations and trusts were treated as pass-through entities for purposes of section 6661. The Treasury decision expands this list to include estates, regulated investment

companies, and real estate investment trusts.

Waiver

The proposed regulations provided for an automatic waiver of the penalty in the case of tax shown or adequate disclosure made on a qualified amended return. The Treasury decision retains this automatic waiver, but makes a clarifying change in response to a number of public comments. The final regulations specifically provide that the entire penalty will be waived if there would have been no substantial understatement but for the items qualifying for automatic waiver. Other changes to the waiver provisions are discussed in the portions of this preamble relating to issues of fact and entities.

Other Comments

A number of minor changes were made in response to public comments. In addition, other suggested changes were considered and rejected because they were inconsistent with the statute, unnecessary, or would make the regulations too complex.

Special Analyses

The Commissioner of Internal Revenue has determined that this rule is not a major rule as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. Although a notice of proposed rulemaking soliciting public comments was issued, the Internal Revenue Service concluded when the notice was issued that the regulations are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these regulations are not subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Paperwork Reduction Act

The collection of information requirements contained in this regulation have been submitted to the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1980. These requirements have been approved by OMB.

Drafting Information

The principal author of these regulations is Ewan D. Purkiss of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

List of Subjects

26 CFR §§ 1.6654–1—1.6696–1

Income taxes, Administration and procedure, Penalties, Additions to tax.

26 CFR Part 602

OMB control numbers under the Paperwork Reduction Act, Reporting and Recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Parts 1 and 602 are amended as follows:

Income Tax Regulations

PART 1—[AMENDED]

Paragraph 1. The following new §§ 1.661–1 through 1.661–6 are added immediately after § 1.6655–5:

§ 1.6661–1 Addition to tax in the case of a substantial understatement of tax liability.

(a) *In general.* Section 6661 imposes an addition to tax (penalty) for an understatement of tax liability that constitutes a substantial understatement of income tax. This section prescribes the effective date of the penalty. The manner of computing understatements subject to the penalty is set forth in § 1.6661–2. The definition of "substantial authority" is set forth in § 1.6661–3. Rules concerning the adequacy of disclosure are set forth in § 1.6661–4. The treatment of "tax shelters" is provided in § 1.6661–5. The circumstances in which the penalty may or will be waived by the Commissioner are set forth in § 1.6661–6.

(b) *Effective date.* The penalty under section 6661 applies to returns the due date (determined without regard to extensions of the time for filing) of which is after December 31, 1982. The penalty does not apply to amended returns, so-called, if the due date for the return to which the amended return relates (determined without regard to extensions) is before January 1, 1983.

§ 1.6661–2 Computation of penalty; meaning of terms.

(a) *Amount of penalty.* If there is a substantial understatement of income tax for a taxable year (as defined in paragraph (b) of this section), section 6661 imposes a penalty equal to 10 percent of the understatement of tax liability.

(b) *Substantial understatement.* The term "substantial understatement" means an understatement (as defined in paragraph (c) of this section) that exceeds the greater of—

(1) 10 percent of the tax required to be shown on the return for the taxable year (as defined in paragraph (d)(4) of this section); or

(2) $5,000 ($10,000 in the case of a corporation other than an S corporation (as defined in section 1361(a)(1)) or a personal holding company (as defined in section 542)).

(c) *Understatement.* The term "understatement" means the excess of—

(1) The amount of tax required to be shown on the return for the taxable year (as defined in paragraph (d)(4) of this section), over

(2) The amount of tax shown on the return for the taxable year (as defined in paragraph (d)(2) of this section), reduced by any rebate (as defined in paragraph (d)(3) of this section).

(d) *Determination of amounts*—(1) *Amount of tax.* For purposes of section 6661, the amount of tax is the amount of tax imposed by Subtitle A of the Code.

(2) *Tax shown on return.* For purposes of section 6661, the amount of tax shown on the return for the taxable year is determined with the adjustments prescribed in this paragraph (d)(2), without regard to the items described in paragraph (d)(5) of this section, without regard to any net operating loss carryback, tax credit carryback, capital loss carryback, or commodity futures loss carryback ("carryback"), and without regard to any amount of additional tax shown on a return (including an amended return, so-called) filed after the taxpayer is first contacted by the Internal Revenue Service concerning the tax liability of the taxpayer for the taxable year. See § 1.6661–6(c) for rules relating to waiver of the penalty if the taxpayer files a "qualified amended return." If no return was filed for the taxable year or if the return (other than a return filed under section 6014) shows no tax due, the amount of tax shown on the return is considered to be zero. The amount of tax shown on the return for the taxable year is determined by computing the tax as if the following items (in addition to the items that were properly reported on the return) had received the proper tax treatment:

(i) Items (other than tax shelter items as defined in § 1.6661–5(c)) for which there is or was substantial authority for the treatment claimed (as provided in § 1.6661–3).

(ii) Items (other than tax shelter items as defined in § 1.6661–5(c)) with respect to which there is adequate disclosure (as provided in § 1.6661–4).

(iii) Tax shelter items (as defined in § 1.6661–5(c)) for which there is or was substantial authority for the treatment

claimed (as provided in § 1.6661–3), and with respect to which the taxpayer reasonably believes that the tax treatment of the item was more likely than not the proper tax treatment (as provided in § 1.6661–5(d)).

(iv) Items taken into account in computing the amount of any net operating loss, unused tax credit, or net capital loss for a taxable year the return for which was due (determined without regard to extensions of time for filing) before January 1, 1983 (regardless of whether there is substantial authority or adequate disclosure with respect to such items).

(3) *Rebate.* For purposes of section 6661, the amount of a rebate is the rebate (within the meaning of section 6211(b)(2) and § 301.6211–1(f)), determined as if any items to which the rebate is attributable that are described in paragraph (d)(2) (i)–(iv) of this section (in addition to the items that were properly reported on the return) had received the proper tax treatment.

(4) *Tax required to be shown.* For purposes of section 6661, the amount of tax required to be shown on the return for the taxable year is the amount of tax imposed on the taxpayer for the taxable year determined without regard to items described in paragraph (d)(5) of this section and without regard to any allowable carryback that was not taken into account in computing the amount of a rebate for the taxable year.

(5) *Items disregarded.* The amount of tax shown on the return for the taxable year and the amount of tax required to be shown on the return for the taxable year are both determined without regard to—

(i) The credit under section 31 for tax withheld;

(ii) The credit under section 33 for tax withheld at source on nonresident aliens and foreign corporations;

(iii) Any credit resulting from the collection of amounts assessed under section 6851 as the result of a termination assessment;

(iv) Payments of tax or estimated tax by the taxpayer; and

(v) Any tax that the taxpayer is not required to assess on the return (such as the tax imposed by section 535 on the accumulated taxable income of a corporation).

(6) *Treatment of carryovers*—(i) *In general.* A net operating loss carryover, tax credit carryover, or capital loss carryover shall be treated for purposes of section 6661 as a credit or deduction in the year in which the carryover is taken into account. See paragraph (d)(2)(iv) of this section for rules applicable to carryovers from a taxable year the return for which was due (without regard to extensions of time for filing) before January 1, 1983.

(ii) *Carryovers treated as carrybacks.* For purposes of section 6661, a carryover to a taxable year shall be treated as a carryback rather than a carryover with respect to such year to the extent such carryover exceeds the amount of the carryover determined without taking into account carrybacks from taxable years subsequent to such years.

(e) *Examples.* The following examples illustrate the computation of an understatement:

Example (1). In 1983, An individual calendar year taxpayer, files a return for 1982, which shows taxable income of $18,200 and tax liability of $3,194. Subsequent adjustments on audit for 1982 increase taxable income to $51,500 and tax liability to $17,068. There was substantial authority for an item resulting in an adjustment that increases taxable income by $5,300. The item is not a tax shelter item. In computing the amount of the understatement, the amount of tax shown on A's return is determined as if the item for which there was substantial authority had been given the proper tax treatment. Thus, the amount of tax that is treated as shown on A's return is $4,837 (the tax on $23,500) ($18,200 taxable income actually shown on A's return plus $5,300, the amount of the adjustment for which there was substantial authority). The amount of the understatement is $12,231 ($17,068 (the amount of tax required to be shown) less $4,837 (the amount of tax treated as shown on A's return after adjustment for the item for which there was substantial authority)). Because the understatement exceeds the greater of 10 percent of the tax required to be shown on the return for the year ($1,707 ($17,068 × .10)) or $5,000, A has a substantial understatement of income tax for the year. The amount of section 6661 penalty is $1,223.10 (.10 × $12,231).

Example (2). Corporation X was formed on January 1, 1982. In 1983, X adopts a calendar taxable year and files a return for 1982 showing a tax liability of $10,000. In 1984, X determines that it has an unused investment tax credit for taxable year 1983 in the amount of $20,000. X files an amended return, so-called, for taxable year 1982 claiming an investment tax credit carryback of $20,000 and receives a rebate of $10,000 (the tax liability shown on X's original return for taxable year 1982). On audit for taxable years 1982 and 1983, adjustments increase tax liability for 1982 to $24,000, and decrease the unused investment tax credit for 1983 to $8,000. There was not substantial authority and X did not make adequate disclosure with respect to the items comprising the 1982 adjustments, but there was substantial authority for $1,000 of the $12,000 investment tax credit disallowed for 1983. The amount of the section 6661 penalty for 1982 is computed as follows:

(i) The amount of tax required to be shown on the return for 1982 is $16,000 (*i.e.*, the tax liability as adjusted on audit ($24,000) reduced by the allowable tax credit carryback taken into account in computing the amount of the rebate ($8,000)).

(ii) The amount of tax shown on the return is $10,000 (*i.e.*, the tax shown on the return without adjustment for carryback of the investment tax credit).

(iii) The amount of the rebate is $9,000 (i.e., the amount of the rebate determined as if the items described in paragraph (d)(2)(i) of this section ($1,000 item for which there was substantial authority) had received the proper tax treatment ($10,000 − $1,000 = $9,000)).

(iv) The understatement is $15,000 (*i.e.*, the excess of the tax required to be shown ($16,000) over the tax shown reduced by the rebate ($10,000 − $9,000 = $1,000)).

(v) Since the understatement exceeds the greater of 10 percent of the tax required to be shown or $10,000, X has a substantial understatement of income tax for the year. The amount of the section 6661 penalty is $1,500 (.10 x $15,000).

Example (3). Corporation Y was formed on January 1, 1982. In 1983, Y adopts a calendar taxable year and files a return for 1982 showing tax liability of $50,000. Y subsequently determines that it has unused investment tax credits in the amount of $20,000 for taxable year 1983, $20,000 for taxable year 1984, and $37,000 for taxable year 1985. Y files an amended return, so-called, for taxable year 1982 claiming investment tax credit carrybacks of $77,000 and receives a rebate of $50,000 (the tax liability shown on Y's original return for 1982). On audit for taxable years 1982, 1983, 1984, and 1985, the only adjustments decrease the unused investment tax credit for taxable year 1983 to $5,000, and the unused investment tax credit for 1984 to $8,000. There was not substantial authority and X did not make adequate disclosure with respect to the items comprising the 1983 and 1984 adjustments. The amount of the section 6661 penalty for 1982 is computed as follows:

(i) The amount of the tax required to be shown on the return for 1982 is $27,000 (*i.e.*, the original tax liability ($50,000) reduced by the allowable carrybacks taken into account in computing the amount of the rebate ($5,000 + $8,000 + $10,000 = $23,000)).

(ii) The amount of the tax shown on the return is $50,000 (*i.e.*, the tax shown on the return without adjustment for carryback of the investment tax credit).

(iii) The amount of the rebate is $50,000 (*i.e.*, the amount of the rebate determined as if any items described in paragraph (d)(2)(i)–(iv) of this section ($0) had received the proper tax treatment ($50,000 − 0 = $50,000)).

(iv) The understatement is $27,000 (*i.e.*, the excess of the tax required to be shown ($27,000) over the tax shown reduced by the rebate ($50,000 − $50,000 = 0)).

(v) Since the understatement exceeds the greater of 10 percent of the tax required to be shown or $10,000, Y has a substantial understatement of income tax for the year. The amount of the section 6661 penalty is $2,700 (.10 x $27,000).

(f) *Coordination with penalty for valuation overstatments*—(1) *In general.* The amount of the penalty imposed

under section 6661 shall be determined without taking into account the portion of the substantial understatement on which the penalty under section 6659 (relating to valuation overstatements) has been imposed. The portion of the understatement on which the penalty under section 6659 has been imposed is taken into account, however, in determining whether there is a substantial understatement of tax. For purposes of section 6661, a penalty under section 6659 is not considered to have been imposed to the extent that the penalty is waived under the authority of section 6659(e). If a penalty is imposed under section 6659, the amount to which the section 6661 penalty applies is the amount by which the understatement exceeds the amount of the underpayment attributable to a valuation overstatement as determined under section 6659.

(2) *Example.* The following example illustrates the coordination of the penalties under sections 6659 and 6661:

Example. In 1983, A, an individual calendar year taxpayer, files a return for 1982 which shows taxable income of $40,000 and tax liability of $11,408. Subsequent adjustments on audit for 1982 increases taxable income to $70,000 and tax liability to $26,318. The increase in taxable income is attributable to a $20,000 adjustment for a valuation overstatement and a $10,000 adjustment not related to a valuation overstatement. There are no adjustments under paragraph (d)(2) of this section. Since the amount of the understatement, $14,910 ($26,318–$11,408), exceeds the greater of $2,631.80 (10 percent of the tax required to be shown) or $5,000, there is a substantial understatement. Assume that under section 6659 the $20,000 adjustment for the valuation overstatement results in a $10,000 underpayment attributable to a valuation overstatement on which the section 6659 penalty is imposed. The amount of the understatement on which the section 6661 penalty is imposed is $4,910. (The amount by which the $14,910 understatement exceeds the $10,000 underpayment to which the section 6659 penalty applies.) The amount of the section 6661 penalty is $491 ($4,910 × .10).

§ 1.6661–3 Substantial authority.

(a) *General rule*—(1) *Effect of having substantial authority.* If there is or was substantial authority for the tax treatment of an item (other than a tax shelter item as defined in § 1.6661–5(c)), the item is treated as if it were shown properly on the return for the taxable year in computing the amount of tax shown on the return. Thus, for purposes of section 6661, the tax attributable to the item is not included in the understatement for the year. (See paragraph (d)(2) of § 1.6661–2.)

(2) *Substantial authority standard.* The substantial authority standard is less stringent than a "more likely than not" standard (that is, a greater than 50-percent likelihood of being upheld in litigation), but stricter than a reasonable basis standard (the standard which, in general, will prevent imposition of the penalty under section 6653 (a), relating to negligence or international disregard of rules and regulations). Thus, a position with respect to the tax treatment of an item that is arguable but fairly unlikely to prevail in court would satisfy a reasonable basis standard, but not the substantial authority standard.

(a) *Determination of whether substantial authority is present*—(1) *Evaluation of authorities.* There is substantial authority for the tax treatment of an item only if the weight of the authorities supporting the treatment is substantial in relation to the weight of authorities supporting contrary positions. All authorities relevant to the tax treatment of an item, including the authorities contrary to the treatment, are taken into account in determining whether substantial authority exists and the weight of those authorities is determined in light of the pertinent facts and circumstances in the manner prescribed in paragraph (b)(3) of this section. There may be substantial authority for more than one position with respect to the same item. The taxpayer's belief that the authorities with respect to the tax treatment of an item constitute substantial authority is not taken into account in determining whether there is substantial authority.

(2) *Types of authority.* In determining whether there is substantial authority (other than in cases described in paragraph (b) (4) (i) of this section), only the following will be considered authority. Applicable provisions of the Internal Revenue Code and other statutory provisions; temporary and final regulations construing such statutes; court cases; administrative pronouncements (including revenue rulings and revenue procedures); tax treaties and regulations thereunder, and Treasury Department and other official explanations of such treaties; and Congressional intent as reflected in committee reports, joint explanatory statements of managers included in conference committee reports, and floor statements made prior to enactment by one of a bill's managers. Conclusions reached in treatises, legal periodicals, legal opinions or opinions rendered by other tax professionals, descriptions of statutes prepared after enactment (such as "General Explanations" prepared by the Staff of the joint Committee on Taxation), general counsel memoranda (other than those published in pre-1955 volumes of the Cumulative Bulletin), actions on decisions, technical memoranda, written determinations (except as provided in paragraph (b)(4)(i) of this section), and proposed regulations are not authority. The authorities underlying such expressions of opinion where applicable to the facts of a particular case, however, may give rise to substantial authority for the tax treatment of an item.

(See § 1.6661–6(b), however, regarding waiver of the penalty when the taxpayer relies on proposed regulations.)

(3) *Nature of analysis.* Except as otherwise provided in this section, the weight of the authorities for the tax treatment of an item is determined by the same analysis that a court would be expected to follow in evaluating the tax treatment of the item. Thus, the weight of authorities depends on their persuasiveness and relevance as well as their source. For example, a case or revenue ruling having some facts in common with the tax treatment at issue would not be considered particularly relevant if the authority is materially distinguishable on its facts, or is otherwise inapplicable to the tax treatment at issue. Similarly, an authority that merely states a conclusion ordinarily would be given less weight than an authority that reaches its conclusion by cogently relating the applicable law to pertinent facts. There may be substantial authority for the tax treatment of an item despite the absence of certain types of authority. Thus, a taxpayer may have substantial authority for a position that is supported only by a well-reasoned construction of the applicable statutory provision.

(4) *Special rules.*—(i) *Written determinations.* There is substantial authority for the tax treatment of an item if the treatment is supported by the holding of a ruling or a determination letter (as defined in § 301.6110–2 (d) and (e)) issued to the taxpayer, by the holding of a technical advice memorandum in which the taxpayer is named, or by an affirmative statement in a revenue agent's report with respect to a prior taxable year of the taxpayer ("written determinations"). The preceding sentence shall not apply, however, if there has been a misstatement or omission of a material fact, the facts that subsequently develop are materially different from the facts on which the written determination was based, or authority supporting a contrary position has arisen since the date of the written determination.

(ii) *Taxpayer's jurisdiction.* The applicability of court cases to the taxpayer by reason of the taxpayer's residence in a particular jurisdiction is not taken into account in determining

whether there is substantial authority for the tax treatment of an item. Notwithstanding the preceding sentence, however there is substantial authority for the tax treatment of an item if the treatment is supported by controlling precedent of a United States Court of Appeals to which the taxpayer has a right of appeal with respect to the item.

(iii) *When substantial authority determined.* For purposes of section 6661, there is substantial authority for the tax treatment of an item if there is substantial authority at the time the return containing the item is filed or there was substantial authority on the last day of the taxable year to which the return relates.

§ 1.6661-4 Disclosure of certain information.

(a) *In general.* Items (other than tax shelter items as defined in § 1.6661-5(c)) for which there is adequate disclosure are treated as if such items were shown properly on the return for the taxable year in computing the amount of tax shown on the return. Thus, for purposes of section 6661, the tax attributable to such items is not included in the understatement for the year. (See paragraph (d)(2) of § 1.6661-2.) Disclosure is adequate with respect to the tax treatment of an item on a return only if it is made on such return or in a statement attached thereto. Thus, disclosure with respect to a recurring item, such as the basis of recovery property, made on a return or statement attached thereto for one taxable year is not adequate disclosure with respect to the item for any other taxable year. (See paragraph (d) of this section for special rules relating to disclosure with respect to carrybacks and carryovers.)

(b) *Disclosure in attached statement*—(1) *In general.* Disclosure will be adequate with respect to an item (or group of similar items, such as the specific deduction of business bad debts or the deduction of amounts paid or incurred for supplies by a taxpayer engaged in business), if it is made on a properly completed Form 8275 or if it takes the form of a statement attached to the return that includes the following:

(i) A caption identifying the statement as disclosure under section 6661.

(ii) An identification of the item (or group of similar items) with respect to which disclosure is made.

(iii) The amount of the item (or group of similar items).

(iv) The facts affecting the tax treatment of the item (or group of similar items) that reasonably may be expected to apprise the Internal Revenue Service of the nature of the potential controversy concerning the tax treatment of the item (or items).

(2) *Disclosure of legal issue.* In lieu of setting forth the facts affecting the tax treatment of an item (or group of similar items) in accordance with paragraph (b)(1)(iv) of this section, the taxpayer may set forth a concise description of the legal issue presented by such facts.

(3) A concise description of the taxpayer's legal position with respect to the items.

(4) *Requirement of particularity.* Disclosure is not adequate with respect to an item (or group of similar items) if it consists of undifferentiated information that is not arranged in a manner that reasonably may be expected to apprise the Internal Revenue Service of the identity of the item, its amount, and the nature of the potential controversy concerning the item (or items). For example, attachment to the return of an acquisition agreement generally will not constitute adequate disclosure of the issues involved in determining the basis of certain acquired assets.

(c) *Disclosure on return.* The Commissioner may by revenue procedure prescribe the circumstances in which information provided on the return in accordance with the applicable forms and instructions will be adequate disclosure for purposes of section 6661.

(d) *Carryovers and carrybacks.* In the case of a carryover or carryback attributable to the tax treatment of an item on a return to which section 6661 applies (see paragraph (b) of § 1.6661-1 and paragraph (d)(2)(iv) of § 1.6661-2), disclosure is adequate with respect to the item only if it is made on the return for the taxable year in which the item arises or in a statement attached thereto. In such a case, disclosure with respect to the item is not required on the return for the taxable year in which the carryover or carryback attributable to the item is taken into account.

(e) *Pass-through entities.* In the case of items attributable to a pass-through entity ("pass-through items"), disclosure regarding the tax treatment of such items should be made on the return of the entity or on an attachment thereto. For this purpose, a pass-through entity is a partnership, an S corporation (as defined in section 1361(a)(1)), an estate, a trust, a regulated investment company (as defined in section 851(a)), or a real estate investment trust (as defined in section 856(a)). A taxpayer (partner, shareholder, or beneficiary) also may make adequate disclosure with respect to a pass-through item, however, if the taxpayer files a separate statement in duplicate, one copy attached to and filed with the taxpayer's return and the other copy filed with the Internal Revenue Service Center with which the return of the entity is required to be filed. Each statement filed shall relate to the pass-through items of only one entity and shall include the following:

(1) An identification of the taxpayer and the entity by name, address, and taxpayer identification number.

(2) The taxable year of the entity to which the disclosure relates.

(3) An identification of the items with respect to which the taxpayer has made disclosure under this paragraph.

(4) Such additional information as would be required for adequate disclosure with respect to the items under paragraphs (a), (b), and (d) of this section.

(5) A notation to the effect that the statement is to be associated with the return of the entity.

§ 1.6661-5 Items relating to tax shelters.

(a) *In general.* (1) Tax shelter items (as defined in paragraph (c) of this section) are treated as if such items were shown properly on the return for the taxable year in computing the amount of tax shown on the return if—

(i) There is or was substantial authority for the tax treatment of the items (as provided in § 1.6661-3); and

(ii) The taxpayer reasonably believes at the time the return is filed that the tax treatment claimed is more likely than not the proper tax treatment of the items (see paragraph (d) of this section).

Thus, for purposes of section 6661, the tax attributable to such items is not included in the understatement for the year. (See paragraph (d)(2) of § 1.6661-2.)

(2) Disclosure (whether or not adequate under § 1.6661-4) with respect to tax shelter items (as defined in paragraph (c) of this section) does not affect the amount of the understatement.

(b) *Tax shelter.*—(1) *In general.* For purposes of section 6661, the term "tax shelter" means—

(i) A partnership or other entity (such as a corporation or trust),

(ii) An investment plan or arrangement, or

(iii) Any other plan or arrangement, if the principal purpose of the entity, plan, or arrangement, based on objective evidence, is the avoidance or evasion of Federal income tax. The principal purpose of an entity, plan or arrangement is the avoidance or evasion of Federal income tax if that purpose exceeds any other purpose. See § 1.269-3(a). Typical of tax shelters are transactions structured with little or no motive for the realization of economic gain, and transactions that utilize the mismatching of income and deductions,

overvalued assets or assets with values subject to substantial uncertainty, nonrecourse financing, financing techniques which do not conform to standard commercial business practices, or the mischaracterization of the substance of the transaction. The existence of economic substance does not of itself establish that a transaction is not a tax shelter if the transaction includes other characteristics that indicate it is a tax shelter.

(2) *Principal purpose.* The principal purpose of an entity, plan or arrangement is not the avoidance or evasion of Federal income tax if the entity, plan or arrangement has as its purpose the claiming of exclusions from income, accelerated deductions or other tax benefits in a manner consistent with the statute and Congressional purpose. For example, an entity, plan or arrangement will not be considered to have as its principal purpose the avoidance or evasion of Federal income tax merely as a result of the following uses of tax benefits provided by the Internal Revenue Code: The claiming of the investment credit under section 38; the purchase or holding of an obligation bearing interest which is excluded from gross income under section 103; entering into a safe-harbor lease transaction under section 168(f)(8); taking an accelerated cost recovery system (ACRS) allowance under section 168; taking the percentage depletion allowance under section 613 or section 613A; deducting intangible drilling and development costs as expenses under section 263(c); establishing a qualified retirement plan under the provisions of sections 401–409A, claiming the possession tax credit under section 936; or claiming tax benefits available by reason of an election under section 992 to be taxed as a domestic international sales corporation (DISC), under section 927(f)(1) to be taxed as a foreign sales corporation (FSC), or under section 1362 to be taxed as an S corporation.

(c) *Tax shelter item.* An item of income, gain, loss, deduction or credit will be considered a "tax shelter item" if the item is directly or indirectly attributable to the principal purpose of a tax shelter to avoid or evade Federal income tax. Thus, if a partnership is established for the principal purposes of the avoidance or evasion of Federal income tax by acquiring and overvaluing property for the purpose of claiming the investment credit under section 38, the investment credit with respect to the property would be a tax shelter item. However, a deduction claimed in connection with a separate transaction carried on by the same partnership is not a tax shelter item if the transaction does not constitute a plan or arrangement the principal purpose of which is the avoidance or evasion of tax.

(d) *Reasonable belief.* For purposes of section 6661, a taxpayer will be considered reasonably to believe that the tax treatment of an item is more likely than not the proper tax treatment if—

(1) The taxpayer analyzes the pertinent facts and authorities in the manner described in § 1.6661–3(b)(3) and, in reliance upon that analysis, reasonably concludes that there is a greater than 50-percent likelihood that the tax treatment of the item will be upheld in litigation if the claimed treatment is challenged by the Internal Revenue Service; or

(2) The taxpayer in good faith relies on the opinion of a professional tax advisor, if the opinion is based on the tax advisor's analysis of the pertinent facts and authorities in the manner described in § 1.6661–3(b)(3) and unambiguously states that the tax advisor concludes that there is a greater than 50-percent likelihood that the tax treatment of the item will be upheld in litigation if the claimed tax treatment is challenged by the Internal Revenue Service.

(e) *Pass-through entities.* In the case of tax shelter items (as defined in paragraph (e) of this section) attributable to a pass-through entity (as defined in § 1.6661–4(e)), the actions described in paragraphs (d) (1) and (2) of this section, if taken by the entity, will be deemed to have been taken by the taxpayer and will be considered in determining whether the taxpayer reasonably believes that the tax treatment of an item is more likely than not the proper tax treatment.

§ 1.6661–6 Waiver of penalty.

(a) *In general.* The Commissioner may waive all or part of the penalty imposed by section 6661 on a showing by the taxpayer that there was reasonable cause for the understatement (or part thereof) and that the taxpayer acted in good faith. The circumstances taken into account in determining whether to waive the penalty are described in paragraph (b) of this section. In addition, paragraph (c) of this section describes circumstances in which the penalty will always be waived.

(b) *Reasonable cause and good faith.* In making a determination regarding waiver of the penalty under section 6661, the most important factor in all cases not described in paragraph (c) of this section will be the extent of the taxpayer's effort to assess the taxpayer's proper tax liability under the law. For example, reliance on a position contained in a proposed regulation would ordinarily constitute reasonable cause and good faith. In addition, circumstances that may indicate reasonable cause and good faith include an honest misunderstanding of fact or law that is reasonable in light of the experience, knowledge, and education of the taxpayer. Moreover, a computational or transcriptional error would, in general, indicate reasonable cause and good faith. Reliance on an information return or on the advice of a professional (such as an appraiser, an attorney, or an accountant) would not necessarily constitute a showing of reasonable cause and good faith. Similarly, reliance on facts that, unknown to the taxpayer, are incorrect would not necessarily constitute a showing of reasonable cause and good faith. Reliance on an information return, professional advice, or other facts, however, would constitute a showing of reasonable cause and good faith if, under all the circumstances, such reliance was reasonable and the taxpayer acted in good faith. For example, reliance on erroneous information (such as an error relating to the cost of property, the date property was placed in service, or the amount of opening or closing inventory) inadvertently included in data compiled by the various divisions of a multidivisional corporation or in financial books and records prepared by those divisions would, in general, indicate reasonable cause and good faith, provided the corporation had internal controls and procedures, reasonable under the circumstances, that were designed to identify factual errors. Accordingly, waiver of the section 6661 penalty attributable to an understatement caused by such an error would be appropriate.

Similarly, a taxpayer's reliance on erroneous information reported on a Form 1099 would indicate reasonable cause and good faith, and waiver would be appropriate, if the taxpayer did not know or have reason to know that the information was incorrect. Generally, a taxpayer would know or have reason to know that the information on a Form 1099 is incorrect only if such information is inconsistent with other information reported to the taxpayer or is inconsistent with the taxpayer's knowledge concerning the amount and rate of return of the payor's obligation. In the case of an understatement that is related to an item on the return of a pass-through entity (as defined in § 1.6661–4(e)), the good faith or lack of

good faith of the entity generally will be imputed to the taxpayer that has the understatement. Any good faith imputed to the taxpayer under the preceding sentence, however, may be refuted by other factors indicating lack of good faith on the part of the taxpayer.

(c) *Automatic waiver; qualified amended returns*—(1) *In general.* If the taxpayer shows an additional amount of tax or makes adequate disclosure with respect to an item in the manner prescribed in § 1.6661–4 on a qualified amended return, the Commissioner will waive any penalty that would not have been imposed if the additional amount of tax had been shown or the adequate disclosure had been made on the return of the taxpayer. Thus, the entire penalty will be waived if there would not have been a substantial understatement (as defined in paragraph (b) of § 1.6661–2) had the taxpayer shown the additional amount of tax or made the adequate disclosure on the taxpayer's original return.

(2) *Qualified amended return.* For purposes of this paragraph, a "qualified amended return" is an amended return, so-called, or a timely request for an administrative adjustment under section 6227, filed after the due date of the return and before the earlier of—

(i) The time the taxpayer is first contacted by the Internal Revenue Service concerning an examination of the return; or

(ii) The time any person described in section 6700(a) (relating to the penalty for promoting abusive tax shelters) is first contacted by the Internal Revenue Service concerning an examination of an activity described in section 6700(a) with respect to which the taxpayer claimed any tax benefit on the return directly or indirectly through the entity, plan, or arrangement described in section 6700(a)(1)(A).

(3) *Pass-through entities.* For purposes of paragraph (c)(1) of this section, no account is taken of an additional amount of tax shown or disclosure made with respect to an item attributable to a pass-through entity (as defined in § 1.6661–4(e)), unless the qualified amended return is filed by the taxpayer before the date such pass-through entity is first contacted by the Internal Revenue Service concerning an examination of the return of which the item is attributable.

(4) *Special rule.* The Commissioner may by revenue procedure prescribe the manner in which this section may apply to particular classes of taxpayers.

OMB Control Numbers Under the Paperwork Reduction Act

PART 602—[AMENDED]

§ 602.101 [Amended]

Par. 2. Section 602.101(c) is amended by inserting in the appropriate place in the table "§ 1.6661–4. . . . 1545–0739".

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: March 19, 1985.

Ronald A. Pearlman,

Assistant Secretary of the Treasury.

[FR Doc. 85–7169 Filed 3–22–85; 1:40 pm]

BILLING CODE 4830–01–M

POSTAL SERVICE

39 CFR Part 111

Domestic Mail Manual; Miscellaneous Amendments

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service hereby describes the numerous miscellaneous revisions consolidated in the Transmittal Letter for Issue 18 of the Domestic Mail Manual (DMM), which is incorporated by reference in the **Federal Register**, 39 CFR 111.1.

Most of the revisions are minor, editorial or clarifying. Substantive changes, such as the revised regulations incorporating the new rates and fees and the changes affecting forwarding and return and address correction services, have previously been published in the **Federal Register.**

EFFECTIVE DATE: February 21, 1985.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp, (202) 245–4638.

SUPPLEMENTARY INFORMATION: The Domestic Mail Manual, which is incorporated by reference in the **Federal Register** (see 39 CFR 111.1) has been amended by the publication of a transmittal letter for issue 18, dated February 21, 1985. The text of all published changes is filed with the Director of the Federal Register. Subscribers to the Domestic Mail Manual receive these amendments automatically from the Government Printing Office.

The following excerpt from the Summary of Changes section of the transmittal letter for issue 18 covers the minor changes not previously described in interim or final rules published in the **Federal Register.**

Note.—Issue 18 contains all DMM revisions published between December 27, 1984, and February 21, 1985 (Postal Bulletins 21491 through 21502), and the new rates which were announced in Special Bulletin 21493 (1–9–85, revised 2–1–85). The rates announced in Special Bulletin 21493 became effective at 12:01 a.m. February 17, 1985.

Summary of Changes.

Major Revisions.

a. *New Rates and Fees.*

* * * * *

b. *Forwarding and Return.*

* * * * *

Other Revisions.

1. * * *

2. The Government Revenue and Examination Branch is now the Official Mail Accounting Branch (PB 21496, 1–17–85). This change is reflected in the following sections: 137.152, 137.22, 137.251, 137.252, 137.271b(3), 137.272a(2)(a), 137.273b, 137.274a(1), 137.274b, 137.275c, 137.276f, 137.276g(1)(b), 137.277c, 137.281.

3. Section 137.252 is revised to reflect the correct sampling number (105) for the Cooperative Extension Service—Agriculture; to add the National Institute of Health to the agency authorization codes; and to add permit number G–292 to the National Technical Information Service—Commerce (PB 21496, 1–17–85).

4. The following sections are further revised to incorporate the new rates effective February 17, 1985: 141.13, 141.3, 141.4, 142.111, 145.21, 147.262d, 147.28a(2), 149.23, 149.312a(2), 149.412a(2), 159.312, 215.

5. Sections 144.112c and 144.41b are amended to allow the use of facing identification marks (FIM) and bar coding on metered reply mail and to include an example of the Postalia official mail meter stamp (PB 21499, 2–7–85).

6. Section 147.1 is changed to allow exchange of postage stamps which are damaged or become unusable while in the hands of customers (PB 21500, 2–14–85).

7. Section 156.515 is revised to update the list of manufacturers and suppliers of rural mailboxes whose samples have been approved by the Postal Service (PB 21498, 1–31–85).

8. Section 156.55 is revised to reflect Postal Service policy that no longer encourages grouping of rural mailboxes (PB 21497, 1–24–85).

9. Sections 159, 912, 913, 914 and 931 are revised: (1) To clarify existing procedures for the return of registered, certified, numbered insured, COD and Express Mail; (2) to establish revised

verification steps for the acceptance of COD and insured mailings; and (3) to make explicit the minimum size for registered mail. The changes are reflected in the following sections: 159.334, 912.45, 913.56, 913.62d, 913.71, 913.81, 913.82, 914.434, 931.34, and 931.6 (PB 21500, 2-14-85).

10. The dead letter and dead mail fee has been eliminated. This change is reflected in: the deletion of 159.53b and 159.554; renumbering of 159.53c,d,e and f as 159.53b,c,d and e; the deletion of the dead letter fee reference in 159.53e(1) and 159.542b; and renumbering 159.555 as 159.554 (Special Bulletin 21493, 1-9-85 and 2-1-85).

11. Sections 262.1 and 263.5 are revised to reflect changes in the Express Mail preparation and mailing requirements (PB 21496, 1-17-85).

12. A second-class intra-SCF, per-piece rate has been added to 411.2 and 411.33-411.37. The sections added are: 411.213, 411.333, 411.343, 411.354, 411.364, 411.374 (Special Bulletin 21493, 1-9-85 and 2-1-85).

13. Section 411.39 is added to clarify the second-class rate for commingled nonsubscriber copies of limited circulation science of agricultural publications (Special Bulletin 21493, 1-9-85 and 2-1-85).

14. Section 468.12c is revised to add presorted optional city packages to which the intra-SCF rate may be applied (PB 21500, 2-14-85).

15. Section 471 is revised to clarify the rate paid by the general public for second-class mailings (Special Bulletin 21493, 1-9-85 and 2-1-85).

16. Section 481 is revised to clarify second-class payment methods when payment is made before second-class mailings are dispatched (Special Bulletin 21493, 1-9-85 and 2-1-85).

17. Section 483 was inadvertently omitted in DMM Issue 17; it is reinserted (PB 21498, 1-31-85).

18. Section 486 is revised to clarify the special preparation requirements or options for pieces mailed at the second-class, intra-SCF rate. Section 468.12c is added along with documentation requirements in 468.13a-c (Special Bulletin 21493, 1-9-85 and 2-1-85).

19. Section 611.12 is amended to clarify exceptions to single piece third-class rates (Special Bulletin 21493, 1-9-85 and 2-1-85).

20. Exhibits 611.2c and d are added to illustrate regular rates and special rates for individually metered mail (Special Bulletin 21493, 1-9-85 and 2-1-85).

21. Section 681.221 is revised to allow mailers to use three postage payment methods for metered third-class bulk (PB 21499, 2-7-85).

22. Section 722.21 is revised to clarify the requirements for bulk parcel post mailings (Special Bulletin 21493, 1-9-85 and 2-1-85).

23. Section 763 is added to establish eligibility requirements for the carrier route bound printed matter rates (Special Bulletin 21493, 1-9-85 and 2-1-85).

24. Section 767.1 is revised to clarify the markings required in the preparation of bound printed matter (Special Bulletin 21493, 1-9-85 and 2-1-85).

25. Section 767.8 is added to establish preparation requirements for the carrier route bound printed matter rate (Special Bulletin 21493, 1-9-85 and 2-1-85).

26. Sections 911.12 and 912.2 are revised to clarify what mail may be registered and certified (Special Bulletin 21493, 1-9-85 and 2-1-85).

27. Section 914.5 is revised to clarify the procedures for delivery of COD mail (Special Bulletin 21493, 1-9-85 and 2-1-85).

28. Section 918 was inadvertently omitted in DMM Issue 17; it is reinserted (PB 21498, 1-31-85).

29. Section 931.2 is revised to reflect the new fee for certificates of mailing and firm mailing books (Special Bulletin 21493, 1-9-85 and 2-1-85).

30. Section 931.33 has been merged into 931.21b (Special Bulletin 21493, 1-9-85 and 2-1-85).

31. Section 941.4 and 941.5 are revised to reflect the new money order inquiry fee and revised Form 6401, *Domestic Money Order Inquiry*. Section 941.16 is deleted (PB 21499, 2-7-85).

32. Section 941.42 is revised to reflect the new rate to be charged customers filing a money order inquiry, the new Form 6401, and to clarify the procedures for processing inquiries (PB 21499, 2-7-85).

33. Section 945.37 is revised to insert the new rate for sequencing address cards and to clarify charges for rural route address changes (Special Bulletin 21493, 1-9-85 and 2-1-85).

34. Section 945.5 is revised to clarify the mailer's responsibility to code mailing lists using Publication 65, *National Five-Digit Post Office and ZIP Code Directory*, and to insert the new charge for sorting mailing lists (Special Bulletin 21493, 1-9-85 and 2-1-85).

35. Minor editorial and typographical changes have been made to 119.32, Exhibit 122.63f, 141.232, 145.1, 146.222c(2), 321.1, 361.3, 426.11b, 462.24b(2), 462.3b, 621.1b, 661.2, 667.311b(2), 721.1c, 761.11, 913.43a, b; 913.441a, b; 913.442, 913.461, 913.51, 914.132, 914.174, 915.5, 916.3, 919.421d, 919.522d, 919.912b, c; 941.133, 941.5, 944.241, and 951.262.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

In consideration of the foregoing, 39 CFR 111.3 is amended by adding at the end thereof the following:

§ 111.3 Amendments to the Domestic Mail Manual.

Transmittal Letter for Issue	Dated	Federal Register Publication
.	.	.
18	Feb. 21, 1985	50 FR 12019

(5 U.S.C. 552(a); 39 U.S.C. 401, 407, 408, 3001-3011, 3201-3218, 3403-3405, 3601, 3621; 42 U.S.C. 1973cc-13, 1973cc-14)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 85-7179 Filed 3-26-85; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 8560

Wilderness Areas; Withdrawal of 43 CFR 8560.4-6(j)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of withdrawal of 43 CFR 8560.4-6(j).

SUMMARY: A final rulemaking establishing procedures for the administration of wilderness areas on public lands under the jurisdiction of the Bureau of Land Management and designated by the Congress as part of the National Wilderness Preservation system was published in the Federal Register of February 25, 1985 (50 FR 7704). The final rulemaking, except for § 8560.4-6(j), will be effective on March 27, 1985. Notice is hereby given of the withdrawal of § 8560.4-6(j) of that final rulemaking.

EFFECTIVE DATE: The final rulemaking on 43 CFR Part 8560, except for § 8560.4-6(j) which is hereby withdrawn, shall be effective on March 27, 1985. Section 8560.4-6(j) is withdrawn as of March 27, 1985.

ADDRESS: Any inquiries or suggestions should be submitted to: Director (140), Bureau of Land Management, Main Interior Bldg., Room 5555, 1800 C Street, NW., Washington, D.C. 20240

FOR FURTHER INFORMATION CONTACT: David E. Porter, (202) 343-6064.

SUPPLEMENTARY INFORMATION: After the publication of the final rulemaking providing procedures for the administration of wilderness areas on public lands under the jurisdiction of the Bureau of Land Management and designated by the Congress as part of the National Wilderness Preservation System in the **Federal Register** of February 25, 1985 (50 FR 7704), the Department of the Interior decided to withdraw § 8560.4-6(j) of that final rulemaking. This action will mean that mining claims within designated wilderness areas will be managed under the Bureau of Land Management's Wilderness Management Policy published in September 1981. The withdrawal of this section will provide the Department with additional time to thoroughly review how it will meet its Congressionally mandated dual responsibility of guaranteeing the preservation of wilderness areas, as well as ensuring the recognition of valid existing rights that might exist in those wilderness areas.

Under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and the Wilderness Act of 1964 (16 U.S.C. 1131), Subchapter H, Chapter II, Title 43 of the Code of Federal Regulations is amended by removing and reserving § 8560.4-6(j).

J. Steven Griles,

Deputy Assistant Secretary of the Interior.

March 22, 1985.

[FR Doc. 85-7238 Filed 3-26-85; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 22, 74 and 90

[Gen. Docket No. 83-45; RM-3910; RM-3924; FCC 84-509]

Frequency Allocation to the Offshore Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission amends Parts 2, 22, 74 and 90 of its Rules to reallocate television Channels 15 and 16 in the Gulf of Mexico to the Offshore Radio Service (ORS) and to allow the authorization of interstitial frequencies for ORS use in the existing ORS allocation at television Channel 17. This action is taken to ORS to expand into new areas of the Gulf of Mexico as well as relieve frequency congestion in the existing ORS Channel 17 allocation.

EFFECTIVE DATE: April 26, 1985.

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

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 2

Frequency allocations.

47 CFR Part 22

Offshore radio service.

47 CFR Part 74

Television.

47 CFR Part 90

Authorization in the Band 470-512 (UHF-Sharing), Radio.

Report and Order

In the matter of amendment of Parts 2, 22, 74 and 90 of the Commission's rules to provide additional Channels for the Offshore Radio Service, Gen. Docket No. 83-45, RM-3910, RM-3924.

Adopted: October 26, 1984.

Released: March 20, 1985.

By the Commission: Commissioner Quello concurring and issuing a statement; Commissioner Rivera dissenting and issuing a statement at a later date.

Introduction

1. This proceeding is in response to two petitions, RM-3910 and RM-3924, filed by the Offshore Telephone Company (OTC). In its first petition, RM-3910 filed June 10, 1981, OTC requested that the Commission amend its rules governing the Offshore Radio Service (ORS), previously the Offshore Radio Telecommunication Service,[1] to allow common carrier operators to use interstitial frequencies within the existing ORS allocation at 488-494 MHz (UHF television Channel 17). Interstitial frequencies are channels offset in frequency by one-half channel from the normal voice channels. In its second petition, RM-3924 filed June 15, 1981, OTC requested that the Commission amend its rules to reallocate UHF television Channels 15 and 16 in the Louisiana-Texas Gulf Coast Area for ORS use. In response to the petitions, the Commission adopted a Notice of Proposed Rule Making (Notice) combining the two petitions into the instant proceeding, General Docket No. 83-45.[2]

2. Comments in response to the Notice were filed by OTC, the Association of Maximum Service Telecasters, Inc. (AMST), the Central Committee on Telecommunications of the American Petroleum Institute (API), the County of Los Angeles (LA County) and the General Electric Company (GE). Reply comments were filed by AMST, API and OTC. Additional comments were filed by API on October 5, 1983 and a reply to API's additional comments was filed by AMST.

Background

3. In August of 1976, the Commission adopted a Report and Order in Docket 20368 establishing the ORS common carrier service.[3] ORS was designed to meet the growing radio communications needs of petrochemical companies operating in the Outer Continental Shelf region of the southern Louisiana Gulf Coast (Zone A).[4]

4. The rules adopted in Docket 20368 also amended the Table of Frequency Allocations, § 2.106, of the FCC Rules by adding footnote NG114. This footnote reallocated UHF-TV Channel 17 frequencies (488-494 MHz) to the Domestic Public and Private Land Mobile Radio Services in the offshore Louisiana Gulf Coast areas.[5] Four megahertz of this spectrum was assigned for ORS use pursuant to § 22.1001 of the Rules and the remaining two megahertz was assigned to the Private land Mobile Radio Services for use pursuant to § 90.315 of the FCC Rules.

Notice

5. In the Notice, we proposed to reallocate UHF television Channels 15 and 16 in the Gulf of Mexico to meet the present and future ORS radio Communications requirements. These requirements have significantly increased as new areas in the Gulf, which are outside the geographical

[1] See Common Carrier Docket 80-57 adopted by the Commission on October 19, 1983, released on December 19, 1983 (FCC 83-470, 49 FR 3996, January 26, 1984).

[2] The Notice of Proposed Rule Making in Gen. Docket No. 83-45 was adopted on January 27, 1983, and released on February 22, 1983, by the Commission (FCC 83-35, 48 FR 11957, March 22, 1983).

[3] *Report and Order*, Docket No. 20368, 41 FR 33683 (August 11, 1976).

[4] This service is authorized in the area, herein after Zone A, bounded by the coordinate lines 94°00' West Longitude on the west, and 87°45' West Longitude on the east; by the three mile limit along the Gulf Coast on the north; and by the outer continental shelf on the south.

[5] NG114: In the offshore Louisiana Gulf Coast area, the band 488-494 MHz (TV Channel 17) is allocated to the Domestic Public and Industrial Radio Service in accordance with the regulation(s) set forth in Parts 22 and 90, respectively.

boundaries of the current allocation, are being developed by petrochemical companies.[6] Based upon a study by our Office of Science and Technology, we proposed technical standards, including geographical boundaries for use of each of the Channels, to provide adequate protection from harmful interference to full service broadcasting and land mobile operations.[7] We solicited comments on the desirability of allocating some of the frequencies for private use, as is currently the case in the existing ORS allocation. We also asked for comments on whether there is a need to provide a protection standard to prevent intermodulation interference between land mobile stations operating on frequencies within television Channel 17 in the vicinity of Houston, Texas, and ORS stations operating on frequencies within television Channel 16.

Comments

ORS Spectrum Needs

6. AMST opposed the reallocation of television Channels 15 and 16 for ORS in the Gulf of Mexico. It claimed, as it had in its comments to the petitions, that there has been no demonstration of need to warrant increasing the spectrum allocated to ORS. It further argued that any additional ORS communication requirements should be met by alternative means such as satellite operations or by making better use of current allocations with advanced technologies such as trunking, cellular or amplitude compandored side band.

7. OTC, API, GE and LA County all supported the proposal to allocate additional spectrum for ORS use. OTC and API argued that the allocation is needed for two reasons. First, the current spectrum allocation, which is limited geographically to Zone A, is no longer able to meet the current ORS requirements within that Zone. Second, the allocation is needed to meet the radio communications requirements in the new areas in the Gulf of Mexico, which are outside the area covered by the current ORS allocation (Zone A), that are being explored by the petrochemical companies. These new areas for exploration were created by the Department of The Interior's new leasing program, which has vastly expanded the total area offered for lease to explore and develop petrochemicals in the Gulf of Mexico. In its comments, OTC also addressed the possibility of using satellite systems to meet the additional ORS requirements. It argued that satellite channels would be both expensive and spectrum inefficient. It claimed that off the shelf equipment for each terrestrial duplex single voice/data telephone circuit would cost $7,000 while a satellite channel would cost about $8,000 per month. It also noted that most satellite systems are designed for wideband communications while most ORS operations require only one or two channels per platform and, therefore, satellite systems would not be a very spectrum efficient way of meeting the ORS requirements. API also addressed the issue of using new technologies to meet future ORS requirements. It argued that it supports the use of new technologies and, in fact, is on the forefront of employing new technologies but that new technologies alone would not be enough to satisfy the offshore communications requirements.

Reallocation of Television Channels 15 and 16

8. OTC, API and GE supported the Notice's proposed reallocation of Channels 15 and 16. OTC argued that these Channels are unused, and never will be used, in the Gulf of Mexico for broadcasting and that this spectrum will simply be wasted if it is not reallocated for some purpose other than broadcasting. It also argued that these Channels may be used by ORS while providing full protection to full service broadcasting and land mobile operations. OTC further argued that these bands are desirable for ORS operations, as off the shelf equipment is available and the propagation characteristics of the frequencies in these Channels are very desirable for ORS operations. GE also supported this reallocation, claiming that it would be an efficient use of the spectrum. It supported its claim by noting that geographical sharing of the UHF television spectrum is tried and proven. Specifically, it noted the reallocation of television Channel 17 for ORS operations has resulted in greater use of the spectrum without causing any interference to broadcasting or land mobile operations.

9. AMST, however, opposed the reallocation of television Channels 15 and 16. It was particularly concerned about possible interference from ORS operations to a proposed broadcasting operation on Channel 15 at Laredo, Texas. It was also concerned that ORS operations may pre-empt possible low power operations on Channel 15 in four Texas cities, Brownsville, Harlingen, Beaumont and Port Arthur. In response, both OTC and API argued that the proposed technical standards provide full protection to full service UHF TV broadcasting operations by requiring a 150 mile separation between the ORS station and a co-channel full service UHF broadcast station. OTC filed an engineering study with regard to protecting a proposed UHF Channel 15 broadcasting station at Laredo, Texas. It stated that only about 30 square miles, within 17 miles of the coast, of ORS Zone C would be affected. It noted that this was a very small portion of the ORS areas and did not consider this to be a significant loss to ORS, as very few ORS stations operate near the shore line. It did note, however, that if and when UHF TV Channel 15 operation starts at Laredo, any ORS station in the affected area would be required to discontinue operations. API argued that with regard to low power broadcast use of Channel 15, the Commission should not be inhibited from providing for present communication requirements by providing protection from potential interference to potential stations. It argued that the Commission should adopt technical parameters to protect these stations only if and when they are authorized.

10. LA County, which supported a reallocation to ORS, requested that the reallocation be made in the spectrum above television Channel 20. It argued that this would eliminate all possible interference to possible future land mobile operations on television Channels 14 through 20 and would not set a precedent of using these frequencies for ORS in other parts of the country, such as southern California. It also requested that if an allocation is made to ORS on television Channels 15 and 16 as proposed, then the ORS service should be required to operate on a secondary basis to any future land mobile operations. In its reply comments, OTC responded to LA County's comments by arguing that LA County's comments add little to this proceeding as they are based on pure speculation, specifically that the Commission will reallocate these Channels for land mobile use.

---

[6] Expansion of Channel 17 is not feasible due to cochannel land mobile operations in Houston.

[7] ORS operations on television Channel 17, 488–494 MHz, will be restricted to current ORTS zone, Zone A, (see footnote 3). Operations on television Channel 16, 482–488 MHz, will be restricted to Zone B which is bounded by the coordinates: Longitude 87° 45' on the east to longitude 95°00' on the west and from the 3-mile limit along the Gulf of Mexico shoreline on the north to the limit of the Outer Continental Shelf on the south. Operations on UHF TV Channel 15, 476–482 MHz, will be restricted to Zone C which is bounded by the coordinates: Longitude 94°00' on the east, the 3-mile limit on the north and west, a 175 mile radius from the reference point at Linares, N.L., Mexico on the southwest, Latitude 26°00' on the south, and the limits of the outer continental shelf on the southeast.

Allocation for Private Use

11. In response to our solicitation regarding allocating a portion of Channels 15 and 16 for private use, extensive comments were filed by OTC and API. OTC was opposed to private use of the frequencies, claiming that a comprehensive common carrier system is necessary to serve such a vast area. It argued that private operators would have problems obtaining necessary relay rights-of-way from other offshore operators, that there are economies of scale in using a common carrier system (especially for sites located far from the mainland) and that a common carrier system would permit more efficient utilization of the spectrum. It also argued that private users could obtain frequencies allocated to other private services by requesting waivers of the Commission's Rules, while common carriers could not. Further, in its reply comments OTC claimed that the private users had not demonstrated a need for an additional allocation. OTC went on to request that if an additional allocation were made for private use, it should be restricted to one or two megahertz. API, on the other hand, supported "spinning off" some of the spectrum for private use and requested that three megahertz per Channel be allocated for private use. It argued that users should be provided with an option of choosing between a private and a public system to meet their communication requirements in the expanded areas available for petrochemical development in the Gulf of Mexico. It claimed that common carrier facilities do not reach all areas of the Gulf. Further, it argued that private systems are particularly necessary when exploring new areas where common carrier service has not yet been initiated and where only limited requirements exist. It also claimed that when new areas are being explored, it is necessary to have secured communication facilities, which often may only be accomplished by private systems. It also argued that the existing allocation for private frequencies on Channel 17 has been extensively used and is of inestimable value to oil and gas industry licensees and that the new frequencies would be equally valuable.

Intermodulation Interference

12. In response to our solicitation regarding the likelihood of intermodulation interference between land mobile stations operating on frequencies within television Channel 17 and ORS operations on television Channel 16, we received comments from OTC. OTC noted that it is mathematically possible for intermodulation products to occur, but they are only likely to be harmful if the transmitters are located close to one another. However, it did propose that we adopt the same standards that were proposed in the Notice to avoid intermodulation interference between stations within an ORS zone. OTC proposed the following paragraph be added to § 22.1001:

> Section 22.1001(e)(3). Where the proposed transmitting site is located west of longitude 90°40 W. and is within 32.2 kM (20 miles) of the shoreline, and proposes use of the frequencies set forth in Section 22.1001(b), the applicant shall submit a showing that no third-order intermodulation interference would be caused to any base station or mobile operation using the frequencies between 488 and 494 MHz.

Interstitial Frequencies

13. Both OTC and API supported the proposal to permit interstitial channel assignments, which are channels offset by 12.5 kHz from the existing channels, in the current ORS allocation. There were no comments opposing this proposal. API, however, did request that the Commission modify its proposal in order to allow interstitial frequency use within TV Channels 15 and 16 as well. OTC opposed this, arguing that interstitial usage in these new bands could reduce, rather than expand, spectrum use, as there would be a tendency to design primary channel operations around existing interstitial operations instead of the other way around. Therefore, it suggested that allowing interstitial assignments might better be considered after there is greater use of the primary channels.

Discussion

14. Our proposal in the Notice that additional spectrum is needed to meet current and future ORS communications requirements in the Gulf of Mexico, due to expanded areas of petrochemical development in the Gulf of Mexico and frequency congestion in the existing ORS band, was supported by OTC, API, LA County and GE. Further we believe, as stated in the Notice and supported by OTC and API, that UHF Television Channels 15 and 16 are appropriate choices for reallocation for the following reasons: (A) These frequencies will remain unused in the Gulf of Mecico unless they are reallocated; (B) there is equipment available at these frequencies that can provide reliable communications at a reasonable cost; (C) ORS stations will be able to use these frequencies restricted by the geographical boundaries proposed in the Notice without causing interference to full service broadcasting stations or land mobile operations in the Gulf area; (D) these frequencies will meet the ORS communications requirements as well as provide an alternative to other technologies, such as cellular and satellite operations,[*] which may be able to meet some, but not all of the offshore telecommunications requirements in the Gulf; and (E) the reallocation will have only minimal impact on low power television operations. We believe that the protection standard for ORS based on our studies and proposed in the Notice, in particular the geographical boundaries placed on the use of each channel, will have little impact on low power broadcasting operations on Channels 15 and 16, as only a few sparsely populated areas will be affected. With regard to AMST concern regarding the four Texas cities, which it claimed would lose potential low-power television authorizations for Channel 15, our research into the matter revealed that no applications have been filed with the Commission for low power broadcasting authorization on Channel 15 in any of the four cities. Further, two of the cities, Brownsville and Harlingen, will be unable to use Channel 15 in any event due to cochannel full service broadcast operations in Mexico. Two other cities, Beaumont and Port Arthur, have a number of requests for low power operations on other Channels in their immediate areas. Therefore, we see little impact to the four cities cited by AMST just as we see little impact on the rest of the Coastal area from ORS operations on either Channel 15 or 16.

15. ORS operations must protect full service UHF TV stations. Full service UHF TV stations may modify their technical parameters and/or transmitter locations, in accordance with Part 73 of the Commission's Rules. If such modifications by the broadcast stations reduce the distance to any ORS or private land mobile stations in the Gulf to a separation less than those specified in Tables D and E of § 22.1001(d) or Table 1 of § 90.315(d) or the provisions of § 90.315(g), then ORS and private land mobile stations will be required to adjust their operations to correspond to those rules. To smooth this process, we are requiring UHF TV licensees on Channels 14, 15, 16, 17, and 18 applying for a change in transmitter site that would result in a mileage separation less than that specified in the attached rules (i.e., 210 miles-cochannel, 80 miles-

[*] The Commission has accepted for filing applications for cellular systems in the Gulf (see File No. 29000-CL-P-83 adopted September 22, 1983, released October 7, 1983, FCC 83-434).

adjacent channel) to serve notice to those affected ORS and Private Land Mobile licensees using Channel 15, 16, and 17 frequencies at the same time the application for change is submitted to the Commission. We believe this is necessary because a change to a UHF TV station's transmitter site within the station's area of service is now considered a minor change by the Commission.[9]

16. We disagree with LA County's comments that the reallocation should be made above television Channel 20 to provide for possible future land mobile operations. We believe, as stated above and in the Notice, that Channels 15 and 16 provide the optimum allocation for ORS because they will be economically viable and will have minimal impact on existing and planned services. Further, we do not agree that ORS should now be made secondary to any future land mobile operation. Such a regulation should be considered for adoption only when and if a land mobile allocation is made so that all aspects of the issue may be considered.

17. We agree with API that there is a need to provide an allocation for private users in this new allocation, particularly since the new allocation covers additional area in the Gulf of Mexico, which is not covered by the current private allocation at Channel 17. However, it appears to us, from usage in the current allocation, that the allocation scheme of the current ORS frequencies, 4 MHz for common carrier use and 2 MHz for private use, would best meet the expanding communication requirements for both common carrier and private systems in the Gulf Mexico. Therefore, we are modifying footnote NG114 of § 2.106 of the Rules, from the text proposed in the Notice, to read as follows:

NG114 In the Gulf of Mexico offshore from the Louisiana-Texas coast, the frequency band 476–494 MHz (TV channels 15, 16 and 17) is allocated to the Domestic Public and Private Land Mobile Radio Services in accordance with the regulations set forth in Parts 22 and 90 respectively.

We are also modifying Parts 22 and 90 as set forth in the Appendix, attached hereto, to reflect this allocation for private use. The technical standards adopted for Part 90 will be the same as those proposed for Part 22 in the Notice and adopted herein.

18. With regard to OTC comments on intermodulation interference between land-based mobile stations operating on Channel 17 frequencies and ORS operation on Channel 16 frequencies, we agree that the protection criteria proposed in the Notice to avoid interference between stations within an ORS zone would also provide adequate protection between land-based mobile and ORS stations. Therefore, we will adopt the suggestion of OTC and will require that certain Parts 22 and 90 applicants for Channel 16 frequencies submit a showing that no third order intermodulation interference will be caused to existing base or mobile operations on Channel 17 frequencies.

19. With regard to authorization of interstitial frequencies, we agree with OTC that authorization of interstitial channels in the new ORS allocations, even though they would be secondary to the primary channel operations, could cause irregular growth in the primary channels. This could preclude use of some of the primary channels, thus reducing the spectrum efficiency of the new ORS allocation. Therefore, we will adopt usage of interstitial frequencies only in the existing ORS allocation at Channel 17, where there is already substantial usage of the primary channels. We are adopting use of interstitial frequencies for Part 22 as proposed in the Notice and also are adding rules to Part 90 as suggested by the commenters, that will allow interstitial frequency usage for private operations in the current allocation. We are applying the same geographical limitations for the Part 90 interstitial operations as we are applying for Part 22 interstitial operations.

Other Matters

20. In its comments, OTC suggested that we had inadvertently left out frequency pairs 489.325/492.325 MHz and 489.375/492.375 MHz from § 22.1001(a) in Appendix B in the Notice. OTC also suggested that the frequency pairs 488.925/491.925 and 488.975/491.975 MHz should be deleted to preserve a guard band around the auto-alarm channel at 488.950/491.950 MHz. We have made the appropriate modifications to the frequency list in § 22. 1001(a) to include OTC corrections.

Administrative

21. Regulatory Flexibility Act Final Analysis.

I. Need for and Objective of Final Rules

The objective is to reallocate the band 476–488 MHz (television Channels 15 and 16) for Offshore Radio Service use in the Gulf of Mexico and to allow use of interstitial frequencies in the current ORS allocation (television Channel 17, 488–496 MHz). This will satisfy the expanded communication requirements of petrochemical companies operating in the Gulf of Mexico.

II. Summary of Issues Raised by Public Comments

There were no comments filed addressing the matters discussed in the initial regulatory flexibility analysis.

III. Alternative to the Rule

It does not appear that there are any significant alternatives to the adopted rules, other than those addressed and rejected in this order, that would accomplish the stated objectives.

22. Accordingly, it is ordered, That pursuant to the authority found in sections 4(i), 301 and 303(r) of the Communications Act of 1934, as amended, (47 U.S.C. 154 (i), 301, 303(r)), Parts 2, 22, 74 and 90 of the Commission's Rules and Regulations is amended as specified in the Appendix. These amendments become effective April 26, 1985.

23. Further, it is ordered, That any UHF TV licensee using Channel 14, 15, 16, 17, or 18 filing an application to change transmitter site that would result in a mileage separation less that 210 miles (cochannel) or 80 miles (adjacent channel) from any ORS Zone as described in the attached rules (see § 22.1001(a), (b) and (c)) shall serve notice to those ORS and Private Land Mobile licensees operating on Channels 15, 16, and 17 frequencies in the applicable zone. Names and addresses of affected ORS licensees may be obtained from the Commission's Common Carrier Bureau and names and addresses of affected Private Land Mobile Radio Service licensees may be obtained from the Commission's Private Radio Bureau.

24. The Secretary shall cause a copy of this Report and Order to be served to all affected UHF TV licensees.

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

[9] The Report and Order in MM Docket No. 83-1377, 49 FR 32586, August 15, 1984, redefined minor changes to UHF TV stations to include a change of transmitter site within a station's area of service. Minor changes do not require or receive a 30 day comment period after being placed on public notice before such changes may be approved. ORS licensees, of course, may file informal comments relating to such modification and the Commission has the discretion to consider those comments in determining whether to grant the change.

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

William J. Tricarico,

Secretary.

Appendix

Parts 2, 22, 74 and 90 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

A. Section 2.106 is amended by revising the text of footnote NG114 at the list of footnotes following the Table of Frequency Allocation.

§ 2.106 Table of frequency allocations.

* * * * *

NG114 In the Gulf of Mexico offshore from the Louisiana-Texas coast, the frequency band 476–494 MHz (TV channels 15, 16 and 17) is allocated to the Domestic Public and Private Land Mobile Radio Services in accordance with the regulations set forth in Parts 22 and 90 respectively.

* * * * *

PART 22—PUBLIC MOBILE RADIO SERVICES

B. Section 22.1001 is revised as follows:

§ 22.1001 Frequencies.

(a) On a shared basis with television broadcasting Channel 17, the following frequencies are for assignment to stations of communication common carriers in the Zone specified in Table A of this paragraph together with the classes of station(s) to which they are normally assigned and the specific limitations which are enumerated in the explanatory notes:

Offshore central station frequencies (megaHertz)	Offshore subscriber frequencies (megaHertz)	Limitations
488.025	491.025	(1)
488.050	491.050	(1)
488.075	491.075	(1)
488.100	491.100	(1)
488.125	491.125	(1)
488.150	491.150	(1)
488.175	491.175	(1)
488.200	491.200	(1)
488.225	491.225	(1)
488.250	491.250	(1)
488.275	491.275	(1)
488.300	491.300	(1)
488.325	491.325	(1)
488.350	491.350	(1)
488.375	491.375	(1)
488.400	491.400	(1)
488.425	491.425	(1) (3)
488.450	491.450	(1) (3)
488.475	491.475	(1) (3)
488.500	491.500	(1) (3)
488.525	491.525	(1) (3)
488.550	491.550	(1) (3)
488.575	491.575	(1) (3)
488.600	491.600	(1) (3)
488.625	491.625	(1) (3)
488.650	491.650	(1) (3)
488.675	491.675	(1) (3)
488.700	491.700	(1) (3)
488.725	491.725	(1)
488.750	491.750	(1)
488.775	491.775	(1)
488.800	491.800	(1)
488.825	491.825	(1)
488.850	491.850	(1)
488.875	491.875	(1)
488.900	491.900	(1)
488.950	491.950	(1)
489.000	492.000	(1)
489.025	492.025	(1)
489.050	492.050	(1)
489.075	492.075	(1)
489.100	492.100	(1)
489.125	492.125	(1)
489.150	492.150	(1)
489.175	492.175	(1)
489.200	492.200	(1)
489.225	492.225	(1)
489.250	492.250	(1)
489.275	492.275	(1)
489.300	492.300	(1)
489.325	492.325	(1)
489.350	492.350	(1)
489.375	492.375	(1)
489.400	492.400	(1)
489.425	492.425	(1)
489.450	492.450	(1)
489.475	492.475	(1)
489.500	492.500	(1)
489.525	492.525	(1)
489.550	492.550	(1)
489.575	492.575	(1)
489.600	492.600	(1)
489.625	492.625	(1)
489.650	492.650	(1)
489.675	492.675	(1)
489.700	492.700	(1)
489.725	492.725	(1)
489.750	492.750	(1)
489.775	492.775	(1)
489.800	492.800	(1)
489.825	492.825	(1)
489.850	492.850	(1)
489.875	492.875	(1)
489.900	492.900	(1)
489.925	492.925	(1)
489.950	492.950	(1)
489.975	492.975	(1)
490.000	493.000	(1)

[1] These frequencies will be assigned for voice grade general communications.

[2] These frequencies may be assigned for private line service.

[3] These frequencies are available for emergency communications involving protection of life and property.

[4] These frequencies may be assigned to radio relay stations upon a satisfactory showing as to why it is impracticable to achieve the requisite communication without the use of radio relay stations operating on such frequencies.

[5] These frequencies shall be used only for emergency auto alarm and voice transmission pertaining to emergency conditions.

[6] These frequencies may be used for emergency shut-off remote control telemetry, environmental Data Acquisition and Dissemination, or facsimile transmissions.

TABLE A.—FREQUENCY AVAILABILITY FOR OFFSHORE RADIO SERVICE USE

Offshore	Boundaries of zone	Frequencies (megaHertz)
Southern Louisiana (Zone A).	From long. 87°45' on the east to long. 94°00' on the west and from the 3-mile limit along the Gulf of Mexico shoreline on the north to the limit of the Outer Continental Shelf on the south.	Channel 17, 488–490, 491–493.

(b) On a shared basis with television broadcasting Channel 16, the following frequencies are for assignment to stations of communication common carriers in the zone specified in Table B of this paragraph together with the classes of station(s) to which they are normally assigned. These frequencies will be assigned for voice grade general communications and may be assigned for private line service.

Offshore central station frequencies (megaHertz)	Offshore subscriber station frequencies (megaHertz)	Offshore central station frequencies (megaHertz)	Offshore subscriber station frequencies (megaHertz)
485.025	482.025	486.025	483.025
485.050	482.050	486.050	483.050
485.075	482.075	486.075	483.075
485.100	482.100	486.100	483.100
485.125	482.125	486.125	483.125
485.150	482.150	486.150	483.150
485.175	482.175	486.175	483.175
485.200	482.200	486.200	483.200
485.225	482.225	486.225	483.225
485.250	482.250	486.250	483.250
485.275	482.275	486.275	483.275
485.300	482.300	486.300	483.300
485.325	482.325	486.325	483.325
485.350	482.350	486.350	483.350
485.375	482.375	486.375	483.375
485.400	482.400	486.400	483.400
485.425	482.425	486.425	483.425
485.450	482.450	486.450	483.450
485.475	482.475	486.475	483.475
485.500	482.500	486.500	483.500
485.525	482.525	486.525	483.525
485.550	482.550	486.550	483.550
485.575	482.575	486.575	483.575
485.600	482.600	486.600	483.600
485.625	482.625	486.625	483.625
485.650	482.650	486.650	483.650
485.675	482.675	486.675	483.675
485.700	482.700	486.700	483.700
485.725	482.725	486.725	483.725
485.750	482.750	486.750	483.750
485.775	482.775	486.775	483.775
485.800	482.800	486.800	483.800
485.825	482.825	486.825	483.825
485.850	482.850	486.850	483.850
485.875	482.875	486.875	483.875
485.900	482.900	486.900	483.900
485.925	482.925	486.925	483.925
485.950	482.950	486.950	483.950
485.975	482.975	486.975	483.975
486.000	483.000	477.050	480.050

TABLE B.—FREQUENCY AVAILABILITY FOR OFFSHORE RADIO SERVICE USE

Offshore zone	Boundaries of zone	Frequencies (megaHertz)
Southern Louisiana-Texas (Zone B).	From longitude 87°45' on the east to longitude 95°00' on the west and from the 3-mile limit along the Gulf of Mexico shoreline on the north to the limit of the Outer Continental Shelf on the south.	Channel 16, 482–484, 485–487.

(c) On a shared basis with TV broadcast Channel 15, the following frequencies are for assignment to stations of communication common carriers in the zone specified in Table C of this paragraph together with the classes of station(s) to which they are normally assigned. These frequencies will be assigned for voice grade general communications and may be assigned for private line service.

Offshore central station frequencies (megaHertz)	Offshore subscriber station frequencies (megaHertz)	Offshore central station frequencies (megaHertz)	Offshore subscriber station frequencies (megaHertz)
476.025	479.025	477.075	480.075
476.050	479.050	477.100	480.100
476.075	479.075	477.125	480.125
476.100	479.100	477.150	480.150
476.125	479.125	477.175	480.175
476.150	479.150	477.200	480.200
476.175	479.175	477.225	480.225
476.200	479.200	477.250	480.250
476.225	479.225	477.275	480.275
476.250	479.250	477.300	480.300
476.275	479.275	477.325	480.325
476.300	479.300	477.350	480.350
476.325	479.325	477.375	480.375
476.350	479.350	477.400	480.400
476.375	479.375	477.425	480.425
476.400	479.400	477.450	480.450
476.425	479.425	477.475	480.475
476.450	479.450	477.500	480.500
476.475	479.475	477.525	480.525
476.500	479.500	477.550	480.550
476.525	479.525	477.575	480.575
476.550	479.550	477.600	480.600
476.575	479.575	477.625	480.625
476.600	479.600	477.650	480.650
476.625	479.625	477.675	480.675
476.650	479.650	477.700	480.700
476.675	479.675	477.725	480.725
476.700	479.700	477.750	480.750
476.725	479.725	477.775	480.775
476.750	479.750	477.800	480.800
476.775	479.775	477.825	480.825
476.800	479.800	477.850	480.850
476.825	479.825	477.875	480.875
476.850	479.850	477.900	480.900
476.875	479.875	477.925	480.925
476.900	479.900	477.950	480.950
[1] 476.950	[1] 479.950	477.975	480.975
477.000	480.000		
477.025	480.025		

[1] Superscript (1) indicates frequencies shall be used only for emergency auto alarm and voice transmission pertaining to emergency conditions.

TABLE C.—FREQUENCY AVAILABILITY FOR OFFSHORE RADIO SERVICE USE

Offshore zone	Boundaries of zone	Frequencies (megaHertz)
Southern Texas 15 (Zone C).	Longitude 94°00' on the east, the 3 mile limit on the north and west, a 175 mile radius from the reference point at Linares, N.L., Mexico on the southwest, Latitude 26°00' on the south, and the limits of the outer continental shelf on the southeast.	Channel 476–478, 479–481.

(d) All frequencies listed in this section are subject to the following conditions:

(1) No fixed or temporary-fixed stations shall be located and no mobile stations shall be operated outside the limits of the respective Zones specified in Tables A, B, and C of this section.

(2) All classes of stations in the Offshore Radio Telecommunications Service shall afford protection to co-channel full service television stations in accordance with the values set out in Table D of this paragraph (d). In using Table D of this paragraph (d), the maximum permissible effective radiated power is determined as follows:

(i) Using the method specified in § 73.611, determine the distance between the proposed station and the protected co-channel television station. If the exact mileage does not appear in Table D of this paragraph (d), the next lower mileage separation figure is to be used.

(ii) Enter the table at the mileage figure found in paragraph (d)(2)(i) of this section. Opposite this mileage figure, ERPs are given that may be used for antenna heights of 100, 150 or 200 feet above sea level. If the exact antenna height is not shown, the ERP allowed will be that shown for the next higher antenna height.

(iii) If the power found to be permitted following this procedure is lower than that determined hereafter from Table E of this paragraph (d), this lower figure is the maximum power that may be employed at the proposed station.

(3) All classes of stations in the Offshore Radio Telecommunications Service shall afford protection to adjacent channel full service television stations in accordance with the values set out in Table E of this paragraph (d).

(4) No airborne subscriber station shall be operated with an effective radiated power in excess of 1 watt or at heights in excess of 1000 feet above mean sea level. Airborne subscriber stations using Channel 17 frequencies shall not be operated outside the limits of the Zone specified in Table A of this section. Further, to provide adjacent channel protection to TV Channel 18, these stations shall not operate within a 128.8 km (80 mile) radial distance to Lakes Charles, Louisiana. Airborne subscriber stations using Channel 16 frequencies shall not be operated outside the limits of the Zone specified in Table B of this section. Further, to provide adjacent channel protection to TV Channel 15, these stations shall not operate within an 80 mile radial distance to Lafayette, Louisiana. Airborne subscriber stations using Channel 15 frequencies shall not be operated outside the limits of the Zone specified in Table C of this section. Further, to provide adjacent channel protection to TV Channels 14 and 16, these stations shall not operate within an 80 mile radial distance of either Corpus Christi or Houston, Texas.

(5) Antenna heights in excess of 61 meters (200 feet) above mean sea level will not be authorized, except that surface mobile stations will be limited to a height of 30 feet above the waterline.

(6) Mobile stations shall not operate with an effective radiated power in excess of 25 watts within 32.2 km (20 miles) of the 3 mile limit. In all other Zones, the effective radiated power shall not exceed 100 watts.

(7) On its regularly assigned frequency, an offshore central station may be used to perform the added functions of a repeater station when means are provided whereby the licensee of the radio system is able to turn the station on and off at will irrespective of the transmissions of subscriber units on the mobile frequency associated therewith.

TABLE D.—PROTECTION OF CO-CHANNEL FULL SERVICE TELEVISION STATIONS BY STATIONS IN THE OFFSHORE RADIO SERVICE—MAXIMUM EFFECTIVE RADIATED POWER (WATTS)

[65dB protection]

Distance from ORTS transmitter to TV station on the same channel (miles)	Antenna height above sea level		
	100 ft (watts)	150 ft (watts)	200 ft (watts)
210	1,000	1,000	1,000
205	1,000	900	800
200	800	710	630
195	590	520	450
190	450	400	330
185	320	280	240
180	250	210	175
175	175	150	130
170	180	110	100
165	95	80	70
160	65	55	50
155	50	40	35
150	35	30	25

Note.—No ORS station shall operate less than 241.4 km (150 miles) from any full service co-channel TV station.

TABLE E.—PROTECTION OF ADJACENT FULL SERVICE CHANNEL TELEVISION STATIONS BY STATIONS IN THE OFFSHORE RADIO SERVICE

[0 dB protection]

Distance beyond the 3-mile (4.8-km) limit (miles)	Antenna height above sea level	
	100 ft (30.5 meters) (watts)	200 ft (61 meters) (watts)
4	25	6
5	40	10
6	65	15
7	100	25
8	150	35
9	215	50
10	295	70
11	400	100
12	530	130
13	685	170
14	870	215
15	1,000	270
16	1,000	415
17	1,000	505
18	1,000	610
19	1,000	730
20	1,000	865
21	1,000	1,000

Note.—Table E of this paragraph (d) applies only within an 128.8 km (80 mile) radial distance of full service adjacent channel TV stations.

(e) A new ORS station may be permitted upon a showing of compliance with the following provisions:

(1) That the applicant has notified all licensees and permittees of ORS stations located within 321.8 km (200 miles) of the proposed station of the proposal giving them the following data at least thirty days before filing the application:

(i) The name, business address, frequency coordinator, and telephone number of the applicant.

(ii) The location by coordinate of the proposed station.

(iii) The frequency and type of emission proposed.

(iv) The height and type of antenna proposed.

(v) The bearing of the main lobe.

(vi) The effective radiated power proposed.

(2) That the proposed station protects the primary ORS channels by compliance with the following separations:

(i) Co-channel to a distance of 241.4 km (150 miles).

(ii) When offset (interstitial) channels are used, adjacent channels (±12.5 kHz) to a distance of 80.5 km (50 miles).

(iii) Third order intermodulation channels plus or minus 12.5 kHz to a distance of 32.2 km (20 miles).

(3) Where the proposed transmitting site is located west of longitude 93°40'W, and is within 32.2 kM (20 miles) of the shoreline, and proposes use of the frequencies set forth in § 22.1001(b), the applicant shall submit a showing that no third-order intermodulation interference would be caused to any base station or mobile operation using the frequencies between 488 and 494 MHz.

(f) Upon a showing of compliance with the following additional limitations an ORS station may be permitted using interstitial frequencies (12.5 kHz offset) in Zone A (Table A of this section) using TV Channel 17 frequencies (488–490 and 491–493 MHz):

(1) That the station will be located east of 92 degrees West Longitude in the Southern Louisiana ORS zone (Zone A).

(2) That utilization of this channel is secondary to the utilization of any primary ORS channel set forth in paragraph (a) of this section.

(3) That the station be utilized for voice grade general communications or to provide for private line service (see limitations 1 and 2 to the list of frequencies in paragraph (a) of this section).

* * * * *

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

C. In § 74.709, paragraph (e) is revised to read as follows:

§ 74.709 Land Mobile station protection.

* * * * *

(e) To protect stations in the Offshore Radio Service, a low power TV or TV translator station construction permit application will not be accepted if it specifies operation on channels 15, 16, 17 or 18 in the following areas. West Longitude and North Latitude are abbreviated as W.L. and N.L. respectively.

(1) On Channel 15: west of 922°00' W.L.; east of 98°30' W.L.; and south of a line extending due west from 30°30' N.L., 92°00' W.L. to 30°30' N.L., 96°00' W.L.; and then due southwest to 26°00' N.L., 98°30' W.L.

(2) On Channel 16: west of 86°40' W.L.; east of 96°30' W.L.; and south of a line extending due west from 31°00' N.L., 86°40' W.L. to 31°00' N.L., 95°00' W.L. and then due southwest to 29°30' N.L., 96°30' W.L.

(3) On Channel 17: west of 86°30' W.L.; east of 96°00' W.L.; and south of a line extending due west from 31°00' N.L., 86°30' W.L. to 31°30' N.L., 94°00' W.L. and then due southwest to 29°30' N.L., 96°00' W.L.

(4) On Channel 18: west of 87°00' W.L.; east of 95°00' W.L.; and south of 31°00' N.L.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

D. Section 90.315 is revised in its entirety as follows:

§ 90.315 Special provisions governing use of frequencies in the 476–494 MHz band (TV Channels 15, 16, and 17) in the Southern Louisiana-Texas Offshore Zone.

(a) The frequency bands from 490–491 and 493–494 MHz will be available for assignment to stations governed by this part within Zone A. The boundaries of Zone A are from longtidue 87°45' on the east to longitude 94°00' on the west, and from the three mile limit along the Gulf of Mexico shoreline on the north to the limit of the Outer Continental Shelf on the south. The frequency bands from 484–485 and 476–488 MHz will be available for assignment to stations governed by this part within Zone B. The boundaries of Zone B are from longitude 87°45' on the east to longitude 95°00' on the west and from the 3-mile limit along the Gulf of Mexico shoreline on the north to the limit of the Outer Continental Shelf on the south. The frequency bands from 478–479 and 481–482 MHz will be available for assignment to stations governed by this part within Zone C. The boundaries of Zone C are from longitude 94°00' on the east, the 3-mile limit on the north and west, a 175 mile radius from the reference point at Linares, N.L., Mexico on the southwest, latitude 26°00' on the south, and the limits of the Outer Continental Shelf on the southeast. These frequencies may also be assigned to fixed stations located on shore designed to provide communications service within the zone.

(b) Offshore base/mobile, and offshore and shore fixed stations may be authorized.

(c) F2, F3, F4, F9, and A2, A3, A4, and A9 emissions may be authorized.

(d) Offshore stations shall afford cochannel protection to TV stations on Channels 15, 16 and 17. Station operating parameters shall be in accordance with the values given in Table 1 of this section.

TABLE 1.—PROTECTION OF COCHANNEL TELEVISION STATIONS BY OFFSHORE STATIONS OPERATING IN THE SOUTHERN LOUISIANA-TEXAS OFFSHORE ZONE (65 dB PROTECTION); MAXIMUM EFFECTIVE RADIATED POWER (IN WATTS)

Distance from transmitter to cochannel TV station (miles)	Antenna height above sea level (feet)		
	100	150	200
210	1,000	1,000	1,000
205	1,000	900	800
200	800	710	630
195	590	520	450
190	450	400	330
185	320	280	240
180	250	210	175
175	175	150	130
170	130	110	100
165	95	80	70
160	65	55	50
155	50	40	35
150	35	30	25

Note.—To determine the maximum permissible effective radiated power:

(1) As specified in § 73.611 determine the distance between the proposed station and the cochannel television station. If the exact mileage does not appear in Table 1 of this section, the next lower mileage separation is to be used.

(2) Opposite this mileage figure ERPs are given that may be used for antenna heights of 100, 150, or 200 ft. ASL. If the exact antenna height is not shown, the ERP allowed will be that shown for the next higher antenna height.

(e) Shore stations communicating point-to-point with offshore stations will be permitted at least the same ERP as the offshore station, but only in the direction of the offshore station. A directional antenna shall be used and the rearward radiated power from the

antenna in a sector ±22½° from the line joining the shore antenna to the cochannel television station shall not exceed those shown in Table 2 of this section.

TABLE 2.—MAXIMUM REARWARD EFFECTIVE RADIATED POWER ALLOWED FOR SHORE STATIONS; REARWARD EFFECTIVE RADIATED POWER (IN WATTS) FROM SHORE ANTENNA IN A SECTOR ±22½° FROM THE LINE JOINING THE SHORE ANTENNA TO THE COCHANNEL TELEVISION STATION

Distance from transmitter to cochannel television station	Antenna height above ground (feet)					
	100	150	200	300	500	750
185	320	280	240	190	125	90
180	250	210	175	125	100	60
175	175	150	130	100	70	50
170	130	110	100	75	40	35
165	95	82	70	50	35	25
160	65	55	50	40	25	20
155	50	40	35	30	20	15
150	35	30	25	20	15	10
145	25	20	18	15	10	7
140	18	15	13	10	7	5
135	13	10	9	7	5	3
130	10	8	6	5	3	2
125	7	6	5	4	3	2
120	5	4	3	3	2	1

Note.—As an example of the use of Tables 1 and 2, assume an offshore station located 180 mi from TV Channel 17 located in Bude, Miss. with an antenna height of 100 ft. Table 1 allows this station to operate with 250 W ERP. Now assume the shore station communicating with the offshore station is 30 mi from the offshore station and 150 mi from Bude, Miss. The shore station antenna height is 500 ft. above ground. The shore station will be allowed the same ERP as the offshore station (250 W) in the direction of the offshore station. Table 2 indicates that the effective radiated power in a sector ±22½° from the line joining the shore antenna to Bude, Miss. can only be 15 W. Consequently, a directional antenna must be used whose minimum front-to-back ratio over this 45° sector must be at least 12.2 dB. (250 W forward power to 15 W rearward power is a power ratio of 16.6 or 12.2 dB).

(f) To provide cochannel protection to television stations, no shore station will be allowed closer than 120 miles from the cochannel television station.

(g) To provide adjacent channel protection to television stations, no shore or offshore station shall be allowed within an 80 mile distance of the adjacent channel television station.

(h) Mobile stations shall not operate closer to shore than 4 miles beyond the three mile limit and shall not operate with an ERP in excess of 100 watts with 30 ft. maximum antenna height.

(i) Mobile stations installed in aircraft shall operate 7 miles beyond the three mile limit and shall not operate with an ERP in excess of 1 watt or at heights in excess of 1000 feet AMSL.

(j) The following frequencies are available for assignment in all services for use in the Zones as defined in paragraph (a) of this section.

PAIRED FREQUENCIES (MEGAHERTZ)

Zone	Transmit (or receive)	Receive (or transmit)
A	490.025–490.975	493.025–493.975
B	484.025–484.975	487.025–487.975
C	478.025–478.975	481.025–481.975

Only the first and last assignable frequencies are shown. Frequencies shall be assigned in pairs with 3 MHz spacing between transmit and receive frequencies. Assignable frequency pairs shall occur in increments of 25 kHz.

(k) Fixed stations operating point-to-point shall be assigned frequencies beginning with 490.025/493.025 MHz (Zone A), 484.025/487.025 MHz (Zone B) and 478.025–481.025 MHz (Zone C) and progressing upwards utilizing available frequencies toward the end of the band. Offshore base/mobile stations shall be assigned frequencies beginning at 490.975/493.975 MHz (Zone A), 484.975/478.975 MHz (Zone B) and 478.975/481.975 MHz (Zone C) and progressing downwards utilizing available frequencies toward the beginning of the band. All frequency assignments are subject to the conditions specified in § 91.173.

(l) Bandwidths other than 25 kHz may be authorized upon an adequate showing of need. An application requesting such authorization shall fully describe the modulation, emission and bandwidth desired, the bandwidth to be occupied, and justification for the request.

(m) Stations located east of 92° W longitude in the Southern Louisiana Offshore Zone may be authorized frequencies that are offset by 12.5 kHz from regularly assigned Zone A frequencies (490–491 and 493–494 MHz). Such assignments will be on a secondary, non-interference basis to primary authorized stations and shall be entitled to no protection from these stations.

[FR Doc. 85-7046 Filed 3-26-85; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE

48 CFR Parts 242 and 252

Defense Acquisition Regulatory System; Availability and Request for Comment on Overhead Cost Certifications; Interim Changes to the DoD FAR Supplement

AGENCY: Department of Defense (DoD).

ACTION: Interim rule and request for comment.

SUMMARY: The Secretary of Defense on March 12, 1985, decided that contractors will be required certify, under penalty of perjury, that all costs included in claims for overhead costs are allowable in accordance with contract requirements and the cost principle applicable to those contracts. Interim changes to DoD FAR Supplement (DFARS) Subparts 242.7 and 252.2 have been issued to require an appropriate certification and preclude contracting officers from accepting overhead cost submissions unless they have been properly certified.

EFFECTIVE DATE: March 20, 1985.

DATES: Any comments on the changes to DFARS 242.7 and 252.2 are to be submitted to the DAR Council no later than April 26, 1985.

ADDRESS: Interested parties may contact the following to obtain copies of the proposed changes and to submit comments: Defense Acquisition Regulatory Council, ATTN: Executive Secretary, OUSDRE(AM)(DARS), c/o OUSDRE(M&RS), Room 3D139, Pentagon, Washington, D.C. 20301-3062.

FOR FURTHER INFORMATION CONTACT: Charles W. Lloyd, Executive Secretary DAR Council, (202) 697-7267.

SUPPLEMENTARY INFORMATION:

Background

The DoD FAR Supplement is codified in Chapter 2, Title 48 of the Code of Federal Regulations.

The October 1, 1984 revision of the CFR is the most recent edition of that title. It reflects amendments to the 1984 edition of the DoD FAR Supplement made by Defense Acquisition Circulars 84-1 through 84-3.

Interested parties may submit proposed revisions to this Supplement directly to the DAR Council.

Interim Changes to 48 CFR 242 and 252

The Department of Defense has issued interim changes to the DoD FAR Supplement to assure that certain acquisition regulations regarding claims

for overhead costs are followed. These changes require a company's division Vice President or equivalent to certify that all costs included in claims for overhead costs are allowable in accordance with contract requirements and the cost principles applicable to those contracts. These changes prescribe a specific certification for this purpose and prohibit contracting officers from accepting overhead cost submissions that are not properly certified. Due to urgent and compelling circumstances, these charges are being issued as interm rules wouthout public comment prior to their effectivity.

List of Subjects in 48 CFR Ch. 2

Government procurement.

James T. Brannan,

Director, Defense Acquisition Regulatory Council.

Adoption of Amendments

Therefore, the DoD FAR Supplement contained in 48 CFR Chapter 2 is amended as set forth below.

1. The authority for 48 CFR Chapter 2 reads as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

PART 242—CONTRACT ADMINISTRATION

2. Sections 242.770, 242.770–1 and 242.770–2 are added to read as follows:

242.770 Overhead cost certifications.

242.770–1 Policy.

No submission of a request for payment of indirect costs shall be accepted and no payment shall be made unless such costs have been certified by the contractor's Division Vice President or equivalent, using the Certificate of Overhead Costs in the clause at 252.242–7003. Certification of a request for payment of indirect costs may be made by an individual certification or by a reference to a current certification of the billing rates or final indirect cost rates used in developing the payment request. No agreements on billing rates (including forward pricing rates used as billing rates) or on final indirect cost rates shall be made by the Government without such certification. Changes to previously certified billing rates require a new certification.

242.770–2 Clause.

The contracting officer shall insert the clause at 252.242–7003, "Certification of Overhead Costs (MAR 1985)," in all solicitations and contracts which provide for (a) interim reimbursement of indirect costs, (b) establishment of final indirect cost rates, or (c) contract financing that includes interim payment of indirect cost (e.g., progress payments based on cost and payments based on percentage or stage of physical completion such as shipbuilding).

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.242–7003 is added to read as follows:

252.242–7003 Certification of Overhead Costs.

As prescribed in 242.770–2, insert the following clause:

Certification of Overhead Costs (Mar 1985)

(a) Definition. "Claim," as used in this clause, means any request for payment of overhead costs including a proposal for or an agreement on final indirect cost rates or billing rates (including forward pricing rates used as billing rates).

(b) The Contractor's Division Vice President or equivalent must execute the Certificate in paragraph (c) below for all overhead cost claims. Only upon receipt of the Certificate, or specific reference to same, shall the Contracting Officer act on the Contractor's overhead cost claim.

(c) Certificate of Overhead Costs. The Certificate shall read as follows:

This is to certify that:

1. I have reviewed the claim submitted herewith;

2. All costs included in this claim for (overhead costs for rate approval) (final settlement for identify period covered by rate) are allowable in accordance with the requirements of contracts to which they apply and with the cost principles of the Department of Defense applicable to those contracts;

3. This claim does not include any costs which are unallowable under applicable cost principles of the Department of Defense, such as (without limitation): Advertising and public relations costs (FAR 31.205–1), contributions and donations (FAR 31.205–8), entertainment costs (FAR 31.205–14), fines and penalties (FAR 31.205–15), lobbying costs (FAR 31.205–22), defense of fraud proceedings (FAR 31.205–47), and goodwill (FAR 31.205–49); and

4. All costs included in this claim benefit the Department of Defense and are demonstrably related to or necessary for the performance of the Department of Defense contract(s) covered by the claim.

I declare under penalty of perjury that the foregoing is true and correct.

Firm: _____

Signature: _____

Name of Corporate Official: _____

Title: _____

Date of Execution: _____

(End of clause)

[FR Doc. 85–7197 Filed 3–26–85; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 84–09; Notice 2]

Federal Motor Vehicle Safety Standards; Door Locks and Door Retention Components

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

ACTION: Final rule.

SUMMARY: The purpose of this notice is to amend Federal Motor Vehicle Safety Standard No. 206, *Door Locks and Door Retention Components*, to expand the list of doors that need not conform to the requirements of the standard. Added to the list are doors with wheelchair lifts that are provided with an audible or visual alarm which signals the driver when the door is unsecured and the ignition is in the "on" position. When in its stowed position, a wheelchair lift barricades the door and prevents occupant ejection from the vehicle if the door were to open while the vehicle is in motion or involved in a collision. The alarm ensures that the wheelchair lift is in its retracted position and the door is shut while the vehicle is in operation. This final rule completes a rulemaking action commenced when a manufacturer requested an exemption from the requirements of Standard No. 206.

EFFECTIVE DATE: July 25, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. William Smith, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Telephone (202) 426–2242.

SUPPLEMENTARY INFORMATION: Paragraph S4 of Federal Motor Vehicle Safety Standard (FMVSS) No. 206, *Door Locks and Door Retention Components*, excludes from its requirements components on folding doors, roll-up doors and doors that are designed to be easily attached to or removed from motor vehicles manufactured for operation without doors. Thomas Built Buses, Inc., (hereinafter referred to as "Thomas") requested that Standard No. 206 be amended to exclude from its requirements multipurpose passenger vehicles which are equipped with wheelchair lifts and which are designed for wheelchair occupants.

On September 26, 1984 the agency published a notice of proposed rulemaking (NPRM) in the **Federal Register** (49 FR 37813), which proposed to exclude from the standard's

requirements doors with wheelchair lifts that are provided with audible alarms. The notice explained that the agency was proposing to expand the list of excluded doors to include side doors equipped with wheelchair lifts and audible alarms because the wheelchair lifts barricade the door of the vehicle if the door were to open while the vehicle is in motion or involved in a collision. The agency believed that it was unnecessary to require these doors to comply with the requirements of the standard since the lifts would prevent ejection of the vehicle's occupants, and since there would be an alarm which would ensure that the door is closed and the lift is in its retracted position.

The NPRM explained that wheelchair lifts are designed so that they are secured in the retracted position by either hydraulic pressure in the extension/retraction cylinders and mechanical latches, or by electrically-operated drive mechanisms. Metal grate floors of lifts are stowed in a vertical position parallel to and in close proximity with the interior surface of the door of the vehicle. In its retracted position, the wheelchair lift could provide an adequate barrier to occupant ejection from the vehicle if the door were to open while the vehicle is in motion or involved in a collision. An alarm system which is activated if the door is opened while the ignition is in the "on" position would ensure that the wheelchair lift is in its retracted position and the door is shut while the vehicle is in operation.

One comment to the proposal was received by the agency. The commenter generally supported the proposed amendment but suggested two changes. The first suggestion was that a visual alarm, such as a flashing visible signal located in the driver's compartment, be allowed as an alternative to the audible alarm proposed by the NPRM. The commenter explained that an audible alarm which is activated the entire time the lift door is open could be disturbing to special education passengers.

The agency agrees that a visual alarm conspicuous to the driver would ensure that the wheelchair lift door is latched and secured. This meets the intent of the requirement for an alarm system, and accommodates the needs of special education passengers. This final rule thus adopts the first of the commenter's requested changes by allowing an alarm system consisting of either a visual signal located in the driver's compartment, or an alarm audible to the driver.

The second change requested by the commenter was that the amendment apply to all wheelchair lift doors whether or not a lift is installed at the time the vehicle is certified. The commenter explained that it is common in the industry for a vehicle manufacturer to build and deliver a vehicle to a distributor with just the lift door installed. The distributor then installs the wheelchair lift prior to delivery to the purchaser.

The agency does not agree that this change should be made to Standard No. 206. This amendment exempts doors equipped with wheelchair lifts and alarm systems because the lifts in their retracted position provide an adequate barrier to occupant ejection if the door were to open while the vehicle is in operation or involved in a collision. The agency believes that manufacturers should be prohibited from certifying their vehicles as complying with FMVSS No. 206 if the doors of that vehicle do not contain wheelchair lifts and alarm systems or locks and door retention components which conform to Standard No. 206.

The agency notes that under NHTSA's requirements set forth in 49 CFR Part 568, *Vehicles Manufactured in Two or More Stages*, the commenter, as the incomplete vehicle manufacturer, is not prohibited from delivering the vehicle to the distributor without the lift installed. Under Part 568, the distributor or other person installing the lift would be considered the final-stage manufacturer. The incomplete vehicle manufacturer must furnish a document that explains the specific conditions of final manufacture under which the completed vehicle will conform to the applicable safety standards, which would include, FMVSS No. 206. As the final-stage manufacturer, the distributor can install the lift and certify the vehicle as complying with all applicable safety standards.

The agency has considered the comments on the NPRM and has amended FMVSS No. 206 to exclude from the requirements of the standard doors which contain wheelchair lifts that are provided with an alarm system consisting of either a flashing visible signal located in the driver's compartment or an alarm audible to the driver, which is activated when the door is open. The alarms must be sufficient to alert the driver when the door is open, i.e., the audible alarm must be loud enough to be heard and the visual alarm must be conspicuous and located in the driver's compartment. This amendment excludes such doors on passenger cars, multipurpose passenger vehicles, such as vans, and trucks.

Environmental Effects

NHTSA has examined this amendment for the purposes of the National Environmental Policy Act. The amendment would have no effect on the human environment since the type, weight, and quantity of materials used in the manufacture of wheel chair lifts and doors equipped with wheelchair lifts would not be significantly changed. No adverse impact on safety is anticipated.

Economic Analyses

NHTSA has determined that this amendment is neither major within the meaning of Executive Order 12291 "Federal Regulation" nor significant under Department of Transportation regulatory policies and procedures, and that neither a regulatory impact analysis nor a full regulatory evaluation is required. The amendment excludes certain doors from the standard if the doors comply with minimal requirements. The agency estimates that many if not all vehicles equipped with wheelchair lift doors already have alarm systems installed which signal the driver when the door is unsecured.

This amendment to FMVSS No. 206 could result in some slight cost savings to the purchasers of vehicles equipped with wheelchair lifts. Manufacturers of these vehicles are relieved from complying with the requirements of the standard for the doors that contain the lifts, and accordingly the costs to comply with the requirements are eliminated.

Further, companies which manufacture multipurpose passenger vehicles designed to accommodate wheelchair occupants could be primarily manufacturers of buses. For example, to accommodate wheelchair passengers Thomas alters its buses by installing a wheelchair lift and removing some of the seats on the vehicle. Since buses are exempt from Standard No. 206 while multipurpose passenger vehicles are not, companies such as Thomas would have to maintain a separate inventory of door locks and door retention components for the doors of their multipurpose passenger vehicles equipped with the lifts. This amendment to Standard No. 206 relieves these manufacturers from the burden of maintaining separate inventories. As these and other restrictions are relieved, it is possible that more manufacturers would be willing to produce vehicles which are designed to accommodate wheelchair passengers. The agency believes that this amendment to FMVSS No. 206 facilitates the transportation of

handicapped or convalescent individuals by removing disincentives, such as that mentioned by Thomas, in vehicle production for use by such individuals.

The agency has considered the impacts of this amendment in relation to the Regulatory Flexibility Act. I certify that the changes would not have a significant economic impact on a substantial number of small entities. Manufacturers of vehicles equipped with wheelchair lifts are generally not small businesses within the meaning of the Regulatory Flexibility Act. Governmental jurisdictions and small organizations such as hospitals, school systems, and nursing homes might purchase vehicles equipped with wheelchair lifts. These purchasers would not be significantly affected by this amendment. Accordingly, no regulatory flexibility analysis has been prepared.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

§ 571.206 [Amended]

In consideration of the foregoing, 49 CFR 571.206, **Door Locks and Door Retention Components,** is amended as follows:

S4 is revised to read as follows:

* * * * *

S4. *Requirements.* Components on any side door leading directly into a compartment that contains one or more seating accommodations shall conform to this standard. However, components on folding doors, roll-up doors, doors that are designed to be easily attached to or removed from motor vehicles manufactured for operation without doors, and side doors which are equipped with wheelchair lifts and which are linked to an alarm system consisting of either a flashing visible signal located in the driver's compartment or an alarm audible to the driver which is activated when the door is open, need not conform to this standard.

* * * * *

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

Issued on March 21, 1985.

Diane K. Steed,

Administrator.

[FR Doc. 85-7264 Filed 3-26-85; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1501]

The Milwaukee Road Inc.; Authorization To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1501.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96-254, this order authorizes The Milwaukee Road Inc. to provide interim service over the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee), and to use such tracks and facilities as are necessary for operations.

EFFECTIVE DATE: 12:01 a.m., March 25, 1985, and continuing in effect until 11:59 p.m., April 7, 1985, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M.F. Clemens, Jr. (202) 275-7840 or 275-1559.

Decided: March 21, 1985.

Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96-254, the Commission is authorizing the temporary provision of interim service over Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee) (Trustee) and the use of such tracks and facilities as are necessary for those operations.

On February 19, 1985, the Milwaukee's reorganization court approved the purchase, by Soo Line Corporation (Soo) and its subsidiary SLRCO, Inc. (now Milwaukee Road Inc.) (MILW), of the Trustee's core properties, and that sale was consummated on the same date. The line segments which are the subject of this decision, were retained by the Trustee as non-operating properties. MILW has indicated its willingness to operate the line described in Appendix A for (14) fourteen days, in order to clear certain Wisconsin state-owned lines of loaded and empty equipment trapped there by the cessation of service of Central Wisconsin Railroad Company, on January 3, 1985.

In view of the urgent need for rail service over this line of the Trustee pending the implementation of long-range solutions, this order permits the Milwaukee Road Inc., named in Appendix A to this order, to provide limited service to shippers which have been deprived of this essential rail transportation.

It is the opinion of the Commission that an emergency exists requiring that the railroad listed in the attached appendix be authorized to conduct operations using tracks and/or facilities of the Trustee; that notice and public procedures are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

PART 1033—[AMENDED]

§ 1033.1501 [Amended]

It is ordered, § 1033.1501 *The Milwaukee Road Inc. authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, debtor (Richard B. Ogilvie, trustee).*

(a) The Milwaukee Road Inc. (MILW) is authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Trustee), as listed in Appendix A to this order, and to provide interim service.

(b) The Trustee shall permit the named carrier to enter upon the property to conduct service essential to these interim operations.

(c) The Trustee will be compensated on terms established between the Trustee and the named carrier; or upon a failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by section 122(a) Pub. L. 96-254.

(d) During the period of these operations over the Trustee's lines, the interim operator shall be responsible for preserving the value of the lines, associated with each interim operation, to the MILW estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(e) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(f) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any

way be deemed a liability of the United States Government.

(g) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(h) *Rate applicable.* Inasmuch as this operation by an interim operator over tracks previously operated by the Trustee is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic, until tariffs naming rates and routes specifically applicable become effective.

(i) In transporting traffic over these lines, the interim operator involved shall proceed even though no contracts, agreements, or arrangements may now exist with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(j) *Employees.* In providing service under this order the interim operator, to the maximum extent practicable, shall use the employees who normally would have performed work in connection with the traffic moving over the lines subject to this Service Order.

(k) *Effective date.* This order shall become effective at 12:01 a.m., March 25, 1985.

(l) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 7, 1985, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and section 122, Pub. L. 96–254.

List of Subjects in 49 CFR Part 1033

Railroads.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

James H. Bayne

Secretary.

Appendix A—Lines Authorized To Be Operated by the Milwaukee Road Inc.

A. Between Madison, Wisconsin (milepost 138.4) and Milton Junction, Wisconsin (milepost 61.5) an approximate distance of 31.8 miles.

[FR Doc. 85–7284 Filed 3–26–85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 655

[Docket No. 40211–4050]

Atlantic Mackerel, Squid, and Butterfish Fisheries

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

ACTION: Interim optimum yields and request for public comments.

SUMMARY: NOAA issues this interim rule to provide the initial annual specifications for the 1985–1986 fishing year for the Atlantic squid and butterfish fisheries. Regulations governing these fisheries require that the Secretary of Commerce publish his determination of the initial annual specifications. This action is intended to allow U.S. fishermen the earliest opportunity to begin the *Loligo* squid joint venture fishery.

DATES: This action is effective March 22, 1985. Comments are invited until April 26, 1985.

ADDRESS: Send comments to Salvatore A. Testaverde, Northeast Regional Office, NMFS, NOAA State Fish Pier, Gloucester, MA 01930–3097. Mark on the outside of the envelope, "Comments on SQU/BUA—1985–1986 Annual Specifications." Copies of the regulatory flexibility analysis are available from John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901.

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde, 617–281–3600, extension 273.

SUPPLEMENTARY INFORMATION: Implementing regulations of the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) (January 4, 1984, 49 FR 402) stipulate at § 655.22(b) that the Secretary of Commerce (Secretary) will publish a notice specifying the preliminary initial annual amounts of the respective optimum yields (OYs), as well as the amount for domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), total allowable levels of foreign fishing (TALFFs), and Reserves (if any) for Atlantic mackerel, *Illex* and *Loligo* squids, and butterfish. Procedures for determining the initial annual amounts are found at § 655.21. The Secretary is required to publish this notice by February 1 of each year and to provide for a 30-day comment period on the preliminary specifications.

These specifications are based on information submitted by the Mid-Atlantic Fishery Management Council (Council), including an analysis of the nine factors on which the initial squid specifications are based. The Council's recommendations and other relevant data are available for inspection at the NMFS Regional Office at the above address during the comment period. Recommendations by the New England Fishery Management Council were also considered.

The Secretary issued a notice on February 19, 1985 (50 FR 6953), informing the public that the preliminary initial annual specifications were postponed until March 14, 1985. The postponement was to allow the Mid-Atlantic and New England Fishery Management Councils and the NMFS adequate time to review new information on the domestic harvesting and processing capacity during the upcoming fishing year.

Review of new information has been completed for the squid and butterfish fisheries. In order not to adversely impact the U.S. and foreign squid fisheries by causing a delay in issuing *Loligo* squid joint venture permits after the 1985–1986 fishing year begins April 1, 1985, the Secretary issues this interim rule to make the initial annual specifications for *Loligo* and *Illex* squid and butterfish effective immediately and requests public comment for 30 days. The Secretary will consider all public comments received and will issue notice in the **Federal Register** modifying or leaving unadjusted these 1985–1986 fishing year specifications.

Applications for this fishery were reviewed by the New England and Mid-Atlantic Fishery Management Councils. NOAA also provided an additional two-week period following the publication of a notice of receipt of one of the applications for additional public comment prior to its decision to approve the applications.

These specifications provide the basis for issuing foreign fishing permits and to authorize U.S. joint venture fishermen to begin their operations with the permitted foreign vessels. The amounts of U.S.-harvested fish which are authorized in these permits are subject to change pending the final decision on the specifications. The owners and operators of the foreign vessels are being notified of this condition by the Department of State.

The following Table lists the preliminary initial annual specifications in metric tons (mt) for the allowable biological catch (ABC), initial optimum yield (IOY), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), reserve (if any), and total allowable level of foreign fishing (TALFF) for *Illex* squid, *Loligo* squid, and butterfish. These initial specifications are the amounts that the NMFS Director, Northeast Region (Regional Director) proposes for the 1985–1986 fishing year beginning April 1, 1985, and ending March 31, 1986.

PRELIMINARY INITIAL SPECIFICATIONS FOR FISHING YEAR—APR. 1, 1985–MAR. 31, 1986

(In metric tons (mt))

Specifications	Squid		Butterfish
	Loligo	Illex	
Max OY [2]	44,000	30,000	[1] 16,000
ABC	33,000	25,000	[1] 16,000
IOY	[3] [1] 25,700	[3] [1] 16,700	11,700
DAH	25,000	16,000	11,000
DAP	23,000	11,500	11,000
JVP	[3] 2,000	[3] 4,500	
Reserve	0	0	
TALFF	[4] 700	[4] 700	700

[1] Up to figure given.
[2] These are maximum OYs (as stated in the FMP).
[3] Assuming there is no increase in DAH or DAP, additional amounts may be added to JVP by increasing IOY up to 1,700 mt (for a total of 3,700 mt) for *Loligo* and up to 4,000 mt (for a total of 8,500 mt) for *Illex*, depending upon performance.
[4] Assuming there is no increase in DAH other than changes in JVP, additional amounts will be added to IOY up to 5,000 mt for *Loligo* and up to 2,500 mt for *Illex* based, in major part, upon the purchase of U.S.-processed *Loligo* and *Illex* in the approximate ratios noted in text, which would increase TALFF by the same amount.

Initially, the Northeast Fisheries Center (NEFC) presented squid assessments reflecting a range of ABCs for the fishing year. In the case of *Illex*, the NEFC research demonstrated reduced survey indices of abundance and pre-recruits in 1983–1984; they concluded that stock abundance does not appear sufficient to support a 30,000 mt Max OY. In the case of *Loligo*, the Max OY was reduced based on a new estimate of maximum equilibrium yield from average recruitment.

The report of the Mid-Atlantic Council to the Regional Director selected ABCs at the lower end of the range. The Council believed that the squid fishery would not expand beyond those levels. Subsequent to the adoption of those amounts, new participants in the squid fishery presented information which led to the conclusion that the squid fishery could conceivably expand to harvest levels approaching the higher end of the recommended range of ABCs. To foster the growth of the squid fishery, the upper ends of both squid ABC ranges were selected as the ABCs for the upcoming fishing year. The proposed ABC for *Loligo* is 33,000 mt and for *Illex* is 25,000 mt.

The Regional Director has determined that the IOY levels proposed for the 1985–1986 fishing year will result in the greatest overall benefit to the United States. These levels were set to promote growth in both the harvesting and processing sectors of the domestic industry in accordance with the mandates of the Magnuson Act. They were selected after lengthy meetings and consultations with both the Mid-Atlantic and New England Fishery Management Councils and industry groups, and after reviewing the results of processor and joint venture surveys.

The upcoming fishing year for squid will be one of transition. It will reflect possibly the last vestige of TALFF and a dramatic expansion in domestic harvesting and processing capacity. However, the extent and rapidity of the expected transition is uncertain. In light of this, IOY levels were selected that would provide for a multiplicity of options for those responsible for managing the fishery.

With respect to TALFF, however, the Regional Director has concluded that a maximum TALFF level of 5,000 mt of *Loligo* squid and 2,500 mt of *Illex* squid will be in the best interest of the United States. Most important, however, is the requirement that squid TALFFs be allocated concurrent with or after purchases of U.S.-processed product. This strategy is directed toward the development of the U.S. processing industry.

The IOYs will be adjusted upwards to allow for increases to TALFFs based upon the following approximate purchase ratios of U.S. processed product: 1 mt of processed *Loligo* to 2 mt of TALFF, and 1 mt of processed *Illex* to 1 mt of TALFF.

The Regional Director initially determined that, during this transition year, the domestic annual harvest would equal IOY. However, due to the development of other fisheries such as mackerel and hakes which result in the incidental catch of squid, the Regional Director has set the IOY to provide for a minimal *bycatch TALFF* calculated within the provisions of the FMP.

Likewise, the IOYs have been set at a level which embraces an amount of squid available for joint ventures at approximately half the level recommended by the Councils. However, the squid IOYs will be increased if warranted by performance of the joint ventures: up to 4,000 mt of *Illex* squid (for a total of 8,500 mt) and 1,700 mt of *Loligo* squid (for a total of 3,700 mt). This will prevent, as in past years, amounts of squid being locked into DAH, thereby being unavailable to other categories which may need it.

Setting the IOYs at the proposed levels will enable the Regional Director to adjust the IOYs to increase the estimates of DAH and JVP for squids if domestic harvesters and processors need additional amounts during the fishing year, and increase the allocation of squid to joint ventures and TALFF interests only to certain maximum specified limits a indicated above.

The 1985–1986 fishing year's butterfish specifications are similar to the specifications of the 1984–1985 fishing year.

The intitial annual specifications for Atlantic mackerel were published on March 15, 1985 (50 FR 10499), and were effective March 12, 1985.

Classification

This action is authorized by 50 CFR Part 655, and complies with Executive Order 12291. The Council prepared a regulatory flexibility analysis for the rule which authorized this action (see **ADDRESS** for a copy).

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

Dated: March 22, 1985.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 85-7281 Filed 3-25-85; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 50, No. 59
Wednesday, March 27, 1985

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

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

7 CFR Part 651

Acquisition of Real Property Under Federally Assisted Programs

AGENCY: Soil Conservation Service (SCS), USDA.

ACTION: Proposed rulemaking.

SUMMARY: The Soil Conservation Service proposes to revise some of the requirements on the acquisition of real property under federally assisted programs that it administers. The proposed changes would simplify the regulations and procedures for real property acquisition for projects.

DATE: Comments are due on or before May 28, 1985. All comments received during the review period will be considered.

ADDRESS: Interested persons are invited to submit written comments to Galen S. Bridge, Deputy Chief for Administration, Soil Conservation Service, USDA, P.O. Box 2890, Washington, D.C. 20013. Tel. (202) 447-6297.

FOR FURTHER INFORMATION CONTACT: Wayne F. Maresch, Director, Administrative Services Division, Soil Conservation Service, USDA, P.O. Box 2890, Washington, D.C. 20013. Tel. (202) 447-5111.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 to implement Executive Order 12291 and has been classified "nonmajor."

It will not affect the national economy by $100 million or more and will not cause a major increase in costs or prices for consumers; individual industries; federal, state or local government agencies; or geographic regions. It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The Chief of the Soil Conservation Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The rule will govern a program of technical and financial assistance in which participation is voluntary. Thus, it will not impose an unnecessary regulatory, information, or compliance burden on small businesses, organizations, or governmental jurisdictions as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601).

Explanation for the Proposed Revision

1. SCS proposes simplifying the real property acquisition procedures in § 651.10 and thus reducing administrative burden on sponsors and SCS. This proposal would eliminate the requirement that sponsors submit proposed real property acquisition documents to SCS for approval. Sponsors would be required to submit only documents containing special provisions that would affect the installation cost of project measures. This proposal would also simplify the assurance and certification process after real property is acquired. Under present procedures, sponsors must submit copies of all real property and related documents to SCS along with a certificate of adequacy, and SCS is responsible for reviewing the documents for adequacy. Under the proposed procedures, sponsors would be required to submit an assurance of adequacy of the real property acquired to SCS as a condition of eligibility for federal financial assistance.

2. SCS proposes simplifying § 651.21, which addresses valuation requirements. Real property values for federal cost-sharing purposes are governed by values established under the Uniform Relocation Assistance and Real Property Acquisition Policies Act and the USDA Uniform Federal Assistance Regulations.

3. SCS proposes eliminating § 651.23, which currently requires sponsors to submit title evidence to SCS before federal assistance is provided. This change would simplify the acquisition procedures and thus reduce administrative burden on sponsors and SCS.

List of Subjects in 7 CFR Part 651

Flood prevention, Grant programs—natural resources, Soil conservation, Water resources, Administrative practice and procedure.

PART 651—[AMENDED]

Accordingly, it is proposed to amend 7 CFR Part 651:

1. By removing § 651.23 from the Table of Contents.

2. By revising § 651.10 to read as follows:

§ 651.10 Responsibilities of sponsors.

(a) Paying all costs associated with acquiring or failing to acquire real property and with related actions for project measure installation as required by applicable program legislation.

(b) Submitting for SCS approval any special provisions proposed for a real property document if the provisions affect project measure installation costs.

(c) Giving assurance to SCS that acquisition of real property was or will be in compliance, to the extent practicable under state law, with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601-4655) as implemented in 7 CFR Part 21. Any exceptions taken from the real property acquisition requirements under 42 U.S.C. 4655 because of state law will be furnished to SCS, along with the opinion of the Chief Legal Officer of the state discussing the facts and law involved.

(d) Assuring SCS that adequate real property rights and interests, water rights if applicable, and permits and licenses required by federal, state and local laws, ordinances, or regulations have been obtained, and assuring SCS that related actions have been taken to obtain the legal right to install, operate, maintain, and inspect the project measures. This assurance is to be supported by an attorney's opinion certifying that, on the basis of an examination, the real property instruments and files provide adequate title, right, permission, and authority for the purpose acquired.

(e) If any of the real property rights or interests were obtained by condemnation (eminent domain) proceedings, agreeing to prosecute the proceedings to their conclusion and paying damages awarded by the court.

(f) Complying with the requirements of the USDA Farmers Home Administration, when its loans are involved in the project.

3. By revising § 651.21 to read as follows:

§ 651.21 Cost-sharing arrangements.

(a) The cost-sharing rate of federal financial assistance is to be established in a project plan.

(b) The valuation of the real property rights and interests and the related real estate appraisals and appraisal reviews for cost-sharing purposes are to be governed by the following legal and administrative instruments:

(1) The Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601–4655) as implemented by 7 CFR Part 21, if real property rights and interests are acquired by nonvoluntary transactions.

(2) 7 CFR Part 3015, if real property rights and interests are donated.

§ 651.23 [Removed]

4. By removing § 651.23.

David G. Unger,

Associate Chief.

March 22, 1985.

[FR Doc. 85–7257 Filed 3–26–85; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85–NM–15–AD]

Airworthiness Directives: British Aerospace Model BAe 146 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require inspection, modification, and repair, if necessary, of the fuselage skin under the wing-to-fuselage fairings on certain BAe Model 146 airplanes. This action is necessary because chafing of the fuselage skin resulting from metal-to-metal contact of the fairing has been reported. Chafing reduces the structural integrity of the fuselage skin and may result in failure and subsequent airplane depressurization.

DATES: Comments must be received on or before May 20, 1985.

ADDRESSES: 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–15–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from British Aerospace, Librarian for Service Bulletins, Box 17414, Dulles International Airport, Washington, D.C. 20041, or may be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Dean Klempel, Foreign Aircraft Certification Branch, ANM–150S; telephone (206) 431–2907. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

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 proposals 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 Rules 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–15–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

The Civil Aviation Authority (CAA), which is the civil airworthiness authority for the United Kingdom has, in accordance with existing provisions of a bilateral agreement, notified the FAA of an unsafe condition that may exist on certain BAe Model 146 airplanes.

Chafing of the fuselage skin resulting from metal-to-metal contact of the fairings has been reported between frames 23 and 25 under the front wing-to-fuselage fairings, on post-Modification HCM00301A and B aircraft. Chafing reduces the structural integrity of the fuselage skin and may result in failure and subsequent airplane depressurization.

This airplace model is manufactured in the United Kingdom and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require inspection; repair, if necessary; and application of anti-chafe tape on certain BAe Model 146 airplanes.

It is estimated that eight airplanes would be affected by this AD, that it would take approximately two 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 this AD to U.S. operators is estimated to be $640.

For the reasons discussed above, 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 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, BAe Model 146 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

British Aerospace: Applies to all Model BAe 146 airplanes certificated in all categories on which Modification HCM00301A and B has been accomplished and on which Modification HCM00432A and B has not been accomplished.

Compliance is required within the next 100 landings after the effective date of this airworthiness directive (AD). To detect and prevent chafing of the fuselage skin, accomplish the following, unless previously accomplished:

1. Inspect the fuselage beneath the wing-to-fuselage fairings for chafing, repair if necessary, and apply anti-chafe tape in accordance with British Aerospace Service Bulletin 53-5 dated August 15, 1984.

2. Repeat the inspection required by paragraph 1., above, at intervals not to exceed 1,000 landings until Modification HCM00432 A and B is incorporated.

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

4. 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 and/or modifications required by this AD.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1345(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85)

Issued in Seattle, Washington, on March 20, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-7174 Filed 3-26-85; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 85-NM-03-AD]

Airworthiness Directives: Airbus Industrie Model A300 B2 and B4 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to revise an existing airworthiness directive (AD) applicable to Airbus Industrie Model A300 B2 and B4 series airplanes which requires inspection of the decompression panels in the forward cargo compartment. The manufacturer has released later revisions to the pertinent service bulletins. The latest revisions add two airplanes to the applicability statement, introduce some minor changes in the accomplishment instructions, and add an additional terminating modification.

DATE: Comments must be received no later than May 20, 1985.

ADDRESSES: 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-03-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The service bulletins specified in this AD may be obtained upon request to Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France, or may be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch; telephone (206) 431-2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

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 proposals 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 Rules 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-03-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The FAA issued Amendment 39-4070 (46 FR 17538) on March 19, 1981, Airworthiness Directive (AD) 81-07-02, which requires inspections of the decompression panels in the forward cargo compartment. AD 81-07-02 makes reference to Airbus Industrie Service Bulletins A300-25-138, Revision 4; A300-25-149, Revision 3; and A300-25-248, original issue. The manufacturer has since later revisions to the service bulletins. Two more airplanes were added in the applicability statement by the latest revisions. Otherwise, the changes introduced by the revisions are minor: Clarification of instructions, changes in some materials, and changes in some references. The manufacturer also released Service Bulletin A300-25-332 which describes Modification No. 3361. Incorporation of this modification would eliminate the need for the repetitive inspection requirements of the existing AD.

This airplane model is manufactured in France and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

This document proposes to revise an existing AD to the format currently in use, change the references to the latest revisions of the pertinent service bulletins, and delete the requirement of repetitive inspections if a new modification, No. 3361, is incorporated.

It is estimated that two additional airplanes of U.S. registry would be affected by this revision, that it would take approximately 500 manhours per airplane to accomplish the required actions, and that the average labor costs would be $40 per manhour. Repair parts are estimated at $6,576 per airplane. Based on these figures, the total cost impact of this revision to U.S. operators is estimated to be $53,152.

For the reasons discussed above, 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 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, Airbus Industrie Model A300 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend

§ 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by revising Airworthiness Directive 81-07-02, Amendment 39-4070 (46 FR 17538; March 19, 1981), to read as follows:

Airbus Industrie: Applies to Model A300 B2 and B4 series airplanes listed in Airbus Industrie Service Bulletin A300-25-138, Revision 8, dated June 27, 1983, certified in all categories. To prevent loss of fire protection due to separation of or damage to blowout panels in the ceiling and sidewalls of the forward cargo compartments, which could result in a degradation of the fire extinguishing capability in the aircraft, accomplish the following, unless previously accomplished:

A. Inspect the forward cargo compartment decompression panels for condition and attachment in the panel cut-outs in accordance with the accomplishment instructions of Airbus Industrie Service Bulletin A300-25-138, Revision 8, dated June 27, 1983, according to the following schedule:

(1) Daily, if Modifications 1878 and 2506, described in Airbus Industrie Service Bulletin A300-25-149, Revision 5, dated March 28, 1980, and A300-25-248, Revision 5, dated January 4, 1982, have not been incorporated;

(2) Within the next 600 hours time in service after the effective date of this AD and at subsequent intervals not to exceed 600 flight hours in service, if Modifications 1878 and 2506 have been incorporated.

B. If, during the inspections required by paragraph A. of this AD, damage to or separation of decompression panels is found, perform within the next 25 hours of time of service from the last inspection the repair described in paragraph 2C of Airbus Industrie Service Bulletin A300-25-138, Revision 8.

C. Terminating action for the requirements of this AD is accomplished if Modification 3361, described in Airbus Industrie Service Bulletin A300-25-332, Revision 1, dated June 10, 1982, is incorporated.

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

E. 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 and/or modifications required by this AD.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85)

Issued in Seattle, Washington, on March 20, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-7173 Filed 3-26-85; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

23 CFR Part 635

[FHWA Docket No. 85-17]

Contract Procedures; Advertising for Bids; Noncollusion Affidavit

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA is requesting comments on a proposed revision to its regulation on contract procedures regarding adverting for bids. The revised regulation would require all persons submitting bids on a Federal-aid highway project to submit with the bid an affidavit of noncollusion. The submission of an affidavit of noncollusion will serve to notify bidders that collusion in bidding is a violation of law and will serve in a court or administrative hearing as evidence of intent when other evidence that demonstrates the act of collusion is presented.

DATE: Comments must be received on or before May 28, 1985.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 84-14, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m., ET, Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. P.E. Cunningham, Chief, Construction and Maintenance Division (202) 426-0392, or Mr. Hugh T. O'Reilly, Office of the Cheif Counsel, (202) 426-0780. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The requirement of submission of an affidavit of noncollusion is necessary to protect the integrity of the Federal-aid highway program. The Adminstrator has the authority to issue this proposed revision under the statutory authority of the Secretary, delegated to the Administrator, to issue and implement all regulations necessary to carry out the statutory requirements of the program. Such an affidavit is currently required from the low bidder prior to award of the final contract but this does not address the problem of collusion among those who are not awarded the contract. A common collusion situation involves participation by both the low bidder and by other bidders who submit "complementary" bids. Bidders who are not currently required to file an affidavit of noncollusion may thus be acting in conjunction as partners with the low bidder.

States would be required to provide the form for the affidavit to each prospective bidder for inclusion in the bid package. Any bid submitted without the required affidavit would be considered non-responsive. We have recently surveyed the practices of the States with regard to their own practices in requiring all bidders to sign an anti-collusion affidavit. We have found that all States except Maine and Minnesota now require all bidders to sign such affidavits prior to opening of bids. The District of Columbia and Puerto Rico also require such affidavits. It is thus apparent that any additional paperwork or notarization burden would fall only upon bidders in two States.

We are informed by the Antitrust Division of the U.S. Department of Justice, whose December 26, 1984, letter will be available for inspection in the docket, that requiring all bidders to submit affidavits of non-collusion will promote several important enforcement objectives of the Antitrust Division, as follows.

First, the prosecution of firms that submit non-winning "complementary" or "cover" bids for violating the Sherman Act would be greatly facilitated. At present, without the non-collusion affidavit it is very difficult to convict such firms in a criminal antitrust case, due in part to juries' difficulties in seeing precisely what wrong or harm was done.

Second, the affidavit serves as evidence of criminal intent and fraud. This evidence enables a jury to appreciate in a basic way why the defendant's conduct was wrong and harmful. Also, it allows the jury, which might just have sat on a bank robbery or other case where physical evidence is most important, to "see" tangible evidence of wrongdoing, i.e., lying by the defendant.

Third, non-collusion affidavits also provide the basis for a combined Sherman Act and mail fraud or false statement prosecution. These additional counts are appropriate and helpful because the mailing of a false affidavit and its submission to a governmental agency expending tax revenues is an integral part of the bidrigging scheme.

Finally, we believe the affidavit requirement for losing bidders will play a worthwhile educational and deterrent role. The business people who are tempted to submit fraudulent bids will

know that they must sign an affidavit, and subject themselves to prosecution for false statements to the government, as well as for an antitrust violation. We expect that the requirement to sign the affidavit will deter many individuals from submitting cover bids.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant proposal under the regulatory policies and procedures of the Department of Transportation. The anticipated impact of this proposal is so minimal as to not require preparation of a full regulatory evaluation at this time. Any additional costs would be more than off-set by the potential savings in Federal-aid funds created by the avoidance of bid collusion. For these reasons and under the criteria of the Regulatory Flexibility Act, it is hereby certified that this proposal will not have a significant economic impact on a substantial number of small entities.

(Catalog of Federal Domestic Assistance Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

List of Subjects in 23 CFR Part 635

Bidding procedures, Government contracts, Grants programs—Transportation, Highways and roads.

In consideration of the foregoing and under the authority of 23 U.S.C. 112 and 315, and 49 CFR 1.48(b), the FHWA proposes to amend Title 23, Code of Federal Regulations, Chapter 1, Part 635, Subpart A by revising 635.107 as set forth below.

Issued on: March 19, 1985.

L.P. Lamm,

Deputy Federal Highway Administrator, Federal Highway Administration.

The FHWA proposes to amend 23 CFR Part 635, Subpart A as follows:

PART 635—CONSTRUCTION AND MAINTENANCE

Subpart A—Contract Procedures [Amended]

Section 635.107 is amended by revising paragraph (i) to read as follows:

§ 635.107 Advertising for bids.

* * * * *

(i)(1) The State highway agency shall include a statement substantially as follows in the advertised specifications:

Title 23, United States Code, section 112(c), requires, as a condition precedent to approval by the Federal Highway Administrator of the contract for this work, that there be filed a sworn statement executed by, or on behalf of the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

Therefore, every bidder shall submit to the State as part of its bid package, such a sworn statement. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the State to administer oaths. The required form for the affidavit will be provided by the State to each prospective bidder. Failure to submit the sworn statement as part of the bid package will be grounds for considering the bid non-responsive.

(2) As a prerequisite to the division administrator's formal concurrence in the award of the construction contract, the State highway agency must submit copies of the required statements to the division administrator, or must advise the division administrator, in writing, that the required statements have been received and are on file with the State highway agency.

[FR Doc. 85-7212 Filed 3-26-85; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 560]

Proposed Establishment of North Yuba Viticultural Area; Oregon House, CA

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms proposes to establish in Yuba County, California an American viticultural area to be known by the appellation "North Yuba." This proposal is based on a petition filed by Karl Werner and James R. Bryant, officers of Renaissance Vineyard and Winery, Inc., located near Oregon House, California.

The use of the name of an approved viticultural area as an appellation of origin in the labeling and advertising of wine allows the proprietor of a winery to designate the area as the locale in which grapes used in the production of a wine are grown and enables the consumer to identify and to differentiate between that wine and other wines offered at retail.

DATES: Written comments must be received by May 28, 1985.

ADDRESSES: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (REF: Notice No. 560).

Copies of this proposal, the petition, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, New Post Office Building, Room 4407, 1200 Pennylvania Avenue, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michael J. Breen, Coordinator, FAA, Wine and Beer Branch, Room 6237, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in Title 27, Code of Federal Regulations, Part 4. These regulations allow the establishment of definite American viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine. On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added to Title 27 a new Part 9 providing for the listing of approved American vitcultural areas.

Section 4.25a(e)(1) defines an American viticultural area as a delimited grape growing region distinguishable by geographical features. Section 4.25a(e)(2), outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition shall include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundary of the proposed viticultural area, based on features which can be found on United States Geological

Survey (U.S.G.S.) maps of the largest applicable scale; and,

(e) A copy (or copies) of the appropriate U.S.G.S. map(s) with the proposed boundary prominently marked.

Petition

On November 13, 1984, ATF received the petition for the establishment of a viticultural area to be known as "North Yuba" in north central Yuba County, California.

The petitioned area is in the middle and upper foothills of Yuba County, immediately west of the Sierra Nevadas and approximately 20 miles northeast of Marysville, California. The area is bordered on the south by the Yuba River. The principal streams that drain the area are Dobbins Creek and the upper portions of Dry Creek. Both streams flow into the Yuba River. The land drained by these streams shares similar geological history, topographical features, soils, and climatic conditions.

The boundary of the proposed viticultural area encompasses approximately 35 square miles or 22,400 acres. The petitioners state that within the area there are approximately 360 acres devoted to the cultivation of wine grapes and one bonded winery. Due to the effects of soil, air, water, rainfall and temperature, the sections of the area currently devoted to viticulture consist of foothill slopes between 1,000 and 2,000 feet above sea level.

Name

Yuba County was named after the Yuba River which took its name from the Indian tribe which populated the area. "North Yuba" is the name used locally to designate the area in north central Yuba County in which are located the town of Dobbins and Oregon House. The petitioners state that this is the name used by Pacific Bell Telephone to designate the area. In support of the petition, the petitioners have submitted letters from the county sheriff and the local chamber of commerce attesting to local usage and acceptance of the name "North Yuba" to designate the petitioned area.

Historically, viticulture came to this area in the 1850's. Documents show the planting of wine grapes and the establishment of a winery in 1855. By 1860, Yuba County had five wineries and 800 acres were devoted to wine grape cultivation. By 1930, there were 1,000 acres devoted to wine grape cultivation. However, as a consequence of National Prohibition, the vineyards were replaced by orchards of peaches and prunes and the wineries closed.

Today, however, there are 360 acres of vineyards and one winery operation in the petitioned area.

Geography

The proposed North Yuba viticultural area consists of the middle and upper foothills in Yuba County immediately west of the Sierra Nevadas and north of the Yuba River. The 2,000-foot contour line of the Sierra Nevada Mountains forms the eastern and northern portions of the boundary of the proposed viticultural area and the 1,000-foot contour line north of the Yuba River canyon forms the southern portion of the boundary. The eastern bank of Woods Creek forms part of the western portion of the boundary. The area is approximately seven miles in length from north to south and three to six miles in width from west to east.

Distinguishing Characteristics

The petitioner claims that the proposed viticultural area is not only distinguished historically from surrounding areas but geographically by its topography, elevation, geology, soils, temperature, and rainfall.

Topography and Elevation

The topography of the proposed viticultural area ranges from gently rolling hills to steeper slopes at the base of the Sierra Nevadas and generally ranges in elevation from 1,000 feet to 2,000 feet above sea level. Lying between the high Sierras to the east and the lowlands of the Sacramento Valley to the west, the boundary of the proposed viticultural area defines a region well suited for viticulture. The topography of the area ensures adequate ventilation for viticulture, an important factor in the prevention of bunch rot. The area escapes both the early frosts and snow of higher elevations in the Sierra Nevadas and the heat, humidity and fog common to the lowlands in the Sacramento Valley.

Geology

The area is an example of a middle foothill to lower mountain landscape that has been formed during a long period of geologic time. The area is underlain by igneous rocks and granitic rocks that extend along the base of the Sierra Nevadas. It is geologically well defined by the Sierra Nevadas to the north and east, by a large slab of greenstone rock to the west, and by the Yuba River canyon to the south.

Soil Characteristics

The three major physiographic units in Yuba County are the valley lands of the Sacramento Valley, the Sierra Nevadas to the east of the valley, and the foothills region which lies between the valley and the mountains. There are nine soil associations common to the valley lands, three common to the foothills region, and six common to the mountainous terrain. Of the 18 soil associations found in Yuba County, basically three distinguish the soils of the proposed viticultural area from the soils in surrounding areas of the county and the adjoining counties of Butte and Nevada in California.

The soil associations common to the proposed area are Sierra-Auberry, Englebright-rescue, and Dobbins. These soils are typical of those developed from granitic and igneous rocks. The soils are shallow to very deep, rocky, cobbly and rocky, or noncobbly and rocky and are generally well drained.

"Soils of the Yuba County, California", a 1969 soil survey published jointly by the Department of Soils and Plant Nutrition of the University of California at Davis and by the County of Yuba, California, contains a color coded general soil map which clearly shows a pattern of these three soil associations in the middle and upper foothills region of Yuba County between the predominant soil association of the lower foothills, Auburn-Sobrante-Las Posas, and the predominant soil association of the mountains, Challenge-Tish Tang. The proposed boundary which is an amendment of the petitioned boundary includes small areas of Auburn-Sobrante-Las Posas, Challenge-Tish Tang and Rackerby-Dobbins, a mountain soil association.

Data from the soil survey of Yuba County and the 1975 soil survey of Nevada County which lies to the south of Yuba County strongly support restricting the "North Yuba" appellation to the petitioned area as amended by ATF to include areas to the west and north which also contain the same soil associations as the petitioned area.

Climatological Characteristics

Generally, Yuba County has an interior "Mediterranean" type climate. However, the location of the proposed "North Yuba" viticultural area in the middle to upper foothills region approaching the mountainous terrain of the Sierra Nevadas allows a subtle distinction in climatological characteristics from the rest of the county in that the area escapes both the heat and fog common to the lowlands of the Sacramento Valley and the early frosts and snow of the higher elevations of the Sierra Nevadas.

The lands of the Sacramento Valley in Yuba County range from 30 to 250 feet

above sea level and the mean average rainfall is 20 to 25 inches. The valley lands are an extensive area of floodplains, terraces, alluvial fans and basins.

The mountains of Yuba County are part of the western slope of the Sierra Nevadas. This is a region of gently rounded ridges, moderately steep rolling hillsides, and rugged, steep canyon slopes, that is deeply entrenched by the Yuba River and its tributaries. Basic metavolcanic rocks are dominant in this area. Elevations range from 1,600 feet to more than 4,800 feet above sea level. Rain increases with elevation and ranges from 45 inches to more than 80 inches, much of which falls as snow at higher elevations.

The middle to upper foothills in which the proposed viticultural area lies occupy the lower western slope of the Sierra Nevadas between the valley lands and the mountainous uplands of the county. This is an area of rolling to steep hills with conspicuous ridges and peaks. Rock outcroppings are common. The central foothills region ranges in elevation from 250 feet to 2,700 feet above sea level. However, the proposed viticultural area generally ranges in elevation from 1,000 to 2,000 feet above sea level and can be distinguished from surrounding areas by rainfall. The rainfall within the area increases gradually with elevation from 25 to 50 inches. For example, the mean annual precipitation at the Dobbins-Colgate weather station is 40.4 inches compared to 61.9 inches at the Camptonville station to the east of the proposed area and 20.7 inches at Marysville to the west of the proposed area.

Such statistics are corroborated by a map adapted from the State of California Department of Water Resources Seasonal Isohyetal Map (1905 to 1955) to show mean annual precipitation for Yuba County. The map distinguishes by rainfall the central foothills region from the areas to the west and to the east.

The growing season of the proposed viticultural area is distinctly cooler than the neighboring Sacramento Valley to the west and warmer than the mountainous area to the east. The climate of the area is characterized by cool summer night temperatures, often dropping to 30 degrees below daytime highs and allowing the grapes to retain sufficient acidity to balance the high sugar levels induced by daytime sunshine.

Foothill winds are an additional cooling factor in summer, contributing further to the development of proper acidity in the area's grapes. These cooling winds are distinguished from those of the valley to the west. In the valley, prevailing southwesterly winds are due to the north-south orientation and heating of the Sacramento Valley, which deflects the westerly winds coming through the Carquinez Straits northward. At the higher elevations, however, the winds conform more closely with the free-flowing westerly winds over northern California.

Climatological data from three weather stations of the U.S. Department of Commerce National Oceanographic and Atmospheric Administration document the climatological differences between "North Yuba" and adjoining areas. The data from these stations when compared with data obtained by the petitioners over the 10-year period 1974 to 1984 from vineyards in the vicinity of Oregon House show the following differences in climate between "North Yuba" and surrounding areas:

Location	Elevation	Mean annual	Rainfall	Growing season
Marysville	60	62.9 °F	20.7"	273 days.
Dobbins-Colgate	600	62.6 °F	40.4"	267 days.
Oregon House	1,500	59.0 °F	35 to 40"	215 to 225 days.
Camptonville	2,755	57.5 °F	61.9"	185 days.

Proposed Boundary

The petitioner claims that the boundary of the proposed viticultural area is as specified in the petition.

The boundary of the proposed North Yuba viticultural area may be found on four United States Geological Survey maps of the 7.5 minute series, scale 1:24,000. The boundary is described in proposed § 9.106.

Compliance With Executive Order 12291

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

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The proposal is not expected to have signficant secondary or incidental effects on a substantial number of small entities.

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

Paperwork Reduction Act

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

Public Participation

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

The data submitted with the petition shows local use of the name "North Yuba" to designate the area petitioned. ATF is interested in whether the name "North Yuba" has gained any national recognition geographically and as a winemaking area.

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

The Director reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Michael J. Breen, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, Wine.

Authority

Accordingly, under the authority contained in 27 U.S.C. 205 (49 Stat. 981, as amended, ATF proposes to amend Title 27, Code of Federal Regulations, Part 9, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1.—The Table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.106. As amended, the Table of Sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.106 North Yuba.

Par. 2. Subpart C is amended by adding § 9.106. As amended, Subpart C read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.106 North Yuba.

(a) *Name.* The name of the viticultural area described in this section is "North Yuba."

(b) *Approved maps.* The appropriate maps for determining the boundary of North Yuba viticultural area are the following four U.S.G.S. topographical maps of the 7.5 minute series:

"Oregon House Quadrangle", edition of 1948, photo-revised 1969.

"Rackerby Quadrangle", edition of 1948, photo-revised 1969.

"Challenge Quadrangle", edition of 1948 photo-revised 1969.

"French Corral Quadrangle", edition of 1948, photo-revised 1969.

(c) *Boundary.* The North Yuba viticultural area is located in Yuba County in the State of California. The boundary is as follows:

Beginning on the "Oregon House Quadrangle" map at the point where the Browns Valley Ditch crosses Woods Creek in the southwest corner of section 25, T. 17 N., R. 6 E., the boundary proceeds northeasterly in a meandering line approximately 1.5 miles along the east bank of Woods Creek to the point near Richards Ranch where the paved light duty road crosses said creek;

(1) Then west and north, approximately 0.33 mile to the point where the paved light duty road meets the unimproved dirt road accessing Dixon Hill and Texas Hill;

(2) Then northwest continuing along the paving light duty road approximately 2.75 miles to the intersection at Oregon House of said light duty road with the medium duty road which travels east and west between Virginia Ranch Reservoir of Dry Creek and the Yuba County Forestry Headquarters near Dobbins;

(3) Then northeasterly, 0.7 mile, along same light duty road to its intersection with the unimproved direct road to Lake Mildred, located in the northwest corner of section 2, T. 17 N., R. 6 E.;

(4) Then northwesterly, 1.0 miles, along the unimproved dirt road to the end of said road at the shoreline of Lake Mildred;

(5) Then southwest along the shoreline of Lake Mildred to the Los Verjeles Dam at the westernmost end of said Lake;

(6) Then across the face of said dam and continuing northeast along the shoreline of Lake Mildred to the point where the stream running through Smokey Ravine flows into Lake Mildred;

(7) Then north and west along said stream to the pont where the stream crosses the 1,900-foot contour line in the northeast corner of section 27, T. 18 N., R. 6 E.;

(8) Then southwest in a meandering line along the 1,900-foot contour line of Lamb Hill;

(9) Then northwest along the 1,900-foot contour line of High Spring Ridge to the point where the medium duty paved road running north and south along Willow Glen Creek crosses the 1,900-foot contour line, approximately 0.75 mile north of Finley Ranch;

(10) Then north along said road, approximately one mile, to its intersection at Willow Glen Ranch near the west boundary line of section 15, T. 18 N., R. 6 E., with the light duty road which crosses Critterden Ridge;

(11) Then in a generally easterly direction along said road, approximately 2.0 miles, to its point of intersection with the light duty paved road named Frenchtown Road which runs north and south between Brownsville and Frenchtown;

(12) Then south along the Frenchtown Road to the point where the road crosses the 1,600-foot contour line in the northwest corner of section 24, T. 18 N., R. 6 E.;

(13) Then east along the 1,600-foot contour line to the point where Dry Creek crosses the 1,600-foot contour line near the south boundary line of section 13, T. 18 N., R. 6 E.;

(14) Then south along Dry Creek, approximately 0.16 mile, to the confluence of Indiana Creek with Dry Creek;

(15) Then in a generally easterly direction, approximately one mile, along Indiana Creek to the confluence of Keystone Creek with Indiana Creek;

(16) Then north along Indiana Creek, approximately 0.87 mile, to the point where Indiana Creek meets the 2,000-foot contour line of Oregon Hills;

(17) Then in a generally southeasterly direction along the 2,000-foot contour line of Oregon Hills, approximately 6 miles, to the point near the east boundary line of section 9, T. 17 N., R. 7 E., where the power transmission line on Red Bluff crosses the 2,000-foot contour line;

(18) Then southwest along the right of way of said power transmission line to the point near the south boundary of section 9, T. 17 N., R. 7 E., where it meets the power transmission line running northwest and southeast between Dobbins and the Colgate Power House;

(19) Then southeast along the power transmission line between Dobbins and Colgate Power House to the Colgate Power House;

(20) Then in a generally westerly direction from the Colgate Power House along the power transmission line which crosses over Dobbins Creek to the point west of Dobbins Creek where the power transmission line intersects the 1,000-foot contour line;

(21) Then in a generally southwesterly direction along the 1,000-foot contour line above the north bank of the Yuba River and Harry L. Englebright Lake of the Yuba River to the intersection of the 1,000-foot contour line with Woods Creek in the northeast corner of section 36, T. 17 N., R. 6 E.;

(22) Then east and north along the east bank of Woods Creek, approximately 0.5 mile, to the point of beginning.

Signed: March 15, 1985.

W. T. Drake,

Acting Director.

[FR Doc. 85-7105 Filed 3-26-85; 8:45 am]

BILLING CODE 4810-31-M

VETERANS ADMINISTRATION

38 CFR Part 3

Incompetents; Estate Over $1,500 and Institutionalized

AGENCY: Veterans Administration.

ACTION: Proposed regulation amendments.

SUMMARY: The Veterans Administration (VA) is proposing to amend its adjudication regulations to implement certain provisions of the Veterans' Benefits Improvement Act of 1984, and two opinions of the VA General Counsel. These amendments are necessary to avoid financial hardship for certain imcompetent and previously imcompetent veterans. The effect of these amendments will be to exclude the value of a veteran's home from most computations of estate value, to provide for waiver of payment discontinuance in cases of financial hardship, and to delete certain requirements for the release of benefits to previously incompetent veterans.

DATES: Comments must be received on or before April 26, 1985. It is proposed to make these amendments effective October 24, 1984.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this regulation to Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132 of the above address, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until May 10, 1985.

FOR FURTHER INFORMATION CONTACT: Robert M. White (202) 389–3005.

SUPPLEMENTARY INFORMATION: Under 38 U.S.C. 3203 (b)(1) the VA is required to withhold payments of compensation, pension, or emergency officers' retirement pay when a veteran who has neither spouse nor child is hospitalized by the United States, or any political subdivision thereof, is rated incompetent by the VA, and has an estate which equals or exceeds $1500. Benefits withheld under this provision of law are generally not resumed until the estate is reduced to $500 or the veteran is discharged from the hospital.

Section 402 of the Veterans' Benefits Improvement Act of 1984 made three significant changes to 38 U.S.C. 3203 (b)(1). First, it deleted the words "by reason of mental illness" which used to immediately follow the word "incompetent." This means that the VA may consider other causes, such as traumatic brain injury or coma, as the basis for a rating of incompetency.

Second, the new law excludes from computation of the value of an incompetent veteran's estate the value of such veteran's home unless there is no reasonable likelihood that the veteran will again reside in that home. This means that incompetent veterans who may require hospitalization for short periods will not have their benefits withheld solely because they own a home in which they are expected to continue residing.

Third, the new law provides that the VA may waive withholding of benefits under 38 U.S.C. 3203 (b)(1) for up to 60 days in any calendar year if such a waiver is necessary to avoid financial hardship. This waiver is not to be granted as an administrative convenience or where liquid assets are available to meet current expenses. This provision should assist incompetent veterans who incur monthly liabilities as a result of their efforts to adapt to an non-institutional environment.

The VA is proposing to implement these three new changes in law by appropriately amending 38 CFR 3.557.

In two separate unpublished opinions the VA General Counsel has held that veterans who were previously rated incompetent and had benefits withheld pursuant to 38 U.S.C. 3203 (b)(1) are entitled to restoration of those benefits six months following a VA rating of regained competency. Previous regulatory language had also required hospital discharge and the removal of any legally imposed disability, such as a conservatorship, before withheld benefits could be restored. Those two prerequisites have been held to have no basis in current law, and the VA is proposing to amend 38 CFR 3.556 and 3.558 to remove references to those requirements.

The Administrator has certified that these proposed regulations do not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act RFA 5 U.S.C. 601–602. Therefore, pursuant to 5 U.S.C. 605(b), these proposed regulations are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that these regulations impose no regulatory burdens on small entities, and only claimants for VA benefits will be directly affected.

In accordance with Executive Order 12291, Federal Regulations, the VA has determined that these proposed regulations are non-major for the following reasons:

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

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

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

List of Subjects in 38 CFR Part 3

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

(The Catalog of Federal Domestic Assistance program numbers are 64.104 and 64.109)

Approved: March 5, 1985.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 3—[AMENDED]

Title 38 CFR Part 3, ADJUDICATION, is amended as follows:

1. In § 3.556, paragraph (e) is revised to read as follows:

§ 3.556 Adjustment on discharge or release.

* * * * *

(e) *Regular discharge.* When a veteran, either competent or incompetent, is given a regular discharge or release, the full rate, including any allowance for regular aid and attendance will be restored effective the date of release from the hospital, subject to prior payments. The award will be based on the most recent rating and, where the award was reduced under § 3.551(b), will include, in the case of a competent veteran, any amounts withheld because of hospitalization. The amount withheld for an incompetent veteran will not be authorized until the expiration of 6 months following a rating of competency by the VA. Any institutional award will be discontinued effective date of last payment, as provided in § 3.501(j). Where an apportionment made under § 3.551(c) is not continued, the apportionment will be discontinued effective the day preceding the date of the veteran's release from the hospital, or, if adjusted, effective the date of the veteran's release from the hospital, unless an overpayment would result. In the excepted cases, the awards to the veteran and apportionee will be adjusted as of date of last payment. (38 U.S.C. 3203)

* * * * *

2. In § 3.557, the title and paragraphs (a), (b) and (c) are revised, and new paragraph (e) is added, so that the revised and added material reads as follows:

§ 3.557 Incompentents—estate over $1,500 and institutionalized.

(a) Where a veteran having neither spouse, child, nor dependent, is being hospitalized by the VA and is rated incompetent by the VA, the pension of such veteran will be subject to reductions as provided in § 3.551.

(38 U.S.C. 3203)

(b) Effective December 1, 1959, where a veteran:

(1) Is rated incompetent by the VA, and

(2) Has neither spouse nor child, and

(3) Is hospitalized, institutionalized or domiciled by the United States or any political subdivision, with or without charge, and

(4) Except as provided in paragraph (c) of this section, has an estate, derived from any source, which equals or exceeds $1,500, further payments of pension, compensation or emergency officers' retirement pay will not be made, except as provided in paragraph (d) of this section, until the estate is reduced to $500. If the veteran is hospitalized for observation and examination, the date treatment began is considered the date of admission.

(38 U.S.C. 3203)

(c)(1) Computation of the $1,500 or $500 amounts shall include, but is not restricted to:

(i) Funds in a "Funds Due Incompetent Beneficiaries" (FDIB) account;

(ii) Funds in a "Personal Funds of Patient" (PFOP) account;

(iii) Funds on deposit with the chief officer of the institution; and

(iv) Funds or other property in the control of a fiduciary.

(2) The following shall be excluded in computing the $1,500 or $500 amounts:

(i) Amounts withheld under § 3.551(b); and

(ii) The value of the veteran's home unless there is no reasonable likelihood that the veteran will again reside in such home.

(38 U.S.C. 3203) (Oct. 24, 1984)

* * * * *

(e)(1) When the discontinuance of payments under this section results or would result in financial hardship for the veteran, discontinuance may be waived to avoid or reduce such hardship. Waiver of discontinuance under this paragraph may be granted more than once in any calendar year but may not exceed a total of 60 days in any calendar year.

(2) For purposes of this paragraph, financial hardship shall be held to exist for any month in which a veteran's liabilities during that month exceed the sum of the veteran's income and liquid assets during that month.

(3) Waivers under this paragraph are not to be granted as an administrative expediency or where liquid assets are readily available to meet current expenses.

(38 U.S.C. 3203) (Oct. 24, 1984)

3. In § 3.558, paragraphs (a) and (c) are revised to read as follows:

§ 3.558 Resumption and payment of witheld benefits—incompetents $1,500 estate cases.

(a) Where payment has been discontinued by reason of § 3.557(b), it will not be resumed during hospitalization except as provided in § 3.557(e) or paragraph (b) of this section until proper notice has been received showing the estate is reduced to $500 or less. Payments will not be made for any period prior to the date of which the estate was reduced to $500 or less.

(38 U.S.C. 3203)

* * * * *

(c) Any amount not paid because of the provisions of § 3.557 will be awarded:

(1) To a veteran who is currently rated competent by the VA after the expiration of 6 months following the effective date of the rating of competency. Included for payment under this provision are amounts of compensation or retirement pay withheld pursuant to the provisions of § 3.551(b) (and/or predecessor regulatory provisions) as it was constituted prior to Autust 1, 1972, and not previously paid because of the provisions of § 3.557(b).

(38 U.S.C. 3203)

(2) For a veteran rated incomptetent by the VA who had met the provisions of subparagraph (1) of this paragraph and who was again rated incompetent by the VA before award action could be taken thereunder, if he or she has a proper dependent, and if there was no error in the intervening rating of competency. For the purpose of amounts not paid because of the provisions of § 3.557(a), a proper dependent is a spouse, child or dependent parent. For the purpose of amounts not paid because of the provisions of § 3.557(b), proper dependent is a spouse or child.

(38 U.S.C. 3203)

§ 3.559 [Amended]

4. In § 3.559, paragraphs (a) and (b) are amended by removing the words "Claims activity" and inserting the words "adjudication division".

(38 U.S.C. 210(c))

[FR Doc. 85-7188 Filed 3-26-85; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R-5-FRL-2805-2]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Supplemental proposed rulemaking.

SUMMARY: On November 24, 1982 (47 FR 53057), USEPA proposed rulemaking and solicited public comment on the incorporation of Illinois Pollution Control Board (IPCB) Rule 205(d)(5)(B)(iii) into the Illinois State Implementation Plan (SIP). USEPA has reconsidered its proposed approval of Rule 205(d)(5)(B)(iii) because of subsequent events. Today's rulemaking announces USEPA's proposed disapproval and solicits public comment.

DATE: Comments on this revision and on the proposed USEPA action must be received by April 26, 1985.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review: (It is recommended that you telephone Randolph O. Cano, at (312) 886-6035, before visiting the Region V office.)

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

Illinois Environmental Protection Agency, Division of Air Pollution Control, 2200 Churchill Road, Springfield, Illinois

Comments on this proposed rule should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6035.

SUPPLEMENTARY INFORMATION: On

September 3, 1981 (46 FR 44172), USEPA disapproved the incorporation of IPCB Rule 203(d)(5)(B)(iii) into the Illinois TSP SIP. This rule regulates coke pushing emissions. The four reasons for disapproval listed in the September 3, 1981, final rulemaking are as follows:

(1) The regulation is ambiguous about whether the 0.03 or 0.06 gr/dscf limitation applies to traveling hood stationary gas cleaner control systems;

(2) The term "stationary hood system" applies to coke side sheds and an emissions limitation of 0.03 gr/dcsf is excessively lenient because of unique shed dilution effects;

(3) The regulation lacks testing definitions; and

(4) The 90 percent design efficiency provision is not a quantifiable emissions limitation and, given that Illinois Rule 203(f) (fugitive particulate matter regulation) is not applicable to coke plant pushing operations, there is a need for pushing opacity standards. (46 FR 44178)

Subsequent to the September 3, 1981 disapproval, agreement was reached between USEPA and IEPA on ways to resolve the four reasons for disapproval listed above. First Illinois agreed to apply the 0.03 gr/dscf emission limit to traveling hood stationary gas cleaning control systems. This requirement was to be inserted as a condition of any operating permit issed to such a source by Illinois and the permits were to be submitted to USEPA. The second issue, leniency of the regulation of coke side sheds, became moot since no operating coke side sheds exist or are planned for Illinois. Thirdly, Illinois agreed to include in each permit an appropriate method for testing the outlet of gas cleaning systems on pushing control devices. Finally, Illinois agreed to require as conditions in source operating permits for all pushing sources, opacity limits or other objective limits reflecting the operation of controls designed to capture 90 percent of particulate emissions during pushing operations. The State further agreed to submit all coke pushing permits to USEPA.

Based on this agreement, USEPA proposed approval of and solicited public comment on the incorporation of IPCB Rule 203(d)(5)(B)(iii) into the Illinois TSP SIP on November 24, 1982 (47 FR 53057). This proposed approval was based on the expressed understanding that, "IEPA will insure application of RACT by requiring the inclusion of specific opacity emission limitations in source operating permits or the inclusion of some other EPA approved objective performance standard. The State will also include appropriate test methods in the permits and submit the permits to EPA." *Id.*

On August 9, 1983, the State provided USEPA copies of operating permits for Interlake Inc., and Granite City Steel. Analyses of the operating permits received indicates that the State has failed to implement the terms of the agreement reached with USEPA. Specifically, the permits submitted fail to contain opacity limits or other objective limits reflective of 90 percent capture of fugitive particulate emissions.

Because the State has failed to implement the terms of the agreement reached with USEPA, today's rulemaking announces a revised proposed action. USEPA proposes to disapprove the incorporation of Rule 203(d)(5)(B)(iii) into the Illinois TSP SIP.

Public comment is invited on the proposed SIP revision and on USEPA's proposed rulemaking action. Comment is also invited on what effect, if any, the disapproval of this revision would have on the overall approval status of the TSP SIP and the continuation of the construction ban under section 110(a)(2)(i) of the Act. Comments received by the date listed above will be considered in the development of USEPA's final rule.

Under 5 U.S.C. section 605(b), USEPA has determined that this proposed action, if finally disapproved, will not have a significant economic impact on a substantial number of small entities. Only three steelmaking facilities are affected by this action. None could be considered a small entity.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to USEPA, and any USEPA response, are available for public inspection at the USEPA Region V office listed above.

List of Subjects in 40 CFR Part 52

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

(Sec. 110, 172 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601(a))

Dated: December 26, 1984.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 85-7202 Filed 3-26-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[R-5-FRL-2805-4]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations; Indiana

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: Indiana requested USEPA to change the Total Suspended Particulate (TSP) designation for a portion of Dearborn County (Lawrenceburg Township) to full attainment for TSP. USEPA's analysis of the data submitted shows that the area has attained the primary, but not the secondary, TSP standards. Therefore, USEPA proposes to disapprove the redesignation request of Dearborn County to full attainment for TSP. However, if the State requests during the public comment period to redesignate Lawrenceburg Township to secondary nonattainment, then USEPA intends to approve this modified redesignation request.

DATE: Comments on this revision and on the proposed USEPA action must be received by May 28, 1985.

ADDRESSES: Copies of the redesignation request, technical support documents and the supporting air quality data are available at the following addresses:

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), 230 S. Dearborn Street, Chicago, Illinois 60604

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206

Comments on this proposed rule should be addressed to: (please submit an original and five copies, if possible.) Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Anne E. Tenner, (312) 886-6036.

SUPPLEMENTARY INFORMATION: Under section 107(d) of the Clean Air Act (Act) the Administrator of USEPA has promulgated the NAAQS attainment status for each area of every State. See 40 CFR Part 81. These area designations may be revised upon the request of a State whenever the data warrant a revision.

The primary TSP NAAQS is violated when, in a year, either: (1) The geometric mean value of TSP concentrations exceeds 75 micrograms

per cubic meter of air (75 $\mu g/m^3$) (the annual primary standard), or (2) the maximum 24-hour concentration of TSP exceeds 260 $\mu g/m^3$ more than once (the 24-hour standard). The secondary TSP is violated when, in a year, the maximum 24-hour concentration exceeds 150 $\mu g/m^3$ more than once.

In Dearborn County, Indiana, Lawrenceburg Township is designated nonattainment for the primary TSP standards, while the remainder of the County is designated attainment. On April 14, 1983, the State of Indiana requested that USEPA revise the TSP designation for all of Dearborn County, Indiana, to attainment. Indiana's redesignation request was reviewed with respect to USEPA's redesignation policy, as summarized in the memoranda "Section 107 Designation Policy Summary," April 21, 1983, and "Section 107 Questions and Answers," December 23, 1983.

In summary, all available information relative to the attainment status of the area should be reviewed. These data should include either (1) the most recent eight consecutive quarters of quality assured, representative ambient air quality data, plus evidence of an implemented control strategy or (2) the most recent four quarters of quality assured representative ambient air quality data and a reference modeling analysis showing the basic SIP control strategy is sound and that actual, enforceable emission reductions are responsible for the recent air quality improvement. Supplementary information, including the available air quality modeling, emission data, and other relevant information, should be used to determine if the monitoring data accurately characterize the worst-case air quality in the area. Information submitted to support attainment redesignations must adequately and accurately reflect maximum and long-term operating rates and the effect of applicable economic conditions on emissions.

On September 2, 1983, USEPA notified the State of Indiana that its redesignation request was not approvable due to a lack of technical support. On February 16, 1984, the State submitted a revised redesignation request and additional technical support. Additional technical information was submitted on April 13, 1984; May 16, 1984; August 31, 1984; and September 20, 1984.

In its February 16, 1984, submittal, Indiana included ambient air quality data collected at one TSP monitor in Dearborn County, Indiana, during the period 1981–1984, and a dispersion modeling analysis. (TSP data from another site in the County were also considered by USEPA.) Although the most recent 2 years of data show no violations, it is worth noting that this period coincides with the shift from daily to once-in-6-day sampling. For example, at the Lawrenceburg monitor, there were nine exceedances in 1981 through the end of September when daily sampling was done, while there have been no exceedances since November 1981 when sampling was done only every sixth day.[1]

In its February 16, 1984, submittal, Indiana also included a revised Climatological Dispersion Modeling (CDM) analysis of Dearborn County. This modeling used more current and representative meterological data, an updated and more complete area source inventory, and a greater receptor resolution relative to the data originally submitted. On August 31, 1984, the State submitted revised modeling reflecting all sources operating at SIP allowable emissions.

The stack height changes in Dearborn County for the Tanners Creek power plant, as they relate to TSP, are consistent with the Agency's November 9, 1984, proposed stack height regulations (49 FR 44878); and, therefore, credit for these changes is taken in the modeling. Even so, the State's modeling indicates that the secondary 24-hour TSP standard is not being attained in Lawrenceburg Township. Although no monitored violations have been measured during the last 2 years, no valid reasons could be cited for the recent lower TSP concentrations. This leads USEPA to question whether TSP levels, less than the NAAQS, will continue to be measured and whether the apparent improvement in TSP levels at this monitor is due to the switch in sampling frquency, rather than actual, enforceable control measures. Further discussion may be found in the technical support document which is available at USEPA's Region V office.

For these reasons, USEPA proposes to disapprove the redesignation request for Lawrenceburg Township in Dearborn County to full attainment for TSP. However, if the State requests during the public comment period that USEPA redesignate Lawrenceburg Township from primary nonattainment to secondary nonattainment based on USEPA's analyses referenced above, USEPA proposes to approve this modified redesignation request. If the State does not request redesignation of Lawrenceburg Township to secondary nonattainment, then USEPA is proposing that it remain designated primary nonattainment.

All interested persons are invited to submit written comments on the proposed redesignation. Written comments received by the date specified above will be considered in determining whether USEPA will approve the redesignation. After review of all comments submitted, the Administrator of USEPA will publish in the **Federal Register** the Agency's final action on the redesignation.

Under 5 U.S.C. section 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

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

List of Subjects in 40 CFR Part 81

Air pollution control, National Parks, Wilderness areas.

(Sec. 107(d) of the Act, as amended (42 U.S.C. 7407))

Dated: February 21, 1985.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 85-7205 Filed 3-26-85; 8:45 am]

BILLING CODE 6560-50-M

[1] USEPA regulations at 40 CFR Part 58 require at least one 24-hour sample every 6 days.

---

40 CFR Part 153

[OPP-250061A; FRL-2800-7]

Pesticide Programs; Statements of Policies and Interpretations; Notification to the Secretary of Agriculture of a Final Regulation on Automatic Requirements for Registrant Submission of Risk/Benefit and Exposure Data; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification to the Secretary of Agriculture.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture a final interpretive rule and statement of policy. The rule issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), sets forth the Agency's interpretation of what information FIFRA section 6(a)(2) requires to be reported to EPA. The rule also amends and codifies a statement of EPA enforcement policy regarding which failures to report information, or delays in reporting, will be regarded by EPA as actionable violations. This

action is required by section 25(a)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT:
David Alexander, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.
Office location and telephone number: Rm. 1114C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-0592).

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(B) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture with a copy of any final regulation at least 30 days prior to signing it for publication in the **Federal Register**. If the Secretary comments in writing regarding the final regulation within 15 days after receiving it, the Administrator shall issue for publication in the **Federal Register**, with the final regulation, the comments of the Secretary, if requested by the Secretary, and the response of the Administrator concerning the Secretary's comments. If the Secretary does not comment in writing within 15 days after receiving the final regulation, the Administrator may sign the regulation for publication in the **Federal Register** anytime after the 15-day period.

Notice of this action inadvertently published in the **Federal Register** of January 9, 1985 (50 FR 1070), before the regulation was forwarded to the Secretary of Agriculture. Today's notice corrects the timing of that action.

As required by FIFRA section 25(a)(3), a copy of this final regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(Sec. 25, Pub. L. 92-516, 86 Stat. 973 as amended; (7 U.S.C. 136 et seq.))

Dated: March 6, 1985.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 85-6705 Filed 3-26-85; 8:45 am]

BILLING CODE 6560-50-M

---

40 CFR Part 721

[OPTS-50524; FRL-2737-1]

Toxic Substances; Certain Acrylate and Methacrylate Chemicals; Proposed Determination of Significant New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for chemical substances which were the subject of premanufacture notices (PMNs) P-84-176, P-84-180, P-84-181, P-84-182, P-84-183, and P-84-184 and a TSCA section 5(e) consent order issued by EPA. The Agency believes that the substances may be hazardous and that their uncontrolled manufacture, import, processing, distribution in commerce, use, or disposal may result in significant human or environmental exposure.

DATE: Written comments should be submitted by May 28, 1935.

ADDRESSES: Since some comments are expected to contain confidential business information, all comments should be sent in triplicate to: Document Control Officer (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-209, 401 M St., SW., Washington, D.C. 20460.

Comments should include the docket control number OPTS-50524. Non-confidential versions of comments received on this proposal will be available for reviewing and copying from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays, in Rm. E-107 at the address given above. For further information regarding the submission of comments containing confidential business information, see Unit XII of this preamble.

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

SUPPLEMENTARY INFORMATION: OMB control number 2070-0012.

I. Authority

Section 5(a)(2) of TSCA authorizes EPA to determine that a use of a chemical substance is a "significant new use." EPA must make this determination by rule, after considering all relevant factors, including those listed in section 5(a)(2). Once a use is determined to be a significant new use, persons must, under section 5(a)(1)(B), submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use. Such a notice is subject to the same requirements and procedures as a PMN submitted under section 5(a)(1)(A) of TSCA which are interpreted at 40 CFR Part 720 published in the **Federal Register** of May 13, 1983 (48 FR 21722). In particular, these include the information submission requirements of section 5(b) and (d)(1), certain exemptions authorized by section 5(h), and the regulatory authorities of section 5(e) and (f). If EPA does not take regulatory action under section 5, 6, or 7 to control activities on which it has received a SNUR notice, section 5(g) requires the Agency to explain in the **Federal Register** its reasons for not taking action.

Substances covered by proposed or final SNURs are subject to the export reporting requirements of TSCA section 12(b). EPA regulations interpreting section 12(b) requirements appear at 40 CFR Part 707. Substances subject to final SNURs are subject to TSCA section 13 import certification requirements at 19 CFR 12.118 through 12.127 and 127.28 published in the **Federal Register** of August 1, 1983 (48 FR 34734). The EPA policy in support of these requirements appears at 40 CFR Part 707 published in the **Federal Register** of December 13, 1983 (48 FR 55462).

II. Applicability of General Provisions

EPA promulgated general provisions applicable to SNURs under 40 CFR Part 721, Subpart A, published in the **Federal Register** of September 5, 1984 (49 FR 35011). EPA is proposing that these general provisions apply to this SNUR without change except as discussed in this preamble and in § 721.65. Interested persons should refer to that document for a detailed discussion of the general provisions.

III. Summary of This Proposed Rule

The chemical substances subject to this proposed rule are identified generically as alkanetriol dimethacrylate, substituted; polyalkylene glycol mono-methacrylate, substituted; polyalkyl-alkane diol mono-acrylate, substituted; alkanetriol polyalkylene glycol ester acrylate, substituted; alkylene glycol mono-methacrylate, substituted; and polyalkyl;-alkanediol mono-methacrylate, substituted. They were the subject of PMNs P-84-176, P-84-180, P-84-181, P-84-182, P-84-183, and P-84-184, respectively. EPA is proposing to designate the following as significant new uses of the substances:

A. Any use other than as a component in industrial coatings
B. Any spray application or any other application process.

that generates an aerosol or mist unless one of the two following conditions is met:

1. Aerosols or mists are controlled by local exhaust ventilation, enclosure, or

similar engineering approach to capture the substances at or near the source and prevent their diffusion into the breathing zone of the worker.

2. Workers potentially exposed to the aerosol or mist are required to wear a National Institute for Occupational Safety and Health approved, category 21c, high efficiency filter respirator excluding single-use or disposable types in accordance with 30 CFR 11.150; category 23c respirator equipped with combination cartridges and approved for paints, enamels, and lacquers; or category 19c air-supplied respirator. (Choice of a respirator will depend on availability, personal preference, and/or suitability given concurrent exposure to other airborne materials.) Use of the selected respirator is in accordance with 29 CFR 1910.134 and 30 CFR Part 11.

C. Any method of disposal, other than by incineration or landfilling which meets all applicable local, State, and Federal regulations.

D. Any release of P-84-180, P-84-181, P-84-182, or P-84-184 into navigable waters. (EPA has proposed a definition of navigable waters in the proposed SNUR on P-84-27 which was published in the **Federal Register** of December 24, 1984 (49 FR 49868).)

E. Manufacturing, processing, or distribution in commerce without establishing a program to accomplish the following. During all stages of manufacture, processing, use, or cleanup operations involving P-84-176, P-84-180, P-84-181, P-84-182, P-84-183, or P-84-184, any person who is employed by or under the control of the manufacturer or processor and involved in, or in the immediate area of, any operation where dermal contact with the substance may occur must wear:

1. Gloves which are determined to be impervious to the substance under the conditions of exposure, including the duration of exposure. This determination must be made either by testing the gloves under the conditions of exposure or by evaluating the specifications provided by the manufacturer of the gloves. Testing or evaluation of manufacturer's specifications shall include consideration of permeability, penetration, and potential chemical and mechnical degradation by the substance and associated chemical substances;

2. Chemical safety goggles or equivalent eye protection as part of a respirator; and

3. Clothing which covers any other exposed areas of the arms, legs, and torso.

F. Failure to inform persons required to wear protective clothing and/or respirators of the health concerns which may be presented by the substances.

G. Failure to label packages containing P-84-176, P-84-180, P-84-181, P-84-182, P-84-183, or P-84-184 or formulations containing the substances according to the terms specified in the proposed rule.

H. Failure to include a material safety data sheet (MSDS) to accompany the distribution in commerce of any of the substances which contains the language and requirements specified in the proposed rule.

Specific recordkeeping requirements in addition to those listed in § 721.17 are described in Unit VII below.

IV. Background

On October 26, 1983, EPA received a PMN which the Agency designated as P-84-176. On October 27, 1983, the Agency received PMNs that were designated P-84-180, P-84-181, P-84-182, P-84-183, and P-84-184. EPA announced receipt of all these PMNs in the **Federal Register** of November 4, 1983 (48 FR 50944). The notice submitter stated that the substances will be used as components in industrial coatings.

The notice submitter claimed the following as confidential business information (CBI): Specific chemical identities, impurities, and process data. Under section 14(a)(4) of TSCA, the Agency may disclose CBI relevant in any proceeding. "[D]isclosure in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable without impairing the proceeding." EPA is not convinced that this rulemaking will be so impaired by these claims as to justify disclosure of CBI. Therefore, EPA has decided not to disclose any of the CBI at this time. The Agency specifically requests comment on this approach for this SNUR rulemaking. For purposes of clarity, these substances will be referred to by their generic names and PMN numbers.

Based upon results obtained from bioassays on structurally similar substances, the Agency believes that all six of the substances may cause cancer. Also, data on these structural analogues indicate that the substances can be absorbed by passing through the skin, gastrointestinal tract, and lungs into the body. During review of the PMNs, the Agency concluded that the uncontrolled manufacture, import, processing, distribution in commerce, use, and disposal of the substances may present an unreasonable risk of injury to human health. Therefore, EPA regulated the substances under section 5(e) of TSCA pending the development of information sufficient to make a reasoned evaluation of the health effects.

EPA concluded that use of appropriate protective equipment and certain other controls will protect persons exposed to the substances from any unreasonable risk. The Agency negotiated a section 5(e) consent order with the notice submitter which requires worker protective equipment, prohibition of spray application, use only as components in industrial coatings, disposal as specified in the PMNs, labeling, MSDSs, processor notification, and recordkeeping until data are available to more accurately determine the risks associated with the substances. The order became effective June 8, 1984.

By issuing a section 5(e) consent order which allows controlled commercial manufacture, import, processing, distribution in commerce, use, and disposal of the substances, EPA has taken a regulatory approach which is appreciably less burdensome than an order prohibiting manufacture of the substances until additional data are submitted. At the same time, such an approach protects human health by requiring precautionary controls pending the development of the data needed for a more fully reasoned evaluation of the risks associated with the substances.

Section 5(e) orders apply only to the notice submitter. When the notice submitter commences commercial manufacture or import of the substances and submits a notice of commencement of manufacture or import to EPA, the Agency will add the substances to the TSCA Chemical Substance Inventory. When a substance is listed on the Inventory, other persons may manufacture or process the substance without controls. Therefore, EPA is proposing to designate the following as significant new uses so the Agency can review these uses before they occur: (1) Use of the substances as components in industrial coatings without specified controls; (2) use other than as components in industrial coatings; (3) spray application or any other application process that generates an aerosol or mist unless one of two worker protection measures is met; (4) not providing certain information to persons who are exposed either by dermal contact or inhalation; (5) not including an MSDS to accompany distribution in commerce; (6) failure to adequately label containers; (7) any method of disposal other than by incineration or landfill, and (8) release of P-84-180, P-84-181, P-84-182, or P-84-184 into navigable waters.

The reporting requirements of this proposed SNUR differ from the terms of

the section 5(e) consent order in two ways. First, release of P-84-180, P-84-181, P-84-182, or P-84-184 into navigable waters would be a significant new use. The consent order contained no provision with respect to such release of these four substances. The Agency did not address release into navigable waters in the section 5(e) order because the PMN submitter indicated that no releases to water would result from the use described in the PMNs. The Agency is proposing, however, that the SNUR address such releases because EPA is concerned that the substances may be toxic to fish and that other uses may involve release into navigable waters.

Second, the SNUR includes a trigger requiring reporting before any spray or non-spray application that generates an aerosol or mist unless one of two specific worker protection measures is met. The consent order prohibited spray application, but did not address non-spray modes of application that could generate aerosol or mist. In the consent order, EPA prohibited spray application because the Agency is concerned about uses which could result in inhalation of significant amounts of the substances. The Agency believes that the reporting trigger in the proposed SNUR is preferable because certain spray applications (e.g., fully enclosed systems) would not be reported because the conditions are not likely to be hazardous; however, some non-spray activities (e.g., high speed rollers without enclosure) that may lead to significant levels of inhalation exposure would be subject to significant new use reporting and EPA review.

Through a SNUR, the Agency would ensure that all manufacturers, importers, and processors are subject to similar reporting requirements. In addition, a SNUR would afford EPA the opportunity to review exposure and toxicity information on the substances; if necessary, action can then be taken to ensure that persons and the environment will not be exposed to levels of the substances that are potentially hazardous.

V. Determination of Proposed Significant New Uses

To determine what would constitute significant new uses of these chemical substances, EPA considered relevant information about the toxicity of the substances and potential exposures and releases associated with possible uses (such as uses other than those allowed under the section 5(e) order), and the four factors listed in section 5(a)(2) of TSCA. In particular, EPA considered the extent to which potential uses might change the magnitude and duration of exposure of humans and the environment to P-84-176, P-84-180, P-84-181, P-84-182, P-84-183, and P-84-184. Based on these considerations, EPA proposes to define the significant new uses of the substances as set forth in Unit III of this preamble.

EPA has already determined in the section 5(e) order that unrestricted manufacture, import, processing, distribution in commerce, use, and disposal of the substances may present an unreasonable risk. While such a finding is not necessary to promulgate a SNUR, it strongly supports a determination that the uses of the substances would be significant.

VI. Alternatives

EPA considered regulatory alternatives to a SNUR to ensure protection of human health and the environment.

1. One alternative would be to promulgate a section 8(a) reporting rule for the substances. Under such a rule, EPA could require any person to report to EPA before manufacturing, importing, or processing the substances: (1) As components in industrial coatings without specified controls; (2) for use other than as components in industrial coatings; (3) for spray application or other application processes that generate an aerosol or mist unless certain worker protective measures are taken; (4) with release into navigable waters (P-84-180, P-84-181, P-84-182, and P-84-184 only); (5) without providing certain information to persons who are exposed either by dermal contact or inhalation; (6) without including an MSDS to accompany distribution in commerce; (7) with disposal other than by incineration or landfill; and (8) without adequately labeling containers. Because the substances are subject to a section 5(e) order, the normal small business exemption of section 8(a) would not apply.

However, the use of section 8(a) rather than section 5(a) SNUR authority has drawbacks in this particular instance. If EPA received a report under section 8(a) indicating that a person intended to manufacture or import the substances for any of the uses described as significant new uses in the proposed rule, the Agency could not take immediate action under section 5(e), as it can under a SNUR, and therefore would not be able to regulate the substances pending development of information. Rather, in a situation such as this, EPA would have to consider regulating the substances under TSCA section 6 which would require a separate rulemaking action.

Moreover, in view of the current lack of environmental and health effects data on P-84-176, P-84-180, P-84-181, P-84-182, P-84-183, and P-84-184, EPA first would likely have to obtain test data on the substances under section 4 of TSCA to support an action under section 6. This approach could allow unnecessary risk to human health and the environment during the time needed for data development. In addition, the original submitter would be at a competitive disadvantage because the section 5(e) order applies only to that company. It is not EPA's intent in the PMN process to create unfair marketplace disruptions.

2. The Agency also has the authority to regulate sustances under section 6 of TSCA. However, the Agency may regulate under section 6 only if there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture "presents or will present" an unreasonable risk of injury to health and the environment. At this time, there is insufficient information to perform a reasoned evaluation of the health effects of P-84-176, P-84-180, P-84-181, P-84-182, P-84-183, and P-84-184 or the environmental effects associated with P-84-180, P-84-181, P-84-182, and P-84-184. Therefore, the Agency cannot state with certainty that the substances present or will present an unreasonable risk. In this instance, because the Agency has issued a section 5(e) order, EPA can state that the substances "may present" an unreasonable risk of injury to health. However, the Agency cannot regulate the substances under section 6 at this time.

3. As an alternative to the proposed employee notification and training, labeling, and MSDS provisions of this proposal, the Agency will be proposing a package of amendments to 40 CFR Part 721 which will establish criteria for such significant new uses. These amendments will incorporate, in part, the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (29 CFR 1900.1200). The Agency will invite comment on the amendment package at the time of its proposal.

4. The Agency is also considering proposing the creation of an abbreviated review for persons who seek to employ alternative exposure or release controls or alternative protective provisions. Under this approach, for example, a significant new use might be defined as the failure to establish a program

whereby persons who may be exposed to the substances subject to the proposed § 721.65(a)(2)(A) are required to wear a National Institute for Occupational Safety and Health approved, category 21c, high efficiency filter, respirator, excluding single-use or disposable types, or other protective equipment which provide "at least the same degree of protection." Persons would be required to submit a request to EPA for a determination of equivalency prior to initiating use of the alternative controls. The Agency will be proposing a review period of less than 90 days. If EPA determines that the protective provisions are equivalent, significant new use reporting will not be required.

VII. Recordkeeping

To ensure compliance with this proposed rule and to assist enforcement efforts, EPA is proposing, under its authority in sections 5 and 8(a) of TSCA, that in addition to the requirements in § 721.17, the following records be maintained for 5 years after the date of their creation, by persons who manufacture, import, or process P-84-176, P-84-180,P-84-181, P-84-182, P-84-183, and P-84-184:

A. Any determination that gloves are imprevious to the substances as specified in unit III.E.1. above;

B. Names used for the substances and the dates on which those names were in use;

C. Names of persons who have been informed in accordance with units III.F. above, the means by which they were informed, and the dates they were informed;

D. Dates of shipments of containers which have been labeled in accordance with unit III.G. above, and the identities of persons to whom they have been shipped; and

E. Copies of any MSDSs used.

The basis for the Agency's recordkeeping requirements has been set forth in the preambles to previously proposed SNURs. This discussion was incorported into the proposed SNUR for P-83-370 and can be found in the **Federal Register** of January 13, 1984 (49 FR 1753).

VIII. Exemptions to Reporting Requirements

EPA has codified general exemption provisions covering SNUR reporting under § 721.19. On a case-by-case basis the Agency may modify these provisions in Subpart B. However, in this case, the Agency is proposing that § 721.19 apply in its entirety.

EPA issued its final premanufacture notification rules under 40 CFR Part 720 published in the **Federal Register** of May 13, 1983 (48 FR 21722), including § 720.36 which contained detailed rules for the section 5(h)(3) exemption for chemical substances manufactured or imported in small quantities solely for research and development. On September 13, 1983 (48 FR 41132), EPA stayed the effectiveness of § 720.36, among other provisions of the PMN rule, pending further rulemaking to revise the provisions. Revisions of § 720.36 and other provisions were proposed on December 27, 1984 (49 FR 50201). Because § 720.36 was not in effect when EPA codified § 721.19, the agency relied on the general definition of "small quantities solely for research and development" in § 720.3(cc) and section 5(h)(3) of TSCA to determine whether activities qualify under this exemption. Upon promulgation of a revised § 720.36, EPA intends to amend § 721.19 to adopt the provisions of the revised § 720.36.

Section 721.19(g) of the general SNUR provisions exempts persons from SNUR reporting when they manufacture or process the substances solely for export and label the substances in accordance with section 12(a)(1)(B) of TSCA. While EPA is concerned about worker exposure and environmental release during manufacture and processing of the substances, EPA lacks the authority under section 12(a) of TSCA to require reporting of such manufacture or processing for a significant new use because EPA does not yet have sufficient information to make the "will present an unreasonable risk" finding necessary to regulate a substance manufactured or processed solely for export. However, such persons would be required to notify EPA of such export under section 12(b) of TSCA (see § 721.7 of the general SNUR provisions). Such notification will allow EPA to monitor manufacturing and processing activities which are not subject to significant new use reporting. The term "manufacture solely for export" is defined in the PMN rule (40 CFR 720.3(s)). The term "process solely for export" is defined in § 721.3 of the general SNUR provisions in a similar fashion. Thus the substances would be exempt from reporting under this SNUR if a person manufactures (the term "manufacture" includes import) or processes the substances solely for export from the U.S. under the following restrictions: (1) there is no use of the substances in the U.S.; (2) processing is restricted to sites under the control of the manufacturer or processor, respectively; and (3) distribution in commerce is limited to purposes of export. If a person manufactured or processed the substances both for export and for use in the U.S., such manufacture and processing would be for use in the U.S.

IX. Applicability of Proposal to Uses Occurring Before Promulgation of Final Rule

To establish a significant new use rule, the Agency must, among other things, determine that the use is not ongoing. In this case, the chemical substances in question have just undergone premanufacture review. When the notice submitter begins import or manufacture of the substances, the submitter will send EPA a notice of commencement of manufacture or import, and the substances will be added to the Inventory. The notice submitter is prohibited by the section 5(e) order from undertaking most of the activities which the Agency is proposing be designated as significant new uses. Therefore, at this time, the Agency has concluded that these uses are not ongoing. However, EPA recognizes that when the chemical substances subject to this SNUR are added to the Inventory, they may be manufactured, imported, or processed by other persons for a significant new use as defined in this proposal before promulgation of the rule.

If, after publication of this proposal, someone were to undertake the designated significant new uses, they could argue that the uses are not "new" at the time the rule is promulgated, and therefore not significant new uses. EPA finds that the intent of section 5(a)(1)(B) is best served by determining whether a use is a significant new use as of the proposal date of the SNUR. If uses begun during the proposal period were not considered to be significant new uses, it would be almost impossible for the Agency to establish SNUR notice requirements, since any person could defeat the SNUR by initiating the proposed significant new uses before the rule becomes final. This is contrary to the general intent of section 5(a)(1)(B).

Thus, if the substances are manufactured, imported, or processed between proposal and promulgation for a proposed significant new use, the Agency will consider such use to be a significant new use if it is retained in the final rule. EPA recognizes that this interpretation may disrupt commercial activities of persons who begin manufacture, import, or processing of the substances for a significant new use during the proposal period. However, this proposal constitutes notice of that potential disruption, and persons who commence a proposed significant new use do so at their own risk.

The Agency, not wishing to unnecessarily disrupt the commercial activities of persons who engage in a proposed significant new use prior to promulgation of a final SNUR, is considering amending 40 CFR 721.19 to allow for advance SNUR compliance. The proposed mechanism by which persons may seek an advance compliance exemption from SNUR notice requirements will be provided in detail in a forthcoming package of amendment proposals. It is anticipated that these proposals will be published in approximately 5 months. The Agency will seek comment at that time.

Because the identities of P-84-176, P-84-180, P-84-181, P-84-182, P-84-183, and P-84-184 are confidential, any person who proposes to manufacture or import P-84-176, P-84-180, P-84-181, P-84-182, P-84-183, and P-84-184 is unlikely to know that the substances are on the Inventory and, therefore, is likely to submit a *bona fide* request under either 40 CFR 710.7(e) or 720.25(b) to determine whether the substances are on the Inventory. If EPA determines that the person has a *bona fide* intent to manufacture or import the substances and that the substances the person proposes to manufacture or import are P-84-176, P-84-180, P-84-181, P-84-182, P-84-183, and P-84-184, EPA will inform the person that the substances are subject to this proposal. This will give the person adequate notice of this proposal, will give the person an adequate chance to comment.

X. Test Data and Other Information

EPA recognizes that under TSCA section 5, persons are not required to develop any particular test data before submitting a notice. Rather, persons are required only to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them. However, in view of the potential health and environmental risks that may be posed by a significant new use of these substances, a more reasoned evaluation of the risks posed by these substances would require additional data on carcinogenicity. These data might be generated by 2-year rodent bioassays on all these substances. Fish, daphnia, and algal acute toxicity tests would provide data necessary to assess the aquatic ecotoxicity concern for P-84-180, P-84-181, P-84-182, and P-84-184. These studies may not be the only means of addressing the potential risks.

EPA encourages potential SNUR notice submitters to test the substances for these concerns. SNUR notices submitted for significant new uses without such test data may increase the likelihood that EPA will take action under section 5(e). As part of an optional prenotice consultation, EPA will discuss the test data it believes necessary to evaluate a significant new use of the substances.

Test data should be developed according to TSCA good laboratory practices regulations at 40 CFR Part 792 published in the **Federal Register** of November 29, 1983 (48 FR 53923). EPA encourages persons to consult with the Agency before selecting a protocol for testing the substances. EPA urges SNUR notice submitters to provide detailed information on human exposure that will result from the significant new use. In addition, EPA urges persons to submit information on potential benefits of the substances and information on risks posed by the substances compared to risks posed by substitutes.

XI. Econonic Analysis

The Agency has evaluated the potential costs of establishing significant new use reporting requirements for these substances. This evaluation is summarized below. The Agency's complete economic analysis is available in the public file.

A. Costs

The only direct costs that will definitely occur as a result of promulgation of this SNUR will be EPA's costs of issuing and enforcing the SNUR. It is estimated that the Agency costs of issuing the SNUR are $43,600. While enforcement costs will also be incurred by the Agency, they cannot be quantified at this time.

Subsequent to promulgation of the SNUR, there are three possible outcomes for firms that wish to manufacture, process, or use the substances: (1) abide by the provisions of the SNUR (e.g. use the substances only as components in industrial coatings, attach warning labels, etc), which would not necessitate the filing of a SNUR notice; (2) submit a SNUR notice describing the intention to manufacture, process, or use the substances for a significant new use; or, (3) choose not to manufacture, process, or use the substances. The costs of these outcomes are summarized below.

Outcome 1

If a firm complies with the provisions of the SNUR, it will not have to submit a SNUR notice. There may be some costs to a firm of not triggering the SNUR, e.g. if a firm had to purchase gloves and goggles specifically to comply with the rule. The costs that are associated with not triggering the SNUR revolve around the use of certain protective equipment. The EPA believes that these requirements relate to good industrial hygiene. A discussion of these costs follows below.

Limiting the use of the substances to industrial coatings is not expected to increase costs of any firm. These substances were designed to be used in radiation-cured coatings. In radiation-curing operations, the coating is cured (hardened) by exposure to ultraviolet light (UV) or electron beam (EB) energy. Following such exposure, the coating is cured such that subsequent exposure to a consumer (of e.g. a no-wax tile floor) is nonexistent. The Agency knows of no consumer applications of radiation curing; the capital costs of this technology preclude use by consumers. EPA cannot, however, rule out future technological developments such as hand held UV sources that would be purchased by consumers to dry adhesives or coatings. The Agency also knows that acrylates such as the PMN substances are incorporated into non-radiation cured coatings and adhesives.

The costs of protective equipment such as gloves, goggles, and respirators varies from company to company. Many firms already have gloves and respirators on hand for use by employees due to the use of different coating components such as resins and organic solvents. Even where radiation-curing is used, organic solvents such as glycol ethers, ketones and alcohols are used to clean machinery. On the other hand, some firms may not have protective equipment on hand; if these firms wanted to use these substances, they would have to purchase equipment. There are many different kinds of gloves, and a few different kinds of respirators. Gloves and respirators are chosen on the basis of cost, type of chemical exposure, duration of exposure, etc.

The SNUR would require that workers wear gloves, chemical goggles, and respirators (an option for spray applications). While the SNUR would require that the gloves be impervious to the substances, it does not specify what kind of gloves one should wear (e.g., latex, neoprene, and butyl rubber.) These gloves range in price from around $1/pair to $30/pair. EPA experience with industry concerning acrylates indicates that neoprene gloves are often worn, because the exposures are not of a long duration, and the gloves are not overly expensive. Neoprene gloves are disposable gloves that cost $15-16/dozen (about $1.25/pair). Chemical goggles cost about $4.75/pair, and are replaced every few months. For respirators, EPA assumes use of a half-

face piece type respirator. These respirators currently cost $15.75 each. Replacement filters cost $5.75/pair, and paint mist prefilters cost $1.81/pair.

For analytical purposes, the Agency assumed the following: a worker would be exposed to the substances for 45 days a year; gloves would be replaced daily; goggles would be replaced once, filters and prefilters would be changed on a weekly basis; and the respirator would last for a year.

On an annual basis, these costs would total about $165 per worker. Assuming a 10-year life for the substances and a 10 percent discount rate, the present value of the $165 is $1,115; the annualized cost is $182 per worker.

In processing and use, the same workers exposed to the PMN substances would likely be exposed to other resins (e.g., unregulated acrylates) and perhaps solvents (e.g., alcohols, ketones, and glycol ethers) used in cleanup operations. Thus, protection against other chemicals will occur, and will help to degrade the protective equipment. Thus, only some equipment costs can be ascribed to the SNUR substances.

The SNUR would require that labels be attached to products containing one or more of the substances. Since these new products are not commercialized, adding a warning statement will probably not be a cost directly attributable to this SNUR (becuase labels have not been made up yet).

If an entirely new label has to be made, the initial cost of the labeling requirement will be between $135–1,500 (which is the development cost of the label). The annualized cost of labeling is $80. Other labeling costs will be minimal (around $0.02 per label).

The SNUR would require that an MSDS accompany any products containing the substances. EPA estimates that it costs around $20 to develop an MSDS.

The Agency cannot specify exactly the cost of complying with the "any method of disposal other than by incineration or landfill" provision of the SNUR. If a whole drum of a substance was taken to a landfill, the cost might be $60–75. A 55-gallon drum holds about 450 pounds of a substance.

Outcome 2

In some circumstances it would be cost effective for a company to file a SNUR notice with data which shows that its' means of controlling exposures could mitigate EPA's concerns. In this case, the company incurs the cost of filing a SNUR notice, which has been estimated at $1,400–$8,000 and possibly the costs of some exposure controls which would ordinarily not be used without the existence of the SNUR. The submitter may also incur up to a 3.2 percent reduction in profits due to delays in manufacture and the cost of regulatory follow-up, if any.

Another alternative under this outcome would be a firm submitting a SNUR notice with the results of a 2-year bioassay on one or more of the substances. The cost of one 2-year bioassay, however, is in the $850,000 range per substance. Therefore, EPA does not expect this alternative to occur.

The compnay may also incur the cost of controlling releases to surface waters. The Agency has not estimated this potential cost; however, it may be prohibitive if the company does not already have the necessary facilities in place.

EPA will incur enforcement costs once the SNUR has been promulgated.

Outcome 3

Some companies could find the cost of controlling exposure and releases too expensive to justify production processing, or use. Under this outcome, a company would not incur any direct costs as a result of the SNUR. The company and society could then lose benefits that would have been derived from the manufacturing, processing, or use of the substances. However, the original PMN submitter intends to produce the substances under the conditions of the 5(e) consent order which generally are the same enunciated in this SNUR. This indicates that some uses of the substances will return an acceptable profit.

B. Benefits

The Agency has not attempted to quantify the benefits of the proposed SNUR. In general, however, benefits will accure if the proposed action leads to the identification and, if necessary, the control of unreasonable risk before significant health and ecotoxicity effects can occur. The proposal and promulgation of the SNUR provides these benefits of reduced health and ecotoxity risks during manufacture, processing and use of PMNs P–84–176, P–84–180, P–84–181, P–84–182, P–84–183, and P–84–184. The use of personal protective equipment will give workers protection against a number of potentially dangerous associated chemicals, in addition to these substances.

XII. Confidential Business Information

Any person who submits comments which the person claims as CBI must mark the comments as "confidential," "trade secret," or other appropriate designation. Any comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with the procedures in 40 CFR Part 2. EPA requests that any party submitting confidential comments prepare and submit a sanitized version of the comments which EPA can place in the public file.

XIII. Judicial Review

When this proposed rule is promulgated, judicial review may be available under section 19 of TSCA in the United States Court of Appeals for the District of Columbia Circuit or for the circuit in which the person seeking review resides or has its principal place of business. To bring greater fairness to "races to the courthouse," EPA has promulgated a rule (February 21, 1985; 50 FR 7268) establishing the time and date of promulgation of most Agency actions, including this rule, for purposes of judicial review, as 2 weeks after the date of publication of the final rule in the **Federal Register**. The effective date of the rule will be, in turn, calculated from the promulgation date.

XIV. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPTS–50524). The record includes basic information considered by the Agency in developing this proposed rule. EPA will supplement the record with additional information as it is received. The record now includes the following:

1. The PMNs for the substances.

2. The **Federal Register** notice of receipt of the PMNs.

3. The section 5(e) consent order.

4. The economic analysis of the proposed rule.

5. The health effects toxicity support document for the section 5(e) order.

6. The environmental effects support document.

The Agency will accept additional materials for inclusion in the record at any time between this proposal and designation of the complete record.

EPA will identify the complete rulemaking record by the date of promulgation. A public version of this record containing sanitized copies from which CBI has been deleted is available to the public from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in the OTS Public Information Office, Rm. E–107, 401 M St., SW., Washington, D.C.

XV. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore requires a Regulatory Impact Analysis. EPA has determine that this proposed rule is not a "major rule" because it does not have an effect on the economy of $100 million or more, and will not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the annual cost of this proposed rule, for the reasons discussed in Unit XI of this preamble, EPA believes that the cost will be low. In addition, because of the nature of the proposed rule and the substances subject to it, EPA believes that there will be few significant new use notices submitted. Further, while the expense of a notice, the suggested testing, and the uncertainty of possible EPA regulation may discourage certain innovation, that impact may be limited because such factors are unlikely to discourage innovation of high potential value. Finally, this SNUR may encourage innovation in safe chemical substances or highly beneficial uses.

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

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA certifies that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small businesses. The Agency cannot determine whether parties affected by this proposed rule are likely to be small businesses. However, EPA believes that few manufacturers, importers, or processors will submit SNUR notices. Therefore, although the costs of preparing a notice under this rule might be significant for some small businesses, the number of such businesses affected is not expected to be substantial.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in the proposed rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control number 2070–0012. Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked Attention: Desk Officer for EPA. The final rule package will respond to any OMB or public comments on the information collection requirements.

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Recordkeeping and reporting requirements, Significant new uses.

Dated: March 7, 1985.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

PART 721—[AMENDED]

Therefore, it is proposed that Part 721 of Chapter I of Title 40 be amended by adding § 721.65 to read as follows:

§ 721.65 Certain acrylate and methacrylate chemicals.

(a) *Chemical substances and significant new uses subject to reporting.* (1) The following chemical substances referred to by their PMN numbers and generic chemical names are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section: (P–84–176) alkanetriol dimethacrylate, substituted; (P–84–180) polyalkylene glycol mono-methacrylate, substituted; (P–84–181) polyalkyl-alkane diol mono-acrylate, substituted; (P–84–182) alkanetriol polyalkylene glycol ester acrylate, substituted; (P–84–183) alkylene glycol mono-methacrylate, substituted; and (P–84–184) polyalkyl-alkanediol mono-methacrylate, substituted.

(2) The significant new uses are:

(i) Any use other than as a component in industrial coatings.

(ii) Any spray application or any other application process that generates an aerosol or mist unless one of the two following conditions is met:

(A) Aerosols or mists are controlled by local exhaust ventilation, enclosure, or similar engineering approach to capture the substances at or near the source and prevent their diffusion into the breathing zone of the worker.

(B) Workers potentially exposed to the aerosol or mist are required to wear a National Institute for Occupational Safety and Health approved, category 21c, high efficiency filter, respirator, excluding single-use or disposable types, in accordance with 30 CFR 11.150; category 23c respirator equipped with combination cartridges and approved for paints, enamels, and lacquers; or category 19c air-supplied respirator. Use of the selected respirator is in accordance with the regulations in 29 CFR 1910.134 and 30 CFR Part 11.

(iii) Any method of disposal, other than by incineration or landfilling which meets all applicable local, State, and Federal regulations.

(iv) Any release of P–84–180, P–84–181, P–84–182, or P–84–184 into navigable waters.

(v) Manufacturing, processing, or distribution in commerce without establishing a program whereby, during all stages of manufacture, processing, use, or cleanup operations involving P–84–176, P–84–180, P–84–181, P–84–182, P–84–183, or P–84–184, any person who is employed by or under the control of the manufacturer or processor and involved in, or in the immediate area of, any operation where dermal contact with the substance may occur must wear:

(A) Gloves which are determined to be impervious to the substance under the conditions of exposure, including the duration of exposure. This determination must be made either by testing the gloves under the conditions of exposure or by evaluating the specifications provided by the manufacturer of the gloves. Testing or evaluation of manufacturer's specifications shall include consideration of permeability, penetration, and potential chemical and mechanical degradation by the substance and associated chemical substances;

(B) Chemical safety goggles or equivalent eye protection as part of a respirator; and

(C) Clothing which covers any other exposed areas of the arms, legs, and torso.

(vi) Failure to inform persons described in paragraphs (a)(2)(ii)(B) and (v) of this section in writing or by presenting the following information as part of a safety training program where attendance is recorded: That contact with skin may be harmful; that mist generated from application may be harmful if inhaled; that structurally similar chemicals have been found to cause cancer in laboratory animals; and that the use of safety goggles, respirators, impervious gloves, and other clothing will help to protect them.

(vii) Failure to affix to each container of any of the substances, or to each formulation containing any of the substances, which may be distributed to another person, a label which (in a print size no smaller than 10-point type) includes at a minimum the following information:

WARNING: Avoid all contact. Chemicals similar in structure to [Insert appropriate trade name] have been found to cause cancer in laboratory animals. The required use of safety goggles or equivalent eye protection, impervious gloves, and other clothing will help to protect you. Respirators are required during operations if there is potential inhalation exposure.

(viii) Failure to include a material safety data sheet to accompany the distribution in commerce of any of the substances which contains the language specified in paragraph (a)(2)(vii) of this section and specifies the requirements for protective equipment and conditions concerning spray application or application processes that generate aerosols or mists as specified in paragraph (a)(2)(ii) of this section.

(b) *Specific requirements.* The provisions of Subpart A of this part apply to this section except as modified by this paragraph.

(1) *Definitions.* In addition to the definitions in § 721.3, the following definition applies to this section: "Industrial coating" means a coating formulation applied to a substrate within the confines of a business establishment for purposes of further distribution in commerce or for use by that business.

(2) *Recordkeeping.* In addition to the requirements of § 721.17, manufacturers, importers, and processors of the chemical substances identified in paragraph (a)(1) of this section must maintain the following records for 5 years from their creation:

(i) Any determination that gloves are impervious to the substances as specified in paragraph (a)(2)(v)(A) of this section;

(ii) Names used for the substances and the dates on which those names were in use;

(iii) Names of persons who have been informed in accordance with paragraphs (a)(2)(vi) of this section, the means by which they were informed, and the dates they were informed;

(iv) Dates of shipments of containers which have been labeled in accordance with paragraph (a)(2)(vii) of this section and the identities of persons to whom they have been shipped; and

(v) Copies of any MSDSs used.

[Approved by the Office of Management and Budget under OMB control number 2070-0012]

(Sec. 5, 8, Pub. L. 94-469, 90 Stat. 2012 (15 U.S.C. 2604, 2607))

[FR Doc. 85-7204 Filed 3-26-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3400, 3420 and 3460

Coal Management—General; Competitive Leasing; and Environment; Extension of Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of extension of comment period.

SUMMARY: The Department of the Interior has decided to extend the comment periods on the Draft Environmental Impact Statement Supplementing the 1979 Final Environmental Statement and all related documents until May 9, 1985, in order to give the public an opportunity to review and comment on all of the documents at one time. As part of this extension, the comment periods on the proposed rulemakings implementing the Secretary of the Interior's response to certain of the recommendations of the Commission on Fair Market Value Policy for Federal Coal Leasing that was published in the **Federal Register** of November 5, 1984 (49 FR 44221), and the proposed rulemaking implementing the responses of the Secretary of the Interior's to certain recommendations of the Office of Technology Assessment that appeared in the **Federal Register** on March 15, 1985 (50 FR 10508) are hereby extended to May 9, 1985.

DATE: Comments should be submitted by May 9, 1985. Comments received or postmarked after this date may not be considered in the decisionmaking process on the issuance of final rulemakings.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, Main Interior Bldg., Room 5555, 1800 C Street, NW., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Tom Walker, (202) 343-4636.

March 22, 1985.

J. Steven Griles,

Deputy Assistant Secretary of the Interior.

[FR Doc. 85-7228 Filed 3-26-85; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF ENERGY

48 CFR Parts 914, 933, 952, and 970

Acquisition Regulation; Competition in Contracting Protest Procedures

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule is to amend the Department of Energy Acquisition Regulation (DEAR). The revisions are intended to update the DEAR with respect to the protest provisions of the Competition in Contracting Act of 1984 (CICA), Pub. L. 98-369.

The DEAR is being supplemented by this proposed regulation because the Federal Acquisition Regulation (FAR) has been amended to incorporate and reflect the changes to Federal procurement policy required by the Competition in Contracting Act.

DATE: Written comments should be submitted no later than May 28, 1985.

ADDRESS: Written comments should be addressed to the Department of Energy, Procurement Policy Branch, Pamela Bolling, MA-421.1, 1000 Independence Ave., SW, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

G.L. Allen, Contract Business Clearance Division (MA-441), Procurement and Assistance, Management Directorate, Washington, D.C. 20585, (202) 252-9065;

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

SUPPLEMENTARY INFORMATION:

I. Background
II. Procedural Requirements
A. Review Under the Executive Order 12291
B. Review Under the Regulatory Flexibility Act
C. Paperwork Reduction Act
D. National Environmental Policy Act
III. Public Comments

I. Background

Under section 644 of the Department of Energy Organization Act, Pub. L. 95-91, (42 U.S.C. 7254), the Secretary of the Department is authorized to prescribe such procedural rules and regulations as may be deemed necessary or appropriate to accomplish the functions vested in that position. Accordingly, the Department of Energy Acquisition Regulation (DEAR) was promulgated with an effective date of April 1, 1984 (49 FR 11922, March 28, 1984), 48 CFR Chapter 9.

The primary purpose of this rulemaking is to revise the DEAR, as necessary, to implement the Federal

Acquisition Regulation (FAR) protest procedures required by the Competition in Contracting Act of 1984, Pub. L. 98–369. The purpose of the FAR and related DEAR coverages provides new procedures for submitting protests to the Department, the General Accounting Office (GAO) or the General Services Administration Board of Contract Appeals (GSBCA).

As a result, the Department proposes to implement FAR 33.1 by promulgating this new 933.1 Protests, which provides the new protest procedures, including a solicitation provision at 933.106 and section 933.170 involving subcontract level protests. Also, the previous protest coverage of the DEAR is removed from 914.407–8 and 914.407–70 and the revised coverage is placed in 933.103, Protests to the agency. Another purpose is to set forth new coverage at 952.233–2 Service of protest, instructing to whom and where protests are to be served. DEAR coverage is also provided at 970.4406, Portest of contractor procurements, to include procedures to be followed if a protest occurs against a management and operating contract award.

II. Procedural Requirements

A. Review Under Executive Order 12291

Procurement rules are normally exempt from review under Executive Order 12291, entitled "Federal Regulation," based on a determination that they generally relate only to the management of an agency function and do not have any major economic impact. The Office of Management and Budget (OMB), has decided, however, that agency implementation of the Competition in Contracting Act of 1984, Pub. L. 98–369, warrants review. Accordingly, this proposed rule was submitted to OMB for review in accordance with Executive Order 12291 and OMB Circular 85–7.

B. Review Under the Regulatory Flexibility Act

This proposed rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96–354, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. DOE certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

C. Paperwork Reduction Act

No information collection or recordkeeping requirements are imposed on the public by this proposed rulemaking. Accordingly, no OMB clearance is required by section 350(h) of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, *et seq.*, or OMB's implementing regulations at 5 CFR Part 1320.

D. National Environmental Policy Act

DOE has concluded that promulgation of this rule would not represent a major Federal action having significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 432 *et seq.* 1976), or the Council on Environmental Quality regulations (40 CFR Part 1020), and therefore does not require an environmental impact statement or an environmental assessment pursuant to NEPA.

III. Public Comments

Interested persons are invited to participate by submitting data, views or arguments with respect to the proposed DEAR amendments set forth in this notice.

All written comments received will be carefully assessed and fully considered prior to publication of the proposed amendment as a final rule.

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 March 21, 1985.

Berton J. Roth,

Director, Procurement and Assistance Management Directorate.

Authority: Sec. 644 of the Department of Energy Organization Act, Pub. L. 95–91 (42 U.S.C. 7254); and section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168).

PART 914—[AMENDED]

914.407–8 and 914.407–70 [Removed]

1. Subpart 914.4 is amended by removing subsections 914.407–8—Protests against award, and 914.407–70—Protest authorities.

2. Part 933 is amended by revising the title of the part; adding a new subpart 933.1; and redesignating section 933.011 as section 933.211 and revising paragraph (a) by removing FAR reference "33.011" and inserting "33.211"; and removing the "Authority" paragraph at the end of the old section 933.011. As revised, Part 933 reads as follows:

PART 933—PROTESTS, DISPUTES, AND APPEALS

Subpart 933.1—Protests

Sec.

933.102 General.
933.103 Protests to the agency.
933.104 Protests to GAO.
933.105 Protests to GSBCA.
933.106 Solicitation provision.
933.170 Subcontract level protests.

Subpart 933.2—Disputes and Appeals

933.211 Contracting officer's decision.

Authority: Sec. 644 of the Department of Energy Organization Act, Pub. L. 95–91 (42 U.S.C. 7254); and section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168).

Subpart 933.1—Protests

933.102 General.

(a)(1) The contracting officer shall attempt to informally resolve a protest by discussions except when such attempts would be inappropriate. Protests to the Department and to the General Accounting Office (GAO) may be withdrawn by a telephone call from the protester.

(2) The contracting officer should coordinate the handling of any protest with counsel. Communications to a protester or other interested party should almost always be reviewed by counsel. When conferences are held with the GAO, counsel shall play a key role in representing the Department. The Department's defense to a protest to the General Services Administration Board of Contract Appeals or to a court shall be managed by counsel.

(c) If a protest involves a decision of a source selection official at the Headquarters' level, the contracting activity position shall be coordinated with the Assistant General Counsel for Procurement and Financial Incentives, Headquarters, before submitting a report in response to a protest.

933.103 Protests to the agency.

(a) When a protest to an acquisition under which no award has been made is filed only with the Department of Energy (contracting activity or Headquarters), an award shall not be made until the matter is resolved unless a Head of the Contracting Activity (HCA) request to make award, concurred in by counsel, using the criteria of FAR 33.103(a), endorsed by the program assistant secretary, or equivalent where there is no such assistant secretary, is approved by the Procurement Executive.

(c) Protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening or the closing date for receipt of intitial

proposals must be filed prior to bid opening or the closing date for receipt of initial proposals. In acquisitions where proposals are requested, improprieties which do not exist in the initial solicitation but which are allegedly subsequently incorporated into the solicitation must be protested not later than the next closing date for receipt of proposals following the incorporation. In cases other than these, protests must be filed no later than 10 working days after the basis of protest is known or should have been known whichever is earlier. These time limits may be waived by the deciding official if it is determined to be in the Department's best interest.

(d)(1) Protests filed before or after award, at the Headquarters level, shall be decided by the Procurement Executive.

(2) Protests made before or after awards, to a DOE contracting activity shall be decided by the HCA except for the following cases which shall be decided by the Procurement Executive:

(i) The action is protested to the Headquarters level prior to its resolution by the HCA.

(ii) The HCA is the signatory contracting officer.

(iii) The HCA finds that the issues raised have the potential for significant impact on DOE acquisition policy.

(3) The Department will cease processing an agency protest which is also made outside the Department.

(4) If a protest is filed with a contracting activity and a decision is rendered, the Department will not entertain a protest to Headquarters.

(5) The Business Clearance Division, Headquarters shall be notified, immediately of all protests (Headquarters or contracting activity) filed with the contracting activity.

(e) Upon receipt of a protest lodged with the Department, the contracting officer shall prepare a report similar to that discussed in FAR 33.104(a)(2). In the case of a protest filed at the Headquarters level, the report shall be forwarded to the Business Clearance Division within 25 working days of being notified of such a protest with a proposed response to the protest. The contracting officer shall check with the Business Clearance Division as to the number of copies of the report to be submitted. The Procurement Executive or an HCA will render a decision on a protest within 45 working days unless a longer period of time is determined to be needed under the circumstances. In the case of a protest to a contracting activity, the contracting officer shall furnish the Business Clearance Division with an information copy of the protest report and the HCA's decision.

933.104 Protests to GAO.

(a) The Department's position to be set forth in an agency report shall be coordinated with counsel as soon as practical.

(3) The notice to other persons discussed at FAR 33.104(a)(3) shall be given by the contracting officer. The interested parties shall be advised that they may submit their views and relevant information directly to the GAO with a copy to the contracting officer and another copy to the U.S. Department of Energy, Business Clearance Division (MA–441), Washington, D.C. 20585.

(4) The contracting activity shall submit (i) a complete report in quadruplicate plus one copy for each interested party, (ii) the name and address of each interested party, and (iii) identification of the privileged information not be released outside of the Government, to the following address within 20 work days of the date of receipt from GAO of the telephonic notice of such protest (unless a different time period is established by the Business Clearance Division), or within seven working days after receipt of notification of a determination to use the express option (unless a different time period is established by the Business Clearance Division), unless the factors at FAR 33.104(a)(4) (i) and (ii) apply:

U.S. Department of Energy, Business Clearance Division (MA–441), Forrestal Building, Room 1I–030, 1000 Independence Avenue, SW., Washington, DC 20585.

If the contracting officer anticipates any delay in meeting these required due dates, immediate contact shall be made with the Business Clearance Division, Headquarters. This shall be followed-up with a written explanation of the reason for delay to the Business Clearance Division.

(5)(i) Distribution of the agency report to the GAO, the protester and the other interested parties regarding the protest, shall be made by the Business Clearance Division.

(6) The Procurement Executive has the authority and responsibility for reviewing and forwarding to the GAO the information required by FAR 33.104(a)(2) and otherwise coordinating communications with the GAO. This authority has been delegated to the Director, Business Clearance Division.

(b) *Protests before award.* (1) When the Department has received notice from the GAO of a protest filed directly with the GAO, award shall not be made until the matter is resolved, unless an HCA request to make award concurred in by counsel, and endorsed by the program assistant secretary, or equivalent where there is no such assistant secretary, is approved by the Procurement Executive.

(c) *Protests after award.* Protests received after award shall be handled in accordance with 933.104(a).

(f)(1) *Notice to GAO.* The notice to the GAO discussed at FAR 33.104(f) shall be given by the HAC making the award, after approval of the Procurement Executive, provided no DOE-wide policy issue is involved, in which case the notice shall be given by the Procurement Executive.

(2) It is the policy of the Department to promptly comply with recommendations set forth in Comptroller General Decisions except for compelling reasons.

(3) Requests for reconsideration shall be handled in accordance with GAO Bid Protest Regulations Section 21.12.

933.105 Protests to GSBCA.

(a)(1)(i) Subcontract level acquisition of automated data processing (ADP) equipment and services is rarely conducted under section 111 of the Federal Property and Administrative Services Act of 1949, as amended, to reflect Pub. L. 89–306 (the Brooks Act) and therefore protest normally will not be heard by the GSBCA.

(ii) Communications from a contracting activity to the GSBCA which are likely to provoke unusual public interest or are of a new or unusual nature shall be coordinated with the Office of the Assistant General Counsel for Procurement and Financial Incentives, Headquarters prior to their submission. This office shall be furnished information copies of other communications.

(2)(i) The interested parties shall be advised that they may submit their views and relevant information directly to the GSBCA with a copy to the contracting officer.

(iii) The respondent (DOE) may appear before the GSBCA by an attorney at law or by the contracting officer or that individual's representative (GSBCA Rules or Procedure, Rule 6). DOE appearances before the GSBCA shall be managed by counsel of the cognizant contracting activity.

(iv) A prehearing conference will ordinarily be held within six calendar days after the filing of the protest (GSBCA Rules of Procedures, Rule 10). The DOE shall be represented by counsel of the cognizant contracting activity at such conference.

(b) The agency file to be submitted within 10 working days of the filing of a protest as required by Rule 4 of the GSBCA Rules of Procedure, shall be assembled by the contracting officer in

coordination with counsel of the contracting activity.

(c) The preparation of the agency response setting forth the Department's defenses to the protest to be submitted within 15 working days after the filing of a protest (GSBCA Rules of Procedure, Rule 7), shall be managed by counsel of the cognizant contracting activity.

(d)(1) At a hearing on a request for suspension of procurement authority, the DOE shall be represented by counsel of the cognizant contracting activity.

(2) The determinations and findings required by FAR 33.105(d)(2) shall be executed by the HCA.

(4) If the GSBCA suspends the procurement authority to acquire any goods or services under an awarded contract, which were not previously delivered and accepted, the contracting officer shall invoke the clause entitled "Stop-Work Order" (FAR 52.212-13) or otherwise cause the contractor to cease performance and to suspend related activities that may result in additional obligations being incurred by the Government.

(g) Prior to appealing a final decision of the GSBCA, the contracting activity shall consult with the Office of the Assistant General Counsel for Procurement and Financial Incentives and with the Business Clearance Division, Headquarters.

(h) The contracting officer, promptly after receipt, shall furnish an information copy of a protest and the Decision(s) of the GSBCA to the Business Clearance Division.

933.106 Solicitation provision.

The contracting officer shall insert the provision at 952.233-2, Service of protest, in solicitations for other than small purchases in lieu of the provision at FAR 52.233-2.

933.170 Subcontract level protests.

(a) The General Accounting Office and the Department will not consider subcontract level protests except where the subcontract is "by or for the Government" (See *Optimum Systems, Incorporated*, 54 Comp. Gen 767 (1975), 75-1 CPD 166).

(b) Upon receiving notice of a subcontract level protest, the contracting officer shall notify the prime contractor and shall direct that award not be made prior to resolution of such protest unless a request to make an award in the face of a protest is approved by the Procurement Executive in accordance with 933.103(a) or 933.104(b).

(c) Within three working days of notice of a subcontract level protest, the contracting officer shall develop a position on whether the protest falls within the scope of (a) above and shall communicate that position to the Business Clearance Division except on protests to the contracting activity. If it is determined that the protest falls within the scope of (a), a report shall be prepared in accordance with procedures for protests to the GAO or the DOE. If it is determined that the protest does not fall within the scope of (a), a report shall be prepared making a case for nonjurisdiction. Where a reasonable question exists as to whether the GAO or DOE should take jurisdiction, the Department' report should address both the jurisdiction and merit issues.

(d) If the GAO or the Procurement Executive does not agree with a report recommending nonjurisdiction, a supplemental report addressing the merit issue shall be provided to the Business Clearance Division within 15 working days.

(e) Preparation of reports on subcontract level protests is the responsibility of the contracting officer. Assistance shall be obtained from DOE counsel and may be obtained from the prime contractor to the degree deemed appropriate.

Subpart 933.2—Disputes and Appeals

933.211 Contracting officer's decision.

(a) In addition to the information specified in FAR 33.211, the contracting officer's decision shall include the contracting officer's written findings of fact.

(b) The contracting officer shall also furnish the contractor a copy of the rules established by the DOE Board of Contract Appeals.

PART 952—[AMENDED]

3. Subpart 952.2 is amended by adding a new subsection 952.233-2.

953.233-2 Service of protest.

As prescribed in 933.106 insert the following provisions:

Service of Protest (January 1985)

Protests, as defined in section 33.101 of the Federal Acquisition Regulation, shall be served on the contracting officer by obtaining written and dated acknowledgement of receipt from (Contracting officer designate the official or location where a protest may be served on the contracting officer.)

A copy of a protest lodged with the General Accounting Office shall be furnished to the following address: U.S. Department of Energy, Business Clearance Division (MA-441), Forrestal Building, Room 11-030, 1000 Independence Avenue, SW, Washington, DC 20585.

A copy of a protest lodged with the General Services Administration Board of Contract Appeals shall be furnished to the following address: U.S. Department of Energy, Assistant General Counsel for Procurement and Financial Incentives (GC-43), 1000 Independence Avenue, SW, Washington, DC 20585.

(End of Provisions)

PART 970—[AMENDED]

4. Subpart 970.44 is amended by revising 970.4406 to read as follows:

970.4406 Protest of contractor procurements.

(a) The General Accounting Office policies on protests state that it will consider subcontract-level protests when they are "by or for the Government." This phrase has generally been defined as including management and operating (M&O) contractors.

(b) Upon receipt or notice of a protest filed at a contracting activity or Headquarters against an M&O contract award the cognizant DOE contracting activity shall assure that the M&O contractor is aware of such protest and prepare or coordinate the preparation by the contractor of a report for submittal to the GAO. Such a report shall be prepared in accordance with the procedures of protest for the GAO or the DOE, as discussed in Part 933.

(c) Assistance shall be obtained from DOE Counsel in the formulation of the required reports to the GAO.

(d) Upon receiving a protest of an M&O procurements action, the contracting officer shall direct that award not be made prior to resolution of such protest unless an HCA request to make award, concurred in by counsel, using the criteria of FAR 33.103(a), endorsed by the program assistant secretary, is approved by the Procurement Executive.

[FR Doc. 85-7227 Filed 3-26-85; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 573

[Docket No. 74-7; Notice 6]

Defect and Noncompliance Reports

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The purpose of this notice of proposed rulemaking is to propose an amendment to 49 CFR Part 573—*Defect and Noncompliance Reports*, to delete certain information currently required to

be included in the quarterly reports submitted to NHTSA by a motor vehicle or motor vehicle equipment manufacturer conducting a defect or noncompliance notification campaign. Under this proposal, motor vehicle manufacturers would no longer have to submit, in the third quarterly report to the agency, the vehicle identification number (VIN) for each vehicle for which corrective measures have not been completed.

This amendment is being proposed in response to a petition by the Motor Vehicle Manufacturer's Association (MVMA). The agency no longer believes this information is necessary to the conduct of an effective notification campaign. In addition, the agency does not need the data to monitor the effectiveness of campaigns. NHTSA understands that manufacturers maintain records which include this information and which could be obtained by the agency when needed. Other quarterly report information requirements would be deleted or clarified, based on the agency's experience since 1974 with this portion of the defect and noncompliance reports.

DATE: Comments must be received on or before May 28, 1985. The proposed effective date is upon publication of a final rule.

ADDRESS: Comments should refer to the docket and notice number stated above and be submitted to Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. The docket is open on weekdays from 8 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. James Murray, Office of Defects Investigation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202–426–2840).

SUPPLEMENTARY INFORMATION: Part 573—*Defect and Noncompliance Reports* specifies requirements for manufacturers to maintain lists of purchasers and owners notified of defective and noncomplying motor vehicles and items of equipment, to report to NHTSA safety defects and nonconformities with Federal motor vehicle safety standards, and to provide the agency with quarterly reports on defect and noncompliance notification campaigns. The quarterly reports must contain specified information and be submitted for six consecutive quarters after initiation of a campaign, unless corrective action is completed earlier.

This notice would amend only § 573.6 of Part 573 which sets forth the information required to be submitted in the quarterly reports to the agency. First, the amendment would delete the requirement in § 573.6(b)(7) that manufacturers submit, in the third quarterly report, the VIN for each vehicle for which corrective measures have not been completed. This amendment to Part 573 was added in 1974 because the agency anticipated that State motor vehicle administrations and insurance companies would use this information to provide current owners, particularly those who were not first purchasers, with supplemental defect or noncompliance notifications. In addition, the agency intended to make the VIN data available to the public upon request. In the past ten years, there has not been a single request for this information.

This proposal would not change the agency's practice of assisting any individual vehicle owner who requests recall information about a particular vehicle or item of equipment. The agency would continue to aid the owner in contacting the appropriate office of the manufacturer.

MVMA stated in their petition that supplying VIN's for vehicles which have not received corrective action as of a particular data has only limited value because the recall completion status continues to change. As noted above, the main purpose of this requirement was not to obtain a tally of uncorrected vehicles, but to have data available for use by States, insurance companies, or the public. The agency agrees with MVMA that, if this requirement were deleted, this information would still be available to NHTSA from manufacturers, if needed, upon specific request, as is done with respect to the agency's official recall audits. In addition, the elimination of this requirement would make this regulation less burdensome.

This proposal would also delete the requirement that each quarterly report include the number of vehicles or items of equipment estimated to contain the defect. This total number is initially supplied to NHTSA when the manufacturer submits the first report concerning a defect or noncompliance in vehicles or items of equipment. Section 573.5 states that the manufacturer's first report must include information specifically identifying the vehicles or items of equipment potentially containing the defect or noncompliance, and the percentage of those vehicles or equipment items estimated to actually contain the defect or noncompliance. The agency realizes that this information is an engineering estimate, but believes it useful in determining the potential size of the notification campaign.

Providing updated estimates in subsequent quarterly reports is no longer believed to be necessary to aid the agency in monitoring a notification campaign in most circumstances. Therefore, the deletion of § 573.6(b)(4) is proposed. Experience has shown that the number of vehicles or items of equipment estimated to contain the defect or noncompliance can increase or decrease during the course of a campaign as more information is obtained. If necessary, the agency could also use its authority to obtain updated, specific information during the campaign, concerning the number of vehicles or equipment items estimated to contain the defect or noncompliance. Comments are requested from motor vehicle and equipment manufacturers on whether and how quickly they could produce this information upon request.

This notice also proposes amending the language in § 573.6(b)(5) so that it more clearly states the agency's intent that the number of vehicles and equipment items inspected and repaired and the number inspected and determined not to need repair should be separately reported. This clarification is consistent with past practice under which manufacturers have submitted two figures, one for each group. The agency believes this change will clarify the agency's purpose.

The requirement in § 576.6(c) concerning the correction of errors in quarterly reports would also be deleted. Under this section, manufacturers must submit revised information in quarterly reports when they determine that an original report contained incorrect data concerning the number of vehicles or items of equipment (1) involved in a notification campaign, (2) estimated to contain the defect, or (3) determined to be unreachable for inspection for any reason. The agency does not believe submittal of this information on a regular basis is necessary because it has not usually aided the conduct of an effective notification campaign. However, if the agency determines that these data are necessary, in whole or in part, in any notification campaign, the authority to request it from manufacturers would be retained. Comments from motor vehicle and equipment manufacturers are requested on whether this information could be generated upon request.

The agency believes that these proposed changes in the quarterly report information would not have been any adverse effect upon the effectiveness of notification campaigns. Moreover,

vehicle and equipment manufacturers would be relieved of the burden of supplying this information on a regular basis.

Comments are requested on these proposed changes in the quarterly report section of Part 573.

Paperwork Reduction

The recordkeeping requirements in this proposal are considered to be information collection requirements, as that terms is defined by the Office of Management and Budget (OMB) in 5 CFR Part 1320. Accordingly, these proposed requirements are being submitted to the OMB for its approval, pursuant to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Comments on the proposed information collection requirements should be submitted to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, Attention: Desk Officer for NHTSA. It is requested that comments sent to the OMB also be sent to the NHTSA rulemaking docket for this proposed action.

Costs and Other Effects

The agency has evaluated the economic and other effects of this proposed rule and determined that they are neither major as defined by Executive Order 12291 nor significant as defined by the Department's Regulatory Policies and Procedures. The agency concludes that the economic and other consequences of the amendment would be so minimal as not to require the preparation of a full regulatory evaluation. Manufacturers of motor vehicles and items of equipment involved in a notification campaign would be spared the administrative and cost burdens of preparing the information which this proposal would delete from the quarterly reports. Those savings would be relatively minor. The agency estimates that this proposal would save the government approximately $10,000 per year which is the cost of processing and storing this information on notification campaigns.

The agency has considered the effects of this proposal in relation to the Regulatory Flexibility Act. I certify that this proposal would not have a significant economic impact on a substantial number of small entities. Few, if any, motor vehicle manufacturers are small businesses within the meaning of the Act. Small businesses which are motor vehicle equipment manufacturers would benefit from slight reductions in costs of preparing and submitting quarterly report information to the agency. Therefore, some administrative and cost savings would accrue to these small businesses. Small organizations and small government jurisdictions would not be affected because the savings are so slight that they would not affect the prices of new vehicles or items of motor vehicle equipment.

Finally, the agency has analyzed this amendment for purposes of the National Environmental Policy Act and determined that this proposal would not have a significant effect on the human environment.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. (49 CFR 553.21) Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 573

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 573—[AMENDED]

In consideration of the foregoing, it is proposed that Part 573—*Defect and Noncompliance Report* (49 CFR Part 573) be amended as set forth below. Section 573.6 is revised to read as follows:

§ 573.6 Quarterly reports.

(a) Each manufacturer who is conducting a defect or noncompliance notification campaign to manufacturers, distributors, dealers, or purchasers, shall submit to NHTSA a report in accordance with paragraphs (b) and (c) of this section, not more than 25 working days after the close of each calendar quarter. Unless otherwise directed by the NHTSA, the information specified in paragraphs (b) (1) through (5) of this section shall be included in the quarterly report, with respect to each notification campaign, for each of six consecutive quarters beginning with the quarter in which the campaign was initiated (i.e., the date of initial mailing of the defect or noncompliance notification to owners) or corrective action has been completed on all defective or noncomplying vehicles or items of replacement equipment involved in the campaign, whichever occurs first.

(b) Each report shall include the following information identified by and in the order of the subparagraph headings of this paragraph.

(1) The notification campaign number assigned by NHTSA.

(2) The date notification began and the date completed.

(3) The number of vehicles or items of equipment involved in the notification campaign.

(4) The number of vehicles and equipment items which have been inspected and repaired and the number of vehicles and equipment items inspected and determined not to need repair.

(5) The number of vehicles or items or equipment determined to be unreachable for inspection due to export, theft, scrapping, failure to receive notification, or other reasons (specify). The number of vehicles of items of equipment in each category shall be specified.

(c) Information supplied in response to paragraphs (b) (4) and (5) of this section shall be cumulative totals.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.6)

Issued on: March 21, 1985.

George Parker,

Associate Administrator for Enforcement.

[FR Doc. 85-7265 Filed 3-26-85; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries off the Coast of Washington, Oregon, and California

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

ACTION: Notice of public hearings.

SUMMARY: The Pacific Fishery Management Council (Council) will hold public hearings concerning the 1985 ocean salmon fishing regulation options off the coasts of Washington, Oregon, and California.

DATES: Written comments concerning the Council's proposed ocean fishery management options for 1985 are invited through April 5, 1985. Individuals or organizations desiring to comment in person may do so at the public hearings which will begin at 7:00 p.m. See **"SUPPLEMENTARY INFORMATION"** for dates and locations of the hearings.

ADDRESSES: Written comments should be sent to the Pacific Fishery Management Council, 526 SW. Mill Street, Portland, OR 97201. Copies of the 1985 salmon status report and the Council's regulation options are available at this address. An impact analysis of the Council's proposed option is being developed by the Salmon Plan Development Team and should be available just prior to and at the public hearings.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Greenley (Executive Director), 503-221-6352.

SUPPLEMENTARY INFORMATION: The Council will meet on April 9-11 at the Airport Holiday Inn, Portland, Oregon, to consider the input from the public hearings and written comments received, and to hear additional comments from its advisors and the public. The Council will then develop its recommendations for the 1985 ocean salmon fishing season regulations for submission to the Secretary of Commerce.

The hearings will take place at the following locations:

March 26, 1985

Holiday Inn Airport, Plaza Room, 17338 Pacific Hwy. South, Seattle, WA 98188

Thunderbird Motor Inn, North and South Umpqua Room, 1313 N. Bayshore Dr., Coos Bay, Or 97420

Redwood Acres Fairground, Multi-Purpose Building, 3750 Harris Street, Eureka, CA 95501

March 27, 1985

Holiday Inn, Garden Ballroom, 245 South Airport Blvd, San Francisco, CA 94080

Elks Hall, 453 11th St., Astoria, OR 97103

April 4, 1985

Idaho Dept. of Fish and Game, Meeting Room, 500 South Walnut Street, Boise, ID 83707

Dated: March 22, 1985.

Richard B. Roe,

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

[FR Doc. 85-7286 Filed 3-26-85; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 50, No. 59
Wednesday, March 27, 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

Forms Under Review by Office of Management and Budget

March 22, 1985.

The Department of Agriculture has submitted to OMB 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. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, D.C. 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, ATTN: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

• Agricultural Marketing Service
Designated Handler's Report and Application for Refund of Assessment (Potato Research and Promotion Act)
Recordkeeping, On occasion, Monthly
Farms; Businesses or other for-profit; 10,688 responses; 10,345 hours; not applicable under 3504(h)
Kurt J. Kimmel (202) 447–2036
• Agricultural Stabilization and Conservation Service
Supplier's Agreement
CCC–308
On occasion
Businesses or other for-profit; Small businesses or organizations; 1,000 responses; 166 hours; not applicable under 3504(h)
Beverly Pritts (202) 447–8374

New

• Agricultural Research Service
Livestock Guarding Dog Questionnaire
One time response
Forms; 300 responses; 30 hours; not applicable under 3504(h)
Jeffery S. Green (208) 374–5409

Jane A. Benoit,
Departmental Clearance Officer.

[FR Doc. 85–7258 Filed 3–26–85; 8:45 am]
BILLING CODE 3410–01–M

Forest Service

East Fork, Winter Sports Site; San Juan National Forest; Mineral and Archuleta Counties, CO; Intent To Prepare Environmental Impact Statement

The Forest Service, Department of Agriculture in cooperation with other federal, state, and local agencies will prepare an environmental impact statement concerning development of the proposed East Fork Winter Sports Site.

East Fork Joint Venture proposes to develop an alpine skiing area and year-round resort on public and private land. The area proposed for development, identified as East Fork in the San Juan National Forest Land and Resource Management Plan, is located about eight miles north of Pagosa Springs on U.S. Highway 160 and six miles east on the East Fork road. The proposed skiing development would likely occur in phases and reach an ultimate capacity of 13,500 skiers-at-one-time served by, as yet, an undetermined number of lifts.

The environmental analysis of this proposal is being assisted and coordinated by a Joint Review Committee which was established and provided for in a Memorandum of Understanding dated March 5, 1985. Committee membership includes representatives of the USDA Forest Service; State of Colorado; Mineral County, Colorado; Archuleta County, Colorado; and East Fork Joint Venture.

The alternatives of no action and of permitting development as proposed will be analyzed. As scoping progresses additional mountain development alternatives may be identified for analysis.

The National Environmental Policy Act (NEPA) requires an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. The Forest Service with the Joint Review Committee has scheduled two public scoping meetings to identify issues and concerns related to the proposal:

April 16, 1985, at 7:30 PM, at the Oak Ridge Motor Inn, 158 Lightplant Road in Pagosa Springs, Colorado, and
April 17, 1985 at 7:30 PM at the Courthouse Annex on Main Street in Creede, Colorado.

The draft Environmental Impact Statement is expected to be available for public review in July 1986. The final Environmental Impact Statement is scheduled to be filed by December 31, 1986. A Record of Decision will be issued by the USDA Forest Service when the final Environmental Impact Statement is released. If the decision is to allow development, construction could not realistically begin until spring 1988.

John R. Kirkpatrick, San Juan National Forest Supervisor, is the responsible official.

Questions and comments about the proposed action and Environmental Impact Statement should be directed to:

Samuel A. Scanga, District Ranger, Pagosa Ranger District, P.O. Box 310, Pagosa Springs, Colorado 81147, (303) 264–2268

Dated: March 19, 1985.

Robert M. Lillie,

Acting Forest Supervisor.

[FR Doc. 85-7198 Filed 3-26-85; 8:45 am]

BILLING CODE 3410-11-M

ARMS CONTROL AND DISARMAMENT AGENCY

General Advisory Committee; Closed Meeting

In accordance with the Federal Advisory Committee Act, as amended, the U.S. Arms Control and Disarmament Agency announces the following meeting:

Name: General Advisory Committee on Arms Control and Disarmament.

Date: April 11 and 12, 1985.

Time: 9:00 a.m.

Place: State Department Building, Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Charles M. Kupperman, Executive Director of the General Advisory Committee, Room 5927, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451, telephone (202) 632-5176.

Purpose of Advisory Committee: To advise the Director of the U.S. Arms Control and Disarmament Agency on arms control and disarmament policy and activities, and from time to time to advise the President and the Secretary of State respecting matters affecting arms control, disarmament, and world peace.

Agenda

Will include the following discussions and presentations:

April 11

A.M. and P.M.—Discuss ongoing arms control negotiations

April 12

A.M.—Executive Session

Reason for closing: The GAC members will be reviewing and discussing matters specifically required by Executive Order to be kept secret in the interest of national defense and foreign policy.

Authority to close meeting: The closing of this meeting is in accordance with a determination by the Director of the U.S. Arms Control and Disarmament Agency dated March 6, 1985, made pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act as amended.

William J. Montgomery,

Administrative Director.

[FR Doc. 85-6652 Filed 3-26-85; 8:45 am]

BILLING CODE 6820-32-M

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Allocation of Duty-Exemptions for Calendar Year 1985 Among Watch Producers Located in the Virgin Islands

AGENCY: Import Administration, International Trade Administration, Department of Commerce; and Office of the Secretary, Department of the Interior.

ACTION: Allocation of duty-exemptions for calendar year 1985 among producers located in the Virgin Islands.

SUMMARY: This action allocates 1985 duty-exemptions for watch producers located in the Virgin Islands pursuant to Pub. L. 97-446.

FOR FURTHER INFORMATION CONTACT: Frank Creel, (202) 377-1660.

SUPPLEMENTARY INFORMATION: Pursuant to Pub. L. 97-446, the Departments of the Interior and Commerce (the Departments) share responsibility for the allocation of duty exemptions among watch assembly firms in the insular possessions. The Departments established for 1985 a total quantity of watches and watch movements which could be entered free of duty from the insular possessions of 5,000,000 units, 3,500,000 of which could be allocated to Virgin Islands producers, 1,000,000 to Guam producers, and 500,000 to American Samoa producers (50 FR 7170).

The criteria for the calculation of the 1985 duty-exemption allocations among insular producers are set forth in § 303.14 of the regulations (15 CFR Part 303) as amended on February 21, 1985 (50 FR 7170). The Departments have verified the data submitted on application form ITA-334P by producers in the Virgin Islands and inspected the current operations of all producers in accordance with § 303.5 of the regulations. The verification established that in calendar year 1984 the Virgin Islands watch assembly firms shipped 2,195,965 watches and watch movements into the customs territory of the United States under General Headnote 3(a) of the Tariff Schedules of the United States. The dollar amount of corporate income taxes paid by all producers during calendar year 1984, less penalty payments and refunds and subsidies, plus the creditable wages paid by all producers during calendar year 1984 to residents of the territory totalled $2,723,596.

The calendar year 1985 Virgin Islands annual allocations set forth below are based on the data verified by the Departments in the Virgin Islands and are made in accordance with the formula governing the allocation of the duty-exemptions set forth in § 303.14 of the regulations. The allocations reflect: (1) Adjustments made in data supplied on the producers' annual application forms (ITA Form-334P) as a result of the Departments' verification; and (2) reallocation of duty-exemptions which have been voluntarily relinquished by some producers pursuant to § 303.6(b)(2) of the regulations.

The duty-exemption allocations for calendar year 1985 in the Virgin Islands are as follows:

Name of firm	Annual allocation
1. Belair Quartz, Inc.	402,755
2. Hampden Watch Co., Inc.	200,000
3. Master Time Co., Inc.	740,763
4. Progess Watch Co., Inc.	883,091
5. Unitime, Industries, Inc.	473,391
6. Tropex, Inc.	300,000

The above allocation totals 3,000,000 units. The remaining 500,000 units have been set aside for possible allocation to new firms.

The number of watches and watch movements authorized for shipment on or after January 1, 1985, under interim allocations previously made by the Departments will be applied against the allocations above, which are for the full calendar year 1985.

John L. Evans,

Deputy to the Deputy Assistant Secretary for Import Administration, Department of Commerce.

Richard T. Montoya,

Assistant Secretary for Territorial and International Affairs, Department of the Interior.

[FR Doc. 85-7269 Filed 3-26-85; 8:45 am]

BILLING CODE 3510-DS-M, 1310-10-M

DEPARTMENT OF COMMERCE

International Trade Administration

Decision on Application for Duty-Free Entry of Scientific Instrument; Massachusetts Institute of Technology

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 83-228R. Applicant: Massachusetts Institute of Technology, Cambridge, MA 02139. Instrument: Model MBE 2300-R&D System for Molecular Beam Epitaxy and Associated Surface Analyses. Original notice of this resubmitted application was published in the **Federal Register** of July 7, 1983.

Comments: None.

Decision: Denied. An instrument or appratus of equivalent scientific value to the foreign instrument for such purposes as it is intended to be used is being manufactured in the United States.

Reasons: In the denial without prejudice to resubmission (DWOP) the applicant was requested to provide a point-by-point comparison of the guaranteed specifications of the foreign article claimed pertinent (within the meaning of § 301.2(r) and (s) of the regulations) to the intended research with similar specifications of the domestic instrument, Varian Model GEN II. The resubmission does not address this request nor does it establish, as required by the regulations, that the domestic instrument cited could not accomplish the intended purposes equally well. As pointed out in the DWOP, § 301.5(d)(3) states "The burden of proof shall be on the applicant to demonstrate that no instrument of equivalent scientific value for the purposes for which the foreign instrument is to be used is being manufactured in the United States."

Subsection 301.5(e)(8) of the regulations further provides that ". . . In the event an applicant fails to address the noted deficiencies in the response to the DWOP, the Director may deny the application."

A comparison of the foreign and domestic instruments shows that both are capable of supporting the quality growth of GaSa, InGaAs, and InA1As semiconductor materials. Both systems handle 2 inch diameter samples. They also have the same throughput, growth chamber size, number of furnaces and number of shrouds.

The research flexibility of a Molecular Beam Epitaxy machine is detemined by its source configuration. The source combined with the substrate arrangements determines the quality of the material grown. The flexibility of the Varian instrument has been well established by use in various research laboratories, both commercial and educational, and has a demonstrated capacity to produce the growths of interest. Research abstracts, from such institutions as AT&T Bell Laboratories and Cornell University establish the capability of the domestic instrument.

We find that a prima facie case for duty-free entry has not been made and that the domestically manufactured Varian Model GEN II is of equivalent scientific value to the foreign article for such purposes as this instrument is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 85-7226 Filed 3-26-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-549-501]

Initiation of Countervailing Duty Investigation; Certain Circular Welded Carbon Steel Pipes and Tubes From Thailand

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 Thailand of certain circular welded carbon steel pipes and tubes, as described in the "Scope of the 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 by May 24, 1985.

EFFECTIVE DATE: March 27, 1985.

FOR FURTHER INFORMATION CONTACT: Rick Herring, 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) 377-0187.

SUPPLEMENTARY INFORMATION:

Petition

On February 28, 1985, we received a petition filed on behalf of the Committee on Pipe & Tube Imports (CPTI), its subcommittees on standard and line pipe, and the companies which are members of those subcommittees with respect to certain welded carbon steel pipes and tubes. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleged that manufacturers, producers, or exporters in Thailand of certain circular welded carbon steel pipes and tubes receive bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act). Thailand is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and the merchandise being investigated is dutiable. Therefore, section 303(a)(1) and (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 these products cause or threaten material injury to a U.S. industry.

The petition, as originally filed, covered both standard pipe, which is defnied in the "Scope of Investigation" section of this notice, and line pipe. By amendment dated March 12, 1985, counsel for petitioners clarified that the petition was being filed on behalf of the clarified that the petition was being filed on behalf of the standard pipe subcommittee and the line pipe subcommittee of the CPTI and by individual manufacturers of standard pipe and line pipe. By amendment dated March 14, 1985, petitioners withdrew the portion of the petition dealing with line pipe.

Based on the petition, as amended, we determine that the subcommittee on standard pipe and the individual manufacturers of standard pipe, who have indicated that they are filing the petition, have standing to file with respect to standard pipe. We have determined from the amended petition filed March 12, 1985, that the subcommittee on line pipe does not have standing with respect to standard pipe because a majority of its membership does not produce standard pipe.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets

forth the allegations necessary for the 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 certain circular welded carbon steel pipes and tubes and we have found that the petition meets these requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, produers, or exporters in Thailand of certain circular welder carbon steel pipes and tubes, as described in the "Scope oof the Investigation" section of this notice, receive benefits which constitute bounties or grants. If our investigation proceeds normally, we will make our preliminary determination by May 24, 1985.

Scope of the Investigation

The products under investigation are: circular welded carbon steel pipes and tubes, 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 structural tubing, are produced to various ASTM specifications, most notably A-120, A-53 or A-135.

Allegations of Bounties or Grants

The petition alleges that producers, manufacturers, or exporters in Thailand of certain circular welded carbon steel pipes and tubes receive benefits under the following programs that constitute bounties or grants. We are initiating an investigation on the following allegations:

- Export Packing Credits under the "Regulations Governing the Rediscount of Promissory Notes Arising from Exports";
- Rediscounts of Industrial Bills under the "Regulations Governing the Rediscount of Promissory Notes Arising from Industrial Undertakings";
- Electricity Discounts for Exporters;
- Tax Certificates for Exports;
- Tax Benefits under the Investment Promotion Act;
- Incentives for International Trading Companies under section 36 of the Investment Promotion Act; and
- Tax Exemptions for Promoted Industries.

We are also initiating an investigation on the following program that was not alleged by petitioners, but which was investigated in Certain Textile Mill Products and Apparel from Thailand:

- Export Processing Zones.

- We are not initiating an investigation on the following allegations for the reasons stated below:

- Petitioners allege that manufacturers that supply construction materials to the Thai Contractors Consortium and Thai subcontractors of the Consortium are exempt from business taxes. We are not initiating on this allegation since petitioners information is unclear and insufficient to show any basis upon which such an exemption could confer a benefit on exports of the products under investigation.

- Petitioners request that we investigate the extent to which producers and exporters of the products under investigation may receive tax benefits under Royal Decree 95, which provides for reduction of income tax applicable to the brokerage fee paid in or from Thailand by a limited company or limited partnership established under foreign law which does not carry on business in Thailand. We are not initiating on this program because there is insufficient evidence presented as to how this program bestows a bounty or grant on the production or exportation of the products under investigation from Thailand.

- Petitioners allege that under section 36 of the Investment Promotion Act, trading companies may receive an import duty exemption for raw materials and essential materials used in export production. In a previous investigation, *Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: Certain Apparel from Thailand* (50 FR 9818), we stated that we verified that this program functions in the same way as the duty drawback program available to producers and exporters which we determined not to be countervailable in the same investigation. Petitioners have provided us with no additional information or evidence of changed circumstance to cause us to reexamine this program at this time.

Alan F. Holmer,

Deputy Assistant Secretary for Important Administration.

March 20, 1985.

[FR Doc. 85-7276 Filed 3-26-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-307-501]

Certain Circular Welded Carbon Steel Pipe and Tubes From Venezuela; Initiation of Countervailing Duty Investigations

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

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating countervailing duty investigations to determine whether manufacturers, producers, or exporters in Venezuela of certain circular welded carbon steel pipe and tube products, as described in the "Scope of the Investigations" section of this notice, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action, so that it may determine whether imports of the subject merchandise from Venezuela materially injure, or threaten material injury to, a U.S. industry. The ITC will make its preliminary determination on or before April 15, 1985. If our investigations proceed normally, we will make our preliminary determinations on or before May 24, 1985.

EFFECTIVE DATE: March 27, 1985.

FOR FURTHER INFORMATION CONTACT: Terry Link 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) 377-0189 or 377-1785.

SUPPLEMENTARY INFORMATION:

The Petition

On February 28, 1985, we received a petition filed on behalf of the Committee on Pipe and Tube Imports (CPTI), its subcommittees on standard and line pipe, and the companies which are members of those subcommittees with respect to certain welded carbon steel pipes and tube. 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 Venezuela of certain welded carbon steel pipe and tube products receive subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act). Since Venezuela is a "country under the Agreement" within the meaning of section 701(b) of the Act, Title VII of the Act applies to these investigations and

the ITC is required to determine whether imports of the subject merchandise from Venezuela materially injure, or threaten material injury to, a U.S. industry.

By amendment dated March 12, 1985, counsel for petitioners clarified that the petition was being filed on behalf of the standard pipe subcommittee and the line pipe subcommittee of the CPTI and by individual manufacturers of standard pipe and line pipe. Based on the petition, as amended, we have determined that the subcommittee on line pipe and the following individual manufacturers of line pipe, who have indicated that they are filing the petition, Sawhill Tubulars Division of Cyclops Corp., Tex-Tube Division of Cyclops, and Laclede Steel Company, have standing to file with respect to line pipe. We have determined from the amended petition filed March 12 that the subcommittee or standad pipe does not have standing with respect to line pipe because a majority of its membership does not produce line pipe. Based on the petition, as amended, we have determined that the subcommittee on standard pipe, and the following individual manufacturers of standard pipe, who have indicated that they are filing the petition, Western Tube and Conduit Corporation, Maruichi American Corporation, Bull Moose Tube Company, Southwestern Pipe Inc., Laclede Steel Company, Pittsburgh Tube Company, Allied Tube & Conduit, Century Tube Corporation and Sharon Tube Company, have standing to file with respect to standard pipe. We have also determined that the subcommittee on line pipe has standing to file with respect to standard pipe because a majority of its membership produces standard pipe.

Initiation of Investigations

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 the initiation of countervailing duty investigations, and whether it contains information reasonably available to the petitioner supporting the allegations.

We have examined the petition on certain circular welded carbon steel pipe and tube products for Venezuela and have found that it meets those requirements. Therefore, we are initiating countervailing duty investigations to determine whether manufacturers, producers, or exporters in Venezuela of certain circular welded carbon steel pipe and tube products, as described in the "Scope of the Investigations" section of this notice, receive benefits which constitute subsidies. If our investigations proceed normally, we will make our preliminary determinations on or before May 24, 1985.

Scope of the Investigations

The products covered under these investigations are:

(1) Circular welded carbon steel pipes and tubes, 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 structural tubing, are produced to various ASTM specifications, most notably A–120, A–53 or A–135.

(2) Circular 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 *Tariff Schedules of the United States, Annotated* (TSUSA), under items 610.3208 and 610.3209. These products are produced to various API specifications for line pipe, most notably API–5–L or API–5LX.

Allegations of Subsidies

The petition alleges that manufacturers, producers, or exporters in Venezuela of certain circular welded carbon steel pipe and tube products receive benefits under the following programs which constitutes subsidies. We are initiating investigations on the following allegations:

- Preferential Government Loans;
- Import Duty Reductions;
- Export Subsidies;

—Multiple Exchange Rates;
—Export Certificates for Credit Against Income Taxes;
—Preferential Export Financing; and
—Preferential Pricing of Inputs Used to Produce Exports.

We are not initiating investigations on the following allegation:

- *Upstream Subsidy.*

Petitioners allege that an upstream subsidy is conferred upon Venezuelan producers of welded carbon steel pipe and tube through their purchases of subsidized Venezuelan hot-tube and cold-rolled sheet or plate. In particular, (1) they have used U.S. Steel's information that domestic subsidies on these inputs are at least 47.9% (we found in our preliminary determination on Certain Steel Products from Venezuela that SIDOR benefits from domestic subsidies amounting to 28.06%); (2) they have indicated that based on their experience, these inputs typically account for 75% of the value of welded pipe and tube; and (3) they contend that a competitive benefit is bestowed because SIDOR sold below its cost of production in 1983 and "if SIDOR were selling at prices above the apparent cost, SIDOR is almost certainly not selling at prices above their subsidized cost" in 1984. With respect to their competitive benefit allegation, petitioners claim that there is no appropriate arm's-length price for comparison purposes because these inputs are not and cannot be imported into Venezuela.

We recommend not initiating on this upstream allegation because petitioners have not provided "reasonable grounds to believe or suspect" that a competitive benefit is being conferred. The preferred method for determining whether a competitive benefit is being bestowed by unrelated suppliers is through a price comparison. Absent price comparisons there must be an explicit mechanism which works to ensure that any benefit to the upstream producer is being passed through. A simple allegation of below cost sales does not, in and of itself constitute sufficient evidence that subsidies are being passed through. We will promptly reconsider this question on the basis of any additional information provided during these investigations.

Notification of ITC

Section 702(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 April 15, 1985, whether there is a reasonable indicatin that imports of certain circular welded carbon steel pipes and tubes from Venezuela are causing material injury, or threaten material injury, to a United States industry. If its determination is negative, this investigation will terminate; otherwise,

it will proceed according to the statutory procedures.

March 20, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-7278 Filed 3-26-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-433-502]

Initiation of Countervailing Duty Investigation; Oil Country Tubular Goods From Austria

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 Austria of oil country tubular goods, as described in the "Scope of the Investigation" section of this notice, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action, so that it may determine whether imports of the subject merchandise from Austria materially injure, or threaten material injury to, a U.S. industry. The ITC will make its preliminary determination on or before April 15, 1985. If our investigation proceeds normally, we will make our preliminary determination on or before May 24, 1985.

EFFECTIVE DATE: March 27, 1985.

FOR FURTHER INFORMATION CONTACT: Mary Martin or Betsy Killian, 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) 377-3464 or 377-1673.

SUPPLEMENTARY INFORMATION:

Petition

On February 28, 1985, we received a petition in proper form from the United States Steel Corporation of Pittsburgh, Pennsylvania, filed on behalf of the U.S. industry producing oil country tubular goods. 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 Austria of oil country tubular goods receive subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act). Since Austria is a "country under the Agreement" within the meaning of section 701(b) of the Act, Title VII of the Act applies to this investigation, and the ITC is required to determine whether imports of the subject merchandise from Austria materially injure, or threaten material injury to, a U.S. industry. On March 5, 1985, we received a letter from counsel on behalf of Lone Star Steel Company requesting that the company be added as a co-petitioner to the oil company tubular goods from Austria proceedings filed by the United States Steel Corporation. The United States Steel Corporation has agreed to include the Lone Star Steel Company as a co-petitioner in this proceeding. By amendment dated March 7, 1985, counsel for Lone Star amended the petition.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the 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 oil country tubular goods from Austria, and we have found that the petition meets these requirements. Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Austria of oil country tubular goods, as described in the "Scope of the Investigation" section of this notice, receive subsidies.

Scope of the Investigation

The products covered by this investigation are *"oil country tubular goods"* (OCTG), which are hollow steel products of circular cross-section intended for use in the drilling of oil or gas. These products include oil well casing, tubing, and drill pipe of carbon or alloy steel, whether welded or seamless, manufactured to either American Petroleum Institute (API) or proprietary specifications. This investigation covers both finished and unfinished oil country tubular goods.

The provisions of the *Tariff Schedules of the United States, Annotated (TSUSA)* covering all steel pipe and tube, including oil country tubular goods, were changed as of April 1, 1984. As a result of the changes mentioned above, oil country tubular goods now comprise TSUSA item numbers 610.3216, 619.3219, 610.3233, 610.3242, 610.3243, 610.3249, 610.3252, 610.3254, 610.3256, 610.3258, 610.3262, 610.3264, 610.3721, 610.3722, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4225, 610.4235, 610.4325, 610.4335, 610.4942, 610.4944, 610.4946, 610.4954, 610.4955, 610.4956, 610.4957, 610.4966, 610.4967, 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5226, 610.5234, 610.5240, 610.5242, 610.5243, and 610.5244.

Allegations of Subsidies

The petition alleges that manufacturers, producers, or exporters in Austria of oil country tubular goods receive benefits under the following programs which constitute subsidies:

- Government Equity Infusions;
- Government Grants to the Austrian Steel Industry;
- Loan Guarantees and Interest Subsidies;
- Preferential Export Financing;

—Kontrollbank Export Credits;
—Osterreichische Investitionskredit TOP-1 and TOP-2 Loans;
—Export-Oriented Research and Development Loans.

- Special Tax Incentives for Exports;
- Labor Subsidies;

—Government-Funded Labor Training;
—Special Assistance Act;

- Local Incentives;

—Reduced Tax Liability;
—Various Cash Grant Programs;
—Preferred Loans;
—Labor Subsidies; and
—Local Tax Incentives.

We are not initiating on the following allegations because any benefits received by VOEST-Alpine would be captured by the programs on government equity infusions and interest subsidies through Osterreichische Industrieverwaltungs AG (OIAG).

- Government Subsidies to VOEST-Alpine through its Holding Company OIAG.

—Waiver of Dividends;
—Diversion of Oil Profits to VOEST-Alpine; and
—Loan Guarantees.

Notification of ITC

Section 702(d) of the Act requires us to notify the U.S. International Trade Commission (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 in our files.

We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms in writing 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.

March 20, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-7275 Filed 3-26-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-307-504]

Initiation of Countervailing Duty Investigation—Oil Country Tubular Goods From Venezuela

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 Venezuela of certain oil country tubular goods, as described in the "Scope of the Investigation" section of this notice, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action, so that it may determine whether imports of the subject merchandise from Venezuela materially injure, or threaten material injury to, a U.S. industry. The ITC will make its preliminary determination on or before April 15, 1985. If our investigation proceeds normally, we will make our preliminary determination on or before May 24, 1985.

EFFECTIVE DATE: March 27, 1985.

FOR FURTHER INFORMATION CONTACT: Terry Link 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) 377-0189 or 377-1785.

SUPPLEMENTARY INFORMATION:

Petition

On February 28, 1985, we received a petition in proper form from the United States Steel Corporation of Pittsburgh, Pennsylvania, filed on behalf of the U.S. industry producing certain oil country tubular goods. 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 Venezuela of certain oil country tubular goods receive subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act). Since Venezuela is a "country under the Agreement" within the meaning of section 701(b) of the Act, Title VII of the Act applies to these investigations, and the ITC is required to determine whether imports of the subject merchandise from Venezuela materially injure, or threaten material injury to, a U.S. industry. On March 5, 1985, we received a letter from counsel on behalf of Lone Star Steel Company requesting that the company be added as a co-petitioner to the oil country tubular goods from Venezuela proceedings, filed by U.S. Steel. U.S. Steel has agreed to include Lone Star Steel as a co-petitioner in this proceeding. By amendment dated March 7, 1985, counsel for Lone Star Steel amended the petition.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the 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 certain oil country tubular goods from Venezuela, and we have found that the petition meets these requirements. Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Venezuela of certain oil country tubular goods, as described in the "Scope of the Investigation" section of this notice, receive subsidies. If our investigation proceeds normally, we will make our preliminary determination on or before May 24, 1985.

Scope of the Investigation

The products covered by this investigation are "oil country tubular goods", which are hollow steel products of circular cross-section intended for use in the drilling of oil or gas. These products include oil well casing, tubing, and drill pipe or carbon or alloy steel, whether welding or seamless, manufactured to either American Petroleum Institute (API) or non-API (such as proprietary) specifications as currently provided for in the *Tariff Schedules of the United States, Annotated (TSUSA)* under item numbers 610.3216, 610.3219, 610.3233, 610.3249, 610.3252, 610.3256, 610.3258, 610.3721, 610.3722, 610.3925, 610.3935, 610.4025, 610.4035, 610.4225, 610.4235, 610.4325, 610.4335, 610.4942, 610.4944, 610.4946, 610.4954, 610.4955, 610.4956, 610.4957, 610.4966, 610.4967, 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5226, 610.5240, 610.5242, 610.5243, and 610.5244. This investigation includes oil country tubular goods that are in both finished and unfinished condition.

Allegations of Subsidies

The petition alleges that manufacturers, producers, or exporters in Venezuela of certain oil country tubular goods receive benefits under the following programs which constitute subsidies. We are initiating an investigation on the following allegations:

- Preferential Government Credit:
  - —Preferential Government Loans;
  - —Government Loan Guarantees;
  - —Assumption of Hard Currency Debt of Sidor-CVG Siderurgica del Orinoco CA (SIDOR);
- Government Equity Infusions;
- Import Duty Reductions;
- Preferential Tax Incentives;
- Regional Incentives;
- Export Subsidies;
  - —Preferential Exchange Rates;
  - —Export Certificates for Credit Against Income Taxes;
  - —Preferential Export Financing; and
  - —Preferential Pricing of Inputs Used to Produce Exports.

We are not initiating on the following allegations:

Upstream Subsidy. The March 7, 1985 amendment to the petition alleges that producers, manufacturers, and exporters of oil country tubular goods receive "upstream subsidies" through the purchase of subsidized inputs.

While petitioners allege that Venezuelan steel manufacturers receive domestic subsidies, they provide no information that these subsidies have a significant effect on the cost of manufacturing oil country tubular goods. Petitioners do not identify those inputs in the manufacture of oil country tubular goods that are benefiting from subsidies. Further, petitioners do not allege that upstream subsidies on inputs bestow a competitive benefit on oil country tubular goods.

Because the petition failed to quantify the amount of subsidy bestowed on steel input products and to specify how much of that subsidy is passed through to oil country tubular goods producers, there is no basis on which to evaluate the competitive benefit allegedly bestowed on oil country tubular goods or the effect of such benefit on the cost of producing oil country tubular goods. Therefore, we find the petition does not provide "reasonable grounds," within the meaning of section 701(g) of the Act, to believe or suspect that upstream subsidies are being bestowed on oil country tubular goods, and are not

initiating with respect to this allegation. We will promptly reconsider this question on the basis of any additional information provided during this investigation.

Notification of ITC

Section 702(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 nonconfidential information in our files. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms in writing 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.

Preliminary Determination by ITC

The ITC will determine by April 15, 1985, whether there is a reasonable indication that imports of oil country tubular goods from Venezuela are causing material injury, or threaten material injury, to a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

March 20, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-7277 Filed 3-26-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-307-502]

Certain Circular Welded Carbon Steel Line Pipe From Venezuela; Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration, Import Administration, Department of 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 certain welded carbon steel line pipe from Venezuela is being, or is 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 April 15, 1985, and we will make ours on or before August 7, 1985.

EFFECTIVE DATE: March 27, 1985.

FOR FURTHER INFORMATION CONTRACT: Ray Busen, 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) 377-2830.

SUPPLEMENTARY INFORMATION:

The Petition

On February 28, 1985, we received a petition filed on behalf of the Committee on Pipe and Tube Imports (CPTI), its subcommittees on standard and line pipe, and the companies which are members of those subcommittees with respect to certain welded carbon steel pipes and tubes. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of certain welded carbon steel pipes and tubes from Venezuela 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 petition, as originally filed, covered both line pipe, which is defined in the "Scope of Investigation" section of this notice, and standard pipe. By amendment dated March 12, 1985, counsel for petitioners clarified that the petition was being filed on behalf of the standard pipe subcommittee and the line pipe subcommittee of the CPTI and by individual manufacturers of standard pipe and line pipe. By amendment dated March 14, 1985, petitioners withdrew the portion of the petition dealing with standard pipe since the Department is currently conducting an antidumping investigation of this product. ("Certain Circular Welded Pipes and Tubes of Carbon Steel from Venezuela: Initiated of Antidumping Duty Investigations" (50 FR 1614)).

In the aforementioned and ongoing investigation, the Department initiated investigations with respect to both standard and line pipe. On February 1, 1985, the ITC advised the Department that it had determined that there is no reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports of welded carbon steel line pipe from Venezuela. consequently, the investigation with respect to line pipe was terminated. However, the ITC further advised the Department that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of standard welded carbon steel pipes and tubes from Venezuela. After the February 28, 1985 petition and the March 12, 1985 amended petition were filed, we consulted with the ITC, which advised us that it will consider the information on injury in the petition with respect to line pipe.

Based on the petition, as amended, we determine that the subcommittee on line pipe and the following individual manufacturers of line pipe, who have indicated that they are filing the petition, Tex-Tube Division of Cyclop Corps., Sawhill Tubulars Division of Cyclop Corp. and Laclede Steel Company, have standing. We have determined from the amended petition filed March 12 that the subcommittee on standard pipe does not have standing with respect to line pipe because a majority of its membership does not produce line pipe.

In their sales at less than fair value allegation, the petitioners based the United States prices on statistics reported by the Bureau of Census, Department of Commerce, for the month of October, 1984 (IM 145X). The petitioners based foreign market value on home market price list prices of the two named foreign manufacturers. The price lists were in effect on October 1, 1984.

By comparing the values calculated by the foregoing methods the petitioners alleged dumping margins as follows:

API line pipe up to 4½ inches in outside diameter—65.5%.

API line pipe up to 16 inches in outside diameter—77.2%.

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 whether it contains information reasonably available to the petitioner supporting the allegations.

We examined the petition, as amended, on certain circular welded carbon steel line pipe from Venezuela 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 certain circular welded carbon steel line pipe from Venezuela is being, or is likely or be, sold in the United States at less than fair value. If our investigation proceeds

normally we will make our preliminary determination by August 7, 1985.

Scope of Investigation

The products covered under this investigation are: Circular 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 *Tariff Schedules of the United States, Annotated* (TSUSA), under items 610.3208 and 610.3209. These products are produced to various API specifications for line pipe, most notably API–5L or API–5LX.

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 in writing 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 April 15, 1985, whether there is a reasonable indication that imports of certain circular welded carbon steel line pipe from Venezuela 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.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

March 20, 1985.

[FR Doc. 85–7270 Filed 3–26–85; 8:45 am]

BILLING CODE 3510–DS–M

[A–549–502]

Certain Circular Welded Carbon Steel Pipes and Tubes From Thailand; Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration, Import Administration, Department of 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 certain circular welded carbon steel pipes and tubes from Thailand 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 these products 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 April 15, 1985, and we will make ours on or before August 7, 1985.

EFFECTIVE DATE: March 27, 1985.

FOR FURTHER INFORMATION CONTACT: Jay Kenkel, 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) 377–3464.

SUPPLEMENTARY INFORMATION:

The Petition

On February 28, 1985, we received a petition filed on behalf of the Committee on Pipe and Tube Imports (CPTI), its subcommittees on standard and line pipe, and the companies which are members of those subcommittees with respect to certain welded carbon steel pipes and tubes. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of certain welded carbon steel pipes and tubes from Thailand 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 threaten material injury to a United States industry.

The petition, as originally filed, covered both standard pipe, which is defined in the "Scope of Investigation" section of this notice, and line pipe. By amendment dated March 12, 1985, counsel for petitioners clarified that the petition was being filed on behalf of the standard pipe subcommittee and the line pipe subcommittee of the CPTI and by individual manufacturers of standard pipe and line pipe. By amendment dated March 14, 1985, petitioners withdrew the portion of the petition dealing with line pipe.

Based on the petition, as amended, we determine that the subcommittee on standard pipe and the following individual manufacturers of standard pipe, who have indicated that they are filing the petition, Bull Moose Tube Company, Western Tube and Conduit Corporation, Maruichi American Corporation, Southwestern Pipe, Inc., Laclede Steel Company, Pittsburgh Tube Company, Allied Tube and Conduit, Century Tube Corporation and Sharon Tube Company, have standing to file with respect to standard pipe. We have determined from the amended petition filed March 12 that the subcommittee on line pipe does not have standing with respect to standard pipe because a majority of its membership does not produce standard pipe.

In their sales at less than fair value allegation, since petitioners were unable to secure home market or third country prices for the merchandise subject to this investigation, constructed value based on the cost of hot-rolled coil was used to obtain foreign market value. Coil prices were calculated from Japanese export statistics on coil shipments to Thailand for the period of September 1984. Adjustments were made to the coil price for freight, insurance and delivery charges from Japan to Thailand. The foreign market value was obtained by applying U.S. industry cost of manufacturing data, adjusted for Thailand wage rates, and converting to constructed value according to section 773(e) of the Act. For galvanized products, estimates of zinc costs were obtained by petitioners from zinc traders in Thailand.

By comparing the values calculated by the foregoing methods, the petitioner alleged dumping margins of 16.3 to 58.8 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 whether it contains information reasonably available to the petitioner supporting the allegations.

We have examined the petition, as amended, on certain circular welded carbon steel pipes and tubes 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 certain circular welded carbon steel pipes and tubes from Thailand are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally we will make our preliminary determination by August 7, 1985.

Scope of Investigation

The products under investigation are: Circular welded carbon steel pipes and

tubes, 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 structural tubing, are produced to various ASTM specifications, most notably A-152, A-53 or A-135.

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 April 15, 1985, whether there is a reasonable indication that imports of certain circular welded carbon steel pipes and tubes from Thailand are causing material injury or threatening 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.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

March 20, 1985.

[FR Doc. 85-7271 Filed 3-26-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-580-502]

Oil Country Tubular Goods From Austria; Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration, Import Administration, Department of 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 oil country tubular goods from Austria 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 April 15, 1985, and we will make ours on or before August 7, 1985.

EFFECTIVE DATE: March 27, 1985.

FOR FURTHER INFORMATION CONTACT: Ken Stanhagen, 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) 377-1777.

SUPPLEMENTARY INFORMATION:

The Petition

On February 28, 1985, we received a petition in proper form filed by the United States Steel Corporation. 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 Austria 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.

On March 5, 1985, counsel for Lone Star Steel Company requested co-petitioner status. We note that U.S. Steel has agreed to allow Lone Star Steel Company to be added as co-petitioner.

The petitioner based the United States price on average values, f.a.s. foreign port, for January to October 1984, derived from Bureau of Census statistics.

The petitioner based foreign market value on constructed value, derived from Voest-Alpine's cost of producing basic steel products, adjusted for the difference in production costs for basic steel products and oil country tubular goods.

The petition alleged sales at less than cost of production relative to third country sales only, as it avers there are insufficient sales in the home market for comparisons. The petition does contain some information that sales to at least one third country may be at less than cost of production. If, during the course of the investigation, we determine that there is not a viable home market, we will commence a cost of production investigation relative to third country sales.

Based on the comparison of values calculated by the foregoing methods, the petitioner arrived at a weighted-average dumping margin of 33.5 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 whether it contains information reasonably available to the petitioner supporting the allegations.

We examined the petition on oil country tubular goods from Austria 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 oil country tubular goods from Austria are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by August 7, 1985.

Scope of Investigation

The merchandise covered by this investigation is oil country tubular goods. The term oil country tubular goods hollow steel products of circular cross section intended for use in the drilling of oil or gas. It includes oil well casing, tubing and drill pipe of carbon or alloy steel, whether welded or seamless, to either American Petroleum Institute (API) or non-API specification (such as proprietary), as currently provided for in the Tariff Schedules of the United States Annotated (TSUSA) items 610.3216, 610.3219, 610.3233, 610.3242, 610.3243, 610.3249, 610.3252, 610.3254, 610.3256, 610.3258, 610.3262, 610.3264, 610.3721, 610.3722, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4225, 610.4235, 610.4325, 610.4335, 610.4942, 610.4944, 610.4946, 610.4954, 610.4955, 610.4956, 610.4957, 610.4966, 610.4967, 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5226, 610.5234, 610.5240, 610.5242, 610.5243, 610.5244. This investigation includes oil country tubular goods that are finished and unfinished.

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 April 15, 1985, whether there is a reasonable indication that imports of oil country tubular goods from Austria 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.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

March 20, 1985.

[FR Doc. 85-7273 Filed 3-26-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-455-402]

Oil Country Tubular Goods From Romania; Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration, Import Administration, Department of 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 oil country tubular goods from Romania 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 these products 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 April 15, 1985, and we will make ours on or before August 7, 1985.

EFFECTIVE DATE: March 27, 1985.

FOR FURTHER INFORMATION CONTACT: Paul Thran, 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) 377-3963.

SUPPLEMENTARY INFORMATION:

The Petition

On February 28, 1985, we received a petition in proper form filed by United States Steel Corporation. 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 Romania 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.

On March 5, 1985, counsel for Lone Star Steel Company requested co-petitioner status. The United States Steel Corporation has agreed to amend the petition to include the Lone Star Steel Company as a co-petitioner.

The petitioner based the United States prices on average f.a.s. port of exit prices, as derived from U.S. Bureau of Census statistics.

The petitioner alleged that Romania is a state-controlled economy country and chose Spain as the appropriate surrogate for the purpose of determining foreign market value.

As there are no sales of oil country tubular goods (OCTG) in Spain, petitioner estimated foreign market value by adjusting average import prices for Spanish OCTG sold to the United States. The adjustment was based on the margins found in the Department's preliminary antidumping duty determination on this product. As these represented 1983 prices, petitioner also used an escalation factor based on the historical experience of the surrogate to reach 1984 prices.

By comparing the values calculated by the foregoing methods, the petitioner alleged a dumping margin of 82.5 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 whether it contains information reasonably available to the petitioner supporting the allegations.

We examined the petition on oil country tubular goods 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 oil country tubular goods from Romania are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally we will make our preliminary determination by August 7, 1985.

In the course of our investigation, we will determine whether the economy of Romania is state-controlled to an extent that sales of such or similar merchandise in the home or third country market do not permit determination of foreign market value. If Romania is determined to be a state-controlled economy, we will then choose a surrogate for purposes of determining foreign market value.

Scope of Investigation

The products under investigation are oil country tubular goods (OCTG). OCTG are extension hollow steel products of circular cross section intended for use in the drilling of oil or gas. OCTG includes oil well casing, tubing and drill pipe of carbon or alloy steel, whether welded or seamless, to either American Petroleum Institute (API) or non-API specifications (such as proprietary), as currently provided for in the *Tariff Schedules of the United States Annotated* (TSUSA) items 610.3216, 610.3219, 610.3233, 610.3242, 610.3243, 610.3249, 610.3252, 610.3254, 610.3256, 610.3258, 610.3262, 610.3264, 610.3721, 610.3722, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4225, 610.4235, 610.4325, 610.4335, 610.4942, 610.4944, 610.4946, 610.4954, 610.4955, 610.4956, 610.4957, 610.4966, 610.4967, 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5226, 610.5234, 610.5240, 610.5242, 610.5243, and 610.5244. This investigation includes OCTG that are finished and unfinished.

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 protection order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by April 15, 1985, whether there is a reasonable indication that imports of oil country tubular goods from Romania are causing material injury, or threaten material injury, to a United States industry. If its determation is negative this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

March 20, 1985

[FR Doc. 85-7274 Filed 3-26-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-307-503]

Oil Country Tubular Goods From Venezuela; Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration, Import Administration, Department of 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 oil country tubular goods from Venezuela 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 April 15, 1985, and we will make ours on or before August 7, 1985.

EFFECTIVE DATE: March 27, 1985.

FOR FURTHER INFORMATION CONTACT: Ken Stanhagen, 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) 377-1777.

SUPPLEMENTARY INFORMATION:

The Petition

On February 28, 1985, we received a petition in proper form filed by the United States Steel Corporation. 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 Venezuela 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.

On March 5, 1985, counsel for Lone Star Steel Company requested co-petitioner status. We note that U.S. Steel has agreed to allow Lone Star Steel Company to be added as co-petitioner.

The petitioner based the United States price on average values f.a.s. foreign port, for January to October 1984 derived from Bureau of Census statistics.

The petitioner based foreign market value for Conduven on the published list prices of Conduven, one of the two known producers of oil country tubular goods in Venezuela, for the home market in 1984.

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 whether it contains information reasonably available to the petitioner supporting the allegations.

We examined the petition on oil country tubular goods from Venezuela 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 oil country tubular goods from Venezuela are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by August 7, 1985.

Scope of Investigation

The merchandise covered by this investigation is oil country tubular goods. The term oil country tubular goods covers hollow steel products of circular cross section intended for use in the drilling of oil or gas. It includes oil well casing, tubing and drill pipe of carbon or alloy steel, whether welded or seamless, to either American Petroleum Institute (API) or non-API specification (such as proprietary), as currently provided for in the Tariff Schedules of the United States Annotated (TSUSA) items 610.3216, 610.3219, 610.3233, 610.3242, 610.3243, 610.3249, 610.3252, 610.3254, 610.3256, 610.3258, 610.3262, 610.3264, 610.3721, 610.3722, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4225, 610.4235, 610.4325, 610.4335, 610.4942, 610.4944, 610.4946, 610.4954, 610.4955, 610.4956, 610.4957, 610.4966, 610.4967, 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5226, 610.5234, 610.5240, 610.5242, 610.5243, 610.5244. This investigation includes oil country tubular goods that are finished and unfinished.

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 April 15, 1985, whether there is a reasonable indication that imports of oil country tubular goods from Venezuela 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.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

March 20, 1985.

[FR Doc. 85-7272 Filed 3-26-85; 8:45 am]

BILLING CODE 3510-DS-M

THE COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Wednesday, April 10, 1985 at 10:00 in the Commission's offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington including buildings, memorials, parks, etc., also matters of design referred by other agencies of the government. Access for handicapped persons will be through the main entrance to the New Executive Office Building on 17th Street between Pennsylvania Avenue and H Street, NW.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 566-1066.

Dated in Washington, D.C., March 20, 1985.

Charles H. Atherton,

Secretary.

[FR Doc. 85-7210 Filed 3-26-85; 8:45 am]

BILLING CODE 6330-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180665; FRL-2801-7]

Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various

pests to the two States listed below. Also given is information on a crisis exemption initiated by the Louisiana Department of Agriculture.

These exemptions are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. Information on these restrictions is available from the contact persons in EPA listed below.

DATES: See each specific and crisis exemption for its effective dates.

FOR FURTHER INFORMATION CONTACT: See each specific and crisis exemption for the name of the contact person. The following information applies to all contact persons.

By mail: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 716, CM#2, 1921 Jefferson DAvis Highway, Arlington, VA, (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. California Department of Food and Agriculture for the use of diazinon on home garden crops to eradicate Japnese beetles; January 22, 1985 to August 14, 1985. California had initiated a crisis exemption for this use. (Jim Tompkins)

2. California Department of Food and agriculture for the use of chlorpyrifos on avocados to control Argentine ants; January 23, 1985 to September 30, 1985. (Libby Welch)

3. Florida Department of Agriculture and Consumer Services for the use of sulprofos on field corn to control fall armyworms; January 22, 1985 to December 31, 1985. (Stan Austin)

4. Florida Department of Agriculture and Consumer Services for the use of sulprofos on sweet corn to control fall armyworms; January 23, 1985 to December 31, 1985. (Stan Austin)

A Crisis exemption was initiated by the Louisiana Department of agriculture on December 20, 1984, for the use of acephate to depopulate wild honey bees infested with the acarine mite in Iberia and Vermilion Parishes in Louisiana. The program ended on January 3, 1985. (Jack E. Housenger)

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136))

Dated: March 12, 1985

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 85-6778 Filed 3-26-85; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30094; FRL-2801-5]

Ethylene Dibromide; Amendment to EDB Registration for Postharvest Fumigation of Exported Citrus Fruit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's decision to amend ethylene dibromide's (EDB) registration for use as postharvest fumigant on exported citrus fruits to allow a one-time extension of said use for the months of February 1985 through May 1985 in response to a request by Great Lakes Chemical Company. This amendment will not result in the introduction of any EDB to the American diet and provides improved worker protection requirements. The Agency also issued a Data-Call-In notice under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) which requires extensive monitoring to measure worker exposure to EDB resulting from the fumigation of exported citrus.

FOR FURTHER INFORMATION CONTACT:

By mail: Linda K. Vlier, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Office location and telephone number: Rm. 711, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7451).

SUPPLEMENTARY INFORMATION: .

Background

On September 28, 1983, EPA issued a notice published in the **Federal Register** of October 11, 1983 (48 FR 46234) of intent to cancel registrations of pesticides containing EDB for most uses, including postharvest fumigation of citrus and other fruits and vegetables to meet interstate and international fruit fly quarantine requirements. Fruit growing states and nations had imposed quarantine requirements to prevent the spread of fruit flies into areas without fruit fly infestation.

Following the cancellation notice, users of EDB for citrus fumigation, among others, requested an administrative hearing to challenge the cancellation decision. In the U.S., most states with Guarantine requirements developed alternative means, within months following the cancellation notice, by which the shippers could meet quarantine disinfestation requirements.

By April 3, 1984, the Federal government had taken several additional steps to address the risks from continued EDB use, especially risks from contamination of the American diet. With respect to dietary risks from citrus fumigation, it was noted that most domestically consumed fruit was no longer treated with EDB. With respect to cirtus fumigated before export to other nations, EPA found that it was appropriate to ensure that citrus fruit leaving this country was able to meet the quarantine requirements of U.S. trading partners, provided that continued use did not result in unreasonable adverse effects to American workers.

Based on these findings, the Agency issued an amendment to the September 28, 1983 EDB cancellation notice published in the **Federal Register** of April 10, 1984 (49 FR 14182) with respect to postharvest fumigation of citrus fruit and papaya. The amended notice cancelled the registration of EDB products used to treat fruit for domestic consumption, but allowed registration of EDB products used to treat exported citrus fruit and papaya, subject to a number of additional restrictions.

The registration requirements were directed toward minimizing exposure of U.S. workers to EDB. The treatment of citrus fruit for export was limited to the months October through January. This restriction was based on information which indicated that cold treatment would provide acceptable, workable quarantine control for exported fruit except on early season citrus. In amending the September 28, 1983 cancellation notice, the Administrator concluded that the occupational risks to U.S. workers under the amended registration terms were reduced to acceptable levels in light of the benefits.

Following the April 3, 1984 amendment to the cancellation notice, Great Lakes Chemical Company sought a conforming amendment to its Registration No. 5785-29-AA, which was granted on June 15, 1984. Thereafter, the persons requesting hearings to challenge the notice of intent to cancel, as it applied to citrus, withdrew their challenges and the amended cancellation notice went into effect.

EPA received, on December 4, 1984, a request from Great Lakes Chemical Company to amend its registration for pesticide products containing EDB for use to fumigate exported citrus. Great Lakes, the sole registrant of EDB products for postharvest fumigation of citrus fruit and papaya, sought certain changes in the required terms and conditions of the registration pertaining to exported citrus fumigation. Specifically, Great Lakes was requesting that the limitation on the months during

which EDB could be applied to exported citrus be removed. The amended request also proposed additional restrictions to address worker exposure concerns. All of the worker protection measures in the original label were also retained.

Acting in its discretion, EPA published notice of the Great Lakes request on January 10, 1985 (50 FR 1271). The notice included the proposed revisions to label language submitted by Great Lakes and solicited public comments on the pending request for amendment to the EDB registration for fumigation of exported citrus.

Comments Received

Written comments were received from twelve parties in response to the January 10, 1985 notice. Comments supporting an amendment to the registration of EDB for use on exported citrus which would extend the months during which EDB could be applied were received from the following parties: Seald-Sweet Growers, Inc.; California Citrus Quality Council; United States Department of Agriculture; DNE Sales International, Inc.; Deerfield Groves Company; United fresh Fruit and Vegetable Association; Concerned River Growers; and Florida Citrus Mutual. Comments opposed to the proposed label amendment were received from: International Brotherhood of Teamsters; Food and Allied Service Trades; United States Department of Health and Human Services, National Institute for Occupational Safety and Health; and Radiation Technology, Inc.

In general, comments supporting an amendment to the EDB citrus registration stressed that efforts were being undertaken to mitigate worker exposure to EDB, and that unless an extension allowing EDB use were granted, grapefruit exports to Japan could not be made for the remainder of this harvest season. These submissions indicated that the use of cold treatment, as a quarantine disinfestation measure, over the past harvest season resulted in Fruit damage and losses of $4–$12 million to shippers.

Comments submitted by Florida Citrus Mutual, the trade organization representing the Florida citrus industry, proposed several label restrictions to reduce workers exposure. The submission also indicated that engineering modifications and/or personal protective equipment would be used to reduce exposure to applicators and citrus handlers (e.g. warehouse workers) to meet standards proposed for EDB by OSHA, published in the **Federal Register** of October 7, 1983 (48 FR 45956).

Comments submitted to the Agency by the International Brotherhood of Teamsters, the Food and Allied Service Trades, and the National Institute of Occupational Health and Safety opposed an amendment to the registration of EDB for use on citrus fruit based on worker exposure considerations. In general, their concerns can be characterized as follows. First, removing restrictions on the allowable period for use of EDB would increase the total EDB dose to workers two to two and one-half times over that allowed with a restricted application period. Second, adherence to the current OSHA standard for EDB does not adequately protect workers handling fumigated fruit (the current OSHA standard is 20,000 ppb, the proposed OSHA standard is 100 ppb, both as an 8-hour time weighted average).

Radiation Technology Inc.'s submission also opposed an amendment to the registration for EDB postharvest fumigation of citrus fruit. Radiation Technology, a company marketing the use of low-dose irradiation of fresh citrus as an alternative method of fruit fly disinfestation, expressed concern that an amendment to the EDB registration allowing unlimited postharvest treatment of exported citrus fruit would hinder the development and utilization of alternative quarantine disinfestation processes such as low-dose irradiation.

Agency Decision

Upon review of the submissions submitted to the Agency, and extended discussions with parties both supporting and opposing an amendment to the registration, the Agency determined that an amendment to the registration which allowed a limited, one-time, 4-month extension of use on exported citrus, and imposed improved worker protection restrictions, was appropriate. This amendment only allows EDB application to exported citrus and will not result in the introduction of any EDB to the American diet.

At this time all Florida citrus exported to Japan must meet Japanese fruit fly quarantine requirements. It is EPA's understanding that the Japanese will only allow Florida citrus fruit to be marketed in Japan if it has been treated with EDB, or if it has been cold treated for fruit fly disinfestation. Much of the Florida citrus fruit shipped to Japan in 1984 under the cold treated method arrived damaged and unmarketable. Although the Florida citrus industry previously thought that the cold treatment method had been perfected for late-harvest citrus (fruit harvested between February and June), estimates of fruit loss due to cold treatment damage ranged from $4–$12 million in 1984. Due to the economic risk associated with cold treatment and potential receipt of unmarketable citrus fruit, Japanese importers have indicated that commercial shipments of cold treatment Florida citrus fruit would not be purchased this season.

Since the only alternative quarantine disinfestation method currently available is EDB postharvest fumigation, unless EDB was made available to the Florida citrus industry for the late-season citrus harvest (February–June), the Japanese market would be lost. Florida citrus exported to Japan, February–June 1984, had a wholesale value of approximately $20 million. A limited one-time 1985 extension of EDB use on exported citrus would allow the Florida citrus industry time to perfect its cold treatment regime while maintaining the Japanese export market.

In reviewing the application for an amendment to the EDB label, the Agency recognized that allowing unlimited use of EDB on exported citrus fruit could potentially increase the volume of treated citrus by a factor of two to two and one-half, thus significantly increasing potential EDB exposure to workers handling exported citrus fruit. Given the worker exposure protection provided under the current OSHA standard, the Agency's limited ability under FIFRA to require worker protection downstream of the application of EDB, and the lack of information on levels of worker exposure to EDB which can be achieved with improved engineering controls and worker protection devices, the Agency has decided not to amend the EDB label to allow unlimited use of EDB on exported citrus, as requested in the amendment application.

However, based on the Florida Citrus Mutual submission to the Agency which represented that levels of EDB exposure to applicators and citrus handlers would be reduced to the proposed OSHA standards (48 FR 45956; October 7, 1983), the use of EDB for an additional four months, this year only, was not expected to result in unreasonable adverse effects to workers applying EDB or handling EDB treated citrus. In addition to amending the registration to allow a one-time extension of use, the registration amendment also included elements designed to reduce worker exposure to EDB including increased monitoring, increased ventilation of fruit during transport, and recordkeeping and reporting requirements. All of the

worker protection requirements in the original label were retained.

In addition, the Agency determined that adequate data demonstrating the ability of the Florida citrus industry to reduce worker exposure to lower levels, such as the proposed OSHA standard, are essential to maintain the amended registration approved by the Agency. Therefore, a requirement was issued under FIFRA section 3(c)(2)(B) requiring extensive personal and on-site monitoring of all exposed workers, including applicators and all U.S. workers who are exposed to EDB through handling of treated citrus. Such monitoring is required during the months of March-May 1985. Failure to comply with the requirements set forth in the 3(c)(2)(B) notice will result in suspension of the registration.

Amended Registration

The following language currently appears on the label:

After September 1, 1984 citrus fruit for export outside of the territorial United States may be treated only during the months of October, November, December, and January. The treatment of citurs fruit for export in any other month is permitted *only* after a written determination by the U.S. Environmental Protection Agency that a significant fruit fly outbreak has resulted in quarantine requirements for exported fruit which cannot be met by alternative quarantine treatments and that treatment with EDB for such purposes will not cause unreasonable adverse effects on the environment".

The amended registration deleted the language above from the label and required insertion of the following:

The fumigation of fresh citrus may only be conducted in accordance with the following restrictions and requirements:

(A) Citrus fruit for export outside of the territorial United States may be treated only during the months October, November, December, and January. Citrus fruit for export outside of the territorial United States may also be treated during the months of February through May, inclusive, of calendar year 1985. The treatment of citrus fruit for export in any other month is permitted *only* after a written determination by the U.S. Environmental Protection Agency that a significant fruit fly outbreak has resulted in quarantine requirements for exported fruit which cannot be met by alternative quarantine treatments and that treatment with EDB for such purposes will not cause unreasonable adverse effects on the environment.

(B) At each fumigation station, an infrared EDB detector equipped with an alarm, set at the limit of detection (1 ppm), must be operative during all periods when EDB is present in the facility. All persons without SCBA respirators must be evacuted immediately if the alarm is activated. In addition, applicators must conduct periodic monitoring (at least monthly), at appropriate locations, of ambient air levels of EDB to determine human exposure through accidental or routine emissions. This monitoring must use OSHA approved, or equivalent, methods of sampling and analysis.

(C) Operators of fumigation stations using EDB to treat citrus for export must meet the following reporting requirements:

(1) At the end of each month of use under the terms of this registration, report to EPA, Office of Pesticide Programs, on the status of efforts by applicators, citrus shippers, and warehousers to reduce worker exposure for all workers exposed in the United States to EDB-treated citrus fruits.

(2) Each such report must describe the engineering changes which have been implemented, and worker protection measures instituted, during the month covered by the report.

(3) Each such report must contain the results of personal monitoring of EDB to which workers performing each type of task are exposed, under each major variation of conditions under which the work is performed. Further, each report must contain a description of the actions taken by citrus shippers and warehousers to remedy high levels of exposure to individual workers.

(4) Each such report must indicate the volume of treated fruit which is shipped (a) in containerized trailers loaded directly onto ships, or (b) in ships in which a ventilation system in the ship's hold was in operation during the entire loading process.

(5) For citrus which is exported without EDB treatment to nations with fruit fly quarantine requirements, each such report must indicate the volume and means of quarantine.

(D) Prior to off-loading treated citrus from the trucks at the port, trucks must be exhausted by a 2000 cfm exhaust blower operating for a period of at least fifteen minutes or fifteen air exchanges, unless the shipment is containerized.

(E) For non-containerized trailers, there are a variety of stacking configurations which will enhance the movement of air through the load and increase the rate of EDB offgassing. Non-containerized trucks which are to be fumigated must stack the cartons in a chimney stack configuration (for example 9 boxes per layer, stacked 7 layers high) providing an open chimney within the individual layers such that air can circulate around the surfaces of the individual cartons to increase the removal of EDB from both the citrus and cardboard, or use an alternative stacking method providing an equivalent level of air circulation.

(F) Shipping containers shall be clearly labeled in 10 pointtype or larger as follows:

This produce has been fumigated with ethylene didromide (EDB) for the quarantine control of fruit flies.

Dated: March 12, 1985.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 85-6779 Filed 3-26-85; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180667; FRL-2801-6]

Montana Department of Agriculture; Receipt of Application for Emergency Exemption To Use B-(4-Chlorophenoxy)-A-(1, 1-Dimethylethyl)-1H-1,2,4-Triazole-1-Ethanol, Solicitation of Public Comment

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA has received a request for an emergency exemption from the Montana Department of Agriculture (hereafter referred to as the "Applicant") to use the active ingredient B-(4-cholorophenoxy)-a-(1,1-dimethylethyl)-1*H*-1,2,4-triazole-1-ethanol (Baytan™ 150 FS) to control Take-all disease (*Gaeumannomyces graminis* var. *tritici*) on 125,000 acres of irrigated spring wheat in Montana. It is the Agency's policy to solicit public comment on applications involving unregistered active ingredients. Accordingly, EPA is soliciting comment before making the decision whether or not to grant the exemption.

DATE: Comments must be received on or before April 11, 1985.

ADDRESS: Three copies of written comments, bearing the identifying notation "OPP-180667," should be submitted by mail to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to: Rm. 236, CM#2,

1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that downs not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for inspection in Rm. 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Libby Welch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 716A, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1192).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (17 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any provision of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption to permit the use of B-(4-Chlorophenoxy)-a-(1,1-dimethylethyl)-1*H*-1,2,4-triazole-1-ethanol, available as Baytan 150 FS from Mobay Chemical Corporation and as Baytan 30 from Gustafson Chemical Company, to control Take-all disease caused by the fungus *Gaeumannomyces graminis* var. *tritici* in irrigated spring wheat in Montana. Information in accordance with 40 CFR Part 166 was submitted as part of this request.

The Applicant indicates that Take-all disease has become more serious with the dramatic increase in irrigated spring wheat acreage in Montana. According to the Applicant, there are no pesticides registered for the control of Take-all disease on small grains. Control measures have centered around rather ineffective cultural methods involving crop residue management, crop rotations, and balanced fertilization. The Applicant states that yield reductions caused by Take-all generally vary from 24 to 48 percent depending upon the severity and extent of infection, or from 14.0 to 27.5 bushels per acre. The Applicant proposes to treat 60,000 acres. Thus, the net economic benefit from the use of Baytan would be from $53.48 to $105.05 per acre, or from $3.2 million to $6.3 million.

The maximum seeding rate for spring wheat is about 90 pounds per acre. Baytan will be applied at a maximum rate of 0.5 ounces of active ingredient per 100 pounds of seed. A total of 1,687.5 pounds of active ingredient will be required to treat 5,400,000 pounds of seed. Baytan would be diluted with the recommended amount of water and mixed with the seed to provide a uniform coating. treated seed will also be dyed so that it cannot be confused with wheat intended for food or feed. Applications would be made through December 31, 1985.

This notice does not constitute a decision by EPA on the application itself. Interested persons may submit written views on this subject to the Program Management and Support Division at the address above. The comments must be received on or before April 11, 1985 and should bear the identifying notation "OPP-180667". All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, Crystal Mall No. 2 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by Montana.

Dated: March 14, 1985.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 85-6773 Filed 3-26-85; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180668; FRL-2801-8]

Texas Department of Agriculture; Receipt of Application for Specific Exemption To Use a Pesticide for an Unregistered Use; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Texas Department of Agriculture (hereafter referred to as "Applicant") for use of the unregistered product Whip to control sprangletop and/or barnyardgrass in rice. Whip, manufactured by the American Hoechst Corporation, contains the unregistered active ingredient ethyl 2-[4-[(6-chloro-2-benzoxazolyl)oxy]phenoxy]propanoate (fenoxaprop). EPA is soliciting comment before making the decision whether or not to grant this specific exemption request.

DATE: Comments must be received on or before April 11, 1985.

ADDRESS: Three copies of written comments, bearing the identifying notation "OPP-180668," should be submitted by mail to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for inspection in Rm. 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Jack E. Housenger, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 716C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1192).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any registration provision of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption to permit the use of the unregistered herbicide, fenoxaprop, manufactured as Whip, to control sprangletop and/or barnyardgrass in emerged rice. Information in accordance with 40 CFR Part 166 was submitted as part of this request.

The Applicant has requested a maximum of one postemergence application of Whip. A maximum of 0.15 pound of active ingredient is proposed to be applied per acre per application. No applications will be made after the early tillering stage of rice. The Applicant has requested this use on a maximum of 25,000 acres of rice which represents approximately seven percent of the total Texas rice acreage. If all of the acreage were treated, a maximum of 3816 gallons of product would be needed.

Applications are proposed to be made using either aerial or ground equipment. The counties in which applications are

proposed to be made include Brazoria, Calhoun, Chambers, Colorado, Ft. Bend, Galveston, Hardin, Harris, Jackson, Jefferson, Liberty, Matagorda, Montgomery, Orange, Victoria, Waller, and Wharton. The Applicant has requested authorization to make treatments from April 15, 1985, to July 30, 1985.

The Applicant anticipates yield losses of at least 30 percent due to sprangletop and/or barnyardgrass infestations. This would amount to a loss of $168.87 per acre plus the loss from reduced rice quality due to dockage. The Applicant claims that according to a model prepared by the Department of Agricultural Economics at Texas A & M, a loss of $40 to $50 per acre would reduce the probability of a rice grower's economic survival. The Applicant claims that according to this economic model, the use of Whip would be the difference in staying in business for the vast majority of growers which were surveyed.

The Applicant claims that emergency conditions will exist due to the limitations of the currently registered herbicides to control barnyardgrass and sprangletop even under the best conditions. Herbicides currently registered for this use include pendimethalin, propanil, thiobencarb, bifenox and molinate.

This notice does not constitute a decision by EPA on the application itself. It is the Agency's policy to solicit public comment on applications involving unregistered active ingredients. Accordingly, interested persons may submit written views on this subject to the Program Management and Support Division at the address above. The comments must be received on or before April 11, 1985 and should bear the identifying notation "OPP-180668." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Texas Department of Agriculture.

Dated: March 11, 1985.

Robert V. Brown,

Acting Director, Registration Division.

[FR Doc. 85-6777 Filed 3-26-85; 8:45 am]

BILLING CODE 6560-50-M

[OPP-00198; FRL-2800-1]

Administrator's Pesticide Advisory Committee; Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Meeting.

SUMMARY: The Administrator's Pesticide Advisory Committee (APAC) will hold a meeting to discuss EPA's proposed rule on the special review process which is authorized by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). General Activities of the Office of Pesticide programs (OP) may also be discussed. The meeting will be open to the public.

DATE: The meeting will take place on Thursday, April 11, 1985, at 9:00 a.m. and adjourn by 4:30 p.m.

ADDRESS: The meeting will be held in: Rm. M-2409, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Betty Winter, Executive Secretary, Administrator's Pesticide Advisory Committee (TS-788), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-639A, 401 M Street SW., Washington, D.C. 20460 (202-382-2916).

SUPPLEMENTARY INFORMATION: The APAC will begin with opening remarks by Dr. Dale L. Stansbury, the new Chairperson for the APCA, and Dr. John A. Moore, Assistant Administrator for Pesticides and Toxic Substances. The Agency will seek the APAC's advice and comments on the Proposed Special Review Criteria and Procedures Rule which revises the criteria for initiating and the procedures for conducting risk/benefit determinations on pesticide chemical which may pose unreasonable adverse effects. A background paper and a more detailed agenda will be available at the meeting.

The meeting will be open to the public, and time will be set aside for public comments on issues relevant to topics of discussion. Any member of the public wishing to present an oral or written statement relating to the Committee's topic of discussion for this meeting should contact the APAC Executive Secretary at the address or telephone number listed above.

Dated: March 12, 1985.

John A. Moore,

Assistant Administrator, for Pesticides and Toxic Substances.

[FR Doc. 85-6707 Filed 3-26-85; 8:45 am]

BILLING CODE 6560-50-M

[PP 4G3145/T481; FRL-2800-5]

Diethatyl-Ethyl; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for residues of the herbicide diethatyl-ethyl and its metabolites in or on certain raw agricultural commodities. These temporary tolerances were requested by Nor-Am Chemical Company.

DATE: These temporary tolerances expire February 13, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 237, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. (703-557-1830).

SUPPLEMENTARY INFORMATION: Nor-Am Chemical Co., 3509 Silverside Rd., P.O. Box 7495, Wilmington, DE 19803, has requested in pesticide petition PP 4G3145 the establishment of temporary tolerances for residues of the herbicide diethatyl-ethyl and its metabolites (free and bound) determinable as the *N*-acetyl(*N*-(2,6-diethylphenyl) glycine derivative in or on the raw agricultural commodities peppers at 1.0 part per million (ppm), carrots at 0.2 ppm, and celery at 0.1 ppm.

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 45639-EUP-25, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant materials were evaluated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Nor-Am Chemical Co. must immediately notify the EPA of any findings from the experimental use that

have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire February 13, 1986. Residues not in excess of these amounts remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 610-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on the substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: March 12, 1985.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 85-6700 Filed 3-26-85; 8:45 am]

BILLING CODE 6560-50-M

[PP 1G2453/T482; FRL-2800-3]

Mefluidide; Renewal of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has renewed temporary tolerances for residues of the plant growth regulator mefluidide in or on certain raw agricultural commodities.

DATE: These temporary tolerances expire August 31, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of May 2, 1984 (49 FR 18780) stating that temporary tolerances had been extended for residues of the plant growth regulator mefluidide (N-[2,4-dimethyl-5-[[(trifluoromethyl)-sulfonyl]amino]phenyl]acetamide) in or on the raw agricultural commodities pasture grass and pasture grass hay at 10 parts per million (ppm); milk, meat of cattle, sheep, goats, and horses at 0.01 ppm; fat of cattle, sheep, goats, and horses at 0.02 ppm; and meat by-products of cattle, sheep, goats, and horses at 0.3 ppm.

These tolerances were renewed in response to pesticide petition PP 1G2453, submitted by 3M Co., Agricultural Products, 3M Center, Bldg. 223-IN-05, St. Paul, MN 55144.

The company has requested a 1-year renewal of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 7183-EUP-22, which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that a renewal of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been renewed on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. 3M Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire August 31, 1986. Residues not in excess of this amount remaining in or on the above raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: March 12, 1985.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 85-6702 Filed 3-26-85; 8:45 am]

BILLING CODE 6560-50-M

[PP 5G1579/T480; FRL-2800-4]

State of Florida; Renewal of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has renewed temporary tolerances for residues of the plant regulator 5-chloro-5-methyl-4-nitro-1H-pyrazole in or on the raw agricultural commodity oranges.

DATE: This temporary tolerance expires February 12, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of April 11, 1984 (49 FR 14429) stating that a temporary tolerance had been extended for residues of the plant regulator 5-chloro-3-methyl-4-

nitro-1H-pyrazole in or on the raw agricultural commodity oranges at 0.1 part per million (ppm).

This tolerance was renewed in response to pesticide petition PP 5G1579, submitted by the State of Florida, Department of Citrus, 1115 E. Memorial Blvd., P.O. Box 148, Lakeland, FL 33802.

The company has requested a 1-year renewal of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 43808-EUP-1, which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that a renewal of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been renewed on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. The State of Florida must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires February 12, 1986. Residues not in excess of this amount remaining in or on the above raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: March 12, 1985.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 85-6701 Filed 3-26-; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30251; FRL-2803-7]

Certain Companies; Applications To Register Pesticide Products; Zoecon Corp., et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register certain pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comment by April 26, 1985.

ADDRESS: By mail submit comments identified by the document control number [OPP-30251] and the registration/file number, attention Product Manager (PM) named in each application at the following address:

Information Services Section (TS-757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to: Environmental Protection Agency, Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Registration Division (TS-767C), Attn: (Product Manager (PM) named in each registration), Office of Pesticide Programs, 401 M St., SW., Washington, D.C. 20460.

In person: Contact the PM named in each registration at the following office location/telephone number:

Product manager	Office location/ telephone No.	Address
PM 21, Henry Jacoby	Rm. 229, CM±2 (703-557-1900).	EPA, 1921 Jefferson Davis Hwy, Arlington, VA 22202.
PM 15, George LaRocca	Rm. 204, CM±2 (703-557-2400).	Do.

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

I. Products Containing Active Ingredients Not Included in Any Previously Registered Products

1. *File Symbol:* 11273-LL. Applicant: Zoecon Corp., 975 California Ave., Palo Alto, CA 94304. Product name: Evisect 50 SP Insecticide. Insecticide. Active ingredient: Thiocyclam hydrogenoxylate (*N,N*-dimethyl-1,2,3-trithian-5-ylamine hydrogenoxalate 50%. Proposed classification/Use: General. For control of serpentine leafminer, aphids, and thrips on chrysanthemums and *Gerbera* daisies. Type registration: Conditional (PM 15)

2. *File Symbol:* 34688-RO. Applicant: Interstab Chemicals Inc., 500 Jersey Ave., PO Box 638, New Brunswick, NJ 08903. Product name: Intercide Zinc Octoate 18%. Fungicide. Active ingredient: Zinc 2-ethylhexanoate 79.16%. Proposed classification/Use: General. For control of rot and mildew on wood and textiles. Type registration: Conditional. (PM 21)

3. *File Symbol:* 34688-RI. Applicant: Interstab Chemicals Inc. Product name: Intercide Zinc Octoate 8%. Fungicide. Active ingredient: Zinc 2-ethylhexanoate 35.18%. Proposed classification/Use: General. For control of rot and mildew on wood and textiles. Type registration: Conditional. (PM 21)

4. *File Symbol:* 707-ROG. Applicant: Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105. Product name: Systhance™ 40W Fungicide. Fungicide. Active ingredient: Alpha-butyl-alpha-(4-chlorophenyl)-1*H*-1,2,4-

triazole-1-propanenitrile 40%. Proposed classification/Use: General. For the control of powdery mildew and rust diseases in perennial grasses grown for seed. (PM 21)

Notice of approval or denial of an application to register a pesticide product will be announced in the Federal Register. The procedure for requesting data will be given in the Federal Register if an application is approved.

Comments received within a specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the Program Management and Support Division (PMSD) office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the PMSD office (703–557–3262), to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: March 13, 1985.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 85–6957 Filed 3–26–85; 8:45 am]

BILLING CODE 6560–50–M

[OPP–240061; FRL 2803–3]

State Registration of Pesticides; California, et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

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

DATE: The last entry for each item is the date the State registration of that product became effective.

FOR FURTHER INFORMATION CONTACT:

Sandra English, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C.

Office location and telephone number: Rm. 726A, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–716).

SUPPLEMENTARY INFORMATION: All of the registrations listed below were received by the EPA in January 1985. Receipts of State registrations will be published periodically. None of the State registrations involve a changed-use pattern (CUP). The term "changed-use pattern" is defined in 40 CFR 162.3(k) as a significant change from a use pattern approved in connection with the registration of a pesticide product. Examples of significant changes include, but are not limited to, changes from a nonfood use, outdoor to indoor use, ground to aerial application, terrestrial to aquatic use, and nondomestic to domestic use.

California

EPA SLN No. CA 85 0007. Mobay Chemical Co. Registration is for Nemacur 3 Emulsifiable to be used on citrus (grapefruits, lemons, limes, oranges, and tangerines) to control nematodes. January 22, 1985.

EPA SLN No. CA 85 0008. Degesch America, Inc. Registration is for Degesch Magtoxin Pellet-Prepac to be used on food and feed processing equipment to control confused flour beetles and red flour beetles. January 28, 1985.

New Jersey

EPA SLN No. NJ 85 0003. New Jersey Dept. of Agriculture. Registration is for Carboxide to be used on beekeeping equipment to control honey bee disease. January 28, 1985.

New Mexico

EPA SLN No. NM 85 0001. Chevron Chemical Co. Registration is for Ortho Paraquat Plus to be used on alfalfa to control weeds between cuttings. January 7, 1985.

Oklahoma

EPA SLN No. OK 85 0001. Degesch America, Inc. Registration is for Degesch Magtoxin to be used on bins, silos, holding tanks, food and feed processing equipment and conveyers to control confused flour beetles and red flour beetles. January 3, 1985.

EPA SLN No. OK 85 0002. Chevron Chemical Co. Registration is for Diquat Herbicide H/A to be used on Bermudagrass in lawns, parks, and golf courses to control emerged annual broadleaf and grassy weeds (little barley, annual bluegrass, bromes, buttercup, and Carolina grainum). January 24, 1985.

Oregon

EPA SLN No. OR 85 0001. Pacific Bulb Growers Association. Registration is for Furloe and Budnip to be used in fields where Easter lillies are grown for flower buds to reduce the occurrence of *botrytis* disease caused by decaying flowers. January 15, 1985.

EPA SLN No. OR 85 0002. U.S. Fish and Wildlife Service. Registration is for DRC–1339 98% Concentrate/Malheur NWR to be used in nesting and foraging habitat of sandhill cranes to control common ravens. January 16, 1985.

Pennsylvania

EPA SLN No. PA 85 0001. Pennwalt Corp. Registration is for Acclor to be used on apples, asparagus, cabbage, carrots, cauliflower, celery, cherries, cucumbers, lettuce, mushrooms, nectarines, onions, peaches, pears, peppers, potatoes, prunes, quinces, and relishes after harvest to control organisms causing decay. January 7, 1985.

(Sec. 24, as amended, 92 Stat. 835 (7 U.S.C. 136))

Dated: March 12, 1985.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 85–6961 Filed 3–26–85; 8:45 am]

BILLING CODE 6560–50–M

[PP 2G2593/T473; FRL–2803–5]

Fenarimol; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerances for residues of the fungicide fenarimol in or on certain agricultural commodities.

DATE: These temporary tolerances expire April 19, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 227, Cm #2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the Federal Register of May 23, 1984 (49 FR 21794), announcing the establishment of temporary tolerances for residues of the

fungicide fenarimol (alpha-(2-chlorophenyl)-alpha-(4-chlorophenyl)-5-pyrimidinemethanol) in or on the raw agricultural commodities apples at 0.1 part per million (ppm), grapes at 0.05 ppm (corrected to 0.1 ppm by letter dated January 23, 1985, to Elanco Products Div.), liver and kidney of cattle, goats, horses, hogs, and sheep at 0.1 ppm and meat, fat and meat byproducts (except liver and kidney) of cattle, goats, horses, hogs, and sheep at 0.01 ppm as a result of preharvest application of the fungicide to apples and grapes. These tolerances will expire on April 19, 1985. These tolerances were issued in response to pesticide petition PP 2G2593, submitted by Elanco Products Division, a Division of Eli Lilly and Co., 740 S. Alabama St., Indianapolis, IN 46285.

These temporary tolerances have been extended on October 24, 1984, to permit the continued marketing of the raw agricultural commodities named above when treated in accordance with the provisions of experimental use permit 1471-EUP-75, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the extension of these temporary tolerances will protect the public health. Therefore, the temporary tolerances have been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Elanco Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire April 19, 1986. Residues not in excess of this amount remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: February 20, 1985.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 85-6959 Filed 3-26-85; 8:45 am]

BILLING CODE 6560-50-M

[PP 2G2719/T484; FRL-2804-5]

NOR-Am Chemical Co.; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerances for the combined residues of the insecticide 3,6-bis (2-chlorophenyl) 1,2,3,4,5-tetrazine in or on certain raw agricultural commodities.

DATE: These temporary tolerances expire March 13, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location telephone number: Rm. 202, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA has extended temporary tolerances for the combined residues of the insecticide 3,6-bis (2-chlorophenyl) 1,2,4,5,-tetrazine in or on the raw agricultural commodities fat, meat and meat by-products of cattle (except kidney and liver) at 0.01 part per million (ppm), in cattle kidney at 0.05 ppm, in cattle liver at 0.1 ppm and milk at 0.01 ppm, and for residues in fresh apples at 1.0 ppm. A related feed additive regulation published in the **Federal Register** of March 6, 1985 (50 FR 8999) extending a tolerance for residues of the insecticide in dried apple pomace. These tolerances were issued in response to pesticide petition PP 2G2719, submitted by NOR-Am Chemical Co., P.O. Box 7495, 3509 Silverside Rd., Wilmington, DE 19803.

These temporary tolerances have been extended to permit the continued marketing of the raw agricultural commodities named above when treated in accordance with the provisions of experimental use permit 45639-EUP-14, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the extension of these temporary tolerances will protect the public health. Therefore, the temporary tolerances have been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Nor-Am Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire March 13, 1986. Residues not in excess of this amount remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the administrator has determined that regulations establishing new tolerances or raising tolerance levels or

establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981, (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: March 18, 1985.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 85-7087 Filed 3-26-85; 8:45 am]

BILLING CODE 6560-50-M

[FRL-2805-3]

Science Advisory Board, Radiation Advisory Committee Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Science Advisory Board's (SAB) Radiation Advisory Committee will be held on April 15-16, 1985 in Room 1112 of the U.S. Environmental Protection Agency, Crystal Mall II, 1921 Jefferson Davis Highway, Arlington, Virginia 22202. The meeting will begin at 10:00 a.m. on April 15 and will adjourn at approximately 3:00 p.m. on April 16.

At the Committee's first meeting on February 4, 1985, Office of Radiation Programs (ORP) staff briefed the Committee on ORP's activities. About one-half day of this second Committee meeting will be spent on briefings about the Agency's other radoication related activities.

The ORP Staff will brief the committee on the content of a number of documents which provide the scientific basis for a standard on low-level radiative waste now under development by the Agency.

The meeting is open to the public; however, seating is limited. Any member of the public wishing to attend or make a statement, or obtain further information should contact Mrs. Kathleen Conway, Executive Secretary Radiation Advisory Committee, Science Advisory Board, by the close of business on April 10, 1985. The telephone number is (202) 382-2552.

Dated: March 20, 1985.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 85-7203 Filed 3-26-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed, Hoegh Lines, et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No. 202-008050-013.

Title: Sri Lanka/U.S.A. Conference.

Parties:

Hoegh Lines

The Scindia Steam Navigation Co., Ltd.

The Shipping Corporation of India Limited

Waterman Isthmian Line

Synopsis: The proposed amendment would add American President Lines, Ltd. as a party to the agreement. The parties have requested a shortened review period.

Agreement No. 203-010050-005.

Title: U.S.-Flag Far East Discussion Agreement.

Parties:

American President Lines, Ltd.

Lykes Bros. Steamship Co., Inc.

Sea-Land Service, Inc.

United States Lines, Inc.

Waterman Steamship Corporation

Synopsis: The proposed amendment would incorporate certain non-U.S. trades into the scope of the agreement and eliminate its December 31, 1987 expiration date. It would also restate the agreement to conform with the Commission's format, organization and content requirements and incorporate mandatory provisions required by the Shipping Act of 1984.

Agreement No. 221-010659-002.

Title: Los Angeles Terminal Agreement.

Parties:

Intermodal Container Transfer Facility Joint Powers Authority (Authority)

Southern Pacific Transportation Company (SPTC)

Synopsis: Agreement No. 221-010659-002 contains specific revisions that reflect the financial obligations contained within an agreement executed by the Authority, SPTC and the City of Carson, California. Since a small portion of the land to be used for the construction of the intermodal transfer facility is located in the City of Carson, it was necessary to make certain financial commitments to Carson, so that construction could proceed on the facility. The changes provide a mechanism whereby the Authority and SPTC will be reimbursed from revenues from the facility when it is necessary for either party to expend money pursuant to the Carson Agreement. Other minor changes were required in the basic agreement as a result of the issuance of bonds in December, 1984. The amendment also contains a new Schedule A.

Agreement No. 221-010660-002.

Title: Los Angeles Terminal Agreement.

Parties:

Intermodal Container Transfer Facility Joint Powers Authority (Authority)

The City of Los Angeles (City)

Synopsis: Agreement No. 221-010660-002 between the Authority and the City, amends the basic agreement by substituting a new Schedule A to the agreement. Schedule A is a list of definitions used in the Permit and all other agreements related to the issuance of bonds by the Authority. The changes to Schedule A were required due to minor changes requested at the sale of the bonds in December 1984. In addition, it was necessary to enter into an agreement with the City of Carson, California to proceed with the construction of the facility. This agreement with Carson required some changes in the agreements and, therefore, additional minor changes to Schedule A.

Agreement No. 221-010661-001.

Title: Los Angeles Terminal Agreement.

Parties:

Intermodal Transfer Facility Joint Powers Authority (Authority)

Southern Pacific Transportation Company (SPTC)

Synopsis: The agreement constitutes the first amendment to the basic Installment, Sale and Security Agreement between the parties. The amendment contains changes requested because of changes required prior to the issuance of bonds by the Industrial Bank of Japan. The changes are financial in nature and require SPTC to place funds with the trustee at least 123 days prior to the payment date on the bond. A new Schedule A is included in the amendment.

By Order of the Federal Maritime Commission.

Dated: March 22, 1985.

Bruce A. Dombrowski,

Assistant Secretary.

[FR Doc. 85-7260 Filed 3-26-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Equimark Purchasing Partners, et al.; Formation of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 19, 1985.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Equimark Purchasing Partners,* Philadelphia, Pennsylvania; to become a bank holding company by acquiring 64 percent of the voting shares of Equimark Corporation, Pittsburgh, Pennsylvania, thereby indirectly acquiring Equibank, Latrobe, Pennsylvania.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Acorn Bankshares, Inc.,* Bloomingdale, Illinois; to acquire 54 percent of the voting shares of Bartlett Bank and Trust Company, Bartlett, Illinois.

2. *Angola State Bancorp,* Angola, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Angola State Bank, Angola, Indiana.

3. *First National Bank of Blue Island Employee Stock Ownership Plan,* Blue Island, Illinois; to become a bank holding company by acquiring 54.09 percent of the voting shares of Great Lakes Financial Resources, Inc., Blue Island, Illinois, thereby indirectly acquiring First National Bank of Blue Island, Blue Island, Illinois and Community Bank of Homewood-Flossmoor, Homewood, Illinois.

4. *First of America Bank Corporation,* Kalamzoo, Michigan; to acquire 100 percent of the voting shares of Community National Bank of Pontiac, Pontiac, Michigan.

5. *Independent Community Bancshares, Inc.,* Kiel, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of The Citizens State Bank, Kiel, Wisconsin.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Midwest Bancshares, Inc.,* Poplar Bluff, Missouri; to acquire 100 percent of the voting shares of Bank of Piedmont, Piedmont, Missouri; and to merge with Chaffee Bancorporation, Inc., Chaffee, Missouri, thereby indirectly acquiring Bank of Chaffee, Chaffee, Missouri.

Board of Governors of the Federal Reserve System, March 21, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-7181 Filed 3-26-85; 8:45 am]

BILLING CODE 6210-01-M

Norwest Corp. et al.; Applications To Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 12, 1985.

1. **Federal Reserve Bank of Minneapolis** (Brue J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation,* Minneapolis, Minnesota; to engage through its direct or indirect subsidiaries, Norwest Financial Services, Inc. or one or more of its subsidiaries, in the activities of consumer finance; sales finance; commercial finance (including, but not limited to, accounts receivable financing, factoring and other secured lending activities); lease financing; the underwriting and sale of credit life and credit accident and health insurance related to extensions of credit by Norwest Corporation or its subsidiaries, and the sale of credit property and credit-related casualty insurance related to extensions of credit by Norwest Financial Services, Inc. or its subsidiaries; and the offering for sale and selling of bookkeeping, payroll and other management financial reporting services. This notification is for existing or *de novo* subsidiaries of Norwest Financial Services, Inc. to engage *de novo* in any of the aforementioned activities at any location within the state of Virginia. The state that will be served is the State of Virginia. In addition, the sale of credit property and credit related casualty insurance is permissible under section 4(c)(8)(G) of the Bank Holding Company Act of 1956, as amended for Norwest Corporation.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Allied Bancshares, Inc.,* Houston, Texas; to engage *de novo* through its

subsidiary, Allied Bancshares Mortgage Company, Houston, Texas, in making, acquiring, and/or servicing loans for itself or others of the type made by a mortgage company.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *California Commercial Banshares*, Santa, Ana, California: to retain commercial lending activities including, making, acquiring, and servicing commercial loans; and to engage *de novo* in mortgage banking activities including the origination, acquisition, selling and servicing of real estate secured loans.

Board of Governors of the Federal Reserve System, March 21, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-7182 Filed 3-26-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers For Disease Control

Report of the Childhood Lead Poisoning Prevention Advisory Committee; Availability of Filing

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463 (5 U.S.C. Appendix I), the second revision of "Preventing Lead Poisoning in Young Children," prepared by the Centers for Disease Control's Childhood Lead Poisoning Prevention Advisory Committee, has been filed with the Library of Congress.

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, D.C. (telephone 202/287-6310). Additionally, on weekdays between 9:00 a.m. and 4:30 p.m. copies will be available for inspection at the Department of Health and Human Services, Department Library, HHS North Building, Room 1436, 300 Independence Avenue, S.W., Washington, D.C. (telephone 202/245-6791).

For individuals or organizations interested in or responsible for the prevention of childhood lead poisoning, copies of this report may be obtained from:

Publications Activities Center for Environmental Health, Centers for Disease Control, Atlanta, Georgia 30333, Telephone: FTS: 236-4102, Commercial: (404) 452-4102

Dated: March 21, 1985.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 85-7184 Filed 3-26-85; 8:45 am]

BILLING CODE 4160-18-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Extension of Public Comment Period; Environmental Impact Statement; Federal Coal Management Program

AGENCY: Bureau of Land Management, Interior.

ACTION: Extension of public comment period.

SUMMARY: This notice extends the public comment period on several items: The draft Environmental Impact Statement Supplementing the 1979 Final Environmental Statement: Federal Coal Management Program, the *Production Forecast Technical Report*, the March 1985 *A Review of the Unsuitability Criteria in Federal Coal Leasing*, and *A Guide to Federal Coal Property Appraisal*. Several requests have been received to extend the comment period to allow for adequate review of the material. The comment period is hereby extended to May 9, 1985.

DATES: The comment period is now extended to Close of Business May 9, 1985.

ADDRESS: Comments on all material should be sent to Division of Environmental Impact Statement Services, Bureau of Land Management, 555 Zang Street, First Floor East, Denver, Colorado 80228.

FOR FURTHER INFORMATION CONTACT: Jack D. Edwards, Project Leader, at the above address. Telephone (303) 236-1080.

SUPPLEMENTARY INFORMATION: The notice of availability of the draft EIS was published in the Federal Register February 8, 1985 (50 FR 5442). The notices of availability of the unsuitability criteia report and the *Production Forecast Technical Report* were published in the Federal Register on March 11, 1985 (50 FR 9721). The notice of the availability of *Federal Coal Property Appraisal* appeared on March 1, 1985 (50 FR 8403). Specific details on each respective document were provided in these notices.

Dated: March 20, 1985.

Robert F. Burford,

Director, Bureau of Land Management.

[FR Doc. 85-6988 Filed 3-26-85; 8:45 am]

BILLING CODE 4310-84-M

[W-80681]

Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

March 18, 1985.

Pursuant to the provisions of Pub. L. 31-245 and Title 43 Code of Federal Regulations, § 3108.2-1(c), and Pub. L. 97-451, a petition for reinstatement of oil and gas lease W-80681 for lands in Natrona County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $7.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-80681 effective October 1, 1984, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 85-7199 Filed 3-26-85; 8:45 am]

BILLING CODE 4310-22-M

[A-20346-B]

Realty Action; Exchange of Public Lands, Pinal, Maricopa, and Yavapai Counties, AZ

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Realty action: Exchange of Public Lands, Pinal, Maricopa, and Yavapai Counties, Arizona.

BLM proposes to exchange public land with the State of Arizona under an on-going Federal-State Land Exchange Program. The purpose is to achieve more efficient land management through consolidation of ownership.

The following public land is being considered for disposal by exchange pursuant to section 206 of the Federal

Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

Gila and Salt River Meridian, Arizona

Maricopa County

T. 4 N., R. 1 E.,
Sec. 6, Lots 8, 18–21, 29–31, SW¼NE¼, E½SE¼NW¼, NW¼SE¼, E½NE¼SW¼, NE¼SE¼SW¼;
Sec. 7, Lots 5, 25, E½W½.
T. 7 N., R. 2 E.,
Sec. 4, Lots 1–4, S½N½, S½;
Sec. 5, Lots 1–7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, Lots 1–4, E½, E½W½;
Sec. 9, All;
Sec. 15, NE¼NE¼, W½E½, E½SE¼;
Sec. 16, All;
Sec. 17, All;
Sec. 20, All;
Sec. 21, All;
Sec. 26, N½NE¼, NE¼NW¼;
Sec. 27, Lots 1, 16, 33, 42–45, 47, A, C, W½E½NE¼;
Sec. 29, N½;
Sec. 34, W½NW¼NE¼, E½NE¼NW¼.
T. 8 N., R. 2 E.,
Sec. 1, Lots 1–4, NE¼SW¼, NE¼NW¼SW¼, E½NW¼NW¼SW¼, NW¼NW¼SW¼, E½SE¼NW¼SW¼, NW¼SE¼NW¼SW¼, SW¼NW¼SW¼SW¼, SW¼SW¼SW¼, S½NW¼SE¼SW¼SW¼, S½SE¼SW¼SW¼, E½SE¼SW¼, E½W½SE¼SW¼, S½NW¼SW¼SE¼SW¼, SW¼SW¼SE¼SW¼, SE¼;
Sec. 10, E½NE¼;
Sec. 11, N½, N½SW¼, SE¼;
Sec. 12, All;
Sec. 14, NE¼, E½NW¼, S½;
Sec. 22, E½, NW¼, N½SW¼, SE¼SW¼;
Sec. 23, All;
Sec. 26, N½N½;
Sec. 27, E½, E½NW¼, SW¼NW¼;
Sec. 28, E½, NW¼NW¼, S½NW¼, SW¼;
Sec. 29, SE¼, S½NE¼;
Sec. 32, E½, E½NW¼, SW¼;
Sec. 33, ALL;
Sec. 34, ALL.

Maricopa and Yavapai Counties

T. 7 N., R. 1 E.,
Sec. 3, Lots 1–4, S½N½, S½;
Sec. 4, Lots 1–4, S½N½, S½;
Sec. 12, Lots 1, 2, 7, 8.

Yavapai County

T. 16 N., R. 1 W.,
Sec. 1, Lots 1–8, S½NW¼, SW, SW¼SE¼.
T. 14 N., R. 1 W.,
Sec. 28, NE¼NE¼;
Sec. 31, unpatented remainder of M.S. 1194;
Sec. 33, W½W½NW¼.
T. 16 N., R. 1 E.,
Sec. 6, Remainder of Lots 5 & 8.
Sec. 21, Remainder outside M.S. 3341, E½NE¼, SW¼NE¼.
T. 13 N., R. 1 E.,
Sec. 8, Lots 1–3;
Sec. 13, E½E½;
Sec. 15, Lot 4, NW¼NW¼, SE¼NW¼;
Sec. 18, Lot 2, S½NE¼, SE¼NW¼;
Sec. 23, SW¼NE¼;
Sec 26, Lot 1, SE¼NE¼;
T. 12 N., R 1 E.,
Sec. 11, All;
Sec. 24, SE¼.
T. 9 N., R 1 E.,
Sec. 14, All;
Sec. 17, All;
Sec. 18, Lots 3, 4, E½SW¼, SE¼;
Sec. 19, Lots 1–4, E½W½, E½;
Sec. 20, W½;
Sec. 21, E½NE¼, SW¼NE¼, SE¼SE¼, SE¼;
Sec. 28, NE¼, NE¼NW¼;
Sec. 36, NW¼.
T. 8 N., R 1 E.,
Sec. 31, Lots 1–7, NE¼, E½NW¼, NE¼SW¼, N½SE¼.
T. 14 N., R 2 E.,
Sec. 31, Lots 1–4, E½NW¼.
T. 13 N., R 2 E.,
Sec. 6, S½NW¼, SW¼;
Sec. 7, NW¼NW¼NW¼NE¼, S½NW¼NW¼NE¼, SW¼NW¼NE¼, W½SW¼NE¼, S½SE¼SW¼NE¼, SW¼SW¼SE¼NE¼, W½, W½NW¼NE¼SE¼, S½NE¼SE¼, W½SE¼, SE¼SE¼;
Sec. 17, W½;
Sec. 18, All;
Sec. 19, All;
Sec. 20, Lots 1–4, W½E½, W½;
Sec. 29, Lots 1–4, W½E½, W½;
Sec. 30, All;
Sec. 32, Lots 8–11.
T. 12 N., R 2 E.,
Sec. 3, Lots 1–3, 5–15, SE¼NE¼, NE¼SE¼;
Sec. 4, Lots 1–12, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 5, Lots 1–4, S½N½, S½;
Sec. 8, Lots 3, 4, N½NE¼;
Sec. 9, All;
Sec. 10, All;
Sec. 15, W½;
Sec. 18, Lots 7, 8;
Sec. 21, Lots 1–7, S½NE¼, S½SW¼, SE¼;
Sec. 26, NE¼, E½NW¼, E½E½W½NW¼, E½NE¼SW¼, NW¼NE¼SW¼, N½SW¼NE¼SW¼, E½NE¼NW¼SW¼, NE¼SE¼NW¼SW¼, S½S½SW¼SW¼SW¼, SW¼SE¼SW¼SW¼, E¼SE¼SW¼, N½SE¼, N½S½SE¼;
Sec. 33, Lots 3–7, E½E½NW½, N½SW¼, NW¼SE¼.
T. 11 N., R 2 E.,
Sec. 4, Lots 1–4;
Sec. 5, Lots 5, 6, W½NE¼SW¼, S½SE¼NE¼SW¼, E½NE¼NW¼SW¼, E½SE¼SW¼;
Sec. 7, W½NE¼, SE¼NE¼;
Sec. 8, Lots 1, 2, E½NW¼NE¼, N½NW¼NE¼, E½E½SW¼NE¼, N½NE¼NE¼NW¼;
Sec. 14, Lots A-E;
Sec. 17, W½W½NE¼, W½W½SE¼;
Sec. 20, Lots 1, 2, S½NE¼, Se¼;
Sec. 21, Lots 1–4, S½N½, S½;
Sec. 22, Lots 1–4, S½N½, S½;
Sec. 23, Lots 4, 11–13, 20, 32, SW¼NW¼, W½SW¼;
Sec. 26, W½W½;
Sec. 27, All;
Sec. 28, Lots 1–5, E½, NE¼NW¼;
Sec. 29, Lots 1–4, NW¼NE¼, SW¼SE¼;
Sec. 33, All;
Sec. 34, All;
Sec. 35, S½N½NE¼, S½NE¼, NW¼, S½;
Sec. 36, Lots 3, 4, SW¼, W½SE¼.
T. 10 N., R 2 E.,
Sec. 1, Lots 1–7, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 2, Lots 1–4, S½N½, S½;
Sec. 3, Lots 1–4, S½N½, S½;
Sec. 4, Lots 1–4, S½N½, S½;
Sec. 9, All;
Sec. 10, All;
Sec. 11, All;
Sec. 14, E½, NW¼, N½SW¼, E½SE¼SW¼;
Sec. 15, N½;
Sec. 16, N½;
Sec. 17, E½;
Sec. 23, E½, E½E½W½;
Sec. 26, E½, SE¼SW¼;
Sec. 33, W½NW¼, NW¼SW¼;
Sec. 35, W½
T. 9½ N., R. 2 E.,
Sec. 20, Lots 5, 6, W½SE¼, SW¼;
Sec. 23, Lots 1, 2, 5, 6, E½SW¼;
Sec. 26, W½;
Sec. 34, All.
T. 9 N., R. 2 E.,
Sec. 3, Lots 1–4, S½N½, S½;
Sec. 9, E½, SW¼;
Sec. 10, W½;
Sec. 15, All;
Sec. 22, E½, E½NW¼, E½NW¼NW¼, E½NE¼NW¼NW¼, W½NW¼NW¼NW¼, S½NE¼SW¼NW¼NW¼, S½NW¼SE¼NW¼NW¼, W½SW¼NW¼NW¼NW¼, SE¼SW¼NW¼NW¼, E½SE¼NW¼NW¼NW¼, SW¼SE¼NW¼NW¼NW¼, SW¼NW¼NW¼, SW¼NW¼NW¼, SW¼NW¼, N½SW¼, SE¼SW¼;
Sec. 27, E½, E½NW¼, SW¼NW¼, NE¼SW¼;
Sec. 29, S½NW¼;
Sec. 30, SE¼;
Sec. 31 Lots 1–4, E½W½, E½.
T. 11 N., R. 3 E.,
Sec. 1, Lots 2–4, S½NW¼, NW¼SW¼;
Sec. 2, Lots 1–4, S¼N¼, S½;
Sec. 3, Lots 1, 2, S½NW¼, SE¼.
Sec. 10, E½;
Sec. 11, W½W½, NE¼,NW¼,SE¼SW¼, S½SE¼;
Sec. 13, Lots 1–4, W½E½, W½;
Sec. 14, All;
Sec. 15, NE¼;
Sec. 19, Lot 1;
Sec. 23, All;
Sec. 24, Lots 1, 2, W½NE¼, NW¼;
Sec. 26, All;
Sec. 27, Lots 3, 4, E½SW¼, SE¼;
Sec. 28, S½;
Sec. 29, S½;
Sec. 30, S½SE¼, SE¼SW¼;
Sec. 31, Lots 1–4, E½W½, E½.
T. 9½ N., R. 3 E.,
Sec. 20, Lots 1–4, S½;
Sec. 21, Lots 1–4, S½;
Sec. 30, Lots 1–4 E½W½E½.
T. 9 N., R. 3 E.,
Sec. 9, E½NW¼;
Sec. 18, E½NW¼, NE¼SW¼;
Sec. 31, Lots 1–4, E½W½, E½.

Pinal County

T. 6 S., R. 13 E.,
Sec. 1, Lot 7, SW¼SW¼.
T. 6 S., R. 14 E.,
Sec. 1, S½SE¼.
Sec. T. 7 S., r. 13 E.,
Sec. 3, Lot 4, S½N½;

Sec. 8, E½;
Sec. 19, Lots 1–4, E½, E½W½;
Sec. 20, All;
Sec. 21, All;
Sec. 28, N½NE¼.
T. 7 S., R. 14 E.,
Sec. 6, Lots 1–4, SE¼NE¼;
Sec. 30, Lots 1–4, W½NE¼, SE¼NE¼, E½NW¼, NE¼SW¼, NM½SE¼.
T. 10 S., R. 11 E.,
Sec. 6, NE¼;
Sec. 19, Lots 2, 3, E½SW¼, SE¼;
Sec. 21, All;
Sec. 26, NW¼, S½;
Sec. 28, W½.
T. 10 S., R. 12 E.,
Sec. 22, SW¼NW¼, N½SW¼;
Sec. 27, SE¼;
Sec. 30, Lots 1, 2;
Sec. 34, E½;
Sec. 35, SE¼NE¼, S½NW¼, S½.

Aggregating 63918.76 acres, more or less.

Final determination on disposal will await completion of an environmental analysis.

A portion of lands within the Black Canyon corridor of Maricopa and Yavapai Counties will be reserved to the United States for future designation as the Black Canyon Trail.

In accordance with the regulations of 43 CFR 2201.(b), publication of this Notice will segregate the public lands, as described in this Notice, from appropriation under the public land laws, including the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

The segregation of the above-described lands shall terminate upon issuance of a document conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Dated: March 13, 1985.

Marlyn V. Jones,

District Manager.

[FR Doc. 85–7222 Filed 3–26–85; 8:45 am]

BILLING CODE 4310-32-M

[CA–15622]

Exchange of Public and Private Lands in Lake County; CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of issuance of land exchange document.

SUMMARY: An exchange was consummated to acquire non-Federal land which is located adjacent to a large block of public land known as the Knoxville Area. This consolidation of ownership provides for more effective management of the public lands. The public interest was well served through completion of this exchange. The values of the public land and non-Federal land in the exchange were equalized.

EFFECTIVE DATE: March 1, 1985.

FOR FURTHER INFORMATION CONTACT: Viola Andrade, California State Office, (916) 484–4431.

The United States issued an exchange conveyance document to the Homestake Mining Company of California on March 1, 1985, for the following described lands under the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716):

Mount Diablo Meridian, California

T. 12 N., R. 5 W.,
Sec. 19, SW¼SE¼;
Sec. 20, SW¼NW¼;
Sec. 29, S½SE¼ and NW¼SE¼;

containing 200 acres.

In addition to the above lands, the United States also conveyed to the Homestake Mining Company of California all the minerals except for geothermal steam and associated geothermal resources, in the lands described below:

Mount Diablo Meridian, California

T. 12 N., R. 5 W.,
Sec. 29, NW¼NW¼, S½NW¼, and N½SW¼;
Sec. 30, E½NE¼;

containing 280 acres.

In exchange for the land and mineral interest described above, the United States acquired the following described land from Homestake Mining Company of California:

Mount Diablo Meridian, California

T. 12 N., R. 6 W.,
Sec. 36, Lots 1, 2, 3, and 4, W½E½, SE¼SE¼SW¼, NE¼SE¼SW¼, and E½NW¼SE¼SW¼;

containing 284.54 acres.

Sharon N. Janis,

Chief, Branch of Lands & Minerals Operations.

[FR Doc. 85–7217 Filed 3–26–85; 8:45 am]

BILLING CODE 4310-84-M

Las Cruces District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

DATE: April 23, 1985, 9:30 a.m.

ADDRESS: Conference Room, Las Cruces District BLM Office, 1800 Marquess Street, Las Cruces, New Mexico 88005.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Las Cruces District Office, P.O. Box 1420, Las Cruces, NM 88004 (505) 525–8228.

SUPPLEMENTARY INFORMATION:

Agenda

1. Select Chairman
2. Approval of May 23, 1984 Minutes
3. Update of General Activities in District
4. BLM/USDA Forest Service Interchange
5. Discussion of White Sands Resource Area Resource Management Plan/Environmental Impact Statement
6. Other Business

Public comments will be heard by the Council at 1:30 p.m.

Daniel C. B. Rathbun,

District Manager.

[FR Doc. 85–7220 Filed 3–26–85; 8:45 am]

BILLING CODE 4310-FB-M

Miles City District Advisory Council; Meeting

March 19, 1985.

Notice is hereby given in accordance with Pub. L. 92–463 that the meeting of the Miles City District Advisory Council originally scheduled for March 5, 1985 has been rescheduled for 10 a.m., April 19, 1985 at the Miles City District Resource Area Office, Miles City Plaza, Miles City, Montana. The original meeting date was canceled because of inclement weather. Other information about the meeting is the same as published in the **Federal Register** February 7, 1985, page 5321.

Robert A. Teegarden,

Associate District Manager.

[FR Doc. 85–7209 Filed 3–26–85; 8:45 am]

BILLING CODE 4310-DN-M

[N–413231; 5–00253]

Realty Action—Competitive Sale; Public Lands in Washoe County, NV

The following described lands comprising 105 acres have been identified as suitable for disposal through sale under section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701, 1713, at no less than fair market value:

Mount Diablo Meridian

T. 20 N., R. 20 E.,
Sec. 26, N½SW¼, N½SE¼SW¼, E½SE¼SE¼SW¼.

The area described above aggregates 105 acres.

The lands are hereby segregated from appropriation under the public lands laws including the mining laws, preceding disposition of this action.

The lands are being offered in a competitive sale through a sealed bed only method of bidding. The sale is consistent with Bureau of Land Management planning and is compatible with local government plans.

Patent for the parcel when issued will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, under the Act of August 30, 1890, 26 Stat. 391; U.S.C. 945.

2. All minerals (or partial or specific mineral interests, where applicable) shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals. A more detailed description of this reservation, which will be incorporated in the patent document, is available for review at this BLM office.

There are no known values for locatable, saleable and leaseable minerals excepting geothermal steam and related resources. In accordance with section 209(b)(1)(1) of Pub. L. 94–579, mineral interests, except geothermal steam and related resources, will be conveyed simultaneously with the surface estate upon submission of an application pursuant to 43 CFR 2720.1–1 and 2720.1–2.

Geothermal steam and related resources may also be conveyed at cost of $2.00 per acre subject to section 209(c)(1)(2) of Pub. L. 94–579. A request to purchase geothermal steam and related resources may be included with the application to purchase the locatable and saleable minerals.

And will be subject to:

1. Those rights for an access road, utility purposes and canal siphon which have been granted to the City of Sparks, its successors or assignees, by Right-of-Way N–39897.

2. Those rights for utility lines which have been granted to Sierra Pacific Power Company, their successors or assignees by rights-of-way CC–025152, NEV–065144 and N–30813.

3. Those rights for a gas pipeline which have granted to Southwest Gas Corporation its successors or assignees by right-of-way NEV–058689.

4. A right-of-way for the Cinnabar Hill Ditch granted under the authority of the Act of July 26, 1866, 14 Stat. 253, 43 U.S.C. 661.

Detailed information concerning the sale is available for review at the Carson City District Office, 1050 E. William Street, Suite 335, Carson City, Nevada 89701.

The lands will be offered for sale no earlier than 60 days after the date of publication of this notice in the **Federal Register**. For a period of 45 days from the publication of this notice in the **Federal Register**, interested parties may submit comments to the Carson City District Office. Any adverse comments will be evaluated and this notice will be upheld, modified or vacated.

If this tract of public land is not sold at the first offering it will remain available for purchase on a continuing, over-the-counter, "first-come first-served" basis at the appraised fair market value until sold or until other designation or disposition.

Dated this 18th day of March 1985.

Thomas J. Owen,

District Manager.

[FR Doc. 85–7221 Filed 3–26–85; 8:45 am]

BILLING CODE 4310–HC–M

[OR 22197 (WASH); 5–00250–GP5–132]

Washington; Proposed Continuation of Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Coast Guard proposes that 5 acres of a land withdrawal for the Patos Island Light Station continue for an indefinite period. The land(s) would remain closed to surface entry and mining but has been and would remain open to mineral leasing.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, (Telephone 503–231–6905).

SUPPLEMENTARY INFORMATION: The U.S. Coast Guard proposes that 5 acres of the existing land withdrawal made by the Executive Order of July 15, 1875, be continued for an indefinite period pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

The land(s) involved is located at the west end of Patos Island in Section[s] 17, T. 38 N., R. 2 W., W.M., San Juan County, Washington.

The purpose of the withdrawal is to protect the U.S. Coast Guard's Patos Island Light Station. The withdrawal segregates the land(s) from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: March 19, 1985.

Robert E. Mollohan,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 85–7211 Filed 3–26–85; 8:45 am]

BILLING CODE 4310–33–M

[Group 720 and Group 821]

California; Filing of Plats of Survey

March 18, 1985.

1. These plats of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Humboldt Meridian, Humboldt County

T. 11 N., R. 5 E.

Mount Diablo Meridian, Butte County

T. 22 N., R. 5 E.

2. The plat representing the dependent resurvey of a portion of the Second Standard Parallel North, along the south boundary of section 36, a portion of the east boundary, a portion of the subdivisional lines, and a portion of Indian Allotment Survey No. 328, Township 11 North, Range 5 East, Humboldt Meridian, under Group 821, California, was accepted February 15, 1985.

The plat representing the dependent resurvey of the east boundary, a portion of the south boundary and subdivisional lines, and the survey of the subdivision of sections, 1, 11, 12, 14, 25, and 36, Township 22 North, Range 5 East, Mount Diablo Meridian, under Group No. 720, California, was accepted February 26, 1985.

3. These plats will immediately become the basic record for describing the land for all authorized purposes. These plats have been placed in the

open files and are available to the public for information only.

4. These plats were executed to meet certain administrative needs of the Bureau of Land Management and the U.S. Forest Service.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 85-7219 Filed 3-26-85; 8:45 am]

BILLING CODE 4310-40-M

Realty Action; Recreation and Public Purposes Classification; Minnesota

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Land classification for recreation and public purposes.

SUMMARY: The following public islands have been examined and found to be suitable for classification and sale under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869):

Fifth Principal Meridian, Minnesota

ES-28616, Hennepin County: T.116 N., R.21 W., Sec. 29, (one island #005-2.3 acs. in Hyland Lake); T.114 N., R.21 W., Sec. 4, (two islands #001-0.5 acs. and #002-0.7 acs. in Murphy Lake; Sec. 7 (two islands #003-3.1 acs. and #004-2.2 acs. in Cleary Lake. Scott County: T.115 N. R.21 W., Sec. 33, (two islands #006-2.3 acs. and #007-1.3 acs. in Hanrahan Lake).

The Hennepin County Park Reserve District has applied for these islands so they can be added to the Regional Park System to be used for recreational purposes.

The islands are physically suited to the proposed use and are not of national significance. Since the islands are valuable for a local program they are considered chiefly valuable for public purposes and therefore suitable for classification and sale under the Recreation and Public Purposes Act. This action is consistent with local and Federal government plans, programs and policies.

Any patent issued under this notice shall be subject to the provisions in 43 CFR 2741.8. In the event of noncompliance with the terms of the patent, title to the land will revert to the United States.

The classification of these islands will segregate them from all appropriation except as to applications under the mineral leasing laws and the Recreation and Public Purposes Act. Segregation will terminate upon issuance of a patent; or eighteen (18) months from the date of this notice; or upon publication of a notice of termination, whichever occurs first.

Comments

For a period of 45 days from the date of first publication of this notice, interested parties may submit comments to Districts Manager, Milwaukee District Office, Bureau of Land Management, P.O. Box 631, Milwaukee, Wisconsin 53201-0631. Any adverse comments will be evaluated by the District Manager who may vacate or modify this classification. In the absence of any action by the District Manager, this Realty Action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning this application is available for review at the Milwaukee District Office, Suite 225, 310 W. Wisconsin Avenue, Milwaukee, Wisconsin 53201, or by calling Paulette Francis at (414) 291-4415.

Chuck Steele,

District Manager.

[FR Doc. 85-7262 Filed 3-26-85; 8:45 am]

BILLING CODE 4310-PN-M

[ORE 015697]

Oregon; Realty Action, Recreation and Public Purposes Act Lease Renewal and Sale in Klamath County, OR

AGENCY: Bureau of Land Management, Interior.

ACTION: The Interim Renewal of Recreation and Public Purposes Lease ORE 015697 for Klamath County's Keno, Oregon Solid Waste Transfer Station until such time lease area can be sold to the county.

The following public domain has been examined and identified as being suitable for both renewal and eventual sale under the Recreation and Public Purposes Act of June 14, 1926 as amended (43 U.S.C. 869 et seq.) and Title 43 Code of Federal Regulations Parts 2740 and 2912.

Legal Description:

T. 40 S., R. 8 E., Sec. 17, NE¼SE¼, Willamette Meridian, 40 acres

Segregation

The above described land will continue to be segregated from all other appropriations including locations under the mining laws.

Renewal and Sales Procedure

This lease is due to expire on May 9, 1985. A threatened or endangered plant survey must be completed prior to completion of the sale. The flowering season of any potentially threatened or endangered plant in this area occurs after the expiration date of this release. Therefore, the lease is to be renewed for a period of three months pending the outcome of the survey.

If no threatened or endangered plants are found, the scale to Klamath County will take place on August 9, 1985 upon full payment of the $100.00 purchase price.

Terms and Conditions

Patent issued as a result of the sale will be subject to all valid and existing rights and will contain the following reservations.

1. The patent shall by law revert under those conditions presented within 43 CFR 2741.8

2. Continued compliance with Oregon Department of Environmental Quality Solid Waste Disposal Permit according to Oregon Revised Statutes Chapter 459, the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.) as amended and with any further amendments thereof, and any all other Federal, State or local laws, rules or regulations relevant to safe and environmentally sound operation of this transfer site will be required.

3. Continued compliance with Title VI of the Civil Rights Act of 1964 (78 Stat. 241) will be required.

4. A right-of-way thereon for ditches and canals constructed by the authority of the United States Act of August 30, 1980 (26 Stat. 391; 43 U.S.C. 945) will be required.

5. All minerals will be reserved to the United States (43 U.S.C. 1719).

Detailed information concerning this action is available for review at the Bureau of Land Management, Medford District Office, 3040 Biddle Road, Medford, Oregon 97504 or by calling Don Kreitner, Area Realty Specialist at (503) 776-3923.

For a period of 45 days from the date of this notice, interested parties may submit comments regarding the proposed action to the Medford District Manager at the above address. Comments should reference this case's serial number ORE 015697. Any adverse comments will be evaluated by the District Manger who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final

determination of the Department of the Interior.

Dated March 19, 1985.

Hugh Shera,

District Manager.

[FR Doc. 7268-3 Filed 26-85-4310; 8:45 am]

BILLING CODE 4310-33-M

[W-81752]

Wyoming; Rescheduling of Sale of Public Lands in Hot Springs and Washakie Counties

AGENCY: Bureau of Land Management, Interior.

ACTION: Rescheduling the sale of public lands in Hot Springs and Washakie Counties.

SUMMARY: The sale scheduled for January 15, 1985, under Notice of Realty Action (W-81752) published in the **Federal Register** on Tuesday, October 23, 1984 (49 FR 42645/42646 inclusive) was postponed. The notice of postponement was published in the **Federal Register** on Friday, January 11, 1985 (50 FR 1641). This sale was delayed pending an analysis and final decision by the State Director on a protest to the proposed sale. This protest has now been resolved, and sale processing may continue.

The original notice correctly describes appropriate terms and conditions. However, the sale procedures will be modified to reflect the State Director's final decision with respect to Washakie County's protest. Parcels:

SIXTH PRINCIPAL MERIDIAN, WYOMING

Parcels	Legal description	Acreage	Appraised value
No. 1	T. 45 N., R. 96 W., sec. 21, Lot 12.	39.84	3,000
No. 2	T. 46 N., R. 93 W., sec. 19, Lot 8. (30.17), sec. 30, Lot 6. (26.63).	57.80	5,800
No. 3	T. 46 N., R. 94 W., sec. 24, Lot 3.	12.26	1,300
No. 4	T. 46 N., R. 94 W., sec. 5 Lot 16.	39.71	4,000
No. 5	T. 46 N., R. 94 W., sec. 6, Lot 8.	33.68	18,500

Sale Procedures

1. The sale of Parcel No. 1 will be conducted by modified competitive bidding and the parcel will be offered by a sealed bid process to adjoining landowners. The apparent high bidder will be required to submit evidence of adjoining land ownership before the high bid can be accepted. If the adjoining landowners do not purchase the parcel, the land will be reoffered for sale under a competitive bidding process. In keeping with existing regulations, if two or more envelopes containing valid bids of the same amount are received, the high bid will be determined by supplemental bidding and the designated high bidders will be allowed to submit oral bids to resolve a tie.

Sealed bidding is the only acceptable method of bidding. All sealed bids must be received in the Worland District Office by 11:00 a.m., MDT, on April 18, 1985. Sealed bids will be opened at 2:00 p.m., April 18, 1985, at the Worland Elks, Lodge, 604 Coburn Avenue. The high bidder will be notified in writing within 30 days whether or not the Bureau can accept the bid. The sealed bid envelope must be marked in the front lower left-hand corner with the words "Public Land Sale, 1984, W-81752, Parcel No. 1, Worland District".

2. The sale of Parcels 2 through 5 will be conducted under competitive bidding procedures, using a combination of oral and sealed bids, and any qualified bidder may submit a bid. If no acceptable bids are received, Parcels 2 through 5 will be reofferd for sale on a continuing basis until sold or until the sale is cancelled.

To qualify for the oral bidding portion of the sale, a bidder must submit a valid sealed bid. All sealed bids must be received in the Worland District Office by 11:00 a.m., MDT on April 18, 185. Sealed bids will be opened at 2:00 p.m., April 18, 1985, at the Worland Elks Lodge, 604 Coburn Avenue. Oral bidding will follow the opening of the sealed bids. Sealed bid envelopes must be marked in the front lower left-hand corner with the words "Public Land Sale, 1984, W-81752, Parcel ——, Worland District".

If there are no oral bids, the highest acceptable sealed bid will be declared the high bid. If there are no acceptable oral or sealed bids, the land will be reoffered for sale on a continuing basis using a sealed bid only process.

3. All bidders must be U.S. citizens, 18 years of age or older, corporations authorized to own real estate in the State of Wyoming, a State, a State instrumentality or political subdivision authorized to hold property, or an entity legally capable of conveying and holding lands or interests in Wyoming.

4. All sealed bids must be accompanied by a deposit of not less than 20 percent of the bid price, plus a $50 non-reimbursable filing fee for purchase of the mineral estate. The highest oral bidder for parcels 2 through 5 will be required to make an additional deposit of 20 percent of the increased bid price. Each bid deposit and final payment must be by certified check, postal money order, bank draft or cashier's check made payable to the Department of the Interior, BLM. Personal checks will be accepted for the balance of bid deposits following oral bidding.

It has been determined that the leasable minerals, oil and gas, and coal, will be retained by the United States. All other minerals will be transferred along with the surface estate. A bid will constitute an application for conveyance of mineral interest of no known value.

5. Failure to pay the remainder of the full price within 180 days of the sale will disqualify the apparent high bidder, and the deposit shall be forfeited and disposed of as other receipts of the sale. If the apparent high bidder is disqualified, the next high bid will be honored or the land will be reoffered under competitive procedures.

6. If any of the parcels fail to sell, they will be reoffered for sale under competitive procedures by a sealed bid only process. For reoffered land, bids must be received in the Worland District Office by 2:00 p.m., on the fourth (4th) Wednesday of each month beginning May 22, 1985. Reoffered land will remain available for sale until sold or until the sale action is cancelled or terminated.

SUMMARY: The subject sale parcels have been identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713, at no less than the fair market value.

DATE: April 18, 1985 at 11:00 a.m. sealed bids due April 18, 1985 at 2:00 p.m. bid opening and oral bidding.

ADDRESS: Sealed bids to be mailed to the Worland District Office, Box 119, Worland, Wyoming 82401. Bid opening and oral bidding to be held at the Worland Elks Lodge, 604 Coburn Avenue, Worland, Wyoming.

FOR FURTHER INFORMATION CONTACT: Phyllis Roseberry, Area Manager, Grass Creek Resources Area, Worland District Office (307/347-9871).

Dated: March 18, 1985.

Edward L. Fisk,

Associate District Manager.

[FR Doc. 7266 Filed 3-26-85; 8:45 am]

BILLING CODE 4310-22-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Shell Offshore, Inc.

AGENCY: Minerals Management Service, Department of the Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document.

SUMMARY: This Notice announces that Shell Offshore Inc., Unit Operator of the South Pass Block 65, G–G_2, RA SU and G_3–G_5, RA SU Federal Unit Agreement Nos. 14–08–0001–12332 and 14–08–0001–12333, submitted on March 12, 1985, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the South Pass Block 65 Federal units.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Land Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 20, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85–7200 Filed 3–26–85; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document; Chevron U.S.A., Inc.

AGENCY: Minerals Management Service.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0385, Block 29, West Delta Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on March 19, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Emile H. Simoneaux, Jr.; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0872.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: March 19, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85–7254 Filed 3–26–85; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

History Committee, Statue of Liberty-Ellis Island Centennial Commission; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces a forthcoming meeting of the History Committee of the Statue of Liberty-Ellis Island Centennial Commission. The Committee will discuss "Project Liberty" activities that are designed to commemorate the hundredth anniversaries of the Statue of Liberty (1986) and Ellis Island (1992) with appropriate historical research, symposia, and publications.

DATE: April 18, 1985, 9:00 a.m. to 4:30 p.m.

ADDRESS: Immigration History Research Center, 826 Berry Street, St. Paul, MN 55114.

FOR FURTHER INFORMATION CONTACT: Dwight Baker, Program Analyst, Statue of Liberty Project, National Park Service, 1100 L Street, NW, Washington, DC 20240.

Dated: March 12, 1985.

Robert S. Cables, Jr.,

Regional Director; North Atlantic Region.

[FR Doc. 85–7235 Filed 3–26–85; 8:45 am]

BILLING CODE 4310–70–M

National Park System Advisory Board; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Park System Advisory Board will be held in Hawaii, April 28 through May 5, 1985, with the general session of the Board being held on May 3, Hotel King Kamehameha, Kaiulua.

Commencing at 8:30 a.m., the Board will consider administrative matters pertaining to the Board; make recommendations on proposed national landmark designations; and discuss policy and management issues affecting the National Park System. The meeting will be open to the public. Space and facilities to accommodate members of the public are limited. Persons will be accommodated on a first-come-first-served basis. Any member of the public may file with the Advisory Board a written statement concerning matters to be discussed. Persons wishing further information concerning this meeting, or who wish to submit written statements may contact the Advisory Boards and Commissions Office, National Park Service, Washington, D.C. (202–343–1261).

Summary minutes of the meeting will be available for public inspection 10 to 12 weeks after the meeting in Room 3328, Interior Building, 18th and C Streets, NW., Washington, D.C.

Dated: March 19, 1985.

David G. Wright,

Associate Director, Planning and Development, National Park Service.

[FR Doc. 85–7236 Filed 3–26–85; 8:45 am]

BILLING CODE 4310–70–M

Wrangell-St. Elias National Park Subsistence Resource Commission; Meeting

AGENCY: National Park Service, Alaska Region, Interior.

ACTION: Subsistence Resource Commission Meeting.

SUMMARY: The Alaska Regional Office of the National Park Service announces a forthcoming meeting of the Wrangell-St. Elias National Park Subsistence Resource Commission. The following agenda items will be discussed:

1. Commission responsibility/authorities.

a. Subsistence hunting, and the park versus preserve.

b. Resident zone and population changes.

c. Eligibility for subsistence use of park resources.

2. Traditional hunting areas.

3. NPS predator control policy.

4. ATV study by the National Park Service.

5. Agency reports.

a. Yakutat, Alaska Department of Fish and Game, biologist.

b. Tok, Alaska Department of Fish and Game biologist.

DATES: Yakutat City Hall, Yakutat, Alaska, 7:00 p.m., April 22.

Tok Lodge, Alcan Room, Tok, Alaska, 7:00 p.m., April 24.

NPS Park Headquarters, Glennallen, Alaska, 7:00 p.m. April 25.

FOR FURTHER INFORMATION CONTACT: Richard Martin, Superintendent, Wrangell-St. Elias National Park and Preserve, P.O. Box 29, Glennallen, Alaska 99588.

SUPPLEMENTARY INFORMATION: The Wrangell-St. Elias National Park Subsistence Resource Commission is authorized under Title VIII, section 808, of the Alaska National Interest Lands Conservation Act, Pub. L. 96-487.

Dated: March 19, 1985.

Floyd W. Sharrock,

Acting Regional Director, Alaska Region.

[FR Doc. 85-7237 Filed 3-26-85; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Invs. 104-TAA-24 and 104-TAA-25]

Termination of Countervailing Duty Investigations Concerning Oleoresins From Spain and India

AGENCY: United States International Trade Commission.

ACTION: On March 13, 1985, the Commission published a notice terminating countervailing duty investigations under section 104(b)(1) of the Trade Agreements Act of 1979 with regard to oleoresins from Spain and India (50 FR 10118, March 13, 1985). That notice did not identify the case numbers assigned to those investigations. They were Nos. 104-TAA-24 (oleoresins from Spain) and 104-TAA-25 (oleoresins from India).

EFFECTIVE DATE: March 5, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Ted Briggs, Office of Investigations, telephone number (202) 523-4612.

Issued: March 22, 1985.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-7247 Filed 3-26-85; 8:45 am]

BILLING CODE 7020-02-M

[332-185]

Assessment of the Effects of Barter and Countertrade Transactions on U.S. Industries

AGENCY: United States International Trade Commission.

ACTION: Rescheduling of public hearing and deadline for filing written submissions.

EFFECTIVE DATE: March 18, 1985.

SUPPLEMENTARY INFORMATION: The public hearing in connection with investigation No. 332-185 has been rescheduled for May 30, 1985, to be continued on May 31, if required. The deadline for public comments in connection with this investigation has been extended to May 23, 1985. Previous notices in connection with this investigation were published in the **Federal Register** of June 20, 1984 (49 FR 25316) and December 27, 1984 (49 FR 50317). The public hearing previously scheduled for April 10, 1985, is canceled.

Issued: March 19, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-7243 Filed 3-26-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-218]

Certain Automatic Bowling Machine Printed Circuit Control Boards; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 15, 1985, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of James C. Hudson d/b/a OMEGA-TEK, 33 Sixth Street, Shelby, Ohio 44875. The complaint alleges unfair methods of competition and unfair acts in the importation of certain automatic bowling machine printed circuit control boards into the United States, or in their sale, by reason of alleged (1) false and deceptive advertising; (2) infringement of common law trademark; (3) false designation of source or origin; (4) infringement of U.S. Copyright Reg. No. TX 1-397-551; and (5) passing off. The compaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

FOR FURTHER INFORMATION CONTACT: Denise T. DiPersio, Esq., or Stephen L. Sulzer, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-523-0113 or 202-523-0419, respectively.

Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on March 13, 1985, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain automatic bowling machine printed circuit control boards into the United States, or in their sale, by reason of alleged (1) false and deceptive advertising; (2) infringement of complainant's common law trademark; (3) false representation; (4) infringement of U.S. Copyright Reg. No. TX 1-397-551, (5) passing off; and (6) false designation of origin, the effect or tendency of which is to destroy or substantially injure an industry, effeciently and economically operated, in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The Complainant is James C. Hudson d/b/a OMEGA-TEK, 33 Sixth Street, Shelby, Ohio 44875.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint shall be served:

United Bowling Mechanics, Ohmweg 8, 3442 AA Woerden, The Netherlands
R.J. Lynch & Company, 24 William Street, Staten Island, New York 10304

(c) Denise T. DiPersio, Esq., and Stephen L. Sulzer, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 701 E Street, NW., Room 124, Washington, D.C. 20436, shall be the Commission investigative attorneys, a party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21, as amended, 49 FR 46123). Pursuant to sections 201.16(d) (19 CFR 201.16(d), as amended, 49 FR 32571) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

Issued: March 15, 1985.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-7239 Filed 3-26-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-217]

Certain Expansion Tanks; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 13, 1985, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Amtrol Incorporated, 1400 Division Road, West Warwick, Rhode Island 02893. The complaint alleges unfair methods of competition and unfair acts in the importation of certain expansion tanks for closed water systems into the United States, or in their sales, by reason of alleged (1) infringement of U.S. Trademark Registration No. 843,060 for EX-TROL; (2) false designation of origin and false description; and (3) passing off. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue a permanent exclusion order and permanent cease and desist orders.

FOR FURTHER INFORMATION CONTACT: Steven H. Schwartz, Esq., or Gary Rinkerman, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-523-4877 or 202-523-1273, respectively.

Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on March 13, 1985, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain expansion tanks for closed water systems into the United States, or in their sale, by reason of alleged (1) infringement of U.S. Trademark Registration No. 843,060 for EX-TROL; (2) false designation of origin; (3) false representation; and (4) passing off, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served;

(a) The complainant is—Amtrol Incorporated, 1400 Division Road, West Warwick, Rhode Island 02893.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which this notice of investigation shall be served:

Flamco BV, Industrie Straat 6, Postbus 115, 2800 AC Gouda, The Netherlands
Internatio-Mueller NV, 1 Westerlaan, 3016 CK Rotterdam, The Netherlands
Vent-Rite Valve Corporation, 537 University Avenue, Norwood, Massachusetts 02062
Emerson Swan, Inc., 537 University Avenue, Norwood, Massachusetts 02062

(c) Steven H. Schwartz, Esq., and Gary Rinkerman, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 701 E Street NW., Room 122 and Room 128, respectively, Washington, D.C. 20436, shall be the Commission investigative attorneys, a party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge .

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21, as amended, 49 FR 46123). Pursuant to §§ 201.16(d) (19 CFR 201.16(d), as amended, 49 FR 32571 and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

Issued: March 15, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-7242 Filed 3-26-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-181]

Certain Meat Deboning Machines; Remand of Investigation and Extension of Deadline for Completion of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Remand of investigation to the administrative law judge (ALJ) for further findings of fact and conclusions of law and extension of deadline for completion of investigation to August 15, 1985.

SUMMARY: The U.S. International Trade Commission hereby gives notice of its decision to remand the above-captioned investigation to the ALJ to conduct further proceedings for the purpose of issuing updated findings of fact and conclusions of law regarding complainants' commitment to establish a domestic industry in the United States. The ALJ is to consider evidence regarding events occurring subsequent to the close of the evidentiary record on August 28, 1984, but prior to the Commission hearing on February 28, 1985. In order to provide sufficient time for this procedure, the deadline for completion of the investigation has been extended to August 15, 1985.

FOR FURTHER INFORMATION CONTACT: Stephen A. McLaughlin, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0421.

SUPPLEMENTARY INFORMATION: On February 28, 1985, the Commission conducted a hearing to review the domestic industry issues raised in this investigation. Since this investigation involves a case of first impression and since it is a "prevention of establishment" case in which recent events regarding complainants' commitment to establish a domestic industry are especially probative, the Commission has decided to remand the investigaion to the ALJ for the purpose of obtaining additional findings of fact and conclusions of law regarding complainants' commitment.

Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E. Street NW., Washington, DC. 20436, telephone 202-523-0161.

Issued: March 19, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-7241 Filed 3-26-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-240 and 241 (Preliminary)]

Photo Albums and Photo Album Filler Pages From Hong Kong and the Republic of Korea

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Hong Kong and the Republic of Korea of photo albums and photo album filler pages, provided for in items 256.60 (albums) and 256.87, 256.90, and 774.55 (pages) of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On January 30, 1985, a petition was filed with the Commission and the Department of Commerce by Esselte Pendaflex, Inc., The Holson Co., Kleer-Vu Plastics Corp., and SPM Manufacturing Corp., manufacturers of photo albums, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of photo albums and photo album filler pages from Hong Kong and the Republic of Korea. Accordingly, effective January 30, 1985, the Commission instituted preliminary antidumping investigations Nos. 731-TA-240 and 241 (Preliminary).

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of February 7, 1985 (50 FR 5327). The conference was held in Washington, DC, on February 22, 1985, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on March 18, 1985. The views of the Commission are contained in USITC Publication 1660 (March 1985), entitled "Photo Albums and Photo Album Filler Pages from Hong Kong and the Republic of Korea: Determinations of the Commission in Investigations Nos. 240 and 241 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

Issued: March 18, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-7240 Filed 3-26-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-219]

Certain Porch, Patio, and Lawn Gliders; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 22, 1985, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Jack-Post Corporation, 800 East Third Street, Buchanan, Michigan 49107-1468. A supplement to the complaint was filed on March 8, 1985. The complaint, as supplemented, alleges unfair methods of competition and unfair acts in the importation of certain porch, patio, and lawn gliders into the United States, or in their sale, by reason of alleged: (1) Infringement of common law trademark in glider end frame and scroll configuration by all respondents; (2) misappropriation of trade dress by all respondents; (3) misrepresentation by all respondents; (4) passing off by all respondents; and (5) infringement of common law trademark for "Glide-A-Lawn" by respondent Sa'Di Brothers

Company, Incorporated. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

FOR FURTHER INFORMATION CONTACT: Victoria L. Partner, Esq., or Robert D. Litowitz, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-523-1068 or 202-523-4693, respectively.

Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure. (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on March 19, 1985, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain porch, patio, and lawn gliders into the United States, or in their sale, by reason of alleged: (1) Infringement of common law trademark in glider end frame and scroll configuration by all respondents; (2) false representation by all respondents; (3) passing off by all respondents; and (4) infringement of common law trademark for "Glide-A-Lawn" by respondent Sa'Di Brothers Company, Incorporated, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Jack-Post Corporation, 800 East Third Street, Buchanan, Michigan 49107-1468.

(b) The respondents are the followng companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Taiwan Lounge Chair Industry Company, Limited, 40-1 Pu Tzepu, Wanchao Tsun, Chu Chee Hsiang, Chia Yi Hsien, Taiwan

Sa'Di Brothers Company, Incorporated, 4538 Centerview, Suite 242, San Antonio, Texas 72228

[WP Industries, Incorporated, 3330 Quebec Street, Dallas, Texas 75247.

(c) Victoria L. Partner, Esq., and Robert D. Litowitz, Esq. Office of Unfair Import Investigations, U.S. International Trade Commission, 701 E Street, NW., Room 126, Washington, D.C. 20436, shall be the Commission investigative attorneys, a party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21, as amended, 49 FR 46123). Pursuant to § 201.16(d) (19 CFR 201.16(d), as amended, 49 FR 32571) and § 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

Issued: March 21, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-7246 Filed 3-26-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-220]

Certain Spring Retainers for Garage Door Hardware; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 27, 1985, pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Halco Spring and Manufacturing Company, Incorporated, 17720 Crusader Street, Cerritos, Califonria 90701 and Holmes-Hally Industries, 7460 Bandini Boulevard, P.O. Box 22113, Los Angeles, California 90022. The complaint alleges unfair methods of competition and unfair acts in the importation of certain spring retainers for garage door hardware into the United States, or in their sale, by reason of alleged direct, contributory and induced infringement of claims 1, 2, and 3 of U.S. Letters Patent 4,057,235. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue a permanent exclusion order.

FOR FURTHER INFORMATION CONTACT: Juan Cockburn, Esq., or Gary Rinkerman, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-523-1272 or 202-523-1273, respectively.

Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules and Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on March 19, 1985, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain spring retainers for garage door hardware into the United States, or in their sale, by reason of alleged direct and induced infringement of claims 1, 2, and 3 of U.S. Letter Patent 4,057,235, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby

named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

Halco Spring and Manufacturing Company, Incorporated, 17720 Crusader Street, Cerritos, California 90701

Holmes-Hally Industries, 7460 Bandini Boulevard, P.O. Box 22113, Los Angeles, California 90022.

(b) The respondent is the following company, alleged to be in violation of section 337, and is the party upon which the complaint is to be served:

LCB Industries, 3539 San Gabriel River Parkway, Pico Rivera, California 90660

LCB Industries, c/o Hilary F. Goldstone, Esq., 1801 Century Park East, Suite 1702, Los Angeles, California 90067 (LCB's agent for service of process).

(c) Juan Cockburn, Esq., and Gary Rinkerman, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 701 E Street NW., Room 128, Washington, D.C. 20436, shall be the Commission investigative attorneys, a party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses must be submitted by the named respondent in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21, as amended, 49 FR 46123). Pursuant to § 201.16(d) (19 CFR 201.16(d), as amended, 49 FR 32571) and § 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial and determination and a final determination containing such findings.

The compliant, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

Issued: March 21, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–7245 Filed 3–26–85; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–190 (Final)]

Stainless Steel Wire Cloth From Japan

AGENCY: United States International Trade Commission.

ACTION: Termination of investigation.

SUMMARY: On March 12, 1985, the Commission received a letter from counsel on behalf of the petitioner in the subject investigation (American Wire Cloth Institute) which stated that "On behalf of petitioner American Wire Cloth Institute (AWCI), we are withdrawing our petition and requesting that this antidumping investigation be terminated pursuant to 19 CFR 207.40(a)." Accordingly, pursuant to § 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)), investigation No. 731–TA–190 (Final), Stainless Steel Wire Cloth from Japan, is terminated.

EFFECTIVE DATE: March 12, 1985.

FOR FURTHER INFORMATION CONTACT: Robert Eninger (202–523–0312), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436.

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: March 21, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–7249 Filed 3–26–85; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–197 (Final)]

Certain Welded Carbon Steel Pipes and Tubes From Brazil

AGENCY: United States International Trade Commission.

ACTION: Termination of investigation.

SUMMARY: On March 15, 1985, the Commission received a letter from petitioner in the subject investigation (The Committee on Pipe and Tube Imports) which stated, with respect to the cited investigation, that ". . . The Committee on Pipe and Tube Imports hereby withdraws the * * * antidumping duty petition filed by it on July 17, 1984." Accordingly, pursuant to § 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)), the following investigation is terminated: Certain Welded Carbon Steel Pipes and Tubes from Brazil, (investigation No. 731–TA–197 (Final)).

EFFECTIVE DATE: March 20, 1985.

FOR FURTHER INFORMATION CONTACT: Robert Carpenter (202–523–0399), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436.

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: March 20, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–7248 Filed 3–26–85; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30608]

Burlington Northern Railroad Co.; Trackage Rights, Construction, and Operation; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts (1) the acquisition by Burlington Northern Railroad Company (BN) of trackage rights over Soo Line Railroad Company (Soo) between Milepost 364.2 near Ardock and milepost 380.6 near Conway, ND from the requirements of 49 U.S.C. 11343; subject to employee protective conditions, and (2) the construction and operation by BN of a connection at Conway, ND from the requirements of 49 U.S.C. 10901.

DATES: This exemption is effective on April 26, 1985. Petitions for stay must be filed by April 8, 1985, and petitions for reconsideration must be filed by April 16, 1985.

ADDRESSES: Send pleadings referring to Finance Docket No. 30608 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423
(2) Peter M. Lee, Burlington Northern Railroad Company, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102.

FOR FURTHER INFORMATION CONTACT:
Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION:
Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T. S. Info Systems, Inc., Interstate Commerce Commission, Room 2227, Washington, D.C. 20423, or call toll free (800) 424–5403 or 289–4357 (DC Metropolitan area).

Decided: March 19, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley and Strenio.

James H. Bayne,
Secretary.

[FR Doc. 85–7283 Filed 3–26–85; 8:45 am]
BILLING CODE 7035–01–M

[Finance Docket No. 30635]

Delaware Otsego Corp. and the New York, Susquehanna and Western Railway Corp.; Control Exemption; Staten Island Railway Corp.; Exemption

On March 11, 1985, Delaware Otsego Corporation (DOC) and its wholly-owned railroad subsidiary, The New York Susquehanna and Western Railway Corporation (NYS&W), filed a notice of exemption to acquire control of Staten Island Railway Corporation (SIRY). DOC, a noncarrier, also controls several other rail carriers.

The parties propose that NYS&W will organize SIRY as a wholly-owned subsidiary. SIRY will acquire certain trackage of Staten Island Railroad Corporation (SIRC) and will be assigned certain trackage rights presently operated by SIRC. This proposal is currently the subject of an exemption proceeding in Finance Docket No. 30629, *Staten Island Railway Corporation—Exemption from 49 U.S.C. 10901; Delaware Otsego Corporation and Staten Island Railway Corporation—Exemption from 49 U.S.C. 11301.*

When created, SIRY will be a noncarrier, and its control by NYS&W and, in turn by DOC, will not be subject to the Commission's regulatory oversight. When SIRY commences rail operations, it will become a carrier within the meaning of 49 U.S.C. 11343, and Commission approval of the control relationship will be required. This notice of exemption is filed to meet that legal requirement.

The control of SIRY, as a carrier, by NYS&W and, in turn by DOC, is a transaction solely within the corporate family and, therefore, exempt from the prior review requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(3). It will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

As a condition to the use of this exemption, any employees affected by the continued control of SIRY by NYS&W and DOC shall be protected pursuant to *New York Dock Ry.—Control—Brooklyn Eastern District*, 360 I.C.C. 60 (1979).

Decided: March 20, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,
Secretary.

[FR Doc. 85–7282 Filed 3–26–85; 8:45 am]
BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Information Collection(s) Under Review by OMB

March 22, 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 tile 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 items 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) National Institute of Justice, Department of Justice
(3) National Institute of Justice NCJRS Registration for Service Form (NIJ)
(4) NIJ–1431/2, NIJ–1431/7
(5) Annually
(6) Individuals or households, state or local governments. Information used by NCJRS to tailor products and services to provide maximum support of user community (law enforcement, criminal justice, juvenile justice and investigative).
(7) 59,000 respondents
(8) 1,940 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

• New Collection(s)

(1) Larry E. Miesse, 202/633–4312
(2) Office of Justice Programs, Department of Justice
(3) Crime Victim Assistance Grant Guidelines (OJP)
(4) None
(5) Annually
(6) State and local governments. Information requested is necessary to submit a statutorily-required report to the Congress on the effectiveness of the Victims of Crime Act; and, efficiently manage the victims assistance program, and assure grantees' compliance with statutory criteria
(7) 57 respondents
(8) 2,280 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312.
(2) Corrections Division, Surveys and Censuses Unit, Bureau of Justice Statistics, Department of Justice.

(3) Survey of Inmates of State Correctional Facilities (and pretest)
(4) NPS–25
(5) Other—quinquennially
(6) Individual or households. Survey collects criminal and non-criminal information from sampled inmates in state correctional institutions used for statistical data in studies.
(7) 15,251 respondents
(8) 11,451 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Federal Bureau of Investigation, Department of Justice
(3) VI–CAP Crime Report (FBI)
(4) FD–676
(5) On occasion
(6) State and local governments. Collects data at crime scenes (e.g., unsolved murders) for analyses by FBI VI–CAP staff. Law Enforcement agencies reporting similar pattern crimes will be provided with information to initiate a coordinated multi-agency investigation to expedite the identification and apprehension of criminal offenders (e.g., serial murderers) responsible for the deaths of many innocent victims.
(7) 2,500 respondents
(8) 5,000 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

Larry E. Miesse,

Departmental Clearance Officer.

[FR Doc. 85–7177 Filed 3–26–85; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Supplement to the Draft Environmental Impact Statement on the Eradication of Cannabis on Federal Lands in the Continental United States

The U.S. Department of Justice, Drug Enforcement Administration (DEA) has prepared a Supplement to the Draft Environmental Impact Statement on the Eradication of Cannabis on Federal Lands and Intermingled Forests and Rangelands in the Continental United States.

DEA Published a notice in the **Federal Register** on July 5, 1984 (49 FR 27645) that a Draft Environmental Impact Statement (EIS) on the Eradication of Cannabis on Federal Lands and Intermingled Forests and Rangelands in the Continental United States had been prepared and was available for public comment. The notice provided for a 45-day public review and comment period, which was subsequently extended until September 10, 1984 (49 FR 34316).

Since the Draft EIS was made available to the public, DEA has received new information concerning material discussed in the Draft EIS. To provided the public with an opportunity to comment on this new information, DEA has prepared a Supplement to the Draft EIS. DEA published a Notice of Intent to prepare a Supplement to the Draft EIS on November 27, 1984 in the **Federal Register** (49 FR 46599.)

The Supplement includes an updated risk analysis of smoking marijuana that has been sprayed with 2,4-D and glyphosate, several new toxicological studies and information on the no-observed-effects-level (NOEL) for glyphosate are also included in this Supplement.

This Supplement to the Draft EIS was transmitted to the U.S. Environmental Protection Agency and made available to the public on Friday, March 8, 1985. The 45-day public comment period will begin on March 15, 1985. Federal, state, and local agencies, law enforcement officials, and other individuals and organizations who may be interested in or affected by the program are invited to comment on the Supplement.

A public meeting on this Supplement to the Draft EIS will be held at the following time and location:

When: April 17, 1985.
Time: 2:00 p.m.
Place: Department of Health and Human Services, North Auditorium
Address: 330 Independence Avenue, SW., Washington, D.C. 20201.

Written comments concerning the Supplement to the Draft EIS should be addressed to Rodolfo Ramirez, Cannabis Investigations Section, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537. Requests for copies of the Supplement should also be addressed to Mr. Ramirez. Comments must be received by April 30, 1985 in order to be considered in the preparation of the Final EIS for this action.

John C. Lawn,

Acting Administrator.

March 21 1985.

[FR Doc. 85–7230 Filed 3–26–85; 8:45 am]

BILLING CODE 4410–09–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SES Performance Review Board

AGENCY: National Endowment for the Arts, NFAH.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of members of the Performance Review Board for the National Endowment for the Arts. This notice supercedes all previous notices of the PRB membership for the agency.

EFFECTIVE DATE: March 27, 1985.

FOR FURTHER INFORMATION CONTACT: Carole S. McNamee, Personnel Management Specialist, Personnel Division, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Room 208, Washington, D.C. 20506, (202) 682–5474.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of Title 5, U.S.C. requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any response by the senior executive, and make recommendations to the appointing authority relative to the performance of the senior executive.

F.S.M. Hodsoll,

Chairman, National Endowment for the Arts.

The following persons have been selected to serve on the Performance Review Board of the National Endowment for the Arts: Peter J. Basso, Director of Administration, NEA; Ana Steele, Associate Deputy Chairman for Programs, NEA; and Robert J. McCarthy, Deputy Associate Administrator for Administration, Federal Highway Administration.

[FR Doc. 85–7216 Filed 3–26–85; 8:45 am]

BILLING CODE 537–01–M

Dance Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel (Challenge Section) to the National Council on the Arts will be held on April 12, 1985, from 9:00 a.m.–5:30 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be

closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

March 19, 1985.

[FR Doc. 85–7214 Filed 3–26–85; 8:45 am]

BILLING CODE 7537–01–M

Expansion Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Performing Arts Organizations/Dance, Music Combination Section) to the National Council on the Arts will be held on April 10–12, 1985, from 9:00 a.m.–5:30 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on April 10, 1985 from 9:00 a.m.–10:30 a.m. to discuss general overview of program.

The remaining sessions of this meeting on April 10, from 10:30 a.m.–5:30 p.m. and on April 11 and 12, from 9:00 a.m.–5:30 p.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: March 19, 1985.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 85–7215 Filed 3–26–85; 8:45 am]

BILLING CODE 7537–01–M

Literature Advisory Panel; Meeting Change

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Literature Advisory Panel (Overview/Professional Development Section) to the National Council on the Arts to be held on March 28–29, 1985, from 9:00 a.m.–5:30 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., has been changed. The meeting will be held on March 28, from 9:00 a.m.–6:00 p.m. and on March 29, from 9:00 a.m.–5:30 p.m.

A portion of this meeting was to be open to the public on March 29, from 9:00 a.m.–5:30 p.m. to discuss policy and guidelines. A portion of this meeting will now be open on March 29, from 9:00 a.m.–3:30 p.m. to discuss policy, guidelines and Five-Year Plan Update.

The remaining sessions of this meeting on March 28, from 9:00 a.m.–6:00 p.m. and on March 29, from 3:30 p.m.–5:30 p.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency be grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

March 19, 1985.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 85–7213 Filed 3–26–85; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee for Review of Enforcement Policy; Meetings

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Committee on the Enforcement Policy will meet on April 10 and 11, 1985, and April 30 and May 1, 1985 in Room 118 of the Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland. The Committee will meet from 8:30 a.m. until 5:00 p.m. each day. The meetings will be open to the public.

At the meetings on April 10 and 11, the Committee will receive presentations by various organizations which had responded to the Committee's request for comments and which had indicated an interest in presenting their views on the NRC Enforcement Policy in person to the Committee. Among those currently scheduled to make presentations are representatives from the Edison Electric Institute, the Atomic Industrial Forum, the Bishop, Liberman, Cook, Purcell and Reynolds law firm and the Government Accountability Project.

The Committee has also scheduled briefings from representatives of the enforcement programs of the Federal Aviation Administration, the Mine Safety and Health Administration, and on April 30, 1985, the Environmental Protection Agency. Those individuals will provide a description of the policies and practices of their respective enforcement programs.

At the meeting on April 30 and May 1, 1985, the Committee will discuss the public comments received and begin development of their report to the Commission on the NRC Enforcement Policy.

Further information on the meeting may be obtained from Karen Cyr, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301–492–7269.

Dated: March 21, 1985.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 85–7255 Filed 3–26–85; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-21880; File No. SR-CBOE-84-15 and SR-CBOE-84-16]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Extending the Deadline for Agency Action With Respect to Proposed Rule Changes

March 21, 1985.

On October 31, 1984, the Commission instituted proceedings pursuant to section 19(b)(2)(B) of the Securities Exchange Act of 1934 ("Act"), to determine whether to disapprove two proposed rule changes submitted by the Chicago Board Options Exchange, Inc. ("CBOE") which provide for election of the CBOE Executive Committee Chairman by the membership, and add three additional floor directors to the CBOE Board of Directors. In connection with this proceeding, the Commission issued a release which invited interested persons to submit written data, views and arguments, as well as rebuttals to any other commentator's submission, by December 31 1984.[1] Following requests by various commentators, including CBOE members and members of the Securities Industry Association, the Commission extended the comment period to January 31, 1985.

Under section 19(b)(2)(B) of the Act, the Commission, by order, must approve or disapprove a proposed rule change within 180 days of the date when notice of the proposed rule change is published. This 180 day period expires for the CBOE proposed rule change on March 22, 1985. The Commission may extend the time for consideration for up to 60 days if it finds good cause for the extension and publishes its reasons for so finding. The Commission finds good cause for a 60 day extension in light of the numerous and complex issues raised by the proposals concerning the governance of the CBOE, in particular, and exchange governance, in general. In addition, the Commission believes that the extension in appropriate in view of the extended comment period and the number of comments received on these proposals. Accordingly, the Commission finds that, pursuant to section 19(b)(2)(B), there is good cause to extend the deadline for agency action until May 22, 1985.

[1] See Securities Exchange Act Release No. 21439 (October 31, 1984), 49 FR 44577 (November 7, 1984).

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-7192 Filed 3-26-85; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

March 20, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

EQK Realty Investors I
Shares of Beneficial Interest, No Par Value, File No. 7-8369

IP Timberlands, Ltd.
Class A Depositary Units, File No. 7-8370

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 10, 1985, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-7193 Filed 3-26-85; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Inc.

March 20, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stock:

Anacomp, Inc.
Common Stock, $1.00 Par Value, File No. 7-8368

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 10, 1985, written data, views and agruments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-7194 Filed 3-26-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-21881; File No. SR-PHLX-84-33]

Self-Regulatory Organizations; Amendment No. 1 to Proposed Rule Change by Philadelphia Stock Exchange, Inc.; Relating to the Use of Letters of Credit in the Exchange's Foreign Currency Option Market

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 1, 1985, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX") has proposed changes to its margin rule, Rule 722, to allow member organizations to accept letters of credit

in satisfaction of a foreign currency option writer's initial and maintenance margin obligations. This rule change would provide that such letters must be irrevocable, must be in a face amount equal to or greater than the margin requirements applicable to the foreign currency option positions to which they pertain and must expire no sooner than those option positions.[1] Amendment No. 1 amends the rule change so as not to delete language clarifying that the amount of the letter of credit must be equal to or greater than the amount of margin due with respect to such option position. Amendment No. 1 also adds a new paragraph that provides procedures in the event that margin requirements exceed the amount of the letter of credit on deposit with the member organization.

PHLX has proposed to amend the Commentary to this rule regarding reporting to the PHLX of information regarding the suitability of the customer utilizing a letter of credit. The proposed amendments of the Commentary also clarify the method and frequency of reporting information to the PHLX relevant to the use of letters of credit. Further, the amendments provide for an extension of the pilot program for a period of one year subsequent to the effective date of this amendment.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in Sections (A), (B) and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The proposed amendments to Rule 722 are designed to allow letters of credit to be utilized as a means of satisfying initial and maintenance margin requirements on foreign currency options written and carried "short" in a customer's account. As a part of an extended pilot program, the expansion of the use of letters of credit to satisfy maintenance margin requirements in addition to initial margin requirements eliminates the computational and computerization complexities which have inhibited financial institutions and corporate entities from utilizing the pilot program and from participating in the foreign currency option marketplace. This expansion also reduces the operational and cost burdens of PHLX member organizations in establishing and maintaining complex margining systems for foreign currency option writer's positions. Amendment No. 1 adds language to the rule to provide guidance in accordance with procedures established under Regulation T in the event that margin requirements exceed the amount of the letter of credit on deposit with the member organization. Other proposed changes in the rule are designed to eliminate redundancy in the rule.

The changes proposed in the Commentary to Rule 722 further clarify the reporting requirements and reporting frequency to the PHLX of information relating to users of letters of credit. The information is designed to provide a profile of the suitability of the customer utilizing letters of credit as well as to provide a measure of the risk exposure to the securities industry relating to the use of letters of credit in satisfaction of a customer's margin requirements. Other proposed changes in the Commentary define an acceptable method of and timeframe for reporting required information to the PHLX and eases the member organization's requirement of transmitting trade by trade data and the burden of preparing a specialized reporting format for the pilot program.

The proposed amendments to the Commentary of Rule 722 also reflect the extension of the pilot program for a period of one year subsequent to the effective date of these amendments.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that this proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change would be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six (6) copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by April 17, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 21, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-7195 Filed 3-26-85; 8:45 am]

BILLING CODE 8010-01-M

[1] Notice of the original rule change, submitted on December 17, 1984, was given in Securities Exchange Act Release No. 21610, December 28, 1984, 50 FR 1155, January 9, 1985.

[Release No. 35-23635; 31-809]

South Jersey Industries, Inc.; Application for Intrastate Exemption Under Section 3(a)(1)

March 20, 1985.

South Jersey Industries, Inc. ("SJI"), One South Jersey Plaza, Route 54, Folsom, New Jersey 08037, a New Jersey corporation and an exempt holding company under section 3(a)(1) of the Public Utility Holding Company Act of 1935 ("Act"), has filed an application with this Commission pursuant to section 3(a)(1) of the Act and section 5(d) of the Administrative Procedure Act, 5 U.S.C. 554(e).

SJI owns approximately 98% of the outstanding voting securities of South Jersey Gas Company ("SJG"), a New Jersey corporation; the balance of the outstanding voting securities of SJG consists of redeemable cumulative perferred stock. SJG is engaged in the purchase, transmission and sale of natural gas for residential, commercial and industrial use in an area of approximately 2,500 square miles in the southern part of New Jersey and, as of September 30, 1984, serves approximately 162,000 residential and commercial gas customers. SJG is a "gas utility company" as defined in section 2 (a)(4) of the Act.

SJI also engages in certain nonutility lines of business through its wholly owned subsidiary, Energy & Minerals, Inc. ("EMI"). EMI is a holding company that owns all of the outstanding common stock of the Morie Company, Inc. ("Morie"), South Jersey Fuel, Inc. ("Fuel Company"), Delaware Valley Industrial Gases, Inc. ("DVIG") and South Jersey Exploration Company ("Exploration Company"). EMI and all of its subsidiaries are New Jersey corporations. Morie is engaged in the mining, processing and marketing of industrial sands and gravels. Fuel Company is primarily engaged in the distribution of petroleum products, including home heating oil, kerosene and gasoline in southern New Jersey and in the Plainfield area in northern New Jersey. Fuel Company also sells, installs and services heating and cooling system and related energy-saving products, as well as motor oil and chemicals for heating and automotive use. DVIG serves the propane and chemical industries from facilities licensed by the federal government for the repair, testing and rebuilding of compressed gas cylinders, and also manufactures acetylene gas. Exploration Company is engaged in the business of exploring for new sources of natural gas and oil through its participation in natural gas and oil exploration and development activities. Funding for Exploration Company's participation in various exploration ventures has been provided through advances from SJG. Under an agreement with Exploration Company, SJG has first call on all natural gas found by Exploration Company.

SJI currently has pending before this Commission (File No. 70-7033) an application seeking approval for the acquisition of common stock of Chesapeake Utilities Cropration ("Chesapeake"), a Delaware corporation, in such amounts that could result in SJI becoming an affiliate and a subsidiary of SJI under the Act. Currently, SJI owns 51,000 shares or approximately 4.9% of Chesapeake's outstanding common stock.

Chesapeake is a natural gas distribution company serving portions of southern Delaware and the Salisbury, Maryland area and, had, as of December 31, 1983, approximately 14,700 residential and commercial gas customers and is a "gas utility company" within the meaning of section 2(a)(4) of the Act. Chesapeake's principal subsidiary, Easton Shore Natural Gas Company ("ESNG"), operates an interestate pipeline that buys natural gas from Transco at two points in Pennsylvania and delivers the natural gas to utility and inustrial customers in southern Delaware and the Eastern Shore area of Maryland. ESNG is also the primary source of natural gas for Chesapeake. Substantially all of ESNG's gas requirements are purchased from Transco. ESNG's pipelines also interconnect with pipelines of Columbia Gas Transmission Corporation, and ESNG receives some supplemental supply of natural gas through this interconnection. ESNG's three wholly owned subsidiaries are Dover Exploration Company, which is engaged in gas and oil exploration ventures primarily in the southwestern United States; Skipjack, Inc., which owns the building in which one of Chesapeake's business offices is located; and Sharpgas, Inc., which distributes propane gas to approximagely 4,400 residential and commercial customers in Delaware and Maryland. Chesapeake is subject to regualtion by the Delaware Public Service Commission and the Maryland Public Service Commission. ESNG is subject to the jurisdiction of the Federal Energy Regulatory Commission.

In its application SJI seeks a declaration by the Commission that it will be permitted to retain its 3(a)(1) exemption if its acquisition of Chesapeake's common stock is approved and such stock is then obtained in sufficent quantity to cause Chesapeake to become a "subsidiary company" as that term is defined in section 2(a)(8) of the Act. SJI contends that acquistion of Chesapeake will not result in SJI deriving from Chesapeake "any material part of its income" as the phrase is used in section 3(a)(1) and interpreted by Commission decision. In support of this contention SJI alleges, *inter alia*, that based upon the most recent data publicly available Chesapeake's net utility income was 2.75% as a percent of combined net utility income of SJG and that Chesapeake would account for only 5.12% of utlitiy revenues, 5.08% of net utility plant and 4.88% of sales in Mcf's of SJG and Chesapeake combined.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 15, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be authorized.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirely E. Hollis,

Assistant Secretary.

[FR Doc. 85-7191 Filed 3-26-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

[Number: 101-3]

Delegation of Procurement Authority to Office of Procurement and Treasury Bureaus

Dated: March 12, 1985.

By virtue of the authority vested in me as Assistant Secretary (Administration) by Department of the Treasury Order No. 101-30, the following appointments and delegations are made:

1. Procurement Executive

The Director, Office of Procurement, Office of the Secretary, is appointed as Procurement Executive, in accordance with the provisions of Executive Order 12352, of March 17, 1982 and Pub. L. 98-191, dated December 1, 1983. The Director, Office of Procurement is responsible for the development and oversight of Department-wide procurement systems and is authorized to:

a. Prescribe and publish Treasury-wide procurement policies, regulations and procedures;

b. Enter into, make determinations and decisions and take other actions, consistent with appropriate laws, policies, regulations and procedures

with respect to purchases, contracts, leases, and other contractual procurement transactions, except those required by law or regulation to be made by other authority;

c. Designate persons qualified in procurement matters as contracting officers and representatives thereof in accordance with the requirements and procedures established in Treasury Directive 70–06, "Treasury Acquisition/Procurement Regulation," Subpart 1001.6;

d. Establish clear lines of contracting authority;

e. If appropriate, exercise priorities authority on behalf of the Department of the Treasury, in accordance with the provisions of the Defense Production Act of 1950 (50 U.S.C. App. 2071, et seq.), Department of Defense Delegation of Priorities Authority, dated October 1, 1958, and applicable policies and regulations;

f. Evaluate and monitor the Department of the Treasury's procurement system performance;

g. In coordination with the Director of Personnel, Office of the Secretary, manage and enhance career development of the procurement work force throughout the Department;

h. Examine, in coordination with the Office of Federal Procurement Policy, the procurement system to determine specific areas where Government-wide performance standards should be established and applied, and participate in the development of Government-wide procurement policies, regulations and standards;

i. Determine areas for Treasury unique standards and develop unique Department-wide standards;

j. Appoint the Department of the Treasury's advocate for competition in accordance with the Competition in Contracting Act, Pub. L. 98–369, dated July 18, 1984; and

k. Certify to the Assistant Secretary (Administration) that the Department of the Treasury's procurement system meets approved standards.

2. Bureau Head Procurement Authority

a. The following officials of the Department of the Treasury are delegated authority to perform the functions described above in paragraphs 1.b, 1.c and 1.d with respect to procurement transactions and operations of their organizations:

Deputy Assistant Secretary (Administration) for Operations
Director, Bureau of Alcohol, Tobacco and Firearms
Comptroller of the Currency
Commissioner of Customs
Director, Bureau of Engraving and Printing
Director, Federal Law Enforcement Training Center
Commissioner, Financial Management Service
Commissioner of Internal Revenue
Director, United States Mint
Commissioner of the Public Debt
National Director, U.S. Savings Bonds Division
Director, U.S. Secret Service

b. Each of the officials named in paragraph 2.a is deemed "chief officer responsible for procurement" within the meaning of 41 U.S.C. 257(b).

c. Each of the officials names in paragraph 2.a shall appoint an advocate for competition in accordance with the Competition in Contracting Act, Pub. L. 98–369, dated July 18, 1984.

3. Redelegation of Authority

a. The authorities delegated in paragraphs 1.b, 1.c and 1.d may be redelegated by the Director, Office of Procurement, and each of the officials named in paragraph 2.a in accordance with procedures established in Subpart 1001.6 of Treasury Directive 70–06, "Treasury Acquisition/Procurement Regulation," to any subordinate officer or employee of his/her respective organization, except that the authority of paragraph 1.b may be delegated only to personnel qualified to serve as Contracting Officer for the United States for the type and complexity of procurement actions specified.

b. The authorities delegated in paragraphs 1.e, 1.g, and 1.h may be redelegated by the Director, Office of Procurement through Treasury Directives or, on a case-by-case basis, by program memorandums.

4. Limitations

All authorities delegated above shall be exercised in accordance with the applicable limitations and requirements of the Federal Property and Administrative Services Act of 1949; policies and regulations issued by the Office of Federal Procurement Policy in the Office of Management and Budget; the Federal Acquisition Regulation, 48 CFR Chapter 1; the applicable portions of the Federal Property Management Regulations, 41 CFR Chapter 101; as well as regulations issued by the Department of the Treasury which implement and supplement the Federal Acquisition Regulation and the Federal Property Management Regulations, including but not limited to 48 CFR Chapter 10 and Treasury Directives Manual Chapter 70–06, "Treasury Acquisition/Procurement Regulation," and other numbered directives in the TD 70–06 series.

5. This Order supersedes Department of the Treasury Order No. 101–3, dated March 19, 1984.

Terence C. Golden,

Assistant Secretary (Administration).

[FR Doc. 85–7001 Filed 3–26–85; 8:45 am]

BILLING CODE 4810–25–M

Office of the Secretary

[Dept. Circ. Public Debt Series—No. 10–85]

Treasury Bonds of 2005

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $4,250,000,000 of United States securities, designated Treasury Bonds of 2005 (CUSIP No. 912810 DQ 8), hereafter referred to as Bonds. The Bonds will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Bonds and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Bonds may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Bonds will be dated April 2, 1985, and will accure interest from that date, payable on a semiannual basis on November 15, 1985, and each subsequent 6 months on May 15 and November 15 through the date that the principal becomes payable. They will mature May 15, 2005, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will payable (without additional interest) on the next-succeeding business day.

2.2. The Bonds are subject to all taxes imposed under the Internal Revenue Code of 1954. The Bonds are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Bonds will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. Bonds in registered definitive form will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Bonds in book-entry form

will be issued in multiples of those amounts. Bonds will not be issued in bearer form.

2.5. Denominational exchanges of registered definitive Bonds, exchanges of Bonds between registered definitive and book-entry forms, and transfers will be permitted.

2.6. The Bonds will become eligible for STRIPS (Separate Trading of Registered Interest and Principal of Securities) after the first interest payment date of November 15, 1985. Under the Treasury's STRIPS program, a book-entry Bond may be divided into its separate Principal and Interest Components and maintained as such on the book-entry records of the Federal Reserve Banks, acting as fiscal agents of the United States. The provisions specifically applicable to the separation, maintenance, and transfer of Principal and Interest Components will be announced at a later date.

2.7. The Department of the Treasury's general regulations governing United States securities apply to the Bonds offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:00 p.m., Eastern Standard time, Thursday, March 28, 1985. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, March 27, 1985, and received no later than Tuesday, April 2, 1985.

3.2. The par amount of Bonds bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Bonds applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, and interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 95.000. That stated rate of interest will be paid on all of the Bonds. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

A. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Bonds specified in Section 1, and to make different precentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Bonds allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Bonds allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5. must be made or completed on or before Tuesday, April 2, 1985. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, March 29, 1985. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Bonds allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Tuesday, April 2, 1985. When payment has been submitted with the tender and the purchase price of the Bonds allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an

amount of up to 5 percent of the par amount of Bonds allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Bonds allotted are not required to be assigned if the new Bonds are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new Bonds are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (Bonds offered by this circular) in the name of (name and taxpayer identifying number)". Specific instructions for the issuance and delivery of the new Bonds, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment must be delivered at the expense and risk of the holder.

5.4. Registered definitive Bonds will not be issued if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (e.g., an individual's social security number or an employer identification number) is not furnished. Delivery of the Bonds in registered definitive form will be made after the requested form of registration has been validated, the registered interest account has been established, and the Bonds have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, to issue and deliver the Bonds on full-paid allotments, and to maintain, service, and make payment on the Bonds.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Bonds. Public announcement of such changes will be promptly provided.

6.3. The Bonds issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Bonds.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 85-7234 Filed 3-22-85; 2:59 pm]

BILLING CODE 4810-40-M

[Supp. To Dept. Circ. Public Debt Series—No. 7-85]

Treasury Notes; Series T-1987

The Secretary announced on March 20, 1985 [50 FR 11285], that the interest rate on the notes designated Series T-1987, described in Department Circular—Public Debt Series—No. 7-85 dated March 14, 1985, will be 10¾ percent. Interest on the notes will be payable at the rate of 10¾ percent per annum.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 85-7231 Filed 3-22-85; 2:59 pm]

BILLING CODE 4810-40-M

[Dept. Cir. Public Debt Series—No. 8-85]

Treasury Notes of March 31, 1989; Series L-1989

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $6,250,000,000 of United States securities, designated Treasury Notes of March 31, 1989, Series L-1989 (CUSIP No. 912827 SA 1), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated April 1, 1985, and will accrue interest from that date, payable on a semiannual basis on September 30, 1985, and each subsequent 6 months on March 31 and September 30 through the date that the principal becomes payable. They will mature March 31, 1989, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next-succeeding business day.

2.2. The Notes are subject to all taxes imposed under Internal the Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. Notes in registered definitive form will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Notes in book-entry form will be issued in multiples of those amounts. Notes will not be issed in bearer form.

2.5. Denominational exchanges of registered definitive Notes, exchanges of Notes between registered definitive and book-entry forms, and transfers will be permitted.

2.6. The Department of the Treasury's general regulations governing United States securities apply to the Notes offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:00 p.m., Eastern Standard time, Tuesday, March 26, 1985. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, March 25, 1985, and received no later than Monday, April 1, 1985.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured saving and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5. must be made or completed on or before Monday, April 1, 1985. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, March 28, 1985. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Monday, April 1, 1985. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted are not required to be assigned if the new Notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new Notes are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (Notes offered by this circular) in the name of (name and taxpayer identifying number)". Specific instructions for the issuance and delivery of the new Notes, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment must be delivered at the expense and risk of the holder.

5.4. Registered definitive Notes will not be issued if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (e.g., an individual's social security number or an employer identification number) is not furnished. Delivery of the Notes in registered definitive form will be made after the requested form of registration has been validated, the registered interest account has been established, and the Notes have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, to issue and deliver the Notes of full-paid allotments, and to maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders or the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is

pledged to pay, in legal tender, principal and interest on the Notes.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 85-7232 Filed 3-22-85; 2:59 pm]

BILLING CODE 4810-40-M

[Dept. Cir. Public Debt Series—No. 9-85]

Treasury Notes of April 15, 1992; Series E-1992

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $5,750,000,000 of the United States securities, designated Treasury Notes of April 15, 1992, Series E-1992 (CUSIP No. 912827 SB 9), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated April 2, 1985, and will accrue interest from that date, payable on a semiannual basis on October 15, 1985, and each subsequent 6 months on April 15 and October 15 through the date that the principal becomes payable. They will mature April 15, 1992, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other non-business day, the amount due will be payable (without additional interest) on the next-succeeding business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. Notes in registered definitive form will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Notes in book-entry form will be issued in multiples of those amounts. Notes will not be issued in bearer form.

2.5. Denominational exchanges of registered definitive Notes, exchanges of Notes between registered definitive and book-entry forms, and transfers will be permitted.

2.6. The Department of the Treasury's general regulations governing United States securities apply to the Notes offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:00 p.m., Eastern Standard time, Wednesday, March 27, 1985. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, March 26, 1985, and received no later than Tuesday, April 2, 1985.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guideline, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.250. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncomptetive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted comeptitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or

reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5. must be made or completed on or before Tuesday, April 2, 1985. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, March 29, 1985. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Tuesday, April 2, 1985. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted are not required to be assigned if the new Notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new Notes are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (Notes offered by this circular) in the name of (name and taxpayer identifying number)". Specific instructions for the issuance and delivery of the new Notes, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment must be delivered at the expense and risk of the holder.

5.4. Registered definitive Notes will not be issued if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (e.g., an individual's social security number or an employer identification number) is not furnished. Delivery of the Notes in registered definitive form will be made after the requested form of registration has been validated, the registered interest account has been established, and the Notes have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, to issue and deliver the Notes on full-paid allotments, and to maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 85-7233 Filed 3-22-85; 2:59 pm]

BILLING CODE 4810-40-M

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 561]

Dollar Limitation for Display and Retailer Advertising Specialties

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

ACTION: General notice.

SUMMARY: This notice sets forth the annually updated dollar limitations prescribed for industry members in 27 CFR Part 6, as established by the use of a "cost adjustment factor" in accordance with 27 CFR 6.82. Industry members who wish to furnish, give, rent, loan, or sell product displays or retailer advertising specialties to retailers are subject to dollar limitations (27 CFR 6.83, 6.85). Industry members making payments for advertisements in programs or brochures issued by retailer associations at a convention or trade show are also subject to dollar limitations (27 CFR 6.100). The cost adjustment factor is defined as a percentage equal to the change in the Bureau of Labor Statistics' consumer price index. Adjusted dollar limitations are established each January using the consumer price index for the preceding December.

Based on the Bureau of Labor Statistics' data, the consumer price index was 4.0 percent higher in December 1984 than in December 1983. Therefore, effective January 1, 1985, the dollar limitation for "Product displays" (27 CFR 6.83(c)) has been increased from $117 per brand to $122 per brand. Similarly, the former $58 maximum for "Retailer advertising specialties" (27 CFR 6.85(b)) has been increased to $60 per brand. Also the $117 limit for "Participation in retailer association activities" (27 CFR 6.100(e)) has been increased to $122 per year.

EFFECTIVE DATE: This notice shall be effective as of January 1, 1985.

FOR FURTHER INFORMATION CONTACT: Norbert Hymel, Tax and Trade Compliance Branch, 1200 Pennsylvania Ave., NW, Washington, DC 20226, (202) 566-7715.

Signed: March 19, 1985.

Stephen E. Higgins,

Director.

[FR Doc. 85-7106 Filed 3-26-85; 8:45 am]

BILLING CODE 4810-31-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination; Amendment

On March 1, 1985, notice was published at page 8432 of the **Federal Register** (50 FR 8432) by the United States Information Agency pursuant to Pub. L. 89-259 relating to the exhibit "Gallery for a King: Old Master Painting from Dulwich." Inadvertently omitted from the notice were the proposed dates of exhibition at the Los Angeles County Museum of Art, Los Angeles, California. The exhibit will be on display at the Los Angeles County Museum of Art

beginning on or about October 3, 1985, to on or about January 5, 1986.

Dated: March 20, 1985.

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 85-7223 Filed 3-26-85; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration 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). This document contains an extension and lists the following information: (1) The Department or Staff Office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the form and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: March 22, 1985.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Extension

1. Department of Veterans Benefits
2. Application for Burial Benefits
3. VA Form 21-530
4. On occasion
5. Individuals or households, businesses or other for-profit
6. 384,000 responses
7. 128,000 hours
8. Not applicable

[FR Doc. 85-7189 Filed 3-26-85; 8:45 am]

BILLING CODE 8320-01-M

Veterans' Advisory Committee on Environmental Hazards; Meeting

The Veterans Administration gives notice under Pub. L. 92-463, section 10(a)(2), that a meeting of the Veterans' Advisory Committee on Environmental Hazards will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420 on April 22 and 23, 1985. The purposes of the Committee are to review the scientific and medical literature relating to the possible health effects resulting from exposure to dioxin and ionizing radiation and to assist in the development of Agency policy with respect to veterans' claims for compensation based upon exposure.

The meeting will convene at 9:30 a.m. both days in the Omar Bradley Conference Room. This meeting will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Ms. Patricia Kane, Veterans Administration Central Office (phone 202/389-2115) prior to April 17, 1985.

Members of the public may direct questions or submit prepared statements for review by the Committee in advance of the meeting, in writing only, to Mr. Frederic L. Conway, Special Assistant to the General Counsel, Room 1034, Veterans Administration Central Office. Submitted material received at least five days prior to the meeting. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

A verbatim transcript of the meeting and rosters of the Committee members may be obtained from Ms. Kane.

Dated: March 15, 1985

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 85-7225 Filed 3-26-85; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 59
Wednesday, March 27, 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

	Items
Federal Deposit Insurance Corporation	1
Federal Maritime Commission	2
Federal Reserve System	3

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:20 p.m. on Thursday, March 21, 1985, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to adopt a resolution: (1) approving the processing of an application for Federal deposit insurance under procedures which differ from those prescribed in Part 303 of the Corporation's rules and regulations entitled "Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control"; (2) adopting an Order approving the application of Scioto Bank, an operating noninsured institution located at 37 North Third Street, Columbus, Ohio, for Federal deposit insurance; and (3) waiving publication of notice of the filing of the application for Federal deposit insurance by Scioto Bank, Columbus, Ohio.

In calling the meeting, the Board determined, on motion by Director Irvine H. Sprague (Appointive), seconded by Mr. H. Joe Selby, acting in the place and stead of Director C.T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: March 22, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-7335 Filed 3-25-85; 1:26 pm]

BILLING CODE 6714-01-M

2

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m.—April 2, 1985.

PLACE: Hearing Room One—1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting open to the public. The rest of the meeting closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public.

1. Docket No. 84-27: Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States: Co-Loading Practices by NVOCC's—Consideration of comments submitted in response to Notice of Proposed Rule, and proposed final rule.

2. Petition of Dow Chemical Company For Rulemaking to Define the term "Package" under the Carriage of Goods by Sea Act—Consideration of comments submitted in response to Notice of Filing of Petition.

3. Special Docket No. 1191: Application of Lykes Bros. Steamship Co., Inc. for the Benefit of Wilhelm Schleef GMBH & Co. KG—Consideration of exceptions to initial decision of Administrative Law Judge.

4. Transpacific Westbound Rate Agreement (No. 202-010689)—Consideration of Application for Special Permission Relative to Filing Common Tariffs.

Portions closed to the public.

1. United States Lines, Inc.—Proposed Rate Increase of 2.9 Percent in the U.S. Atlantic Coast—Hawaii Trade.

2. Docket No. 84-34: Shipping Conditions in the United States/Argentina Trade—Consideration of the Record.

3. Petition of Concorde/Nopal Line For Issuance of Regulations To Adjust and Meet Conditions Unfavorable To Shipping in the Foreign Trade of the United States—Consideration of the Record.

4. Special Dockets Nos. 1220 and 1225: Applications of Hapag-Lloyd, AG For the Benefit of General Motors Corporation—Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION: Bruce A. Dombrowski, Assistant Secretary, (202) 523-5725.

Bruce A. Dombrowski,

Assistant Secretary.

[FR Doc. 85-7279 Filed 3-22-85; 4:43 pm]

BILLING CODE 6730-01-M

3

FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, April 1, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of banks and bank holding company applications scheduled for the meeting:

Dated: March 22, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-7280 Filed 3-22-85; 4:44 p.m.]

BILLING CODE 6210-01-M

federal register

Wednesday
March 27, 1985

Part II

Department of Commerce

National Telecommunications and Information Administration

Grants for Planning and Construction of Public Telecommunications Facilities; Acceptance of Applications for Filing; Notice

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Grants for Planning and Construction of Public Telecommunications Facilities; Acceptance of Applications for Filing

I. New Applications and Major Amendments to Deferred Applications

Notice is hereby given that the following described applications for Federal financial assistance are accepted for filing under provisions of Title III, Part IV, of the Communications Act of 1934, as amended (47 U.S.C. 390–94) and in accordance with 15 CFR Part 2301. All of the applications listed in this section were received by January 16, 1985. The effective date of acceptance of these proposals, unless otherwise indicated herein, is "Date Received". Applications are listed by their State.

The acceptance of applications for filing is a procedure designed for making preliminary determinations of eligibility and for providing the opportunity for public comment on applications. Acceptance of an application does not preclude subsequent return or disapproval of an application if it is found to be not in accordance with the provisions of either the Act or 15 CFR Part 2301, or if the applicant fails to file any additional information requested by the Public Telecommunications Facilities Program (PTFP). Acceptance for filing does not assure an application of being funded; it merely qualifies it to compete for funding with other applications which have also been accepted for filing.

Pursuant to 15 CFR 2301.09, applicants were required to publish in a newspaper of general circulation, in a community to be served by the applicant, a notice that such application has been tendered to the PTFP of the National Telecommunications and Information Administration. The notice shall have been published once a week for two consecutive weeks on or before January 16, 1985. The notice included (1) information as to where within the community to be served a copy of the application, and any amendments hereto, may be inspected by the public during normal business hours; and (2) an invitation for parties supporting or opposing the application to file comments with the Administrator, National Telecommunications and Information Administration, Public Telecommunications Facilities Program, Washington, D.C. 20230. All comments must be filed within fifteen (15) calendar days from the date of this public notice of acceptance of the application and must be accompanied by a written assurance that a copy of the comments has been mailed to the applicant.

Scott Mason,

Chief, Management Branch.

AK (Alaska)

File No. 55043 CTB Bethel Broadcasting Incorporated, 237 Radio St., P.O. Box 468, Bethel, AK 99559. Signed By: Mr. Myron Naneng, President. Funds Requested: $213,971. Total Project Cost: $285,295. To replace the transmitter and worn-out studio and test equipment of public TV station KYUK, operating on channel 4, Bethel, Alaska. KYUK provides the only public television signal to Bethel and to 52 Yupik Eskimo villages in remote areas of Alaska.

File No. 55046 CRB wrangell Radio Group, Inc., 202 St. Michael's St. PO Box 282, Wrangell, AK 99929. Signed By: Ms. Barbara Caum, President. Funds Requested: $33,359. Total Project Cost: $44,479. To replace and upgrade studio equipment of public radio station KSTK–FM, operating on 101.7 MHz, Wrangell, Alaska. The project will also purchase a microwave STL to replace the present telephone line studio-to-transmitter interconnection.

File No. 55048 CRB Kodiak Public Brdcstg. Corp., 718 Mill Bay Road, Kodiak, AK 99615. Signed By: Mr. Alan Schmitt, Pres. Board of Directors. Funds Requested: $64,256. Total Project Cost: $85,675. To replace the transmitter and worn-out studio equipment at public radio station KMXT–FM, operating at 100.1 MHz in Kodiak, Alaska, and to provide portable recording equipment to Native American village news reporters to allow them to originate programming.

File No. 55049 PRB Raven Radio Foundation, 102 B. Lincoln St., P.O. Box 520, Sitka, AK 99835. Signed By: Mr. Richard V. McClear, Chief Operating Officer. Funds Requested: $25,000. Total Project Cost: $25,000. To allow noncommercial station KCAW–FM, operating on 104.7 MHz, Sitka, AK, to study alternative antenna sites and systems to reduce severe multipath interference and to permit KCAW to provide first public radio service via translators to several communities on Chicagof and Baranof Islands.

File No. 55050 CRB Terminal Radio, Inc., 207 Harbor Ct. Bldg., Meals Ave., Valdez, AK 99686. Signed By: Mr. Eric Nielson, Chairman. Funds Requested: $188,670. Total Project Cost: $251,562. To establish a public radio station, KGGN–AM, operating on 770 KHz in Valdez, Alaska. The station will provide first public radio signal to nearly 6,000 residents of the Valdez and Prince William Sound areas of south central Alaska.

File No. 55060 CRB Capital Community Brdcstg., Inc., 224 Fourth Street, Juneau, AK 99801. Signed By: Mr. Donovan J. Rinker, President & General Manager. Funds Requested: $89,051. Total Project Cost: $118,735. To extend by translators the signal on noncommercial radio station KTOO–FM, operating on 91.9 MHz, Juneau, AK, so as to bring a first public radio signal to the residents of Excursion Inlet, Hoonah and Gustavus in southeast AK. Project will also replace worn out and obsolete studio production equipment at KTOO–FM.

File No. 55074 CRB Rainbird Community Brdcstg. Corp. 716 Totem Way, Ketchikan, AK 99901. Signed By: Ms. Helen Finney, Secretary. Funds Requested: $73,627. Total Project Cost: $98,170. To improve the studio equipment, much of it worn out and obsolete, and to purchase SCA dissemination equipment for noncommercial radio station KRBD–FM, operating on 105.9 MHz, in Ketchikan, AK.

File No. 55094 PRB Chevak Traditional Council, P.O. Box 6144, Chevak, AK 99563. Signed By: Mr. Frank P. Chayalkun, President. Funds Requested: $28,000. Total Project Cost: $28,000. To perform planning necessary or activation of a public radio station in Chevak, Alaska. The station would provide the first noncommercial radio signal to approximately 1800 residents in this remote region of western Alaska; programming would be bi-lingual and designed to meet needs of the Yupik Eskimo population.

File No. 55203 CRB Kachemak Bay Broadcasting, Inc., 215 East Main Court, Homer, AK 99603. Signed By: Mr. Kevin Wyatt, President. Funds Requested: $103,687. Total Project Cost: $138,250. To improve and extend the signal of noncommercial radio station KBBI–AM, Homer, AK, presently operating on 1250 KHz, by changing its tower location, transmitter power, and frequency to 890 KHz. The new transmission system will being a first public radio signal to about 2719 residents of the Kenai Peninsula of southcentral AK.

File No. 55310 CRB Kotzebue Broadcasting, Inc., 396 Lagoon Street, Kotzebue, AK 99752. Signed By: Mr. Chester Ballot, President. Funds Requested: $152,279. Total Project Cost: $211,395. To construct a new antenna and transmitter for noncommercial radio station KOTZ–AM, operating on 720 KHz, Kotzebue, AK, to upgrade the KOTZ signal from 5 to 10 kw. The

project will also purchase additional dissemination and test equipment to improve the KOTZ–AM signal.

AL (Alabama)

File No. 55013 PTN Jefferson State Junior College, 2601 Carson Road, Birmingham, AL 35215. Signed By: Ms. Judy M. Merritt, President. Funds Requested: $27,300. Total Project Cost: $48,200. To plan an ITFS system to provide course offerings to designated learning centers and cable headends in the Birmingham area. Project will benefit 832,000 residents of the area.

File No. 55108 CRB Board of Trustees, Univ. of AL, 7 Bryce Lawn, Tuscaloosa, AL 35486. Signed By: Mr. Robert A. Wright, Vice Pres. Financial Affairs. Funds Requested: $53,475. Total Project Cost: $71,300. To activate satellite FM station in Sheffield. Station will operate on 89.9 MHz and repeat the signal of WUAL–FM. Facility will provide first public radio to over 66,980 listeners.

File No. 55201 PRTB Americus Rural Education Found., 1315 Military St., RT. 1, Box 779, Hamilton, AL 35570. Signed By: Dr. Robert Holcomb, Executive Director. Funds Requested: $75,000. Total Project Cost: $85,000. To plan for the design of a five state telecommunications network of at least fifteen minority institutions of higher learning in Alabama, Mississippi, Tennessee, North Carolina and Kentucky. Project proposes to study how to strengthen the telecommunications resources of the various institutions.

File No. 55248 CTB Lawson State Community College, 3060 Wilson Road, Birmingham, AL 35221. Signed By: Mr. Jesse Lewis, President. Funds Requested: $653,811. Total Project Cost: $871,748. To construct a new public television station on channel 62 in Birmingham. Station will program primarily to the minority audiences in the Jefferson County area.

File No. 55285 CTN Jefferson State Junior College, 2601 Carson Road, Birmingham, AL 35215–3098. Signed By: Ms. Judy Merritt, President. Funds Requested: $34,290. Total Project Cost: $45,720. To establish a satellite downlink capability for enhanced participation in the National University Teleconferencing Network (NUTN). Project will serve an estimated 350,000 residents of Birmingham and Jefferson county.

File No. 55375 CTN Alabama Educational TV Comm., 2101 Magnolia Ave., Birmingham, AL 35256. Signed By: Mr. Wilbur H. Hinton, General Manager. Funds Requested: $466,875. Total Project Cost: $622,500. To establish instructional TV fixed service (ITFS) systems in Huntsville, Birmingham and Montgomery. The multi-channel system of instructional audio and video will serve an estimated 1,895,000 residents of the state.

File No. 55425 CTB Alabama Educ. TV Commission, 2101 Magnolia Ave., Birmingham AL 35256. Signed By: Mr. Wilbur H. Hinton General Manager. Funds Requested: $1,721,535. Total Project Cost: $2,295,380. To replace and upgrade the transmission and origination equipment of the Alabama Public Television Network. Network serves 3,893,888 residents of the state of Alabama. Project seeks funding for improvement of the nine TV stations, replacement of the state microwave interconnection system and equipment for network telecommunications center and tape delay center. Application supplements request in File No. 55037.

AQ (American Samoa)

File No. 55255 CTB American Samoa Government, Pago Pago, AQ 96799. Signed By: Mr. Fulifuli Taveuveu, Director. Funds Requested: $949,314. Total Project Cost: $1,259,314. To improve the facilities of KVZK–TV, serving American Samoa by replacing obsolete transmission and studio production equipment.

AR (Arkansas)

File No. 55137 CFB Arkansas Brdcstg. Found., Inc., 1501 Arch Street, Little Rock, AR 72202. Signed By: Mr. Pat House, President. Funds Requested: $129,146. Total Project Cost: $172,195. The acquire an antenna and related broadcast equipment that would allow the joint use of KABF–FM's tower by both KABF–FM and KLRE–FM. KABF–FM would replace a worn out antenna and KLRE-FM would increase it's coverage area. This joint effort would provide a benefit to an estimated 638,000 people in Little Rock and central AR.

File No. 55243 CRB University of Central Arkansas, UCA Box A, Conway, AR 72032. Signed By: Mr. Jefferson Farris, President. Funds Requested: $16,989. Total Project Cost: $22,653. To replace worn out equipment at noncommercial education station KUCA–FM, 91.3 MHz, in Conway. Station operates with 5 kw power and services an estimated 350,000 residents in Conway and Faulkner County.

File No. 55256 CRB University of Arkansas, 103 N. Duncan, Fayetteville, AR 72701. Signed By: Mr. Winfred L. Thompson, Vice Pres. for Finance. Funds Requested: $101,557. Total Project Cost: $135,410. To extend the signal of KUAF–FM, 88.9 MHz, by increasing power to 100kw. Station will serve 406,205 citizens of Fayettevaille and northwest Arkansas. Facility will provide first FM service to 369,203.

File No. 55382 CTB Arkansas Ed. TV Network Comm., 350 S. Donaghey, Conway, AR 72032. Signed By: Mr. Raymond Ho, Executive Director. Funds Requested: $744,600. Total Project Cost: $992,800. To replace obsolete and worn out basic TV origination equipment so that the AETVN can continue to provide the only public TV signal to the entire state. Project will serve 2,245,000 residents of state.

AZ (Arizona)

File No. 55027 CRB Arizona Board of Regents, P.O. Box 5764, Flagstaff, AZ 86011. Signed By: Mr. Eugene M. Hughes, President. Funds Requested: $8,431. Total Project Cost: $11,242. To extend and improve the signal of KNAU–FM, 90.7, Flagstaff, AZ, with translator service to city of Prescott, AZ.

File No. 55064 CRB University of Arizona, Tucson, AZ 85721. Signed By: Mr. William R. Noyes, Assoc. Vice President. Funds Requested: $51,246. Total Project Cost: $68,328. To upgrade noncommercial AM and FM station KUAT, operating on channels 1550 and 90.5, repsectively, by replacing the FM transmitter, the AM and FM on air audio consoles and the on location recording and on location pickup facilities.

File No. 55103 CTB Navajo Community College, LRC Building, Tsaile, AZ 86556. Signed By: Mr. Dean C. Jackson, President. Funds Requested: $324,482. Total Project Cost: $432,643. to establish a noncommercial low power TV station to channel 40, in Tsaile, AZ and to interconnect a tribally owned translator system in Shiprock, NM, channel 48, Crownpoint, NM, channel 38, Chinle, AZ, channel 51, Window Rock, AZ, channel 44, Kayenta, AZ, channel 54 to provide a first local service to these areas.

File No. 55120 CTN Phoenix Union High Sch. Dist. 210, 2526 West Osborn Road, Phoenix, AZ 85017. Signed By: Mr. John M. Baracy, Deputy Exec. for Admin. Funds Requested: $148,681. Total Project Cost: $198,242. To establish a production and transmission facility for the Phoenix School System to offer cable based local programming of interest to the local community.

File No. 55240 CTB Rock Point School, Inc., Via, Chinle, AZ 86503. Signed By: Mrs. Kim Nih, President. Funds Requested: $53,746. Total Project Cost: $71,661. To establish a noncommercial low power TV station, operating on channel 56, Chinle, AZ, to provide first local service to the reservation area of central Arizona.

File No. 55269 CRB Maricopa County Cnty Coll. Dist., 3124 East Roosevelt, Phoenix, AZ 85008. Signed By: Dr. Alfredo de los Santos, Vice Chancellor of Educ. Dev. Funds Requested: $17,325. Total Project Cost: $23,100. To establish an SCA radio reading service for the cities of Phoenix and Tucson, AZ, to provide specialized programming to print handicapped persons in the areas.

File No. 55347 CTB Arizona State University, Stauffer Hall, Tempe, AZ 85287. Signed By: Dr. Paige E. Muchollan, Executive, Vice President. Funds Requested: $499,275. Total Project Cost: $665,700. To upgrade the production and transmission capabilities of KAET–TV, channel 8 Temple, by replacing obsolete tape recording and EFP equipment needed to deliver programming to 70% of the residents of AZ.

CA (California)

File No. 55004 CTB San Diego St. University Found., 5164 College Avenue, San Diego, CA 92182–0527. Signed By: Dean Brad Bartel, Ass. Dean Grad. Div., Funds Requested: $553,500. Total Project Cost: $738,000. To improve the programming capabilities of KPBS–TV operating on channel 15, San Diego, Ca by replacing obsolete studio cameras, master control switcher and teleline.

File No. 55007 CRB San Diego St. University Found., 5164 College Avenue, San Diego, Ca 92182–0527. Signed By: Dean Brad Bartel, Associate Dean Grad. Div., Funds Requested: $33,345. Total Project Cost: $44,460. To extend the SCA service of KPBS–FM, operating on 89.5 MHz in San Diego, CA by providing 500 additional SCA receivers for the sight-impaired.

File No. 55069 PRB Mendocino County Public Brdstg., 17400 Fitch Lane, Boonville, CA 95415. Signed By: Mr. Sean Donovan, President. Funds Requested: $46,774. Total Project Cost: $54,314. To plan for the establishment of a public radio station serving the residents of Mendocino County, CA.

File No. 55114 CRB Broadcast Services for the Blind, 420 Taylor St., Rm 330, San Francisco, CA 94102. Signed By: Mr. Ken Metz, President, Bd. of Directora. Funds Requested: $16,616. Total Project Cost: $22,155 To extend the service of the Broadcast Services for the Blind, San Francisco, CA, by the purchase of 300 additional SCA receivers.

File No. 55134 CRB Pataphysical Brdcstg. Fnd., Inc., 203 8th Avenue, Santa Cruz, Ca 95062. Signed By: Mr. Michael S. Gant, President of the Board. Funds Requested: $80,339, Total Project Cost: $107,119. To improve the service of Public Radio Station KUSP–FM, operating on 88.9 MHz in Santa Cruz, CA, by replacing obsolete production equipment.

File No. 55138 CTB KQED, Inc., 500 Eighth Street, San Francisco, CA 94103. Signed By: Mr. Anthony S. Tiano, President & General Manager. Funds Requested: $280,000. Total Project Cost: $373,400. To improve the facilities of public television stations KQED, operating on channel 9, and KQEC, channel 32 San Francisco by replacing obsolete transmission and production equipment, and by the addition of stereo audio and interconnection between San Francisco and Sacramento, CA.

File No. 55143 CTB California Cmty. TV Network, 2054 University Avenue, Berkeley, CA 94704. Signed By: Mr. Lewis Friedland, Vice President. Funds Requested: $1,363,749. Total Project Cost: $1,818,332. To activate a full service public television station in Santa Cruz country to provide a first signal to over 150,000 residents of this and seven surrounding counties.

File No. 55152 CTB Central California Ed. TV, Inc., 2480 Garden Highway, Sacramento, CA 95833. Signed By: Mr. John D. Hershberger, President and General Manager. Funds Requested: $853,869. Total Project Cost: $1,313,645. To improve the service of KVIE–TV, operating on channel 6, Sacramento, CA, by moving to a new transmitter site which will allow the station to increase power and provide first public television service to 168,000 people in the area surrounding Sacramento.

File No. 55159 CRB White Ash Broadcasting, Inc., 754 P Street, Fresno, CA 93721. Signed By: Ms. Mariam Stepanian, General Manager. Funds Requested: $116,987. Total Project Cost: $155,983. To extend the signal of KVPR–FM, operating on 89.3 MHz, Fresno, CA to Bakersfield, CA by establishing a new noncommercial FM station, operating on 89.1 MHz in Bakersfield. New station will have local program origination and serve 200,000 people in the Bakersfield area.

File No. 55223 CRB Pacifica Foundation, 5316 Venice Blvd., Los Angeles, CA 90019. Signed By: Ms. Sharon Maeda, Chief Executive Officer. Funds Requested: $14,585. Total Project Cost: $19,447. To improve the program distribution service of the Pacifica Radio Archives, Los Angeles, CA, by replacing obsolete audio equipment.

File No. 55242 PTN Community Service Media, Inc., 1155 East 148th Street, Compton, CA 90220. Signed By: Mr. Everson Easters, President. Funds Requested: $36,040. Total Project Cost: $51,040. To plan a cable access channel to serve the minority audiences of Compton, CA.

File No. 55247 CTB Redwood Empire Public TV, Inc., 7246 Humbolt Hill Rd., P.O. 13, Eureka, CA 99502–0013. Signed By: Mr. Lenard Lee, President. Funds Requested: $353,823. Total Project Cost: $471,765. To extend the service of KEET–TV, operating on channel 13, Eureka, by replacing the stations transmitter with a more powerful transmitter which will add 10,000 people to the station service area.

File No. 55271 PRTB Sonrise Sr. Citizen Village, Inc, 16888 Baseline, Fontana, CA 92335. Signed By: Mr. Draymond Crawford, President. Funds Requested: $38,000. Total Project Cost: $61,000. To examine the feasibility of establishing nonprofit radio and television broadcasting facilities serving Fontana and other communities in the Los Angeles area.

File No. 55305 CTB Fresno County Board of Educ., 733 L Street, Fresno, CA 93721. Signed By: Mr. John Taylor. Funds Requested: $300,000. Total Project Cost: $402,207. To improve the facilities of KMTF–TV operating on Channel 18, Fresno CA, by the purchase of program production equipment, including the addition of stereo audio capability and mobile microwave facilities.

File No. 55324 CRB Radio Bilingue, Inc., P.O. Box 12682, Fresno, CA 93721. Signed By: Mr. Hugo Morales, Executive Director. Funds Requested: $418,278. Total Project Cost: $557,704. To improve public radio services to Spanish speaking audiences in southern California by establishing a new FM in Bakersfield to operate on 89.9 MHz, establishing a new FM station in Colexico operating on 88.7 MHz, constructing a production studio facility in Los Angeles, and upgrading the production facilities of KSJU, operating on 91.5 MHz in Fresno.

File No. 55325 CRB KCBX, Inc., 4100 Vachell Lane, San Luis Obispo, CA 93402. Signed By: Mr. Frank Lanzone, President and General Manager. Funds Requested: $75,183. Total Project Cost: $100,245. To extend the service of KCBX–FM, operating on 90.1 MHz in San Luis Obispo, CA, by increasing power from 4900 watts to 5600 watts and to improve station service by replacing obsolete equipment.

File No. 55353 CTB Los Angeles Unified School Dist., 1061 West Temple Street, Los Angeles, CA 90012. Signed By: Mr. Joseph Linscomb, Associate Superintendent. Funds Requested: $406,710. Total Project Cost: $616,895. To improve the service of KLCS–TV, operating on Channel 58 in Los Angeles by replacing obsolete transmission and studio production facilities.

File No. 55399 CTN Cmty Resources and Training Center, PO Box 20962, San Diego, CA 92120. Signed By: Mr. Don Mason, General Manager. Funds Requested: $853,086. Total Project Cost: $1,137,448. To establish a full service production studio in San Diego, CA for production of community and minority issue oriented programs for distribution by the San Diego cable company and others nationwide.

CO (Colorado)

File No. 55032 CRB Gunnison Metro. Rec. District, P.O. Box 1382, Gunnison, CO 81230. Signed By: Mr. Lawrence K. Johnson, Director. Funds Requested: $5,970. Total Project Cost: $7,960. To extend the signal of public radio station KPRN–FM, operating on 89.5, Grande Jtcn, CO, to 3 translators serving Gunnison County, City of Gunnison, Crested Butte and Mt. Crested Butte.

File No. 55038 CTB University of Southern Colorado, 2200 Bonforte Blvd., Pueblo, CO 81001. Signed By: Dr. Robert C. Shirley, President. Funds Requested: $614,667. Total Project Cost: $819,556. To extend the signal of PTV station KTSC–TV, operating on channel 8, Pueblo, CO, by increasing power in 1 translator, constructing a new translator, and replacing the existing transmitter to serve Pueblo, Colorado Springs, Manitou Springs and Gardner, CO.

File No. 55086 CRB Equal Rep. of Media Advocacy, 528 9th St., P.O. Box 879, Alamosa, CO 81101. Signed By: Ms. Priscilla de Martinez, President, ERMAC Bd. of Dir. Funds Requested: $47,211. Total Project Cost: $62,948. To upgrade the noncommercial FM radio station KRZA–FM, operating on 88.7, in Alamosa, CO, by installing a satellite receiving dish to receive NPR programming.

File No. 55175 PRB Producciones Estrella Roja, Inc., 613A S. Union Ave, P.O. Box 5034, Pueblo, CO 81002. Signed By: Mr. Jose Ortega, Chairperson. Funds Requested: $23,590. Total Project Cost: $23,590. To plan for a bilingual radio station in Pueblo, CO, to bring specialized radio programs to the Pueblo area hispanic population.

File No. 55218 CRB Colorado Radio Info. Ser., Inc., Greeley, CO 80639. Signed By: Mr. Robert Caron, President. Funds Requested: $26,602. Total Project Cost: $35,470. To extend the signal of SCA services for KUNC–FM and Colorado Radio Information Services, Inc., Greeley, CO, by connecting the service with the state microwave system to other FM stations in CO to bring specialized programming to print handicapped in CO.

File No. 55260 CRB Roaring Fork Pub. Radio Transl., 100 South Spring Street, Aspen, CO 81611. Signed By: Mr. Sy Coleman, President. Funds Requested: $51,371. Total Project Cost: $68,495. To establish a noncommercial FM radio station operating on channel 213, 91.5, Aspen, CO, to provide first local origination service to Pitkin County.

File No. 55275 CTN National Technological Univ., 601 S. Howes St., P.O. Box 700, Fort Collins, CO 80522. Signed By: Mr. Lionel V. Baldwin, President. Funds Requested: $1,200,000. Total Project Cost: $1,600,000. To establish a national satellite based network through the National Technological University in Fort Collins, CO, to provide a system for continuing graduate level engineering and technical education at work sites.

File No. 55380 CRB Crested Butte Mountain Ed Radio, Box 308, Crested Butte, CO 81224. Signed By: Mr. W. Mitchell. Funds Requested: $67,957. Total Project Cost: $90,610. To establish a noncommmercial FM radio station KBUT, operating on 90.3, Crested Butte, CO, to provide first local service to Crested Butte, Mt. Crested Butte, Gothic, Riverbend and Gunnison County of CO.

File No. 55396 CTB Front Range Educ. Media Corp., 6801 West 117th Avenue, Broomfield, CO 80020. Signed By: Mr. Ted Krichels, General Manager, KBDI–TV. Funds Requested: $294,636. Total Project Cost: $392,848. To improve the production and transmission facilities of KBDI–TV, operating on channel 12, Broomfield, CO. To replace obsolete and nonbroadcast quality equipment and to acquire station based downlink capabilities for programming to the residents of the greater Denver, CO, and Cheyenne, WY area.

CT (Connecticut)

File No. 55139 CTB Connecticut Educ. Telecomm. Corp., 24 Summit Street, Hartford, CT 06106. Signed By: Mr. Jerry Franklin, Chief Executive Officer. Funds Requested: $143,510. Total Project Cost: $241,800. To replace three unreliable teleline units with a digital still store at Connecticut Educational Telecommunications Corp. Request also includes state of the art character generator. Equipment requested will improve production quality and flexibility.

File No. 55398 CRB Sacred Heart University, 5229 Park Avenue, Fairfield, CT 06430. Signed By: Mr. Thomas P. Melady, President. Funds Requested: $266,290. Total Project Cost: $356,290. To increase power of public radio station WSHU–FM, licensed to Sacred Heart University in Fairfield, to increase power from 1000 w to 12.5 kw. Power increase will provide first public radio signal to Nassau and Suffolk counties in Long Island, NY. The requested mobile unit will provide access to station.

DC (District of Columbia)

File No. 55168 CRB The American University, 4400 Massachusetts Ave., N.W., Washington, DC 20016. Signed By: Ms. Violeta T. Ettle, Assistant Treasurer. Funds Requested: $53,055. Total Project Cost: $70,740. To install a new main antenna and transmission line as well as a filtered air system for the transmitter room at WAMU–FM in Washington, DC.

File No. 55190 CTB Howard University, 2222 4th Street, NW, Washington, DC 20059. Signed By: Mr. Caspa L. Harris, Jr. Vice President for Business. Funds Requested: $867,180. Total Project Cost: $1,467,180. To replace WHMM–TV's transmission line inner connectors and to equip a broadcast production studio. WHMM–TV, Channel 32, at Howard University in Washington serves an estimated audience of 4 million viewers in the Washington, DC / Baltimore area plus a national audience.

File No. 55193 PTN District of Columbia, 1090 Vermont Ave., NW, Suite 1007, Washington, DC 20005. Signed By: Mr. Richard Maulsby, Executive Director. Funds Requested: $116,850. Total Project Cost: $147,350. To plan for the use of the municipal channels on the cable system that will be constructed in Washington, DC. Project will also do a technical assessment of the design and equipment specifications for upgrading the university's studio facility to allow its use for access programming.

File No. 55258 CRB Greater Wash. Telecom. Asso. Inc, P.O. Box 2626, Washington, DC 20013. Signed By: Mr. F. Kim Hodgson, General Manager. Funds Requested: $163,350. Total Project Cost: $217,825. To improve noncommercial radio station WETA–FM, 90.9 MHz, in Washington, DC. Project will replace obsolete and worn out equipment and upgrade facilities to current industry standards. WETA–FM produces programs for both local and national distribution.

File No. 55417 CRB Pacifica Foundation, Inc., 700 H Street, NW, Washington, DC 20001–3794. Signed By: Ms. Sharon Maeda, Chief Executive Officer. Funds Requested: $46,284. Total Project Cost: $76,284. To improve WPFW–FM, 89.3 MHz in Washington, DC by acquiring necessary basic equipment to allow it to provide adequate production, control and editing studios. Station provides programming that is disseminated locally as well as nationally.

DE (Delaware)

File No. 55209 CTB Delaware Citizens Committee, Inc., Route 1 RossMansion, P.O. Box 864, Seaford, DE 19973. Signed By: Mr. J. Farlow, President & General Manager. Funds Requested: $254,565. Total Project Cost: $339,420. To improve quality and flexibility of production capability of WDPB-TV serving the citizens of Seaford, DE.

FL (Florida)

File No. 55042 CTB University of Florida, 219 Grinter Hall, Gainesville, FL 32611. Signed By: Ms. Katharina Phillips, Grants Devel. Coordinator. Funds Requested: $220,214. Total Project Cost: $293,619. To replace studio transmitter link and film chain at WUFT-TV, channel 5, in Gainesville. Current equipment is beyond repair and parts are not available. Station serves 600,000 residents of north central Florida.

File No. 55044 CTN WJCT, Inc., 100 Festival Park Avenue, Jacksonville, FL 32202. Signed By: Mr. Fred Rebman, President. Funds Requested: $270,731. Total Project Cost: $360,975. To establish an ITFS system at WJCT-TV in Jacksonville, FL, to provide instructional programs to the Duval County, FL, Public Schools, area colleges and universities, and others desiring professional training or community information services.

File No. 55077 CRB WJCT, Inc., 100 Festival Park Avenue, Jacksonville, FL 32202. Signed By: Mr. Fred Rebman, President. Funds Requested: $113,703. Total Project Cost: $151,605. To upgrade the transmission and programming capabilities of station WJCT-FM, 89.9 in Jacksonville, FL, by replacing obsolete apparatus needed to deliver programming to residents of FL.

File No. 55116 CTB Community Communications, Inc., 11510 East Colonial Drive, Orlando, FL 32817-4099. Signed By: Mr. Stephen M. Steck, President. Funds Requested: $215,850. Total Project Cost: $287,800. To replace obsolete and worn out broadcasting and production equipment at WMFE-TV, channel 24, in Orlando. Station serves an estimated 1,775,000 residents in a six county area of central FL.

File No. 55130 CRB University of South Florida, 4202 Fowler Ave., SVC 116, Tampa, FL 33620. Signed By: Mr. Frank Lucarelli, Dir. Div. of Spons. Research. Funds Requested: $269,288. Total Project Cost: $359,050. To improve the production and transmission facilities of WUSF-FM, operating on 89.7 MHz in Tampa, FL by constructing mobile production facilities and installing additional facilities for the radio reading service for the blind.

File No. 55278 CRB The School Bd. of Dade Cty. FL, 172 NE 15th Street, Miami, FL 33132. Signed By: Dr. Leonard Britton, Superintendent of Schools. Funds Requested: $30,000. Total Project Cost: $40,000. To acquire 580 SCA receivers for use by the print handicapped in the Miami area. Receivers will be utilized with the radio reading service offered by WLRN-FM.

File No. 55297 CTB Florida Educational TV, Inc., 1120 S.W. 19th Street, Boca Raton, FL 33432. Signed By: Dr. R. William Henkel, President. Funds Requested: $1,800,456. Total Project Cost: $2,390,456. To establish a noncommercial TV station, operating on channel 21, in Ft. Pierce, FL, to provide first local service to residents of Martin, St. Lucie, Okeechobee, Indian River, and southern Brevard Counties of FL.

File No. 55326 CTB Community TV Found. of So. FL, 14901 NW 20th Avenue, Miami, FL 33181. Signed By: Mr. Stephen L. Rogers, Senior V.P. and Gen. Mgr. Funds Requested: $492,090. Total Project Cost: $656,121. To acquire broadcast equipment to allow for the use of the secondary audio program (SAP) channel of WPBT-TV, channel 2, in Miami. SAP equipment will allow for the simultaneous broadcast of the same program in a second language. WPBT-TV will thus be able to serve both their Spanish and English speaking audiences.

File No. 55345 PTB Florida Educational Television, 1120 SW 19th Street, Boca Raton, FL 33432. Signed By: Dr. R. William Henkel, President. Funds Requested: $125,000. Total Project Cost: $165,000. To plan for noncommercial TV stations at Islamorada, Key West and Marathon, FL, to provide first local service to the Florida Keys.

File No. 55350 CRB The University of Florida, 219 Grinter Hall, Gainesville, FL 32611. Signed By: Ms. Nancy Wilkinson, Grants Coordinator. Funds Requested: $25,605. Total Project Cost: $34,140. To improve WUFT-FM, 89.1 MHz in Gainesville by acquiring a remote program unit (RPU) package and a two-way mobile communications system. Station serves an estimated 763,150 people in north central Florida.

File No. 55362 CTB Florida State University, 2565 Pottsdamer Street, Tallahassee, FL 32304. Signed By: Mr. Robert M. Johnson, Dean of Graduate Studies. Funds Requested: $630,487. Total Project Cost: $840,650. To construct a PTV station on channel 22 in Panama City. Channel 22 is presently being operated as a TV translator of WFSU-TV. Upgrading of the station will allow WFSU-TV to greatly expand its coverage area and will provide improved coverage to those presently receiving a signal and an extension of service to those currently without PTV.

File No. 55366 CRB Gulf Coast Community College, 5230 West Highway 98, Panama City, FL 32401. Signed By: Mr. Lawrence Tyree, President. Funds Requested: $63,525. Total Project Cost: $84,700. To acquire a new tower to allow WKGC-FM, 90.7 MHz, to continue to broadcast in Panama City. Proposal also seeks a transmitter conversion kit and a satellite receiver. Station is the only full-time public station serving an eight county area of western Florida.

GA (Georgia)

File No. 55161 CRB Georgia Public Radio, Inc., 409 East Liberty St., Savannah, GA 31401. Signed By: Mr. Lawrence A. Roberts, General Manager. Funds Requested: $29,379. Total Project Cost: $39,173. To establish a SCA radio reading service that will use the facilities of WSVH-FM in Savannah. Facility will provide service to print handicapped citizens in Savannah area.

File No. 55188 CRB Georgia Public Telecomm. Comm., 1540 Stewart Ave., SW, Atlanta, GA 30310. Signed By: Mr. Richard E. Ottinger, Executive Director. Funds Requested: $252,840. Total Project Cost: $421,400. To construct two new noncommercial radio stations to provide first service to Tifton and Athens. The Tifton station will operate on 91.1 MHz. The Athens station will operate on 91.7 MHz. The stations will provide a first public radio service to 247,431 citizens. Both stations will be a part of the Georgia Public Radio Network.

GQ (Guam)

File No. 55075 PTB Sky Channel of the Pacific, Inc., 251 Martyr Street, Suite 105, Agana, GQ 96910. Signed By: Ms. Glenda Estrellado, Chairman & President. Funds Requested: $257,200. Total Project Cost: $257,200. To plan to serve the telecommunciations needs of the residents of the Commonwealth of the Northern Marianas Islands and the Trust Territories of the Pacific Islands via satellite and other telecommunications delivery systems from Guam.

File No. 55123 CTB Guam Ed. Telecomm. Corp., Sesame St., P.O. Box 21449, G.M.F., GQ 96921. Signed By: K. K. Woo, General Manager. Funds Requested: $180,105. Total Project Cost: $240,140. To improve the facilities of KGTF-TV operating on channel 12, serving the island of Guam by replacing obsolete production equipment.

HI (Hawaii)

File No. 55178 CRB Hawaii Public Radio, 1335 Lower Campus Drive,

Honolulu, HI 96822. Signed By: Mr. Clarence Eblen, Executive Vice President. Funds Requested: $247,837. Total Project Cost: $330,450. To establish a second public radio station operated by Hawaii Public Radio on 89.3 MHz serving the residents of Honolulu, and Oahu Island, Hawaii. The proposed station will provide news, public affairs and jazz programming and will be operated in conjunction with KHPR-FM, which will provide a classical/arts program service.

File No. 55206 CTN University of Hawaii, 310 Kaahumanu Avenue, Kahului, HI 96732. Signed By: Dr. Moheb Ghali, Director. Funds Requested: $429,250. Total Project cost: $572,334. To extend the telecommunications services of Maui Community College, located in Kahului, to Hana and to the residents of the islands of Lanai and Molokai by establishing a two-way interactive microwave system for the distribution of instructional and public service information programming.

File No. 55404 CTN Hawaii Pub. Broadcasting Auth., 2350 Dole Street, Honolulu, HI 96822. Singed By: Mr. James Young, Executive Director. Funds Requested: $2,959,294. Total Project Cost: $3,945,726. To establish a 4 channel ITFS system to provide educational television services throughout the state of Hawaii.

IA (Iowa)

File No. 55059 CTN Iowa Central Community College, 330 Avenue M, Fort Dodge, IA 50501. Signed By: Mr. Harvey Martin, Superintendent. Funds Requested: $2,789,270. Total Project Cost: $3,719,027. To activate a microwave interconnected instructional television fixed service to link together a variety of educational centers for purposes of providing instructional programming services to the Iowa communities of Eagle Grove, Fort Dodge, Gowrie, Humboldt, Jefferson, Pocahontas, Rockwell City, Sac City, Storm Lake and Webster City.

File No. 55090 CTN Eastern Iowa City, College Dist., 2804 Eastern Ave., Davenport, IA 52803. Signed By: Mr Michael E. Crawford Chancellor. Funds Requested: $403,481. Total Project Cost: $576,401. To activate an interconnected instructional television fixed service network on channels WHR-478, Muscatine, IA; WHR-510, Clinton, IA; WHR-479, Bettendorf, IA, to provide service to the communities bordering the Mississippi River in east Iowa.

File No. 55145 CRB University of Northern Iowa, 23rd & College Streets, Cedar Falls, IA 50614. Signed By: Mr. Edward M. Ebert, Grants and Contracts Admin.. Funds Requested: $193,127. Total Project Cost: $261,502. To expand the noncommercial radio service of KUNI-FM, 90.9 MHz, Cedar Fall, IA, by establishing a repeater station on channel 218, Mason City, IA, and interconnected with its parent station by microwave in order to bring to the Mason City area state provided telecommunications services.

File No. 55270 CRB Iowa Public Broadcasting Board, 2801 Bell Ave., Des Moines, IA 50321. Signed By: Mr. Larry G. Patten, Executive Director. Funds Requested: $273,750. Total Project Cost: $365,000. To improve the origination facilities of noncommercial television station KDIN-TV, channel 11, Des Moines, IA, by replacing worn and obsolete video tape recorders and companion editing equipment to provide needed programming to Des Moines and the other communities served by the Iowa PTV Network.

ID (Idaho)

File No. 55102 CTB Board of Regents Univ. of ID, 1910 University Drive, Boise, ID 83725. Signed By: Mr. Fred Marino, Station Manager. Funds Requested: $170,790. Total Project Cost: $227,720. To improve the production and distribution capabilities of noncommercial TV station KAID-TV, channel 4, Boise, ID, by replacing obsolete video tape recorders with state of the art equipment.

File No. 55172 CRB Idaho Migrant Council, Inc., 715 S. Capitol Blvd., Suite 405, Boise, ID 83707. Signed By: Mr. Humberto Fuentes, Executive Director. Funds Requested: $122,622. Total Project Cost: $189,422. To establish a noncommercial FM radio station, KIMC-FM, operating on 90.1 MHz, Boise, ID, to provide programming to the Hispanic population in the Boise area.

IL (Illinois)

File No. 55024 CTB Central Educational Network, 4300 W. Peterson Ave., Rm 250, Chicago, IL 60646. Signed By: Mr. James A. Fellows, Executive Director. Funds Requested: $792,000. Total Project Cost: $1,320,000. To improve the audio capability of 64 Public Television Stations by adding multi-channel broadcast sound equipment; the proposed group procurement of essential dissemination apparatus by the Central Education Network will enable improved TV sound reception in the communities served by the participating stations in 21 states and the U.S. Virgin Islands.

File No. 55140 CTN Bradley University, 1501 W. Bradley Ave., Peoria, IL 61625. Signed By: Dr. John C. Hitt, Vice Pres. Academic Affairs. Funds Requested: $128,797. Total Project Cost: $183,995. To improve the instructional television fixed service facilities of noncommercial television stations KTZ-30, channels C-1 & C-2, Peoria, IL and KVO-30, channel E-1, Metamora, IL, by replacing worn and obsolete dissemination, origination and interconnection equipment in order to maintain educational service to the counties of Peoria, Tazewell, Woodford, Stark, Marshall, McLean and Fulton.

File No. 55155 CRB Bradley University, 1501 W. Bradley, Peoria, IL 61625. Signed By: Dr. John C. Hitt, Provost & VP for Academic Aff.. Funds Requested: $44,087. Total Project Cost: $62,981. To extend and improve the public radio and sub-carrier services of public radio station WCBU-FM, 89.9 KHz, Peoria, IL by replacing worn and obsolete origination apparatus and acquiring sub-carrier radio receivers to increase the number of listeners to the station's print handicapped information service.

File No. 55163 CTB Western Illinois University, Memorial Hall, 900 West Adams, Macomb, IL 61455. Signed By: Dr. Leslie F. Malpass, President. Funds Requested: $218,163. Total Project Cost: $311,662. To improve the origination and satellite reception facilities of public television station WIUM-TV, channel 22, Macomb, IL, by replacing obsolete and worn production equipment and acquiring network satellite down-link capability to offer a broader range of locally originated programs as well as those from distant sources to serve the rural communities in the Macomb, IL area.

File No. 55254 CTB Illinois Valley Pub. T/C Corp, 1501 W. Bradley Avenue, Peoria, IL 61625. Signed By: Mr. Philip Weinberg, President. Funds Requested: $253,668. Total Project Cost: $362,383. To improve and upgrade the origination capacity of public television station WTVP, Channel 47, Peoria, Illinois with production and studio equipment to enable additional programming of a local nature to expand the current broadcast day service to include the comprehensive daytime and weekend services.

File No. 55280 CRB Prairie Air, Inc., 113 N. Market, Champaign, IL 61820. Signed By: Mr. Bill Thomas, Station Coordinator. Funds Requested: $51,114. Total Project Cost: $68,151. To replace worn and obsolete dissemination and origination facilities at public radio station WEFT-FM, 90.1 MHz, Champaign, Illinois by extending transmission equipment and provide studio apparatus in order to continue local programming to the Champaign and Urbana metropolitan areas.

File No. 55300 CRB University of Illinois, 354 Administration Building, Urbana, IL 61801. Signed By: Ms. Linda S. Wilson, Secretary Campus Research Brd. Funds Requested: $12,262. Total Project Cost: $16,350. To improve the reliability of dissemination apparatus of noncommercial radio station WILL–FM, 90.9 MHz, Urbana, Illinois by installing a multi-channel studio to transmitter microwave system to assure uninterrupted programming services to Michigan, Illinois and Indiana communities in the station's coverage area.

File No. 55301 CRB Chicagoland Radio Info. Ser., 425 N. Michigan Ave., Suite 1146, Chicago, IL 60611. Signed By: Mrs. Kathryn B. Schmitt, General manager. Funds Requested: $55,319. Total Project Cost: $73,759. To improve the sub-carrier production facilities and provide additional receivers to extend the radio reading service carried on public radio station WBEZ–FM, 91.5 MHz, Chicago, Illinois.

File No. 55315 CRB Lakeside Communications, Inc., 1907 East 78th Street, Chicago, IL 60649. Signed By: Mr. Bernard Williams, Station Manager. Funds Requested: $75,000. Total Project Cost: $100,146. To improve the facilities of public radio station WSSD–FM, 88.1 MHz Chicago, IL, by providing replacement facilities for distribution and increasing the capacity for local studio production as well as enabling the station to acquire distant signals via satellite in order to meet the need of special population group in the Chicago metropolitan area.

File No. 55340 CRN Southern Illinois Media Service, P.O. Box 1056, Carbondale, IL 62903–1056. Signed By: Mr. Richard Parrish, Executive Director. Funds Requested: $2,925. Total Project Cost: $3,900. To provide expansion of radio reading service broadcast as a subcarrier service on noncommercial radio station WSIU–FM, 91.9 MHz, Carbondale, IL, by providing receivers to meet the needs of the handicapped in the southern Illinois communities in the Carbondale area.

File No. 55368 CTB Bd of Trustees, South. IL Univ., Carbondale, IL 62901. Signed By: Mr. John Guyon, V.P., Academic Affairs and Res. Funds Requested: $108,977. Total Project Cost: $182,236. To replace worn and obsolete origination facilities of public television station WISU–TV, Channel 8, Carbondale, Illinois in order to maintain local originated programming to the communities in southern Illinois and southeastern Missouri.

File No. 55414 CTB Brd. of Trustees, Univ. of IL, 354 Administration Building, Urbana, IL 61801. Signed By: Ms. Linda Wilson, Secretary Campus Research. Funds Requested: $68,475. Total Project Cost: $91,300. To improve the audio and capability of noncommercial television station, WILL–TV, channel 12, Urbana, IL, by providing equipment to enable multichannel audio service to the Champaign, Urbana, Decatur, and Springfield areas of IL.

IN (Indiana)

File No. 55054 CTB MI Public Brdcstg. Corp., 100 Center Street, Mishawaka, IN 46544. Signed By: Mr. Don Checots, Executive Director. Funds Requested: $160,176. Total Project Cost: $213,570. To improve the dissemination and origination facilities of noncommercial television station WNIT–TV, Channel 34, South Ben-Elkhart, Indiana by replacing worn and obsolete transmitter control, production control equipment and to add remote field capabilities to provide programming to the communities in the South Bend-Elkhart area.

File No. 55080 CTB Fort Wayne Public Television, 227 E. Washington Blvd., Fort Wayne, IN 46802. Signed By: Mr. D. Dean Hall, Treasurer. Funds Requested: $236,745. Total Project Cost: $302,200. To complete the signal extension and local origination project for public television repeater station, channel 39 UHF, Fort Wayne, Indiana by providing transmission, studio interconnection and dissemination monitoring equipment; further to modify existing satellite interconnection equipment to include up-link capabilities to enable improved telecommunications services to the Fort Wayne, IN, area and the state's TV network.

File No. 55106 CTB Metro. Indianapolis TV Asso, Inc., 1401 N. Meridian Street, Indianapolis, IN 46202. Signed By: Mr. Frank Meek, Exec VP/ General Manager. Funds Requested: $540,859. Total Project Cost: $721,145. To improve the origination and dissemination facilities of noncommercial television station WFYI–TV, Channel 20, Indianapolis, Indiana by replacing worn studio production and control equipment and dissemination monitoring and multi-channel audio apparatus to provide programs to meet the communities in the metropolitan Indianapolis area.

File No. 55170 CTB WIPB–TV Ball State University, 620 W. Minnetrista Blvd., Muncie, IN 47303. Signed By: Mr. Thomas Kinghorn, V.P., Bus. Affairs and Treasurer. Funds Requested: $189,000. Total Project Cost: $252,000. To replace worn and obsolete broadcast facilities and origination equipment for noncommercial television station WIPB–TV, channel 49, Muncie, IN, in order to maintain locally originated program services to the communities in east central IN.

File No. 55230 CTB Trustees of Indiana University, Bryan Hall 215E, I.U., Bloomington, IN 47405. Signed By: Mr. William Farquhar, Director, Contracts Admin. Funds Requested: $244,606. Total Project Cost: $326,142. To improve the programming capabilities of noncommercial television station WTIU, channel 30, Bloomington, IN, by replacing worn and obsolete switching and video recording equipment necessary to deliver programming to the communities in the Bloomington area and to the state's TV network.

File No. 55234 CRB Board of Trustees Vincennes U., 1002 North 1st Street, Vincennes, IN 47591. Signed By: Dr. Phillip M. Summers, President. Funds Requested: $51,409. Total Project Cost: $68,545. To improve the facilities of public radio station WVUB–FM, 91.1 MHz, Vincennes, IN, by replacing worn and obsolete production and control apparatus and remote location interconnection equipment to continue furnishing public telecommunication services locally originated to the communities in the Vincennes metropolitan area.

File No. 55334 CTB SW Indiana Pub. Brdcstg., Inc., 9201 Petersburg Road, Evansville, IN 47711. Signed By: Mr. David L. Dial, Act. President and Gen. Manager. Funds Requested: $420,075. Total Project Cost: $560,100. To improve the dissemination and origination capabilities of noncommercial television station WNIN–TV, channel 9, Evansville, IN, by replacing worn and obsolete transmission line and production equipment needed to deliver programming to the City of Evansville and the surrounding communities.

File No. 55385 CTB Bd of Trustees, Vincennes Univ., 1002 N. 1st Street, Vincennes, IN 47591. Signed By: Dr. Phillip Summers, President. Funds Requested: $337,500. Total Project Cost: $450,000. To replace worn and obsolete production equipment for noncommercial television station WVUT–TV, channel 22, Vincennes, IN, to provide origination of local programs to meet the telecommunication needs of the communities in the Vincennes area.

KS (Kansas)

File No. 55065 CTB Kansas Public T/C Service, Inc., 320 West 21st St., P.O. Box 288, Wichita, KS 67201. Signed By: Zoel Parenteau, President & General Manager. Funds Requested: $268,415. Total Project Cost: $357,887. To replace worn out and obsolete camera and lighting equipment at PTV station KPTS.

operating on channel 8, from Wichita, KS.

File No. 55179 CRB Kanza Society, Inc., One Broadcast Plaza, PO Box 57, Pierceville, KS 67868. Signed By: Mr. Quentin Hope, Executive Director. Funds Requested: $21,579. Total Project Cost: $28,772. To extend the signal of noncommercial radio station KANZ–FM, operating on 91.1 MHz, Pierceville, KS, by constructing translators in St. Francis and Sharon Springs, KS. This will bring a first public radio signal to approximately 5,000 residents of northwest Kansas.

File No. 55238 CTB Smoky Hills Public TV, P.O. Box 9, 6th & Elm Streets, Bunker Hill, KS 67626. Signed By: Mr. Kenneth F. Gardner, Vice President & General Mngr. Funds Requested: $504,800. Total Project Cost: $794,800. To equip a mobile TV production unit for noncommercial TV station KOOD–TV, operating on channel 9, Bunker Hill, KS. The mobile unit will permit KOOD to address a wider range of community events and issues in the station's vast coverage area in north central and western Kansas.

File No. 55311 CTB Colby Community College, 1255 South Range, Colby, KS 67701. Signed By: Dr. James H. Tangeman, President. Funds Requested: $52,000. Total Project Cost: $69,370. To construct a noncommercial TV production studio the programming from which will be transmitted on a dedicated community access channel of the cable TV system serving the municipalities of Colby and Oakley, KS. The studio will be located on the campus of Colby Community College. It will provide the first public TV service with local origination to over 8,000 residents of Thomas and Logan Counties in northwest Kansas.

KY (Kentucky)

File No. 55195 CTB Fifteen Telecommunications, Inc., 4309 Bishop Lane, Louisville, KY 40218. Signed By: Mr. John-Robert Curtin, Gen. Mgr. & Chief Exec. Off. Funds Requested: $499,374. Total Project Cost: $665,832. To replace obsolete and worn out broadcast equipment at WKPC–TV, channel 15, Louisville. Station provides service to an estimated 1,237,400 residents of greater Louisville and southern IN. Project seeks cameras, recorders, switcher and microwave facilities.

File No. 55290 PTB Kentucky Authority for Educ. TV, 600 Cooper Drive, Lexington, KY 40502. Signed By: Ms. Sandra Welch, Deputy Executive Director. Funds Requested: $54,102. Total Project Cost: $146,797. To plan for the implementation of a second broadcast channel to be used exclusively for the inschool, higher education and adult and continuing professional educational needs of the residents of the state of Kentucky. State PTV Network serves 3,660,777 residents of the state.

File No. 55291 CTB Kentucky Authority for Ed. TV, 600 Cooper Drive, Lexington, KY 40502. Signed By: Ms. Sandra Welch, Deputy Executive Director. Funds Requested: $291,070. Total Project Cost: $447,800. To acquire 5 new one inch video tape recorders which will replace obsolete and wornout two inch machines. Equipment will be used to meet the needs of the State PTV Network and will benefit 3,660,777 residents of the state.

LA (Lousiana)

File No. 55157 CRB LSU at Shreveport, 5815 Youree Drive, Shreveport, LA 71115. Signed By: Mr. E. Grady Bogue, Chancellor LSU-Shreveport. Funds Requested: $293,659. Total Project Cost: $391,546. To activate a new noncommercial FM station on 88.3 MHz in Alexandria. Station will repeat KDAQ–FM in Shreveport initially, but will have technical capacity to originate programming. Station will provide first public radio service to estimated 614,329 residents.

File No. 55335 PRB Southeastern Louisiana Univ., Tennessee and Sycamore Streets, Hammond, LA 70402. Signed By: Dr. J. Larry Crain, President. Funds Requested: $40,500. Total Project Cost: $42,500. To plan for the establishment of a new public radio station to serve St. Helena, St. Tammany, Washington and Tangipahoa Parishes. Proposed station would serve an estimated 294,837 residents of which an estimated 101,034 would be first service.

File No. 55348 CTN Northeast Louisiana University, Brown Hall 127, Monroe, LA 71209. Signed By: Dr. Dwight Vines, President. Funds Requested: $102,199. Total Project Cost: $136,266. To establish a cable access center which will permit the first local origination of programming in northeast Louisiana. Facility would serve an estimated 87,500 residents.

File No. 55383 CTB Greater New Orleans Ed. TV Found, 916 Navarre Ave., Box 24026, New Orleans, LA 70124. Signed By: Mr. Vincent Saele, Pres. and Chief Exec. Officer. Funds Requested: $445,275. Total Project Cost: $593,700. To replace worn out studio cameras and film chain at station WYES–TV Channel 12, in New Orleans. Station serves 1,200,000 residents of the greater New Orleans area.

MA (Massachusetts)

File No. 55107 CRB Trustees of Boston University, 630 Commonwealth Ave., Boston, MA 02215. Signed By: Mr. Kenneth G. Condon, Vice Pres. Financial Affairs. Funds Requested: $306,143. Total Project Cost: $408,191. To rebuild and relocate transmitter of WBUR–FM serving the Boston area. The project will extend signal and improve stations signal within current coverage area.

File No. 55267 CTB WGBH Educational Foundation, 44 Hampden Street, Springfield, MA 01103. Signed By: Mr. Leonard A. Wilson, Chairman, Bd. of Tribunes. Funds Requested: $213,864. Total Project Cost: $319,200. To replace obsolete and worn out video tape equipment of noncommercial television station, WGBY–TV, channel 57, Springfield, MA, in order to provide acceptable video signal to the community and to reduce station maintenance costs.

File No. 55352 CRB University of Massachusetts, Harbor Campus, Boston, MA 02125. Signed By: Mr. Carl S. Finn, Director, Grant Administration. Funds Requested: $77,127. Total Project Cost: $120,082. To increase power from 200 watts to 1 KW, construct a new antenna system, increase tower height, and install two translators to improve and extend signal of WUMB–FM serving Boston, MA.

MD (Maryland)

File No. 55239 CRB University of Maryland, E Shore, Williams Admin. Bldg., Princess Ann, MD 21853. Signed by: Dr. William Hytche, Chancellor. Funds Requested: $130,305. Total Project Cost: $173,741. To activate a new noncommercial FM radio station operating on 91.3 MHz in Princess Anne. The proposed station will provide a first public radio signal to an estimated 90,000 residents of Somerset, Wicomico and Worcester Counties.

File No. 55245 CTB Maryland Public Television, 11767 Bonita Avenue, Owings Mills, MD 21117. Signed By: Mr. Stephen Kimatian, Executive Director. Funds Requested: $182,518. Total Project Cost: $365,037. To expand the state TV network's programming capability to include live transmission of local events occurring within one microwave hop of the network's four major transmission towers in Baltimore County, Salisbury, Annapolis and Hagerstown. State public TV network benefits an estimated 3.5 million residents.

File No. 55246 CTB Maryland Public Television, 11767 Bonita Avenue, Owings Mills, MD 21117. Signed By: Mr. Stephen H. Kimatian, Executive

Director. Funds Requested: $61,287. Total Project Cost: $122,575. To improve the transmission capabilities of WCPB–TV, Channel 28, in Salisbury, by acquiring necessary spare dissemination equipment for the transmitter. Facility is a part of the state public TV network and serves an estimated 75,000 residents of the Eastern Shore of Maryland.

File No. 55401 CTN Chesapeake College, Intersection RT 50/RT 213, Wye Mills, MD 21679–0001. Signed By: Dr. Robert C. Schleiger, President. Funds Requested: $229,485. Total Project Cost: $305,980. To activate a new ITFS system to serve a five-county area on the Eastern Shore of Maryland. Facility will be located in Wye Mills and will provide an instructional service as well as a means of local origination.

File No. 55413 CRB Salisbury State College Found., Camden Avenue, Salisbury, MD 21801. Signed By: Mr. Thomas Bellarance, President. Funds Requested: $37,606. Total Project Cost: $316,809. To establish a new noncommercial FM station on 89.5 MHz, in Salisbury. Station would provide first signal to 278,763 people on the Eastern Shore of Maryland and part of Delaware. Transmitter would be located in Seaford, Delaware.

ME (Maine)

File No. 55070 CTB University of Maine, Alumni Hall, Orono, ME 04468. Signed By: Mr. William Sullivan, Treasurer. Funds Requested: $461,000. Total Project Cost: $614,986. To improve production capability of WMEA–TV located in Biddeford, ME and serving the southern part of the state. Equipment will allow replacement of unreliable industrial quality production equipment with state of the art equipment.

File No. 55071 CTB University of Maine, Alumni Hall, Orono, ME 04469. Signed By: Mr. William Sullivan, Treasurer. Funds Requested: $446,000. Total Project Cost: $595,935. To improve production capability of MPBN serving the entire state, by replacing obsolete switcher, VTR's and other production equipment.

File No. 55110 CTB Colby-Bates-Bowdoin Ed. Corp., 1450 Lisbon Street, Lewiston, ME 04240. Signed By: Mr. Roland A. Desjardins, V. Pres. & Dir. of Engineering. Funds Requested: $233,913. Total Project Cost: $311,885. To improve WCCB–TV, serving parts of Maine, by replacing master control switching system. Activation of TV translators in Bethany and Skowhegan, ME, will extend signal of WCCB to unserved areas. Project also requests funds to replace existing TV translator at Harrison, ME.

MI (Michigan)

File No. 55112 CTN of Saline, 100 N Harris St., P.O. Box 155, Saline MI 48176. Signed By: Mr. Donald E. Shelton, Mayor. Funds Requested: $325,350. Total Project Cost: $433,800. To establish an interconnection network and an access production studio to provide nonbroadcast civic and educational programs via cable franchises dedicated public service channels in the communities of Saline, Dexter, Chelsea, Manchester, Clinton, Milan and Dundee in southeastern Michigan; The system is governed by a cooperative municipal agreement administered by the city of Saline.

File No. 55191 CTN Detroit Educational TV Found., 7441 Second Blvd, Detroit, MI 48202. Signed By: Mr. Robert F. Larson, President & General Manager. Funds Requested: $320,475. Total Project Cost: $437,300. To expand the instructional television fixed service dissemination capabilities of public television station WTVS, channel 56, Detroit, Michigan by providing four additional ITFS transmission facilities and orgination equipment to enable educational programs to be received by metropolitan Detroit area communities.

File No. 55252 CTN Detroit Educational TV Found., 7441 Second Blvd, Detroit, MI 48202. Signed By: Mr. Robert F. Larson, President & General Manager. Funds Requested: $640,425. Total Project Cost: $853,900. To improve the origination facilities of noncommerical television station WTVS, channel 56, Detroit, MI, by acquiring studio production equipment to provide programming services to communities in the Detroit metropolitian area.

File No. 55302 CRB Board of Trustees, MSU, 84 Wilson Road, East Lansing, MI 48824–1212. Signed By: Mr. Howard G. Grider, Director, Contract & Grants. Funds Requested: $121,617. Total Project Cost: $162,156. To improve the signal capability of noncommercial radio stations WKAR–FM, 90.5 MHz and WKAR–AM, 870, both East Lansing, MI, by replacing selected worn and obsolete dissemination facilities in both stations to provide improved signal quality in East Lansing and network affiliated communities.

File No. 55304 CTB University of Michigan at Flint, 1321 E. Court Street, Flint, MI 48503. Signed By: Mr. J. F. Brinkerhoff, Vice President. Funds Requested: $345,675. Total Project Cost: $460,900. To improve the origination capacity of noncommercial television station WFUM, channel 28, Flint, MI, by providing studio production equipment to make possible more responsive local programming to meet the needs of the City of Flint and neighboring communities.

File No. 55391 CTB Delta College, University Center, MI 48710. Signed By: D. Carlyon, President. Funds Requested: $671,510. Total Project Cost: $959,300. To improve the studio and production control facilities of noncommerical television station WUCM–TV, channel 19, University Center, MI, by providing replacement and expansion of origination equipment to better serve the communities in the tri city (Saginaw, Midland, and Bay City) area of east central Michigan.

File No. 55412 CTB Delta College, Delta Road, University Center, MI 48710. Signed By: Mr. D.J. Carlyon, President. Funds Requested: $356,250. Total Project Cost: $475,000. To extend the noncommercial television signal of station WUCM–TV channel 19, University Center, MI, by activating a repeater television station on channel 35, Bad Axe, Mi, to provide PTV programs to the communities in the "Thumb" area of MI.

MN (Minnesota)

File No. 55067 PTB Duluth-Superior Area. Ed. TV Corp, 1202 E. University Circle, Duluth, MN 55811. Signed By: Mr. George Jauss, General Manager, WDSE Pres., Funds Requested: $50,000. Total Project Cost: $67,000. To plan for the replacement of the worn and obsolete Minnesota public television station's microwave interconnection network and to extend it to bring telecommunications service to unserved portions of the state. The planning activity will be directed by noncommercial television station WDSE–TV, Duluth, MN, in conjunction with the professional staffs of the stations in St. Paul, Austin, Appleton and Bemidji.

File No. 55076 PTB Northern MN Public TV, Inc., 14th St. & Birchmont Drive, Bemidji, MN 56601. Signed By: Mr. Paul Stankavich, General Manager. Funds Requested: $20,000. Total Project Cost: $29,744. To plan for a repeating transmission facility of noncommercial television station KAWE–TV, Channel 9, Bemidji, Minnesota to provide first service public broadcasting programming to the unserved communities of Brainerd, Wadena, and Little Falls.

File No. 55111 CTN New Horizon Tele-Network, 201 South Columbia, Morris, MN 56267. Signed By: Mr. Fred M. Switzer, Fiscal Agent. Funds Requested: $540,000. Total Project Cost: $720,000. To establish an ITFS system with local origination and interconnection for the school districts

of Chokio-Alberta, Hancock, Herman, Morris, Starbuck and Wheaton; the system designed to serve the school's New Horizon Tele-network consortium will be licensed to and operated by Pioneer Public TV, KWCM, channel 10, Appleton, MN.

File No. 55181 CRB Mankato State University, Ellis Ave. & Stadium Road, Mankato, MN 56001. Signed By: Dr. Margaret R. Preska, President, MSU. Funds Requested: $12,110. Total Project Cost: $16,155. To improve the origination facilities of public radio station, KMSU-FM, 89.7 MHz, Mankato, MN by acquiring field remote recording equipment and needed test equipment to assure station capability to meet remote programming needs to serve communities in southern Minnesota and northern Iowa.

File No. 55202 PTB State Brd. of Voc-Tech Education, 550 Cedar Street, St. Paul, MN 55101. Signed By: Mr. Joseph Graba, Director. Funds Requested: $95,375. Total Project Cost: $117,000. To plan for public telecommunications services to meet Minnesota's Vocational and Technical Education need by relating state, regional, local and commercial broadcast television and nonbroadcast initiatives to unserved communities in rural and isolated areas, especially in central and northern Minnesota.

File No. 55298 CRTN No. Cen. Minnesota Telenetwork, Northome, MN 56661. Signed By: Mr. Ronald J. Schuster, Supt. School District #363. Funds Requested: $6,612,140. Total Project Cost: $8,816,187. To establish a fiber optics interconnected telecommunications network to serve the Minnesota school districts in International Falls, Little-Big Falls, Northomeindus, Kelliher, and the Nett Lake Indian Reservation. The system also includes origination facilities at school within each of the participating districts.

File No. 55346 CRB Minnesota Public Radio, Inc., 45 East Eighth Street, St. Paul, MN 55101. Signed By: Mr. Thomas J. Kigin, Vice President. Funds Requested: $176,135. Total Project Cost: $234,849. To expand the AM noncommercial radio service of KSJN-AM, 1330 KHz, Minneapolis, MN, by activating a companion service to KSJR-FM, 90.1 MHz, Collegeville, MN, on channel 88.9 MHz, Collegeville, MN. The new station will feature local program services as well as repeater programming from KSJN-AM to meet the needs of communities in the Collegeville-St. Cloud areas.

File No. 55361 CTB Twin Cities Public TV, Inc., 1640 Como Avenue, St. Paul, MN 55108. Signed By: Mr. James E. Carufel, Senior Vice President. Funds Requested: $811,088. Total Project Cost: $1,081,344. To expand the service area of noncommercial television station, KTCT-TV, Channel 17, St. Paul, Minnesota by replacing worn and obsolete dissemination facilities with equipment capable of expanded power to serve an additional 14 counties in Minnesota and Wisconsin contiguous to the twin city area of Minneapolis-St. Paul, Minnesota.

File No. 55392 CTN MN Tele-Media Southwest St. Univ, Highway 23, Box 547, Marshall, MN 56258. Signed By: Dr. John Bowden. Tele-Media NTIA Proj. Dir. Funds Requested: $317,275. Total Project Cost: $428,750. To extend the public telecommunications services of its instructional television fixed service network to provide first service to rural communities in southcentral and west MN. By establishing ITFS dissemination locations at Jeffers and Butterfield and microwave interconnection facilities at Okabena, MN.

File No. 55423 PTN City of Minneapolis, 301M City Hall, Minneapolis, MN 55415. Signed By: Mr. Lyall Schwarzkof, City Coordinator. Funds Requested: $10,000. Total Project Cost: $187,200. To plan for telecommunications facilities interconnecting and establishing broadcast and nonbroadcast services for the city of Minneapolis, Minnesota in order to meet the complex of educational and cultural demands necessary to provide economic and social well-being in the community.

MO (Missouri)

File No. 55033 CTB Ozark Pub. Telecomm., Inc., MPO Box 21, 1101 N. Summit St., Springfield, MO 65801. Signed By: Ms. Hattie Brown, Chairman of the Board. Funds Requested: $98,640. Total Project Cost: $131,520. To improve the origination and programming facilities of television station KOZK-TV, channel 21, Springfield, MO, by replacing obsolete and worn studio equipment to assure continued local programs to the rural communities in southwest Missouri and northwest Arkansas.

File No. 55034 CTB Public Television 19, Inc., 125 East 31st Street, Kansas City, MO 64108. Signed By: Mr. Robert F. Fuzy, President. Funds Requested: $769,104. Total Project Cost: $1,025,472. To improve the dissemination facilities of public television station KCPT, channel 19, Kansas City, MO, by replacing worn and obsolete transmission equipment to assure continued telecommunications services to the metropolitan area of Kansas City, MO and adjacent Kansas communities.

File No. 55083 CTB St. Louis Board of Education, 1517 S. Theresa Ave., St. Louis, MO 63104. Signed By: Mr. Michael A. Hoedel, Station Manager. Funds Requested: $213,750. Total Project Cost: $285,000. To extend and improve the dissemination and origination facilities of public radio station KSLH, 91.5 FM, St. Louis, MO, by replacing obsolete and worn transmission equipment of a low power and acquiring production apparatus to improve educational radio services to the communities in the metropolitan St. Louis, MO area.

File No. 55122 PTB Pub. Tele. Interconnection Auth., 301 West High St., Room 680, Jefferson City, MO 65102. Signed By: Mr. William G. Skelly, Chairman. Funds Requested: $50,000. Total Project Cost: $60,000. To plan for the extension of the Missouri Public Television service and improve and maintain the current system of television translators and their interconnection network state-wide. The planning activity will serve existing Public Television stations and concentrate on unserved communities and will be conducted by the newly created Public Telecommunications Interconnection Authority, Jefferson City, MO.

File No. 55153 CTB Ozark Public Telecomm., Inc., MPO 21, 1101 North Summit St., Springfield, MO 65802. Signed By: Miss Hattie Brown, Chairman of the Board. Funds Requested: $351,663. Total Project Cost: $468,884. To extend the public television signal of station KOZK-TV, channel 21, Springfield, MO by constructing a repeater station on channel 26, Joplin, MO in order to provide programming services to communities in the Joplin metropolitan area.

File No. 55166 CRB New Wave Corporation, 915 E. Broadway, Columbia, MO 65201. Signed By: Mr. Barry Brenesal, General Manager. Funds Requested: $47,312. Total Project Cost: $63,083. To improve the signal quality and production studio capabilities of noncommercial radio station KOPN-FM 89.5 MHz, Columbia, MO, by replacing worn and obsolete transmission apparatus and studio facilities to better serve the needs of Columbia, MO and the surrounding counties of Boone, Howard, Cole, Calloway, Monteau, Cooper, Randolph Monroe and Audrain.

File No. 55185 CTB St. Louis Reg. Educ. Pub. TV, 6996 Millbrook Blvd., St. Louis, MO 63130. Signed by: Mr. Michael Hardgrove, President & General Manager. Funds Requested: $198,006. Total Project Cost: $264,009. To improve the production and transmission facilities of public television station

KETC, channel 9, St. Louis, MO, by replacing worn and obsolete apparatus needed to serve the communities in St. Louis City, the MO counties of St. Louis, St. Charles, Franklin and Jefferson. This project will also serve the counties of St. Clair, Clinton and Monroe in IL.

File No. 55306 CRB KCMW–FM, College and Clark Streets, Warrensburg, MO 64093. Signed By: Mr. James M. Horner, President. Funds Requested: $72,900. Total Project Cost: $97,245. To improve facilities of noncommercial radio station KCMW–FM, 90.9 MHz, Warrensburg, MO, by replacing worn and obsolete transmission equipment and acquiring studio production and satellite regulation facilities to provide a more suitable signal and maintain programming capability for the communities in the Warrensburg, MO area.

MS (Mississippi)

File No. 55031 PRB Miss. Valley State University, Highway 82 W & Sunflower Road, Itta Bena, MS 38941. Signed By: Mr. Joe L. Boyer, President. Funds Requested: $27,219. Total Project Cost: $32,022. To plan for a new noncommercial FM radio station in Itta Bena. Station will provide first local orgination for 23,000 people in Leflore County.

File No. 55287 CRB Alcorn State University, 106 Industrial Technology, Lorman, MS 39096. Signed By: Mr. Walter Washington, President. Funds Requested: $137,790. Total Project Cost: $185,053. To activate a new noncommercial FM station on 91.7 MHz in Lorman. Station would provide first local origination for 25,000 residents in Clairborne and Jefferson Counties.

MT (Montana)

File No. 55052 CRB KGLT–FM, Montana State University, Bozeman, MT 59717. Signed By: Mr. Lawrence T. Kain, Grants Administrator. Funds Requested: $10,717. Total Project Cost: $18,603. To improve the production facilities of KGLT–FM operating on 91.9, Bozeman, MT, by installing new production equipment to enhance new programming locally.

File No. 55084 CTB East Butte TV Club, Inc., P.O. Box 649, Westland Bldg., Chester, MT 59522. Signed By: Mr. Vern R. Pimley, President. Funds Requested: $21,300. Total Project Cost: $28,400. To upgrade the transmission capabilities of translator of East Butte TV Club, Inc., channel 78, Chester, MT and to provide local program production facilities for Liberty, Toole, and Hill counties, MT.

File No. 55214 CTB Salish Kootenai College, Inc., Highway 93, P.O. Box 117, Pablo, MT 59855. Signed By: Dr. Joseph F. McDonald, President. Funds Requested: $199,062. Total Project Cost: $265,417. To establish a noncommercial low-power TV station operating on channel 54, Ronan, MT, to provide the first local service to the Central Flathead Reservation of MT.

File No. 55220 PTB Fort Peck Community College, Box 575 Hgwy. 2 East, Poplar, MT 59255. Signed By: Mr. James Shanley, President. Funds Requested: $31,770. Total Project Cost: $39,770. To plan for a local origination public television station representing a first public broadcast service to the Fort Peck Assiniboine Sioux Reservation of northeast MT.

File No. 55224 CTB Townsend TV District, P.O. Box 489, 515 Broadway, Townsend, MT 59664. Signed By: Mr. Raymond Doggett, Chairman of the Board. Funds Requested: $106,155. Total Project Cost: $141,540. to establish a low power noncommercial TV station, Townsend, MT, to provide first public broadcast service to the Townsend, MT, area.

File No. 55229 CTN Stillwater Public TV, Inc., Box 665, 135 West 4th Avenue, N., Columbus, MT 59019. Signed By: Mr. Jon Brown, President. Funds Requested: $48,300. Total Project Cost: $64,400. To establish a cable access noncommercial channel to provide first public broadcast signal to the city of Columbus, MT.

File No. 55299 CTB Montana State University, 172 Visual Communications Bldg., Bozeman, MT 59717. Signed By: Mr. John Jutila, Vice President for Research. Funds Requested: $172,000. Total Project Cost: $229,693. To improve the production and transmission facilities of KUSM–TV operating on channel 9, Bozeman, the first and only Public Broadcast station in MT, to increase their ability to provide local service to Bozeman, MT, and cable service to the resident of MT.

File No. 55318 PTB Miles Community College, 2715 Dickinson, Miles City, MT 59301. Signed By: Mr. Judson Flower, President. Funds Requested: $93,962. Total Project Cost: $114,321. To plan for a local origination public broadcast facility to provide a first public signal into the unserved area of southeastern MT.

File No. 55358 CRB University of Montana, 304 A Journalism Building, Missoula, MT 59812. Signed By: Mr. Raymond Murray, Associate Vice President. Funds Requested: $65,250. Total Project Cost: $87,000. To upgrade the transmission capabilities of noncommercial FM station KUFM–FM, operating on 89.1 MHz, Missoula, MT, by replacing obsolete monaural transmitting facilities with state of the art equipment to deliver programming to western MT.

File No. 55365 CRB Eastern Montana College, 1500 North 30th Street, Billings, MT 59101. Signed By: Mr. Bruce Carpenter, President. Funds Requested: $98,591. Total Project Cost: $131,455. To extend the signal of public radio station KEMC–FM, operating on 91.7 KHz, Billings, MT, by moving the present transmitter site and increasing transmitter power to expand the signal coverage for 150,000 new listeners in 17 counties of eastern MT.

File No. 55402 CTB Terry Television District, 202 Launder Ave., P.O. Box 215, Terry, MT 59349. Signed By: Mr. Dale Hubber, County Attorney. Funds Requested: $54,675. Total Project Cost: $72,900. To establish a noncommercial low power TV station, Terry, MT, to provide first public broadcast TV signal to a rural area of MT.

File No. 55406 CTB Browning Public Schools, 129 1st Ave., P.O. Box 610, Browning, MT 59417. Signed By: Mr. Thomas Thompson, Superintendent of Schools. Funds Requested: $175,035. Total Project Cost: $233,380. To establish two noncommercial low power TV stations operating in Browning and Heart, MT to provide first local service to the reservation areas of Browning, Heart, Butte and Glacier, MT.

NC (North Carolina)

File No. 55081 CTB Charlotte-Mecklenburg Brdcst.Ath, 42 Coliseum Drive, Charlotte, NC 28205. Signed By: Dr. William A. McIntosh, Chairman. Funds Requested: $541,558. Total Project Cost: $722,078. To improve WTVI–TV, channel 42, in Charlotte by replacing obsolete and worn out equipment. In addition, proposes to establish an ITFS facility to provide instructional services to area. ITFS system will be affiliated with the new PBS National Narrowcast Network.

File No. 55092 CRB Isothermal Community College, Hwy. 74 By-Pass, P.O. Box 804, Spindale, NC 28160. Signed By: Dr. Ben E. Fountain, Jr. President. Funds Requested: $204,002. Total Project Cost: $272,003. To activate a new noncommercial FM radio station on 88.7 MHz in Spindale. Station would serve 570,808 residents of southwestern North Carolina and Tennessee. Facility would provide first public radio service to an estimated 134,179 residents of the area.

File No. 55169 CTB University of North Carolina, 910 Raleigh Rd., P.O. Box 3508, Chapel Hill, NC 27515–3508. Signed by: Mr John W. Dunlop, Director. Funds Requested: $1,358,222. Total Project Cost: $2,263,704. To relocate and improve WUNJ–TV, channel 39, in

Wilmington. Project would replace aging and obsolete basic transmission and related equipment. Station serves an estimated 536,573 residents. Modifications will improve existing service and provide first TV signal to unserved areas.

File No. 55354 CRB Western NC Public Radio, Inc., 1 University Heights, Asheville, NC 28804. Signed By: Mr. Jerrold Brooks, President. Funds Requested: $252,000. Total Project Cost: $336,000. To expand and improve noncommercial FM station WCQS–FM, 88.1 MHz, in Asheville. Proposal would add 163,194 residents to service area, 53,975 who would be receiving a first public radio signal. Additionally, three FM translators would extend signals to areas that would not otherwise receive WCQS–FM due to mountainous terrain.

ND (North Dakota)

File No. 55026 CRB Dakota Radio Information Service, Liberty Memorial Building, Bismarck, ND 58505. Signed By: Ms. Sally Oremland, Vice President. Funds requested: $9,375. Total Project Cost: $12,500. To expand the radio reading services provided by the Dakota Radio Information Service (DRIS) to the blind and physically handicapped. Project will purchase 70 SCA receivers as well as equipment to carry the present DRIS signal in Bismarck, ND to an area of about 75 sq. miles around Minot, ND, encompassing much of the Ft. Berthold Indian Reservation. The service will use the dissemination facilities of Prairie Public Broadcasting, Inc.

File No. 55095 PRB University of North Dakota, Box 8116 Centennial Drive, Grand Forks, ND 58202. Signed By: Mr. Lyle W. Beiswenger, Vice President for Finance. Funds Requested: $14,315. Total Project Cost: $14,315. To conduct the planning necessary to extend via translators the signal of noncommercial radio station KFJM–FM, Grand Forks, ND, to approximately 36,800 residents of northeast ND and northwest MN. These areas presently receive no public radio signal. KFJM–FM operates on 89.3 MHz from the University of North Dakota.

File No. 55266 CRB Prairie Public Broadcasting, Inc, 207 N 5th Street, P.O. Box 3240, Fargo, ND 58108. Signed By: Mr. Dennis L. Falk, President. Funds Requested: $78,219. Total Project Cost: $111,742. To activate an FM satellite repeater station operating on 89.5 MHz in Williston, ND. The new station will retransmit the signal of public radio station KCND–FM, in Bismarck, ND, and will bring the first noncommercial radio signal to over 27,000 residents of northwest North Dakota. The two stations will be connected by a microwave system.

NE (Nebraska)

File No. 55148 CTN University of Nebraska, 1800 N 33rd St., P.O. Box 83111, Lincoln, NE 68501. Signed By: Mr. Earl J. Freise, Asst. Vice Chancellor for Res Funds Requested: $297,312. Total Project Cost: $396,416. To purchase transmission, studio production and microwave equipment to enable the University of Nebraska, Lincoln, to activate an ITFS system for the delivery of graduate and undergraduate credit courses and continuing education seminars to employees at their place of work in Lincoln and Omaha.

File No. 55149 CTB NE Educational Telecomm. Comm., 1800 N. 33rd St., P.O. Box 83111, Lincoln, NE 68501. Signed By: Mr. Jack G. McBride, Sec. & General Manager. Funds Requested: $749,152. Total Project Cost: $998,870. To replace the transmitter of public TV station KMNE, operating on channel 7 in Bassett, Nebraska. Project will also replace obsolete studio equipment at the NETC production center, Lincoln, NE, which provides production facilities for the entire Nebraska ETV Network.

File No. 55367 CRB Union College, 3800 South 48th Street, Lincoln, NE 68506. Signed By: Mr. Greg Hodgson, General Manager. Funds Requested: $37,237. Total Project Cost: $49,650. To improve the program production of noncommercial radio station KUCV–FM, operating on 90.9 MHz, Lincoln, NE, by replacing worn out and obsolete audio recording equipment.

NH (New Hampshire)

File No. 55104 CTB University of New Hampshire, P.O. Box 1100, Pettee Brook Lane, Durham, NH 03824. Signed By: Mr. Lennard Fisk, V. Pres. Research and Finance. Funds Requested: $371,250. Total Project Cost: $495,000. To improve the production capability of New Hampshire Public TV, serving the entire state, by replacing obsolete and unreliable studio equipment which is essential to their broadcast capabilities.

NJ (New Jersey)

File No. 55160 CRB Brookdale Community College, Newman Springs Rd., Lincroft, NJ 07738. Signed By: B. A. Barringer, President. Funds Requested: $153,866. Total Project Cost: $208,866. To extend the signal of public station WBJB–FM into southern and western portions of Monmouth County. It will increase power from 2250 ERP to 22000 ERP.

File No. 55174 CRB Upsala College, 345 Prospect Street, East Orange, NJ 07019. Signed By: Mr. H. Edwin Titus, Vice Pres. of Academic Affairs. Funds Requested: $26,943. Total Project Cost: $35,925. To replace the unreliable transmitter of WFMU–FM, a radio station licensed to Upsala College in East Orange, NJ and serving parts of NJ and NY.

File No. 55210 CRB Newark Public Radio, Inc., 54 Park Place, Newark, NJ 07102. Signed By: Mr. Robert Ottenhoff, General Manager. Funds Requested: $165,439. Total Project Cost: $220,586. To extend public radio signal of WBGO–FM in Newark, via a microwave system, to the unserved communities of Atlantic City and Cape May.

File No. 55321 CRB Performing Arts Network of NJ, 15 Sunrise Circle, Holmdell, NJ 07733. Signed By: Ms. Karen Sanders, Trustee. Funds Requested: $196,824. Total Project Cost: $262,433. To increase power of WEEE–FM in Holmdel, NJ, from 150 w to 2000 w and to build broadcast/recording studios.

NM (New Mexico)

File No. 55078 CRB New Mexico State University, P.O. Box FM91, Las Cruces, NM 88003–0142. Signed By: Ms. Jane Youngers, Director, Grants & Contracts. Funds Requested: $18,590. Total Project Cost: $24,790. To replace worn out and obsolete studio equipment at public radio station KRWG–FM, operating on 90.7 MHz, from the campus of New Mexico State University, Las Cruces, NM.

File No. 55097 CRB Regents of the Univ. of NM, 326 Onate Hall, Albuquerque, NM 87131. Signed By: Ms. Ann Powell, Research Coordinator. Funds Requested: $87,159. Total Project Cost: $116,212. To replace worn out studio equipment of public radio station KUNM–FM operating on 90.1 MHz, Albuquerque, NM, and to construct a translator that will bring the KUNM–FM signal to the residents of the Grants-Milan area of west central New Mexico.

File No. 55098 CTB Regents of the Univ. of NM, 1130 University Blvd., N.E., Albuquerque, NM 87102. Signed By: Ms. Ann Powell, Research Coordinator. Funds Requested: $621,459. Total Project Cost: $828,612. To replace worn-out and obsolete studio equipment at public TV station KNME, operation on channel 5, Albuquerque, NM, and to construct a satellite transmit-receive earth station with facilities to provide a new satellite service for noncommercial educational TV stations and for other noncommercial entities in New Mexico.

File No. 55118 CRB Br. of Ed., City of Albuquerque, 2020 Coal SE, Albuquerque, NM 87106. Signed By: Mr. Francisco D. Sanchez, Jr.

Superintendent. Funds Requested: $44,115. Total Project Cost: $58,822. To increase the transmitter power of noncommercial radio station KANW–FM, operating on 89.1 MHz in Albuquerque, NM, and to construct two FM translators that would provide first public radio signal to the residents of Grants and Santa Rosa, NM.

File No. 55228 CTB Mescalero Apache Tribe, Box 176 Community Center, Mescalero, NM 88340. Singed By: Mr. Wendell Chino, President. Funds Requested: $100,050. Total Project Cost: $133,400. To establish low power TV facilities to bring first public TV signal to the Mescalero Apache Tribal Reservation, Mescalero, NM. The facilities will receive public broadcasting service programming via satellite, with the program switching coordinated by Rural RV System, a non-profit organization based in Carson City, NV.

File No. 55279 PRB Jicarilla Apache Tribe, PO Box 306, Dulce, NM 87528. Signed By: Mr. Leonard Atole, President. Funds Requested: $65,165. Total Project Cost: $65,165. To plan for the establishment of a noncommercial radio station that would provide the first public radio signal to the Jicarilla Apache Tribe Reservation in northcentral NM.

File No. 55288 CRB Santa Fe Community College, 2600 Camino Entrada, Santa Fe, NM 87502–4187. Signed By: Mr. William K. Witter, President. Funds Requested: $120,512. Total Project Cost: $166,083. To establish a noncommercial radio station operating on 90.7 MHz, with 3,000w ERP, to bring first public radio signal with local origination capability to the residents of Santa Fe, New Mexico. The station's studio will be located on the Santa Fe Community College Campus.

File No. 55317 PRB Pueblo de Acoma, P.O. Box 309, Acomita, NM 87034. Signed By: Mr. Merle Garcia, Governor. Funds Requested: $28,310. Total Project Cost: $28,310. To study which of the telecommunications media will most efficiently bring a noncommercial television signal with local origination capabilities to the Pueblo of Acoma Reservation and to neighboring communities in west-central NM. The programming of the facility would center on Native American interests.

File No. 55331 CTB Eastern New Mexico University, Portales, NM 88130. Signed By: Mr. Duane W. Ryan, Director of Broadcasting. Funds Requested: $542,529. Total Project Cost: $723,426. To replace the transmitter and other obsolete and worn out dissemination, test, and studio equipment at public TV station KENW, operating on channel 3 from Eastern New Mexico University, Portales. KENW-TV provides the only noncommercial TV signal to approximately 310,000 residents of east central New Mexico.

File No. 55369 CTB Regents of N. Mexico State Univ., Jordan St., Milton Hall 100, Les Cruces, NM 88003. Signed By: Ms. Jane Youngers, Director, Office of Grants. Funds Requested: $317,100. Total Project Cost: $442,800. To replace obsolete and worn-out production and test equipment at public TV station KRWG, operating on Channel 22 from the New Mexico State University campus in Las Cruces, NM.

NQ (Trust Territory of Pacific Islands)

File No. 55231 CRB YAP Public Radio Station, P.O. Box 39, Colonia, NQ 96943. Signed By: Mr. John A. Mangefel, Governor YAP. Funds Requested: $45,570. Total Project Cost: $60,760. To improve the facilities of WSRA-AM operating on 1494 KHz in YAP, Trust Territory of Pacific Islands, by replacing obsolete production and transmission equipment.

File No. 55232 CTB YAP State Public Television, P.O. Box 39, Colonia, NQ 96943. Signed By: Mr. John A. Mangefel, Governor YAP. Funds Requested: $155,850. Total Project Cost: $207,800. To extend the service area of WAAB-TV, operating on Channel 51 in Colonia, to serve 80% of the population of the island of YAP, Trust Territory of the Pacific. Applicant will also improve station by replacing obsolete production equipment.

NV (Nevada)

File No. 55144 CTB North Lake Tahoe Cmty. Found., PO Box BI, Incline Village, NV 89450. Signed By: Mrs. Patricia Chommie, Corporate Secretary, Admin Dir. Funds Requested: $51,450. Total Project Cost: $68,600. To upgrade the programming capabilities of low power TV station K14AJ operating on channel 14, Incline Village, NV, to provide local production capability for local residents.

File No. 55215 CTB Gerlach/Empire Schools, 100 Second Street, P.O. Box 1, Empire, NV 89405. Signed By: Mr. David R. Green, Principal. Funds Requested: $48,300. Total Project Cost: $64,400. To establish a cable access public broadcasting facility to provide satellite public television programming to Empire, NV.

File No. 55226 PTB Rural Television System, Inc., 6205–A Franktown Road, Carson City, NV 89701. Signed By: Mr. Daniel Tone, RTS Administrator. Funds Requested: $100,000. Total Project Cost: $100,000. To continue the RTS planning activities to bring PTV signals to rural unserved areas in the western United States.

File No. 55343 CTB Clark County School District, 2832 East Flamingo Road, Las Vegas, NV 89121. Signed By: Mr. John Hill, Director of TV Services. Funds Requested: $347,014. Total Project Cost: $462,686. To extend and improve the signal of noncommercial TV station KLVX-TV, channel 10 Las Vegas, by replacing an obsolete VHF transmitter and installing a translator in channel 53 in Laughlin, NV, for the first public TV service to this area.

File No. 55371 CRB Nevada Public Radio Corp. 5151 Boulder Highway, Las Vegas, NV 89122. Signed By: Mr. Lamar Marchese, General Manager. Funds Requested: $17,568. Total Project Cost: $23,425. To extend the signal of public radio station KNPR-FM, operating on 89.5 MHz, Las Vegas, NV, By placing 3 translators to provide first public radio signals to eleven counties in southern NV, southwestern AZ and southeastern CA.

File No. 55381 CTB Channel 5 Public Brdcstg., Inc., UNR Ed. Bldg. #106, PO Box 8856, Reno, NV 89507. Signed By: Mr. James Pagliarini, CEO Station Manager. Funds Requested: $259,097. Total Project Cost: $345,462. To interconnect PTV station KNPB-TV, operating on channel 5, Reno, NV, with Las Vegas, Bishop, Yerington to offer statewide programming to NV, and PTV programming to unserved areas of NV.

File No. 55395 CRB University of Nevada Reno, 106 Educational Building, Reno, NV 89557. Signed By: Ashok Dhingra, V.P. Pres. Finance & Admin., Funds Requested: $35,660. Total Project Cost: $47,547. To extend the signal of public radio station KUNR-FM, operating at 88.7 MHz, Reno, NV, by constructing five translators to provide the first public radio signal to Washoe, Lyon, Pershing, Mineral and Humboldt counties in NV.

File No. 55400 CTN University of Nevada, 900 North Virginia, Reno, NV 89557. Signed By: Mr. Ashok Dhingra, V.P., Finance & Administration. Funds Requested: $485,769. Total Project Cost: $647,692. To establish a statewide satellite and ITFS network based in Reno, NV, to provide instructional programming and statewide programming for NV.

NY (New York)

File No. 55180 CTB STETA, Inc., PO Box 3000, Binghamton, NY 13902. Signed By: Mr. Michael Ziegler, President & General Manager. Funds Requested: $242,025. Total Project Cost: $322,700. To augment the studio editing and lighting equipment of noncommercial TV station

WSKG, the licensee of STETA, Inc., operating on Channel 46 out of Binghamton, NY. Project will improve service to southern New York and northwest Pennsylvania area.

File No. 55198 CTB Long Island Ed. TV Council, Inc., 1425 Old Country Road, Plainview, NY 11803. Signed By: Mr. Samuel Francis, President & General Manager. Funds Requested: $499,706. Total Project Cost: $666,275. To purchase replacement equipment for WLIW-TV's transmitter which is no longer reliable and to replace essential but unreliable production equipment including VTR's, film chain and switching equipment.

File No. 55211 CRB Reseach Fnd. of State Uni. NY, P.O. Box 9, Albany, NY 12220. Signed By: Mr. Maurice Kleiman, RF Sury Fiscal Designee. Funds Requested: $46,479. Total Project Cost: $61,973. To change frequency and increase power of WBSU-FM from 150 watts to 7 kw ERP by installing a new transmitter and antenna. Station will provide first local origination to area.

File No. 55222 CTN Sun Ship Communications, Inc., 1420 Main Street, P.O. Box 402, Buffalo, NY 14209. Signed By: Mr. Clarence Smith, Project Director. Funds Requested: $200,000. Total Project Cost: $255,000. To establish four ITFS channels in Buffalo to distribute specialized training and educational programming.

File No. 55264 CRB Research Found./ Medgar Evera Col. 1150 Carroll Street, Brooklyn, NY 11225. Signed By: Dr. Jay Chunn, II President. Funds Requested: $54,793. Total Project Cost: $99,778. To improve production capability of Medger Evers College of NY City to provide multilingual and alternative community radio programming over WNYE-FM. The station serves NY City and parts of NJ, CT and PA.

File No. 55303 CTB Public Brdcstg. Coun. of Cen. NY, 506 Old Liverpool Road, Liverpool, NY 13088. Signed By: Mr. Richard W. Russell, President & General Manager. Funds Requested: $372,133. Total Project Cost: $496,178. To improve facilities of WCNY-TV in Syracuse by replacing 4 aging 2-inch VTR's with one-inch machines and to update studio communications. A satellite earth terminal is also requested.

File No. 55323 CTB Educational Broadcasting Corp., 356 West 58th Street, New York, NY 10019. Signed By: Mr. George Miles, Jr. Executive Vice President. Funds Requested: $548,180. Total Project Cost: $783,115. To replace inadequate and worn out air control switcher and cameras at WNET-TV in NY City. Production equipment for a remote unit is also requested.

File No. 55333 PTB NY State Education Department, Albany, NY 12230. Signed By: R. J. Maurer, Exec. Deputy Comm. of Educ., Funds Requested: $72,000. Total Project Cost: $122,098. To explore possibilities of developing statellite uplink service from WMIT-TV Schenectady to 37 unserved counties in NY state. The planning grant would also update the 1979 plan.

File No. 55337 PTN Friends World College, Plover Lane, Huntington, NY 11743. Signed By: Dr. Lawrence S. Weiss, President. Funds Requested: $182,000. Total Project Cost: $182,000. To investigate the feasibility of and to plan for the construction of a public telecommunications production center at Friends World College in Huntington that would be designed to produce public service programs that would be distributed via cable in Long Island.

File No. 55360 CTB NE NY Public Telecom. Council, Broad & Beekman Streets, Plattsburgh, NY 12901. Signed By: Mr. Gerald K. Bates, President & General Manager. Funds Requested: $130,500. Total Project Cost: $174,000. To improve signal and production quality of WCTE-TV, in Plattsburgh. Request includes STL, test equipment and production equipment.

File No. 55388 PTB New Int'l Telecomm. Info. Cen., 2057 Linden Blvd., Brooklyn, NY 11207. Signed By: U. S. Nix, President & Director. Funds Requested: $29,799. Total Project Cost: $388,985. To plan for a telecommunication information center in the east section of Brooklyn, NY.

File No. 55389 CTB Mohawk-Hudson Council on Ed. TV, PO Box 17, Schenectady, NY 12301. Signed By: Mr. Donald Schein, President & General Manager. Funds Requested: $492,432. Total Project Cost: $656,576. To construct a satellite uplink which will provide programming originated at WMHT-TV, channel 17, of Schenectady, to 37 unserved NY counties.

File No. 55394 CRB State University of New York, Lanigan Hall, Oswego, NY 13126. Signed By: Mr. Harry K. Spindler, Senior Vice Chancellor. Funds Requested: $141,700. Total Project Cost: $189,026. To extend coverage of WRVO in Oswego, New York by increasing height of antenna and establishing a translator in Utica.

File No. 55407 CTN Hispanic Info. and Telecom. Net., 80 East 11th Street, Suite 201, New York, NY 10003. Signed By: Mr. Jose L. Rodriguez, President. Funds Requested: $677,061. Total Project Cost: $942,749. To Construct a production center in NY City to serve the needs of Hispanic Americans. Programming will be distributed nationally via ITFS, satellite and microwave to cable systems and broadcast facilities. Excess capacity of ITFS system will be leased to Microband.

OH (Ohio)

File No. 55061 CTB Grt. Cincinnati TV Educ. Found., 1223 Central Parkway, Cincinnati, OH 45214. Signed By: Mr. Charles Vaughan, President & General Manager. Funds Requested: $407,486. Total Project Cost: $543,315. To improve the dissemination and origination facilities of noncommercial television station WCET-TV; Channel 48, Cincinnati, OH, by replacing worn and obsolete production equipment and dissemination apparatus to provide programming to the communities in the metropolitan Cincinnati area.

File No. 55132 CRB Ohio University, 9 South College Street, Athens, OH 45701. Signed By: Mr. Ronald Barr, Associate Provost. Funds Requested: $1,272,633. Total Project Cost: $1,696,844. To extend the public radio services of station WOUB-FM, 91.3 MHz, Athens, OH to the communities in the Ironton and Cambridge, OH areas by activating a remote telecommunications network public broadcasting station in each community of license; the station will provide both locally originated as well as network programming to serve the communities in their areas of coverage.

File No. 55151 CTB The Ohio State University, 2400 Olentangy River Road, Columbus, OH 43210. Signed By: Dale K. Ouzts, General Manager. Funds Requested: $1,128,605. Total Project Cost: $1,504,807. To improve the origination facilities by replacing worn and obsolete production equipment for public television station WOSU–TV, channel 34, Columbus, Ohio, to enhance program production services to communities in the Columbus metropolitian area.

File No. 55156 CRB Ohio State University, 2400 Olentangy River Road, Columbus, OH 43210. Signed By: Dale K. Ouzts, General Manager. Funds Requested: $417,900. Total Project Cost: $557,200. To enable noncommercial radio station WOSU–AM, 821 KHz, Columbus, OH, to expand service area and hours of operation by replacing worn dissemination facilities to provide needed program services to Columbus, Franklin, Deleware, Licking, Madison, Fairfield, Pickaway, and Knox counties.

File No. 55158 CRB Cleveland Public Radio, 3100 Chester Ave., Cleveland, OH 44114. Signed By: Mr. Richard J. Santich, Treasurer. Funds Requested: $96,885. Total Project Cost: $129,180. To improve the dissemination facilities of noncommercial radio station WCPN–FM, 90.3 MHz, Cleveland, OH, by replacing worn and obsolete transmitter

and related monitoring and studio to transmitter interconnection to provide programming to the communities in the Cleveland metropolit area.

File No. 55171 CTB Pub. Brdcstg. Found. of NW Ohio, 136 N. Huron St., Toledo, OH 43604. Signed By: Mr. Robert Smith, President & General Manager. Funds Requested: $136,160. Total Project Cost: $209,460. To provide multichannel TV audio capability by improving audio signal quality to public television station WGTE, channel 30, Toledo, OH and to furnish origination apparatus suitable to that purpose in order to better serve the telecommunication needs of communities in the Toledo metropolitan area.

File No. 55173 CRB University of Cincinnati, 1223 Central Parkway, Cincinnati, OH 45214. Signed By: Mr. Frank R. Tepe, Jr. Asso. Vice Pres. Grad. Studies. Funds Requested: $86,625. Total Project Cost: $115,500. To improve dissemination, origination equipment and expand satellite up-link capabilities of noncommercial radio station WGUC-FM, 90.9 MHz, Cincinnati, OH, in order to provide multi-channel up-link service to noncommercial radio networks and to improve telecommunications services to communities in southwestern Ohio, northern Kentucky and southeastern Indiana.

File No. 55196 CRB Pub. Brdcstg. Found. of NW Ohio, 136 N. Huron Street, Toledo, OH 43604. Signed By: Mr. Robert Smith, President & General Manager. Funds Requested: $27,145. Total Project Cost: $41,760. To improve noncommercial radion station WGTE-FM, 91.3 MHz, Toledo, OH, and WGLE-FM, 90.7 MHz, Lima, OH, by replacing worn and obsolete origination equipment common to both stations studio facilities in order to provide needed programming service to both the Toledo, OH and Lima, OH areas.

File No. 55370 CTB Greater Dayton Public TV, Inc., 3440 Office Park Drive, Dayton, OH 45439. Signed By: Dr. Clair Tettemer, President & General Manger. Funds Requested: $913,832. Total Project Cost: $1,413,832. To provide first origination capability to noncommercial television station WPTD-TV, channel 16, Dayton, OH, by providing first studio production and control room capability to enable local programming to communities in southwest OH and southeast IN.

File No. 55373 CTB Ed TV Assoc of Metro. Cleveland, 4300 Brookpark Rd., Cleveland, OH 44134. Signed By: Ms. Betty Cope, President & General Manager. Funds Requested: $251,351. Total Project Cost: $335,135. To replace worn and obsolete studio and production facilities of noncommercial television station WVIZ-TV, Channel 25, Cleveland, OH to provide needed programming to the communities of the Cleveland metropolitan area.

File No. 55377 CRB Xavier University, 3800 Victory Parkway, Cincinnati, OH 45207. Signed By: Fr. Charles Currie, President, Xavier. Funds Requested: $114,417. Total Project Cost: $152,556. To improve noncommercial radio station MVXU-FM, 91.7 MHz Cincinnati, Ohio, by replacing worn and obsolete transmission and related dissemination equipment to provide programming to Ohio and Kentucky communities in the metropolitan Cincinnati area.

OR (Oregon)

File No. 55009 CRB KBOO Foundation, 20 SE 8th Street, Portland, OR 97214. Signed By: Mr. L. C. Hansen, President, Board of Dir. Funds Requested: $60,696. Total Project Cost: $80,928. To Improve public radio station KBOO-FM, operating on 90.7 MHz in Portland, OR by replacing obsolete apparatus needed to provide local programming to residents of OR, and interconnecting the station studio to transmitter via Microwave link.

File No. 55087 CRB Tillicum Foundation, 1129 Commercial/Box 269, Astoria, OR 97103. Signed By: Mr. Ken Eiler, Chairman, Board of Directors. Funds Requested: $15,030. Total Project Cost: $20,040. To extend public radio service of KMUN-FM, operating on 91.9 MHz, Astoria, OR, to surrounding communities in OR and Washington state by construction of FM translators operating on 89.5 MHz, in Scwell, 89.5 MHz in Cannon Beach and 89.5 in Wheeler OR.

File No. 55121 CRB Oregon Public Broadcasting, 2828 S.W. Front Avenue, Portland, OR 97201. Signed By: Mr. Gerald L. Appy, Executive Director. Funds Requested: $123,094. Total Project Cost: $164,126. To extend the program service of KOAP-FM, operating on 91.5 MHz, in Portland, by establishing a repeater station operating on 91.3 MHz in Bend, and establishing a series of FM translators to serve the residents of The Dallas, Hood River, Astoria, Seaside, Sutherlin, Millican, Riley, Azkali, Wagontire, Christmas Valley, Valley Falls, Plush, Paisley, Lakeview, Burns, Sillies, and John Day. Project will provide first service to 120,000 people.

File No. 55408 PTN School District 24J, 1309 Ferry Street, NE, Salem, OR 97301. Signed By: Mr. William Liebertz, Exec. Asst. to Superintendent. Funds Requested: $27,000. Total Project Cost: $30,000. To plan for a local television production facility to serve the residents of Salem, OR.

PA (Pennsylvania)

File No. 55085 CTB NE Pennsylvania Ed. TV Assoc., Old Boston Road, Pittson, PA 18640. Signed By: Dr. John E. Walsh, President & General Manager. Funds Requested: $255,525. Total Project Cost: $340,700. To replace 3 fifteen year old studio TV cameras at WVIA-TV with state of the art cameras which can also be used in field production.

File No. 55127 CRB Metro. Pittsburg Public Brdcstg., 4802 Fifth Ave., Pittsburg, PA 15213. Signed By: Mr. Lloyd Kaiser, President. Funds Requested: $33,333. Total Project Cost: $44,445. To improve broadcast signal of public radio station WQED-FM serving Pittsburgh by replacing telephone lines with radio frequency STL.

File No. 55207 PTN Cen. Susquehanna intermed. Unit, Housels Run Road, P.O. Box 213, Lewisburg, PA 17837. Signed By: Mr. Patrick Toole, Executive Director. Funds Requested: $21,893. Total Project Cost: $28,993. To plan a MW link between Central Susquehanna Intermediate Unit and WVIA-TV, a public TV station located in Wilkes-Barre. WVIA will disseminate the educational & cultural programming provided by SIU.

File No. 55277 CTB Metropolitan Pitts. Pub. Brdcstg, 4802 Fifth Avenue, Pittsburgh, PA 15213. Signed By: Mr. Lloyd Kaiser, President. Funds Requested: $466,926. Total Project Cost: $622,568. To replace obsolete cameras of WQED-TV, serving Pittsburgh, PA, with four state of the art camera systems.

File No. 55327 CRB Pittsburgh Comm. Brdcstg. Corp., 4 Cable Place, Pittsburgh, PA 15213. Signed By: Mr. Peter Rosenfeld, President. Funds Requested: $166,263. Total Project Cost: $221,685. To lease tower space and to replace obsolete production equipment. Request also includes equipment needed to complete conversion from 840 watts to 18140 stereo watts.

File No. 55374 CTB The Penn. State University, University Park, PA 16802. Signed By: Mr. Robert J. Scannell, Vice Pres. & Dean Education. Funds Requested: $725,136. Total Project Cost: $966,849. To replace obsolete transmitter and antenna of WPSX-TV serving central Pennsylvania. Request also includes cameras.

File No. 55390 CTB WHYY, Inc., 150 North 6th Street, Philadelphia, PA 19106. Signed By: Mr. Frederick Breiterfeld, Jr. President WHYY, Inc. Funds Requested: $520,875. Total Project Cost: $694,500. To replace obsolete 2-inch VTR's, post-production editing facilities and production switcher at WHYY-TV in Philadelphia.

File No. 55410 CRB Spanish Am. Civic Asso., Inc., 545 Pershing Avenue, Lancaster, PA 17602. Signed By: Mr. Carlos Graupera, Executive Director. Funds Requested: $59,640. Total Project Cost: $79,520. To activate an Hispanic controlled public radio station of 91.3 in Lancaster. Coverage will be expanded by cable carriage into Harrisburg, Lebanon, Reading and York.

RI (Rhode Island)

File No. 55199 PRB Rhode Island Public T/C Auth., 24 Mason Street, Providence, RI 02903. Signed By: Mr. Errol Hunt, Chairman. Funds Requested: $25,000. Total Project Cost: $25,000. To allow the Rhode Island T/C Authority to examine the feasibility of and to plan for a state wide public radio network.

File No. 55200 CTB RI Public T/C Authority, 24 Mason Street, Providence, RI 02903. Signed By: Mr. Errol Hunt, Chairman. Funds Requested: $663,787. Total Project Cost: $885,050. To improve coverage of WSBE–TV within current coverage area and to expand signal statewide with a power increase from 551 Kw to 1221 Kw.

RQ (Puerto Rico)

File No. 55150 PTN Fundacion Educ. Ana G. Mendez, Carr. 176, Km3, H.03, Cupey Bajo, Rio Piedras, RQ 00928. Signed By: Mr. Isaias Lopez, Acting President. Funds Requested: $71,628. Total Project Cost: $71,628. To study the feasibility of establishing an island-wide ITFS network for Puerto Rico.

SC (South Carolina)

File No. 55045 CTB S. Carolina Ed. TV Commission, 2712 Millwood Ave., POD L, Columbia, SC 29205. Signed By: Mr. Henry J. Cauthen, President & General Manager. Funds Requested: $360,000. Total Project Cost: $540,000. To replace obsolete and worn out video tape recording equipment at the network master control center in Columbia.

File No. 55053 CRB S. Carolina Ed. TV Commission, Drawer L 2717 Millwood Avenue, Columbia, SC 2950. Signed By: Mr. Henry J. Cauthen, President & General Manager. Funds Requested: $45,000. Total Project Cost: $60,000. To improve station WLTR-FM and the South Carolina Public Radio Network by replacing obsolete and worn out origination equipment used in the radio control rooms in Columbia. Project will benefit 3.5 million residents of state as well as regional and national audiences.

SD (South Dakota)

File No. 55040 PRB Rocky Mnt. Progressive Radio, Inc, 3902 Ponderosa Trail, Rapid City, SD 57702. Signed By: Mr. Karl Martin, Executive Director. Funds Requested: $22,587. Total Project Cost: $22,587. To apply for licensing and to develop funding for community programmed noncommercial radio stations in Wyoming. The proposed primary locations for the stations will be Casper, Rock Springs, Sheridan and Laramie-Cheyenne.

File No. 55184 CRB Lakota Communications, Inc., PO Box 150, Porcupine, SD 57772. Signed By: Mr. Dale Means, Station Manager. Funds Requested: $99,078. Total Project Cost: $132,104. To extend the signal of noncommercial radio station KILI-FM by installing translators in Rapid City and in the Rosebud and Cheyenne River Indian Reservations, all in western South Dakota. KILI-FM operates on 90.1 MHz in Porcupine, which is in the Pine Ridge Indian Reservation, SD. The project will also improve the operations of KILI-FM by replacing worn-out studio equipment and purchasing a mobile production system.

TN (Tennessee)

File No. 55014 CTB East TN Public Comm. Corp., 209 Communications Building, Knoxville, TN 37996–0321. Signed By: Charles B. Davis, Chairman of the Board. Funds Requested: $974,992. Total Project Cost: $1,313,673. To improve PTV station WSJK-TV, channel 2, Knoxville, by replacing obsolete and worn out production and related equipment. WSJK-TV serves a audience of 1,800,000 in Knoxville and surrounding areas.

File No. 55068 CRB Memphis/Shelby County Pub. Lbry, 1850 Peabody Ave., Memphis, TN 38104. Signed By: Ms. Sallie Johnson, Director of Library. Funds Requested: $36,000. Total Project Cost: $48,000. To acquire 640 additional SCA receivers for use by the print-handicapped. Receivers will be used in conjunction with radio reading service broadcast by WKNO-FM in Memphis.

File No. 55079 CRB University of Tennessee, Room 232 Communications Bldg., Knoxville, TN 37996–0322. Signed By: Dr. Charles W. Hartsell, Asst. V. Pres. Cont. Educ. Funds Requested: $294,779. Total Project Cost: $393,039. To extend and improve the signal of noncommercial radio station, WUOT–FM, 91.9 MHz, in Knoxville, by acquiring a new taller tower as well as replacing disseminating equipment and related equipment. Project will add 39,288 new listeners and allow station to meet the minimum requirements for a class C station as set forth in FCC Docket 80–90.

File No. 55082 CTB Memphis Community TV Foundation, 900 Getwell Street, Box 80,000, Memphis, TN 38152. Signed By: Mr. W. Wayne Godwin, President & Treasurer. Funds Requested: $398,733. Total Project Cost: $797,466. To replace and improve antiquated equipment at WKNO–TV, channel 10, in Memphis. Equipment replacement will benefit an estimated 1.2 million residents of Memphis and surrounding areas.

File No. 55124 CRB University of Tennessee, 119 Race Hall, Chattanooga, TN 37402. Signed By: Dr. Frederick W. Obear, Chancellor. Funds Requested: $53,063. Total Project Cost: $72,513. To improve and augument WUTC–FM in Chattanooga. Project will replace transmitter and augment studio facilities to provide for production of programming for regional distribution. One million people can receive benefit from requested facilities in parts of TN, GA, AL and NC.

File No. 55212 CTN Chattanooga Sta. Tech Cmty Coll., 4501 Amnicola Highway, Chattanooga, TN 37406. Signed By: Mr. Charles Branch, President. Funds Requested: $772,989. Total Project Cost: $1,030,653. To construct a four channel ITFS system that will serve four isolated and rural Appalachian counties in southeastern TN. Counties to be served are Bledsoe Marion, Rhea and Sequatchie.

File No. 55249 CTB Metro. Board of Public Educ., 2601 Brandsford Ave., Nashville, TN 37204. Signed By: Mr. Charles O. Frazier, Superintendent of Schools. Funds Requested: $215,997. Total Project Cost: $287,997. To replace and improve equipment at PTV station WDCN–TV, channel 8, in Nashville. Project will provide for the conversion to stereophonic TV. Proposal will benefit an estimated 1,388,879 residents of Nashville and surrounding areas.

TX (Texas)

File No. 55002 CRB North Texas University, Avenue A and Chestnut Streets, Denton, TX 76203. Signed By: Mr. Robert B. Toulouse, Vice President, Academic Aff. Funds Requested: $139,630. Total Project Cost: $186,177. To increase transmitter power, erect a new tower, and install required antennas at noncommercial radio station KNTU–FM, operating on 88.1 MHz from North Texas State University, Denton, TX. The increased power will extend KNTU–FM's signal to nearly 40,000 residents in north Texas and southern Oklahoma who currently do not receive a public radio signal.

File No. 55005 PTB So. TX Public Broadcasting Sys., 4455 S. Padre Island Drive, Corpus Christi, TX 78403. Signed By: Mr. Terrel L. Cass, President & General Manager. Funds Requested: $13,200. Total Project Cost: $17,600. To plan for the establishment of a public

TV station in Harlingen, TX, that would provide a first noncommercial TV signal to approximately 350,000 residents in the Rio Grande Valley in the southeast corner of Texas.

File No. 55011 CTB So. TX Public Broadcasting Sys., 4455 S. Padre Island Drive, Corpus Christi, TX 78403. Signed By: Mr. Terrel L. Cass, President and General Manager. Funds Requested: $796,375. Total Project Cost: $1,061,833. To improve the signal of public TV station KEDT, operating on channel 16 in Corpus Christi, TX, by replacing the STL, transmission line, and worn and obsolete studio equipment.

File No. 55019CTB Texas Tech University, 17th and Indiana, Lubbock, TX 79409. Signed By: Mr. John R. Darling, Vice Pres. Academic Affairs. Funds Requested: $437,786. Total Project Cost: $583,715. To replace the existing transmitter and transmission line of noncommercial TV station KTXT, operating on Channel 5, Lubbock, Texas. The new transmitter will allow an increase in operating power to the legally permissible limit of 100,000 watts and will provide a more reliable signal to the station's coverage area.

File No. 55021 CTB Pub. Comm. Found. for North TX, 3000 Harry Hines Blvd., Dallas, TX 75201. Signed By: Mr. Richard J. Meyer, President. Funds Requested: $525,000. Total Project Cost: $750,000. To replace worn out and obsolete studio cameras and switching equipment at public TV station KERA, operating on Channel 13, Dallas, Texas. KERA-TV provides the first noncommercial TV signal to over five million residents of the Dallas/Ft. Worth area.

File No. 55022 CRB Pub. Comm. Found. for North TX, 3000 Harry Hines Blvd., Dallas, TX 75201. Signed By: Mr. Richard J. Meyer, President. Funds Requested: $110,972. Total Project Cost: $147,963. To replace worn out and obsolete production equipment and an STL at noncommercial radio station KERA-FM, operating on 90.1 MHz in Dallas, Texas. KERA-FM provides the only public radio signal to most of the residents of the Dallas/Ft. Worth area.

File No. 55062 CTN Educ. Service Center Region 10, 400 E. Spring Valley, Richardson, TX 75083-1300. Signed By: Mr. Joe Farmer. Funds Requested: $434,581. Total Project Cost: $588,081. To construct three repeater stations to extend the ITFS network of the Region 10 Education Service Center, based in Richardson, Texas. The repeaters will be placed at McKinney, Terrell, and Ennis, TX. They will bring Region 10 instructional programming to an eight county area located to the northeast, east, and south of Dallas, TX.

File No. 55100 CTB Central Texas College, Highway 190 West, Killeen, TX 76542. Signed By: Mr. Dean Frost, Director. Funds Requested: $189,615. Total Project Cost: $252,820. To replace worn out video tape equipment to improve the production capability of PTV station KNCT, operating from Central Texas College on channel 46, Killeen, TX.

File No. 55113 CRB Abilene Christian University, 1600 Campus Court, Abilene, TX 79699. Signed By: Dr. William J. Teague, President. Funds Requested: $254,406. Total Project Cost: $339,208. To establish a noncommercial FM station, operating on 89.7 MHz and located on the campus of Abilene Christian University, Abilene, TX. The station will have the call letters KACU-FM. It will provide the first public radio signal to approximately 140,000 residents of the Abilene area.

File No. 55126 CRB Taping for the Blind, Inc., 3935 Essex Lane, Houston, TX 77027. Signed By: Mr. Ted Lofton, President. Funds Requested: $21,000. Total Project Cost: $28,000. To purchase 400 SCA receivers for Taping for the Blind, Inc. radio reading service, which transmits programming for the print handicapped in the Houston, Texas area via the subcarrier facilities of public radio station KUHF-FM, Houston.

File No. 55309 CTN Region IV Educ. Service Center, 7200 West Tidwell, Houston, TX 77092. Signed By: Dr. Tom Pate, Jr., Executive Director. Funds Requested: $701,781. Total Project Cost: $935,708. To construct the primary transmitting system, with production studios, for an interactive ITFS network for Texas Education Service Center, Region 4, Houston, TX. The network will provide programming to business and industry in the greater Houston area.

File No. 55320 CTB University of Houston, 4513 Cullen Blvd., Houston, TX 77004. Signed By: Ms. Julie T. Norris, Asst. Provost/Dir. Spon. Prog. Funds Requested: $278,955. Total Project Cost: $378,955. To improve the production capability of public TV station KUHT, operating on channel 8, Houston, TX, by replacing obsolete and worn out VTR's an sync generators.

File No. 55329 CRB Texas Tech University, 115 Mass Communications Bldg., Lubbock, TX 79409. Signed By: Dr. John R. Darling, V.P., Academic Affairs and Res. Funds Requested: $45,619. Total Project Cost: $91,238. To activate a noncommercial FM radio station operating on 90.7 MHz from the campus of Texas Tech University, Lubbock, TX. The station will provide a full service public radio signal, with an wmphasis on classical music, to approximately 260,000 residents of Lubbock County and the immediately surrounding area.

File No. 55341 CRB Texas Southern University, 3100 Cleburne, Houston, TX 77004. Signed By: Mr. Leonard H. Spearman, President. Funds Requested: $435,085. Total Project Cost: $578,779. To replace obsolete and worn out dissemination and studio equipment at noncommercial radio station KTSU-FM, located on the campus of Texas Southern University, Houston, TX and operating on 90.9 MHz.

File No. 55342 CTN Houston Independent School Dist., 3830 Richmond Ave., Houston, TX 77027-5838. Signed By: Dr. Billy R. Regan, General Superintendent. Funds Requested: $52,500. Total Project Cost: $70,000. To construct a noncommercial TV production studio for the Houston Independent School District. Programming produced at the studio will be instructional in nature and be transmitted directly to the ITFS network of Texas Education Service Center, Region 4, which will retransmit it to reception points throughout the greater Houston area.

File No. 55356 CRB San Antonio Cmty. Radio Corp., 411 E Durango, PO Box 2576, San Antonio, TX 78299. Signed By: Mr. Mark U. Hand, Treasurer, Bd. of Directors. Funds Requested: $102,390. Total Project Cost: $136,520. To improve the programming capabilities of public radio station KSTX-FM, 89.1 MHz, San Antonio, TX, by purchasing equipment necessary for production and news studios, a remote broadcast unit, and a satellite receive station for interconnection with the Public Radio Satellite System.

File No. 55419 PTN Henderson County Junior College, Cardinal Drive, Athens, TX 75751. Signed By: Mr. William J. Champion, President. Funds Requested: $18,865. Total Project Cost: $25,287. To plan for the construction of an interactive ITFS system to be based at Henderson County Junior College, Athens, Texas. Using the college's network of campuses, the system will bring telecourse and other community service programming to Henderson, Anderson, Kaufman, and Van Zandt counties in east Texas.

File No. 55421 CRB Austin Community Radio, Inc., 3112 B Manor Road, Austin, TX 78723. Signed By: Mr. John Warfield. Funds Requested: $65,693. Total Project Cost: $87,590. To replace worn-out and obsolete dissemination, studio, and test equipment at noncommercial radio station KAZI-FM, operating on 88.7 MHz in Austin, Texas.

UT (Utah)

File No. 55236 CTB Weber State College, MC 1903, Weber State College, Ogden, UT 84408. Signed By: Mr. Rodney H. Brady, President. Funds Requested: $686,598. Total Project Cost: $915,464. To establish a noncommercial TV station KWBR-TV, operating on channel 9, Ogden, UT, to provide first local service to Weber, Davis and Salt Lake, counties.

VA (Virginia)

File No. 55018 CTN Richmond Public Schools, 301 North 9th Street, Richmond, VA 23219. Signed By: Dr. James W. Tyler, Superintendent of Schools. Funds Requested: $90,277. Total Project Cost: $120,370. To improve access to ITFS system beyond Richmond Public Schools to community homes and businesses in Richmond and neighboring Henrico County. Extenion will be accomplished by going onto local cable system.

File No. 55023 CTB Blue Ridge ETV Association, 1215 McNeil Drive, SW, Roanoke, VA 24032. Signed By: Mr. E. V. Rexrode, Jr. Ex. V. Pres. & Gen. Mgr.. Funds Requested: $241,275. Total Project Cost: $321,700. To replace 4 seventeen year old 2 inch VTR's and 1 seventeen year old audio console at WBRA-TV. flagship Station, Blue Ridge, ETV Association.

File No. 55165 CRB Virginia State University, PO Box 536, Petersburg, VA 23803. Signed By: Dr. Wilbert Greenfield, President. Funds Requested: $83,137. Total Project Cost: $158,137. To activate a 100 w public radio station to serve the community of Peterburg and students at Virginia State University.

File No. 55192 CTB Central VA Educational TV Corp., 8101 A Lee Highway, Falls Church, VA 22042. Signed By: Mr. Daniuel P. Ward, Corporate Vice President. Funds Requested: $991,054. Total Project Cost: $1,321,406. To improve production facilities of WNVC-TV serving parts of MD, VA and D.C. Equipment requested will improve quality of program production and will bring studio up to state of the art capacity.

File No. 55194 CTB Central Virginia Ed. TV Corp., 8101A Lee Highway, Falls Church, VA 22042. Signed By: Mr. Daniel P. Ward. Corporate Vice President. Funds Requested: $821,346. Total Project Cost: $1,905,128. To replace transmitter equipment of WNVT-TV, located in Falls Church in order to improve signal within current coverage area. Replacement will also achieve energy savings.

File No. 55221 PRB Vietnam Refugee Fund, Inc., 6318 Mori Street, Mclean, VA 22101. Signed By: Ms. Nancy N. Nuan, Coordinator. Funds Requested: $35,600. Total Project Cost: $62,100. To assess need and to plan for public radio service to new Asian arrivals in 17 US cities.

File No. 55250 PRB Saint Paul's College, 406 Windsor Avenue, Lawrenceville, VA 23868. Signed By: Mr. S. Dallas Simmons, President. Funds Requested: $49,213. Total Project Cost: $49,213. To plan for a public radio telecommunications center in the unserved area of Lawrenceville.

File No. 55292 PTB Central Television Corp, 23 Sesame Street. PO Box 23, Richmond, VA 23235. Signed By: Dr. Richard Hall, Funds Requested: $24,525. Total Project Cost: $32,700. To assess alternative to translator services now provided by WCVE-TV to Charlottsville, Farmville and their surrounding communities. Planning activities will focus primarily on providing direct public TV services over available full service frequencies. Local origination will also be planned for.

File No. 55293 CTN Central Virginia Ed. TV Corp, 23 Sesame St., Richmond, VA 23235. Signed By: Mr. Rchard Hall, Vice President. Funds Requested: $98,137. Total Project Cost: $130,850. To activate an ITFS system in conjunction with educational and government agencies in metropolitan Richmond.

VI (Virgin Islands)

File No. 55001 CTN College of the Virgin Islands, Brewer's Bay, St. Thomas, VI 00801. Signed By: Mr. Arthur A. Richards, President. Funds Requested: $465,471. Total Project Cost: $620,629. To interconnect the St. Thomas and St. Croix campuses of the College of the Virgin Islands via microwave across 45 miles of the Caribbean Sea and to establish an ITFS System to serve the citizens of the islands of St. Thomas, St. Croix and St. John, Virgin Islands.

VT (Vermont)

File No. 55364 CTB Burlington School Department, 14 South Williams Street, Burlington, VT 05401. Signed By: Bernhardt A. Smyle, Director Instructional Ser. Funds Requested: $120,338. Total Project Cost: $163,450. To establish a noncommercial lowpower TV station, operating on Channel 11, Burlington, VT, to provide local program services.

WA (Washington)

File No. 55057 PTB The University of Washington, 4045 Brooklyn Ave., NE, Seattle, WA 98105. Signed By: Mr. Donald W. Allen, Dir. Grant and Contract Services. Funds Requested: $29,905. Total Project Cost: $39,905. A planning project which will determine the impact of construction of buildings in central Seattle on the signal of KCTS, operating on channel 9. KCTS serves Seattle and the surrounding area of Washington state.

File No. 55058 CTB The University of Washington, 4045 Brooklyn Ave., NE, Seattle, WA 98105. Signed By: Mr. Donald W. Allen, Dir. Grant and Contract Services. Funds Requested: $499,981. Total Project Cost $806,421. To improve the facilities of KCTS, operating on channel 9, Seattle, WA by replacing obsolete videotape recorders and switching equipment.

File No. 55115 PRB Northern Sound Public Radio, Bellingham Tower #920 Box 2801, Bellingham, WA 98255. Signed By: Mr. Richard A. Baum, President. Funds Requested: $18,412. Total Project Cost: $30,486. To plan a public radio station which would bring first service to 213,000 people in Whatcom, Skagit, San Juan, Clallum, Jefferson, and Island Counties which are located in the northwest corner of the state of Washington.

File No. 55119 CRB Northwest Chicano Radio Network, 120 Sunnyside Ave., Granger, WA 98932. Signed By: Ms Rosa Ramon, Station Manager. Funds Requested: $112,935. Total Project Cost: $150,581. To improve noncommercial radio station KDNA, operating on 91.9 MHz, Granger, WA by replacing obsolete production equipment and adding stereo capability. The station provides Spanish language broadcasts to the Yakima Valley.

File No. 55330 CRB Pacific Lutheran University, Inc, 121st and Park Avenue, Tacoma, WA 98447. Signed By: Mr. William Rieke, President. Funds Requested: $24,550. Total Project Cost: $32,733. To extend the noncommercial radio services of KPLU-FM, operating on 88.5 MHz, in Tacoma, WA to 58,000 people residing in the Port Angeles and Mount Vernon areas via the construction of two low power FM translators.

File No. 55355 CRB Clover Park School Dist. No. 400, 4500 Steilacoom Blvd. SW, Tacoma, WA 98499-4098. Signed By: Mr. Charles Alexander, Superintendent. Funds Requested: $57,840. Total Project Cost: $77,120. To extend service of KVTI-FM, operating on 90.9 MHz in Tacoma, WA, by relocating the transmitter and increasing power. The project will provide 58,000 persons with first public radio coverage.

WI (Wisconsin)

File No. 55088 CTB Milwaukee Area Dist. Bd. of VTAE, 1015 N Sixth St., Milwaukee, WI 53203. Signed By: Mr. Bruce N. Ponga, Business Manager. Funds Requested: $212,324. Total Project

Cost: $283,098. To activate multi-channel audio service to noncommercial television stations WMVS–TV, channel 10, Milwaukee, Wisconsin and WMVT–TV, Channel 36, Milwaukee, Wisconsin in order to provide stereo program services to the communities in and about the Milwaukee metropolitan area.

File No. 55142 CTN State of Wisc. Ed. Communic. Bd., 3319 West Beltline Highway, Madison, WI 53713. Signed By: Mr. Paul Norton, Executive Director. Funds Requested: $197,943. Total Project Cost: $263,924. To provide interconnected instructional television fixed service among technical institutes in Appleton, Fond du Lac and Cleveland, WI, and telecommunications services to the counties of Manitowoc, Calumet and Sheboygan. The system will include low power, microwave and ITFS facilities designed to extend the present capabilities of the existing state telecommunications network offering significant alternative educational television service.

File No. 55146 PTB WI Indianhead VTAE District, 505 Pine Ridge Drive, PO Box B, Shell Lake, WI 54871. Signed By: Mr. Richard F. Roder, Asst. to Dir. Special Projects. Funds Requested: $73,978. Total Project Cost: $94,913. To plan for an audio and television instructional network with multiple origination centers using a variety of media to disseminate programs to the 11 counties of northwest Wisconsin.

File No. 55176 CTN Alma Center-Humbird Sch. Dist., Alma Center, WI 54611. Signed By: Mr. John Oakeson, Superintendent of Schools. Funds Requested: $81,000. Total Project Cost: $108,460. To extend the educational television services of the western Wisconsin Communications Cooperative, Trempaleau Co., WI, to the schools of Alma Center Humbird-Merrillan Districts, Jackson Co., WI and the villages they serve by providing microwave interconnection and local origination facilities to this west central Wisconsin rural area.

File No. 55177 CRB State of Wisconsin, 3319 West Beltline Highway, Madison, WI 53713. Signed By: Mr. Paul Norton, Executive Director. Funds Requested: $199,210. Total Project Cost: $284,586. To activate a repeater FM station at Park Falls, WI to bring educational radio to the counties of Ashland, Iron, Oneida and Vilas and to replace existing transmission facilities of public radio station WPNE–FM, 89.3 MHz, Green Bay, WI and WHLA–FM, 90.3 MHz, La Crecent, WI to improve signal quality and expand service to those communities.

File No. 55204 CTB University of Wisconsin-Stout, 800 S. Broadway, Menomonie, WI 54751. Signed By: Miss Nelva Runnalls, Dean, Cur. Res. and Grad. Stud. Funds Requested: $216,000. Total Project Cost: $295,040. To replace obsolete and worn out origination and test equipment at public television station WHWC–TV, channel 28, Menomonie, Wisconsin to maintain telecommunications services to the communities in the 17 counties comprising the Menomonie-Eauclaire areas.

File No. 55244 CRB White Plain Cmty. Brdcstg. Inc., 303 W Prospect St., Rhinelander, WI 54501. Signed By: Mr. Peter Nordgen, President. Funds Requested: $5,250. Total Project Cost: $7,000. To extend the signal of noncommercial radio station WXPR–FM, 91.7 MHz, Rhinelander, Wisconsin, by activating a repeater translator service to provide telecommunications service to the communities of Bessemer and Ironwood, MI.

File No. 55316 CRB White Pine Community Brdcstg. Inc., 303 West Prospect Street, Rhinelander, WI 54501. Signed By: Mr. Peter Nordgren, President. Funds Requested: $11,175. Total Project Cost: $14,900. To improve the facilities of noncommercial radio station WXPR–FM, 91.7 MHz, Rhinelander, Wisconsin, by providing required signal test equipment and microwave remote location production apparatus to meet local programming needs for the Wisconsin counites of Oneida, Vilas, Forest, Lincoln, Langlade and Price.

WV (West Virginia)

File No. 55025 PRTB WV Educational Brdcstg. Auth., Suite B424, 1900 Washington St., Charleston, WV 25305. Signed By: Dr. Presley D. Holmes, Executive Director. Funds Requested: $50,000. Total Project Cost: $60.00. For the West Virginia Educational Broadcasting Authority to develop a long range plan for completing the public telecommunication system statewide. The project will evaluate TV signals, radio and TV translators, low power, cable, ITFS and satellite distribution. Unserved areas are included.

File No. 55036 CRB WV Educational Brdcstg. Auth., 1900 Washington St., Suite 242, Charleston, WV 25305. Signed By: Mr. Prelsey D. Holmes, Executive Director. Funds Requested: $37,133. Total Project Cost: $49,511. To improve the facilities of public radio station WVPM–FM, operating on 88.5 in Morgantown, WV, to provide first local origination.

File No. 55056 CTB WV Educational Brdcstg., Auth., Third Avenue, Huntington, WV 25701. Signed By: Mr. Presley D. Holmes, Executive Director. Funds Requested: $975,000. Total Project Cost: $1,300,000. To replace worn out transmission equipment and extend the grade B signal of WPBY–TV, Huntington, WV, to provide first local service to all of Roane and parts of Jackson and Wirt counties by replacing obsolete apparatus needed to deliver programming.

File No. 55162 CTB West Virginia Ed. Bdcstg. Auth., 191 Scott Ave., Morgantown, WV 26505. Signed By: Dr. Presley D. Holmes, Executive Director. Funds Requested: $294,342. Total Project Cost: $392,456. To upgrade the transmission capabilities of station WNPB–TV, operating on channel 24, Morgantwon, WV, by replacing obsolete off air translator feeds with a microwave relay network to deliver programming to residents of the eastern panhandle of WV.

Deferred List of Applications Submitted to PTFP for FY 85

AL (Alabama)

New file no. 55012CRB; old file no. 4290, Jefferson Davis St. Jr. College, Brewton.

New file no. 55037CTB; old file no. 4270, Alabama Ed. TV Commission, Birmingham.

New file no. 55281PRTB; old file no. 4217, Alabama Center for Higher Educ., Birmingham.

AZ (Arizona)

New file no. 55063CTB; old file no. 4054, 3144, University of Arizona, Tucson.

CA (California)

New file no. 55164CRB; old file no. 4012, KXOL, c/o Marcus A. Smith, Chico.

CO (Colorado)

New file no. 55017CRB; old file no. 4020, Public Brdcstg. of Colorado, Inc, Denver.

New file no. 55122CRB; old file no. 4039, North Fork Valley Pub. Radio, Inc. Paonia.

CT (Connecticut)

New file no. 55141CTN; old file no. 4144, Connecticut Ed. Telecomm. Corp, Hartford.

FL (Florida)

New file no. 55055CRTN; old file no. 4066, 3129 State of Florida, Tallahassee.

New file no. 55105PRTB; old file no. 4007, 3031, 2038, 1190 Sch. Board of Broward County, Ft. Lauderdale.

New file no. 55128CTB; old file no. 4140, 3029, 2336, 1702 University of South Florida, Tampa.

New file no. 55129CRB; old file no. 4183, University of South Florida, Tampa.

New file no. 55131CTB; old file no. 4184, University of South Florida, Tampa.

New file no. 55186CRB; old file no. 4162, Indian River Community College, Fort Pierce.

New file no. 55349CTB; old file no. 4325, School Board of Dade County, Miami.

GA (Georgia)

New file no. 55386CTB; old file no. 4237, Atlanta Board of Education, Atlanta.

IA (Iowa)

New file no. 55039CTN; old file no. 4019, Iowa Lakes Community College, Estherville.

New file no. 55409CRB; old file no. 4214, 3333 Oakhill-Jackson Econ. Devel. Corp, Cedar Rapids.

IL (Illinois)

New file no. 55261CTB; old file no. 4068, Chicago Educational TV Assoc., Chicago.

New file no. 55283CRB; old file no. 4248, College of Dupage, Glen Ellyn.

IN (Indiana)

New file no. 55008CRB; old file no. 4048, Trustees of Indiana University, Bloomington.

New file no. 55338CTB; old file no. 4060, Northwest IN Pub. Brdcstg., Inc., Highland.

New file no. 55397CRB; old file no. 4255, Ball State University, Muncie.

KS (Kansas)

New file no. 55241CTB; old file no. 4286, Smoky Hills Public TV, Bunker Hill.

New file no. 55313CTB; old file no. 4040, Washburn University of Topeka, Topeka.

KY (Kentucky)

New file no. 55015CRB; old file no. 4005, 3042, Black American Comm., Inc., Frankfort.

New file no. 55332CTB; ole file no. 4158, Western Kentucky University, Bowling Green.

ME (Miane)

New file no. 55051CTB; old file no. 4189, University of Maine, Orono.

New file no. 55286CTN; old file no. 4129, University of Southern Maine, Portland.

MI (Michigan)

New file no. 55093CTB; old file no. 4082, 3109, 2104 Grand Valley State College, Allendale.

New file no. 55101CTB; old file no. 4061, 3175 Board of Trustees MI St. Univ., East Lansing.

New file no. 55125CRB; old file no. 4088, Brd. of Control, N. MI Univ., Marquette.

New file no. 55289CRB; old file no. 4254, 3105, 2048, Central MI Univ. Pub Brdcstg. Mt. Pleasant.

New file no. 55411CRB; old file no. 4086, 3026, 2109, Delta College, University Center.

MN (Minnesota)

New file no. 55322CRB; old file no. 4057, 3114 Minnesota Public Radio, Inc., St. Paul.

MO (Missouri)

New file no. 55035CTB; old file no. 4138, Public Television 19, Inc., Kansas City.

New file no. 55091CRB; old file no. 4098, Southern Missouri State Univ., Springfield.

New file no. 55272CRB; old file no. 4079, 3301, 2278 Mid-Coast Radio Project, Inc., Kansas City.

MT (Montana)

New file no. 55213CTN; old file no. 4064, Whitehall Low Power TV, Inc., Whitehall.

New file no. 55225CTN; old file no. 4130, Laurel Public Television, Inc., Laurel.

New file no. 55403CTB; old file no. 4302, Bitterroot Valley Public TV, Hamilton.

New file no. 55416CTB; old file no. 4157, 3166 Dull Knife Memorial College, Lame Deer.

ND (North Dakota)

New file no. 55047CTB; old file no. 4076, Prairie Public Broadcasting, Inc., Fargo.

NE (Nebraska)

New file no. 55147CTB; old file no. 4147, University of Nebraska, Lincoln.

New file no. 55235CRB; old file no. 4067, Sunrise Communications, Inc., Lincoln.

New file no. 55319CRB; old file no 4062, University of Nebraska at Omaha, Omaha.

NJ (New Jersey)

New file no. 55072CRB; old file no. 4091, Mercer County Community College, Trenton.

New file no. 55089CTB; old file no. 4300, 3137 State of New Jersey, Trenton.

New file no. 55363CTB; old file no. 4069, NJ Public Broadcasting Auth., Trenton.

NM (New Mexico)

New file no. 55099CTB; old file no. 4316, 3245 Regents of the Univ. of NM, Albuquerque.

NV (Nevada)

New file no. 55028CTB; old file no. 4256, Lyon County Board of Comms., Yerington.

NY (New York)

New file no. 55197CRTB; old file no. 4100, 3094 Rochester Area Ed. TV, Inc., Rochester.

New file no. 55205CRB; old file no. 4032, Rochester Radio Reading Service, Rochester.

New file no. 55233CTB; old file no. 4273, Dutchess Community College, Poughkeepsie.

New file no. 55387CRB; old file no. 4023, 3107 UHURU Communications, Inc., Binghamton.

OH (Ohio)

New file no. 55016CTB; old file no. 4011, 3122 Bowling Green State University, Bowling Green.

New file no. 55259CRB; old file no. 4258, Toledo Board of Education, Toledo.

OK (Oklahoma)

New file no. 55003CTB; old file no. 4104, Rogers State College, Claremore.

OR (Oregon)

New file no. 55216CTN; old file no. 4128, Lane Community College, Eugene.

New file no. 55294CTN; old file no. 4109, Oregon Public Broadcasting, Portland.

New file no. 55295CTB; old file no. 4107, Oregon Public Broadcasting, Portland.

PA (Pennsylvania)

New file no. 55187CRB; old file no. 4221, 3168 NE Pennsylvania Ed. TV Assoc., Pittston.

New file no. 55276CTB; old file no. 4034, 3141,2296,1336 Metropolitan Pitts. Pub. Brdcstg. Pittsburgh.

RQ (Puerto Rico)

New file no. 55263CRB; old file no. 4077, Arecido Tech. Univ. College, Arecido.

TX (Texas)

New file no. 55006CTB; old file no. 4008, 3039, 2152, 1480 Denton Ch. Two Foundation Inc., Denton.

New file no. 55020CTB; old file no. 4151, 3180, 2342 (820507) Pub. Comm. Found. for North TX, Dallas.

New file no. 55253CRB; old file no. 4029, 2025, 3049 South Texas Public Brdcstg. Sys., Corpua Christi.

New file no. 55273CTB; old file no. 4036, Amarillo Junior College Dist., Amarillo.

New file no. 55296CRB; old file no. 4199, Navarro College, Corsicana.

VA (Virginia)

New file no. 55183PTN; old file no. 4219, 3269 Northern Virginia Comm. College, Annandale.

VT (Vermont)

New file no. 55418CTB; old file no. 4194, U. of Vermont, Agricultural Coll. Winooski.

WA (Washington)

New file no. 55251CTB; old file no. 4148, Washington State University, Pullman.

[FR Doc. 85-6819 Filed 3-21-85; 8:45 am]

BILLING CODE 3510-60-M

federal register

Wednesday
March 27, 1985

Part III

Nuclear Regulatory Commission

Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations; Monthly Notice

NUCLEAR REGULATORY COMMISSION

Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations; Monthly Notice

I. Background

Pursuant to Public Law (Pub. L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing its regular monthly notice. Public Law 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This monthly notice includes all amendments issued, or proposed to be issued, since the date of publication of the last monthly notice which was published on February 27, 1985 (50 FR 7979) through March 18, 1985.

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

By April 26, 1985 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendement request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commisison, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so

inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Branch Chief):* Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document room for the particular facility involved.

Arkansas Power & Light Company, Docket No. 50–368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of amendment request: December 21, 1984.

Description of amendment request: The proposed amendment would revise the steam generator low water level trip setpoints specified in Table 2.2–1 and Table 3.3–4 of the Technical Specifications (TS). Specifically, the reactor protective instrument trip setpoint and the Engineered Safety Feature Actuation System (ESFAS) trip value for the steam generator low water level would be reduced from 46.7% to 23%. Similarly, the allowable values in these tables would be reduced by the same magnitude from 45.811% to 22.111%. Reducing these setpoints is expected to reduce the probability of unnecessary reactor trips during certain planned operating maneuvers, such as manual control of steam generator water levels at low power.

The purpose of the steam generator low water level reactor trip is to provide protection against a loss of normal feedwater flow incident. The reactor trip setpoint should provide allowance that there will be sufficient water inventory in the steam generators at the time of the trip to provide sufficient margin before emergency feedwater is required. Automatic actuation of the Emergency Feedwater System (EFWS) is initiated when several parameters, including the steam generator water level, reach the ESFAS trip values.

Basis for proposed no significant hazards consideration determination: The loss of normal feedwater flow is analyzed in Chapter 15 of the ANO–2 Updated Final Safety Analysis Report (UFSAR). There, the setpoint for the steam generator low water level used in the accident analyses is 5%. The applicable ESFAS trip value is also 5% in the accident analyses. The results of the loss of normal feedwater flow analysis show that the plant protection system consisting of the Reactor Protective System (RPS) and the ESFAS will assure that the fuel design limit is not exceeded and that the steam generator heat removal capability is maintained in the event of a loss of normal feedwater flow. The analyses setpoint of 5%, when corrected for equipment errors and measurement uncertainties, results in a proposed setpoint of 23%.

In the December 21, 1984 application, the licensee states that the present trip setpoint was selected during the initial licensing review of ANO–2 in order to resolve questions concerning asymmetric steam generator events. After obtaining an operating license, the licensee modified its Core Protection Calculators (CPC) software to include cold leg temperature difference bias algorithm to provide a reactor trip in the event of an asymmetric steam generator transient. This modification was reviewed and approved by the NRC staff in its Safety Evaluation dated June 19, 1981.

In addition to our preliminary review of the loss of normal feedwater flow event and our review of the asymmetric steam generator transient, we performed a preliminary review of all other events in Chapter 15 of the ANO–2 UFSAR. No adverse effects resulting from the proposed changes have been identified in our review. Therefore, the change is clearly within all acceptable criteria with the Reactor Coolant System and its associated auxiliaries as contained in Section 15.2.7 of the Standard Review Plan (SRP), "LOSS OF NORMAL FEEDWATER FLOW" which is the applicable section of the SRP for the systems involved.

Therefore, the proposed changes match an example of "no significant hazard" in the guidance provided by the Commission (48 FR 14870), namely, a change which "may reduce in some way a safety margin but where the results of the change are clearly within all acceptable criteria with respect to the system as specified in the Standard Review Plan." Thus, the staff proposes to determine that the application involves no significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Esq., Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Arkansas Power & Light Company, Docket No. 50–368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of amendment request: January 28, 1985.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) to remove the rod bow penalty factor surveillance requirement. Specifically, TS 4.2.4.4 which requires that certain DNBR penalty factors shall be verified to be included in the COLSS and CPC DNBR calculations periodically would be deleted.

The DNBR (Departure from Nucleate Boiling Ratio) is a unitless value calculated from reactor core thermal-hydraulic conditions on a real-time basis from an NRC approved empirical correlation. It is a measure of thermal margin. Maintaining core conditions such that DNBR is above a prescribed value ensures that the fuel cladding will not overheat during normal and abnormal plant operation. The CPC (Core Protection Calculators), which are an integral part of the reactor protection system (RPS) at ANO–2, monitor certain NSSS variables and initiate a reactor trip if fuel design limits are approached as a result of an abnormal event. The COLSS (Core Operating Limit Supervisory System) is a monitoring system which continuously calculates and advises operators of margins to core operating limits on fuel design and the licensed power level. The COLSS provides an alarm if any one of the core operating limits is exceeded.

In Supplement No. 1 to the Safety Evaluation Report (NUREG–0308) of June 1978 for the issuance of the ANO–2 operating license, the NRC staff required that certain conservative DNBR penalty factors due to rod bowing as functions of fuel burnups be used in DNBR calculations. The above requirement

was imposed since ANO–2 was the lead plant with Combustion Engineering (CE) 16x16 fuel design; therefore, there was no irradiated fuel data germane to the CE 16x16 fuel design at the time.

Since the issuance of the ANO–2 operating license, CE has accumulated and studied irradiated fuel data specific to ANO–2. A CE report, CEN–289(A), provides the results of the CE study. The report, which was submitted by the licensee in support of the proposed TS change, supports the use of a single lower value for the DNBR penalty factor due to rod bowing. The single DNBR penalty factor would be included in the CPC and COLSS softwares. This would eliminate the need for determining the DNBR penalty factor for each batch of fuel assemblies based on its burnup and verifying the application of correct penalty factors in DNBR calculations.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations relates to a relief granted upon demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not yet demonstrated.

The proposed change appears to be similar to the above example in that the CE study based on the ANO–2 irradiated fuel data appears to support acceptable operation of ANO–2 without the rod bow penalty factor surveillance requirement. Thus, the NRC staff proposes to determine that the proposed change involves no significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Esq., Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Arkansas Power and Light Company, Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: January 28, 1985.

Description of amendment request: The proposed amendment would revise Table 2.2–2, "CORE PROTECTION CALCULATOR ADDRESSABLE CONSTANTS", to change the allowable ranges of the azimuthal tilt allowance (TR), the primary delta T calibration constant (TPC) and the neutron flux power calibration constant (KCAL). The proposed changes would make the values in the TS consistent with the present ranges of these addressable constants. The core protection calculators (CPC) addressable constants are provided to allow calibration of the CPC for more accurate indications of power level, RCS flow, and radial peaking. In addition, the CPC addressable constants allow inclusion of allowances for measurement uncertainties or inoperable equipment. The addressable constants are variables which are expected to be modified between cycles or even during reactor operation. By a Safety Evaluation dated June 19, 1981, the NRC staff approved a provision in the TS, i.e. TS 2.2.2, which allows the licensee to modify the addressable constants in accordance with the approved methodology and procedures to accommodate the fact that the addressable constants are expected to be modified even during reactor operation. The amendment request dated January 28, 1985 involves three additional issues which will be addressed in separate notices.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether a proposed license amendment involves a significant hazards consideration by providing certain examples (48 FR 14870) of amendments not likely to involve significant hazards considerations. One of the examples relates to a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may in some way reduce a margin of safety, but where the results of the change are clearly within all acceptance criteria with respect to the system or component specified in the Standard Review Plan (SRP): For example a change resulting from the application of a small refinement of a previously used calculational model or design method.

It appears that the proposed changes are similar to the example cited in that they are refinements of the previously used calculational model for calibrating the CPC as a result of improved monitoring and additional operational experience.

On the basis of the above, the NRC staff proposes to determine that the requested actions involve no significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Esq., Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Arkansas Power and Light Company, Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: January 28, 1985.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) pertaining to the core protection calculators (CPC) addressable constants to accommodate the CPC functional modifications discussed in CEN–288(A) which was submitted by letter dated November 9, 1984. The CPC are an integral part of the ANO–2 reactor protection system (RPS). The addressable constants serve many CPC functions. Some addressable constants are provided to allow calibration of the CPC for more accurate indication of power level, reactor coolant flowrate and radial peaking. Other addressable constants allow inclusion of allowances for measurement uncertainties or inoperable equipment. The proposed changes replace one addressable constant and add two new addressable constants to Table 2.2–2 of the TS.

The amendment request dated January 28, 1985 involves three additional issues which will be addressed in separate notices.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether a proposed license amendment involves a significant hazards consideration by providing certain examples (48 FR 14870) of amendments not likely to involve significant hazards considerations. One of the examples relates to a change which either may result in some increases to the probability of consequences of a previously analyzed accident or may in some way reduce a margin of safety, but where the results of the change are clearly within all acceptance criteria with respect to the system or component specified in the Standard Review Plan (SRP): For example, a change resulting from the application of a small refinement of a previously used calculational model or design method. Each of the three proposed changes appears to be similar to the example cited and thus, the NRC staff proposes to determine that the proposed changes involve no significant hazards consideration. A description of each proposed change to the TS and a discussion of how each change is similar

to the example cited are addressed below:

1. *Reactor Power Cutback Time Limit (RPCLIM)*—The proposed change would revise Table 2.2–2 of the TS to add the addressable constant RPCLIM (Point ID Number 103). The CPC algorithms which include RPCLIM are a part of a standard CPC software package update provided to the licensee by Combustion Engineering (CE), the CPC vendor. Even though ANO–2 does not contain the hardware necessary to implement reactor power cutback, the reactor power cutback algorithms will be included in the ANO–2 CPC update in order to reduce the differences with the CPC systems installed at other CE reactors. The effect of these algorithms on the ANO–2 CPC will be nullified through setting the applicable data base and addressable constant to zero.

The proposed change is similar to the example cited in that the change would provide for future refinement of the CPC by the addition of algorithms to support a reactor power cutback system. Furthermore, the proposed change will not increase the probability or consequences of a previously analyzed accident since the effect of the change would be deactivated by the use of appropriate addressable constant and data base.

2. *Secondary Calorimetric Power (PCALIB)*—The proposed change would revise Table 2.2–2 of the TS to add the addressable constant PCALIB (Point ID Number 104). The PCALIB is defined as calorimetric power at the time of the latest CPC thermal and neutron flux power calibration. This addressable constant would be added to one of the CPC algorithms which would apply a power dependent power measurement uncertainty. Under the current TS, a constant power measurement uncertainty for all power levels is applied in the CPC algorithms. The proposed change would result in the application of improved power measurement uncertainties since they vary with power levels. Thus, it appears that the proposed change is similar to the example cited in that it is a small refinement of the previously used calculational model. Further, the proposed change would enhance the RPS's ability to meet the criteria specified in SRP Section 7.2 "Reactor Trip System" in that it would enhance the CPC's ability to sense accident conditions and to initiate a reactor trip when appropriate.

3. *Temperature Shadowing Correction Factor Multiplier (CORR1)*—The proposed change would revise Table 2.2–2 of the TS to redefine the addressable constant CORR1 (Point ID Number 98). The addressable constant CORR1 is currently defined as "Temperature Shadowing Factor Correction Multiplier". Temperature Shadowing is the decalibration of ex-core neutron flux power resulting from changes in the reactor coolant density between the reactor core and the ex-core detectors. The proposed change would redefine the addressable constant CORR1 as "Reference Cold Leg Temperature" consistent with the CPC temperature shadowing algorithm modification and would reclassify it as a Type I addressable constant (Type I constants require periodic calibration). The CPC temperature shadowing algorithm modification which is discussed in CEN/288CA) would result in the temperature shadowing correction factor multiplier being redefined as a fixed constant in the CPC software.

The proposed change combine with the CPC temperature shadowing algorithm modification would provide a more accurate indication of power near the normal conditions and a more conservative temperature shadowing correction at conditions other than the normal conditions.

The proposed change appears to be similar to the example cited in that it is a refinement of a previously used calculational model for correcting ex-core detector signals for the effects of temperature shadowing. Furthermore, the proposed change would enhance the RPS's ability to meet the criteria specified in SRP Section 7.2, "Reactor Trip Systems" in that it would enhance the CPC's ability to sense accident conditions and to initiate a reactor trip when required.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Esq., Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, NW., Washington, DC 20036.

NRC Branch Chief: James R. Miller.

Arkansas Power and Light Company, Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: January 28, 1985.

Description of amendment request: The amendment would revise the departure from Nucleate Boiling Ratio (DNBR) limit used by the Core Protection Calculators (CPC) to incorporate the findings of a recently completed Combustion Engineering (CE) study on rod bow penalty and penalties previously accounted for by one of the CPC addressable constants.

The DNBR is a unitless value calculated from reactor core thermal-hydraulic conditions on a real-time basis from an NRC approved empirical correlation. It is a measure of thermal margin. Maintaining core conditions such that DNBR is above a prescribed value ensures that the fuel cladding will not overheat during normal and abnormal plant operation. The CPC, which are an integral part of the reactor protection system (RPS) at ANO–2, monitor certain NSSS variables and initiate a reactor trip if fuel design limits are approached as a result of an abnormal event. The CPC addressable constants are provided to allow calibration of the CPC to more accurately predict reactor power levels and radial power peaking factors and to allow the CPC to account for measurement uncertainties or inoperable equipment.

In support of the revised rod bow DNBR penalty, the licensee has submitted a CE report, CEN–289(A). The CE report presents a refined calculational model based on accumulated irradiated fuel data specific to ANO–2. The present rod bow DNBR penalty is calculated based on extrapolation from a model for the 14×14 fuel design. The ANO–2 core contains 177 fuel assemblies of the 16×16 fuel design. The proposed DNBR limit would account for the new rod bow DNBR penalty.

In a Safety Evaluation (SE) dated July 21, 1981, the NRC staff approved a temporary adjustment on the BERR1 addressable constant using an NRC approved method to incorporate the difference between the NRC approved DNBR limit and the original CPC design DNBR limit. The proposed amendment would incorporate the penalties previously accounted for by the BERR1 addressable constant into the new DNBR limit.

As a result of the two adjustments on the DNBR limit discussed above, the DNBR limit would be revised from 1.24 to 1.25.

The proposed change on the DNBR limit is only one of four issues addressed in the application. The other issues will be the subject of separate notices.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the applications of standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870) of amendments that are considered not likely to involve significant hazards considerations. One of the examples relates to a change

which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP); for example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

It appears that the DNBR limit change emanating from the revised rod-bow DNBR penalty is similar to the example cited in that the change results from the application of a small refinement of a previously used calculational model. The DNBR limit change to incorporate the penalties previously accounted by the BERR1 addressable constant represents an end to the use of a temporary adjustment procedure and incorporate the penalties which was found to be within all acceptable criteria with respect to the applicable SRP acceptance criteria (i.e., SRP Section 4.4) by the NRC staff.

Therefore, since the application for amendment involves a change similar to an example for which no significant hazards consideration exists, the NRC staff proposes to determine that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Esq., Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Baltimore Gas and Electric Company, Docket No. 50–317, Calvert Cliffs Nuclear Power Plant, Unit No. 1, Calvert County, Maryland

Date of applications for amendment: December 31, 1984 and February 22, 1985.

Description of amendment request: The proposed amendment would change the Unit 1 Technical Specifications (TS) to reflect analyses performed in support of Cycle 8 operation.

Basis for proposed no significant hazards consideration determination: On April 6, 1983 the NRC published guidance in the **Federal Register** (48 FR 14870) concerning examples of amendments that are not likely to involve significant hazards considerations. One such example (iii) involves "For a nuclear power reactor, a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the technical specifications, that the analytical methods used to demonstrate conformance with the technical specifications and regulations are not significantly changed, and that NRC has previously found such methods acceptable."

The proposed changes to the Unit 1 TS, submitted by applications dated December 31, 1984 and February 22, 1985 satisfy the criteria of example iii. Accordingly, the Commission proposes to determine that the proposed changes to the TS required for Unit 1 Cycle 8 operation involve no significant hazards considerations.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Attorney for licensee: George F. Trowbridge, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Baltimore Gas and Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendment request: January 31, 1985.

Description of amendment request: The proposed amendment would change the Unit 1 and Unit 2 Technical Specifications (TS) to reflect: (1) Changes to surveillance requirements for safety related hydraulic sway arrestors (snubbers) for Unit 1 only, (2) clarification of the degree of independence associated with the emergency core cooling system (ECCS) and shutdown cooling system, (3) deletion of a reactor vessel pressurization curve that is no longer needed for Unit 2 only, (4) a change to the containment isolation valve identification numbers, and (5) incorporation of the containment water level monitor including operability and surveillance requirements.

In reviewing the above proposed changes to the TS, we have determined that certain changes in the proposed TS are required. These changes were discussed with and agreed to by the licensee.

Basis for proposed no significant hazards consideration determination: The first TS change topic relates to the safety related hydraulic sway arrestors (snubbers) addressed in TS 3/4.7.8.1, "Snubbers". On April 19, 1984, the NRC issued Amendments 92 and 73 for Calvert Cliffs Units 1 and 2 which included a change to TS 3/4.7.8.1. This change allowed BG&E to replace snubbers with rigid supports (sway struts). During the Unit 1 Cycle 8 refueling outage, BG&E will replace a number of snubbers with sway struts as permitted by TS 3/4.7.8.1 and has proposed deletion of these snubbers from the TS. In addition, the licensee has requested a change to TS 3/4.7.8.1 to allow removal of three snubbers (1–11–12, 1–60–5, and 1–60–5A) without installing sway struts.

In both cases where the licensee has proposed removal of snubbers (with and without installation of a sway strut) stress calculation have been performed to demonstrate that no appreciable increase in seismic induced stress will occur in associated piping or equipment.

A second change associated with Unit 1 TS 3/4.7.8.1 involves the deletion of common-reservoirs notations from those designated snubbers in Unit 1 TS Table 3.7–4. These sixteen snubbers, associated with the Steam Generators, will be modified such that each snubber will have its own reservoir. The reserviors, together with all associated fittings, will be designed, manufactured, mounted and maintained to the same seismic standards as the snubbers which they serve. Removal of these common reservoirs and replacement with individual units improves the seismic design in that it eliminates the possibility that a single reservoir failure would result in eight snubbers being inoperable. Since these sixteen snubbers are the only snubbers served by common reservoirs, the surveillance requirements for these common reservoirs specified in TX 4.7.8.1f have been proposed for deletion. This proposed TS change was previously approved for the Unit 2 TS in License Amendment No. 73 which was issued on April 19, 1984.

The proposed changes in the snubbers addressed above and their associated TS assure an equivalent degree of seismic resistance; therefore, there will be no decrease in the seismic design margin. Accordingly, no increase in the probability of occurrence or consequences of seismic related failures will result. In addition, since only the seismic design of the facility is affected, no new or different kind of accident is likely to occur. For these reasons the Commission proposes to determine that the proposed changes to TS 3/4.7.8.1 involve no significant hazards considerations.

The licensee has proposed changes to TX 3.5.2, "ECCS Subsystems–T more than or equal to 300°F" and TS 3.9.8.2,

"Shutdown Cooling and Coolant Circulation." Each of these TS requires that two "independent" subsystems (loops) of the respective systems be operable. The licensee has proposed deletion of the term "independent" as it applies to shutdown cooling and ECCS in TS 3.5.2 and 3.9.8.2, respectively.

The term "independent", when applied to system design, means that components have been arranged in subsystems which can function without interdependence. While both the ECCS and shutdown cooling systems contain major components which are arranged independently, both systems share common piping, within the respective system, and thus neither system is truly "independent." Deleting the word "independent" from TS 3.5.2 and 3.9.8.2 does not change the requirments of the TS. Both TS would still require that two subsystems (loops), at a minimum, be operable for each system. The term "independent" as used in TS 3.5.2 and 3.9.8.2 was used descriptively and, in these cases, incorrectly.

Based upon the above, we conclude that the proposed change would not involve an increase in the probability of occurrence or consequences of an accident previously evaluated. The two proposed changes are simply clarifications of Technical Specifications which more closely reflect actual plant design. The proposed TS change would not create the possibility of a new or different kind of accident from any accident previously analyzed. No new equipment, system alignments beyond those previously bounded by current Technical Specifications, or accident analyses are involved in the proposed change. Finally, the proposed change to the TS would not involve a significant reduction in the margin of safety. The TS are not being altered except to provide a clarification of actual plant design regarding the ECCS and shutdown cooling systems. Accordingly, the Commission proposes to determine that the proposed changes to TS 3.5.2 and 3.9.8.2 involve no significant hazard considerations.

The licensee has proposed deletion of TS Figure 3.4–2a, "Reactor Coolant System Pressure Temperature Limitations for 0 to 2 years of Full Power Operation." At the present time, TS Figure 3.4–2b, "Reactor Coolant System Pressure Temperature Limitations for 2 to 10 Years" provides the applicable limitations. Since Unit 2 has been in commercial operation for approximately seven years and has surpassed the two "effective full power years" point of reactor embrittlement, TS Figure 3.4–2a is no longer needed.

Deletion of TS Figure 3.4–2a in no way changes the applicable TS, prevents an error by removing information which is no longer applicable, and is thus administrative in nature. The Commission has provided guidance concerning the application of standards concerning "no significant hazards considerations" by providing certain examples (48 FR 14870). Purely administrative changes to Technical Specifications are explicitly considered not likely to involve significant hazards considerations. Accordingly, the Commission proposes to determine that the proposed deletion of TS Figure 3.4–2a involves no significant hazards considerations.

The licensee has proposed a change to TS Table 3.6–1, "Containment Isolation Valves." This table lists all containment isolation valves which are subject to operability and surveillance requirements. The licensee has proposed a change in the valve numbering system in TS Table 3.6–1 to achieve consistency with the operational piping and instrument diagrams (P&ID) and procedures used to perform the required surveillance on containment isolation valves.

The licensee has been involved in an effort to revise, upgrade, and standardize P&IDs. Associated with this effort they have performed a walkdown of all affected systems to verify the accuracy of affected drawings. TS Table 3.6.1 as presently written lists the valve designations used on contruction P&IDs. The proposed change would modify this table to reflect the numbers used on operational P&IDs. This would result in less chance of error while performing critical valve line-ups by making Table 3.6.1 consistent with operational procedures and P&IDs. The requested change is an administrative change and in no way changes existing operability or surveillance requirements in the TS. As previously indicated, administrative changes to the TS are not likely to involve significant hazards considerations. Accordingly, the Commission proposes to determine that the proposed change to TS Table 3.6.1 involves no significant hazards considerations.

The licensee has proposed the addition of containment water level monitor instrumentation to the operability and surveillance requirements of TS 3/4.3.3.6, "Postaccident Instrumentation."

On November 1, 1983, the NRC issued Generic Letter No. 83–37 (GL 83–37) to all pressurized water reactor licensees. This letter contained guidance concerning TS which the NRC believed to be appropriate as addressed in NUREG–0737, "Clarification of TMI Action Plan Requirements". The licensee responded, in part, to GL 83–37 via their applications for license amendments dated January 31, 1985. The licensee has proposed that existing TS Table 3.3–6, "Radiation Monitoring Instrumentation," and TS Table 4.3–3, "Radiation Monitoring Instrumentation Surveillance Requirements" would be modified to include Limiting Conditions for Operation (LCOs) and Surveillance Requirements for the containment water level monitor.

The proposed TS would increase the likelihood that the associated equipment will undergo appropriate surveillance and be available to assist in postaccident assessment. The proposed TS represents an additional limitation or restriction in that, in the event that the equipment becomes inoperable, the applicable LCO requires remedial action which was not previously required.

On April 6, 1983, the NRC published guidance in the **Federal Register** (48 FR 14870) concerning examples of amendments that are not likely to involve significant hazards consideration. One such example (ii) involves a change ". . . that constitutes an additional limitation, restriction, or control not presently included in the technical specifiication . . ." Since the proposed TS represent additional requirements not previously in the TS, these proposed changes are consistent with example (ii). Accordingly, the Commission proposes to determine that these proposed changes to the TS involve no significant hazards considerations.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Attorney for licensee: George F. Trowbridge, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M. Street, NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Boston Edison Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of amendment request: February 4, 1985.

Description of amendment request: The proposed amendment would change the Technical Specifications by imposing a new limit of 2 gpm increase, average over any 24-hour period, of reactor coolant leakage into the primary containment from unidentified sources. This limiting condition for operation (LCO) would apply only when the reactor has been in the RUN mode for more than 24 hours. More specific

operational requirements are also proposed for the reactor coolant leakage detection system and the reactor pressure boundary leak detection system to account for the redundancy of these systems and the redundancy of components within subsystems.

Bassis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning application of the standards for determining whether license amendments involve significant hazards considerations by providing certain examples (48 FR 14870). One example of an amendment that is considered not likely to involve a significant hazards consideration is "(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications; for example, a more stringent surveillance requirement." The proposed amendment is similar to example (ii) since it would impose an additional limitation and more specific operational requirements. Based on this similarity, the staff has made a proposed determination that the application for amendment involves no significant hazards considerations.

Local Public Document Room location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W.S. Stowe, Esq., Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199.

NRC Branch Chief: Domenic B. Vassallo.

Carolina Power & Light Company, Docket No. 50-325, Brunswick Steam Electric Plant, Unit 1, Brunswick County, North Carolina

Date of application for amendment: February 13, 1985.

Description of amendment request: The proposed Technical Specification changes request postponement of one full flow test of the core spray pumps until the primary containment suppression chamber is restored to its operational condition.

The licensee is presently planning to shutdown the Brunswick Steam Electric Plant, Unit 1 on or before March 31, 1985 for a 31 week outage (plus six weeks for contingencies) to refuel, perform maintenance work and modify the Mark I torus. In conjunction with the Mark I torus modifications, the suppression chamber will be drained and, therefore, it will not be possible to perform the full-flow surveillance test of the Core Spray System (CSS) wherein water is recirculated into the suppression pool.

This requirement will last be performed on approximately April 1, 1985. Due to the modifications being made to the suppression pool the maximum permissible interval between full flow tests will be exceeded before the next test. The licensee is, therefore, requesting a one time extension to the maximum surveillance interval during the upcoming refueling outage until within 48 hours after restoration of the suppression chamber to operable status, but in any case no later than October 30, 1985. Based on the present outage schedule, CP&L plans to restore the suppression chamber to operable status and perform Surveillance Requirement 4.5.3.1.c.1 by approimately August 29, 1985. This will extend the surveillance interval from the present maximum of 115 days to approximately 150 days. The October 30, 1985 date allows for contingencies in the completion of modification to the suppression pool making the total allowable surveillance interval 212 days.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance in the form of examples of amendments that are not considered likely to involve significant hazards considerations (48 FR 14870). The licensee's February 13, 1985 submittal included a discussion of the proposed action with respect to the no significant hazards consideration. The licensee also provided a discussion regarding the proposed Technical Specification (TS) change.

The licensee has determined and the NRC staff concurs that extending the surveillance interval, for a full flow test of the Core Spray System (CSS), from 92 days to a total allowable surveillance interval of 212 days does not constitute a significant reduction in the verification of operability or the availability of this system for the following reasons:

1. Normally, in the refueling operation (OPERATIONAL CONDITION 5), the CSS is not required to be operable, (and thus to have surveillance testing performed), if all of the following conditions are met: (1) The reactor vessel head is removed, (2) the refueling cavity is flooded, and (3) the spent fuel gates are removed. The CSS will be available for operation, if needed, during the relatively short interval when operability is required due to plant conditions (i.e., draining the refueling cavity until the suppression chamber is refilled).

2. The CSS consists of two independent subsystems, each with 100% capacity, thus providing redundant safety system subsystem.

3. Redundant systems that will be available to supply core reflood capability include the condensate system and the service water injection system, with a small volume available from the control rod drive system.

4. Surveillance is being performed every 12 hours to verify that the CSS has an operable water source (TS 4.5.3.1.a).

Surveillance is performed every 31 days to verify that the CSS is filled with water (TS 4.5.3.1.b.1).

Surveillance is performed every 31 days to verify that all valves in the CSS flow path are properly aligned (TS 4.5.3.1.b.2).

The proposed change pertaining to specification 4.5.3.1.c.1 represents a relaxation in the surveillance requirements. However, adequate precautions have been taken to ensure the availability of other means of cooling for the reactor core. Based on the foregoing discussion, the staff concludes that the results of this change, would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Therefore, the Commission proposed to determine that these changes do not involve a significant hazards consideration.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Attorney for licensee: George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW, Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Carolina Power & Light Company, Docket Nos. 50-325 and 50-324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendment: July 29, 1982 as supplemented August 30, 1984 and January 18, 1985.

Description of amendment request: The August 30, 1984 and January 18, 1985 submittals revise the July 29, 1982 submittal which was previously published in the **Federal Register** on August 23, 1983 (48 FR 38391). This amendment would modify the technical specifications to correctly identify certain relays associated with the plant emergency power supplies and provide correct set point values for actuating these relays.

Following investigation of a reactor scram, the licensee determined Degraded Voltage Surveillance Tests on Unit 1 were not being performed. The licensee's review of a previous

modification revealed that incorrect relays were referenced in the plant modification and therefore, the incorrect set point values were incorporated in the technical specifications. Table 3.3.3-2, Item 5.a, describes Balance-of-Plant (BOP) busses 1C, 1D, 2C, and 2D for Device 27. The correct relay should have been Emergency Busses E-1, E-2, E-3, and E-4, Device 27/59E. The proposed changes to the technical specifications would correct this error and provide correct set point values for actuating the relays.

During the staff review of the proposed Technical Specifications certain clarifications were requested from the licensee. These clarifications were provided in letters dated August 30, 1984 and January 18, 1985.

The August 30, 1984 letter provided a revised voltage drop study. The results indicate that the distribution system remains above the aforementioned relays setpoint for the minimum grid voltage and the maximum plant load condition. Further, it demonstrates that the safety related loads will accelerate to full speed in less than the time delay specified in the TS. Thus, we find that the voltage profile for the BSEP Units 1 and 2 distribution system will remain above the relay trip curve for the minimum grid voltage.

The letter dated January 18, 1985 explained that the once per shift channel check performed on these relays consists of a check for relay targets which indicate if the relay is tripped or not and verification that the installed voltmeters on the 4.16 kV bus read greater than 3800 volts. This voltage information is also available (redundant) in the control room. Furthermore, the relays are arranged in a two-out-of-three logic for reliable actuation to avoid spurious trips.

The two supplemental letters provided additional information that further substantiated the proposed Technical Specifications change.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples involving no significant hazards consideration include "(i) a purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature; and, (ii) a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications; for example, a more stringent surveillance requirement."

Example (i) encompasses the changes requested to correct the errors in identifying certain relays in the emergency power supplies. Example (ii) applies to the added requirements for these relays including proper set points, surveillance intervals and operability conditions. Therefore, since the application for amendment involves proposed changes that are similar to examples for which no significant hazards considerations exists, the Commission proposes to determine that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Southport, Brunswick County, Library, 109 W. Moore Street, Southport, North Carolina 28461.

Attorney for licensee: George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Carolina Power & Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendment: October 24, 1984, as supplemented February 27, 1985.

Description of amendment request: The proposed amendments would change the Limiting Condition for Operation (LCO), the Surveillance Requirements and the associated bases for Specification 3/4.6.1.3, Primary Containment Air Locks, to specifically address the air lock door interlocks. Additionally, the Technical Specifications will be reformatted to more closely follow the guidance of the NUREG–0123, Standard Technical Specifications.

The current Specification does not specifically address an inoperable door interlock in the LCO. As such, it could be interpreted that an inoperable door interlock falls outside the "degraded mode" permitted by Paragraph 3.6.1.3 (a) and (b). Were that to be the interpretation, this interlock would fall under Paragraph 3.6.1.3(c) which directs the plant to be in hot shutdown within the next 12 hours and in cold shutdown within the following 24 hours. CP&L has concluded that this was not the intent of the Specification, since an inoperative door lock is clearly of a similar nature as the "degraded mode" permitted by paragraphs 3.6.1.3 (a) and (b).

The amendments, therefore, propose that the action described for an inoperable air lock door is sufficient to compensate for an inoperable door interlock.

The current Technical Specification requires that the operation of the air lock door interlock be verified every six months. This verification presents the following problems:

(1) The interlock surveillance is performed independently of the air lock operability requirements.

(2) The interlock surveillance cannot be performed when the unit is at power with the drywell inerted, as the drywell is inaccessible.

(3) A low power drywell entry just to perform the interlock surveillance would present an unnecessry safety hazard and increase radiation exposure to personnel performing the test.

The proposed revision requiring verification after each entry (except during periods of multiple entries where it is tested at least every 72 hours) will present the following resolutions:

(1) The interlock surveillance will be added to the air lock surveillance requirements. Thus, the two surveillances will be performed simultaneously, ensuring that the interlock is operable whenever the air lock is required to be operable.

(2) The surveillances will be performed with the unit in cold shutdown and prior to entering operational conditions 1, 2, or 3. The above surveillance requirement is in the Brunswick pre-startup checklist and in the drywell closure checklist. After the surveillance requirement is satisfactorily completed, access to the drywell is secured. This will ensure air lock and interlock operability in operational conditions 1, 2, or 3 and until another drywell entry is made. Whenever the drywell is entered, the surveillance requirement must be repeated prior to drywell closure.

(3) With the surveillance being performed simultaneously in cold shutdown, an additional drywell entry is not necessary. This will, therefore, reduce personnel exposure to radiation and prevent an additional safety hazard.

(4) The increased surveillance on the interlock will result in an increased level of confidence in the interlock's operability.

Additionally, the Specification is being reformatted to be consistent with NUREG–0123, the Standard Technical Specifications for General Electric Boiling Water Reactors.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists

by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards consideration include: (i) A purely administrative change to the Technical Specifications; for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature; and (ii) a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications.

The proposed change pertaining to the reformatting of the Specification is purely an administrative change as in example (i). The proposed revision requiring verification after air lock entry (except during periods of multiple entries where it will be tested at least every 72 hours) constitutes additional controls not presently included in the Technical Specifications and is, therefore, encompassed by example (ii). In addition, the change regarding the inoperable door interlock is also an additional control not presently included and, therefore, is encompassed by example (ii). Thus, the proposed changes discussed in this request are either administrative changes or constitute additional controls not presently included in the Specification and, therefore, conform to examples for which no significant hazards considerations exist.

Therefore, since the application for amendment involves proposed changes that are similar to examples for which no significant hazards considerations exist, the Commission proposes to determine that the proposed amendment involves no significant hazards considerations.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Attorney for licensee: George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassalo.

Carolina Power & Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendment: October 29, 1984, as supplemented February 4, 1985.

Description of amendment request: The proposed amendments would change the Technical Specifications (TS) to incorporate the new reporting requirements as defined by the Commission in Generic Letter No. 83–43, dated December 19, 1983. In addition, recent organizational changes at Brunswick and various administrative changes are reflected in the proposed TS pages.

Section 50.72 of Title 10 of the Code of Federal Regulations has been revised and became effective January 1, 1984. A new § 50.73 of Title 10 of the Code of the Federal Regulations has been added and also became effective January 1, 1984. Section 50.72 revises the immediate notification requirements for operating nuclear power reactors. The new § 50.73 provides for a revised Licensee Event Report System.

Paragraph (g) of § 50.73 specifically states that: "the requirements contained in this section replace all existing requirements for licensees to report 'Reportable Occurrences' as defined in individual plant Technical Specifications." The definition "Reportable Occurrence" will be replaced by a new term, "Reportable Event." These changes will be made in the current version of Standard Technical Specifications (STS) for all nuclear power reactors and in the Technical Specifications for plants not yet licensed.

The changes relating to the revised reporting requirements are in accordance with 10 CFR 50.72 and 10 CFR 50.73 and with the guidance provided by the Commission in Generic Letter 83–43 and are made at the Commission's request. In addition, organizational changes are proposed which included: (1) Inclusion of Brunswick personnel title and organizational changes; (2) correction of typographical errors; (3) clarification of terms and mathematical symbols; and (4) repagination. The organizational changes consist of: deletion of the office of Manager—Plant Operations; addition of the Manager—Outages and his staff; a title change from Director—Planning and Scheduling to Manager—Site Planning and Contral; a title change from Manager—Operations QA/QC to Manager—QA/QC Brunswick and Robinson; a title change from Principal QA Specialist Performance Evaluation Unit to Manager—QA Services; and a shift of responsibility for Fire Brigade training from the Manager—Operations to the Director—Training.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of its standards set forth in 10 CFR 50.92 for no significant hazards consideration by providing certain examples published in the Federal Register on April 6, 1983 (48 FR 14870). Examples of an amendment likely to involve no significant hazards consideration include: (i) A change which is purely administrative in nature, for example, a correction of an error, or a change in nomenclature; and (vii) a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

The staff has reviewed the proposed amendment and finds that the revisions relating to the new reporting requirements fall under the criteria of example (vii) since they are clarifying requirements made by a change in the regulations and made at the request of the Commission. The typographical clarification and repagination changes are found to be similar to the administrative changes in the cited example and therefore fall under example (i). The organizational changes do not involve (1) a significant increase in the probability or consequences of an accident previously evaluated, (2) the possibility of a new or different kind of accident from any accident previously evaluated, nor (3) a significant reduction in a margin of safety. On this basis, the Commission proposes to determine that these proposed amendments do not involve a significant hazards consideration.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Attorney for licensee: George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Commonwealth Edison Company, Docket Nos. 50–373 & 50–374, La Salle County Station, Units 1 & 2, La Salle County, Illinois

Date of amendment request: January 15, 1985.

Description of amendment request: The proposed amendments to Operating License NPF–11 and Operating License NPF–18 would revise the La Salle, Units 1 and 2 Technical Specification 4.6.5.3.d.3 to change the method for calculating the kilowatt capacity of Standby Gas Treatment Heaters when they are tested and to reflect the 3 kW higher capacity of newly installed heaters. The changes are required because current Technical Specification, which does not account for the bus voltage in the kilowatt, capacity calculation is ambiguous, and because new heaters have been installed.

The duct heaters for the Standby Gas Treatment System are designed to

reduce the relative humidity of the airflow to a maximum of 70% relative humidity at the worst inlet conditions. The heaters originally installed to provide this function had a nominal rating of 20 kW (at 480 volts). The purpose of Technical Specification 4.6.5.3.d.3 surveillance requirement is to ensure that the heaters perform their function without major degradation. The present method of testing the performance of the heaters is based on a ±2 kW acceptance range for the previous 20 kW heaters without reference to the bus voltage during testing.

Recently, the heaters were replaced with ones having a slightly higher heat rating of 23 kW (at 480 bus voltage). Additionally, due to variations in actual bus voltage at the time of test, the allowable kW for each heater should be compared to the amount of voltage supplied, based on the textbook relationship $W=V^2/R$, where W is the resulting electrical heat developed by the heater, V is the applied voltage and R is the resistance of the heater for more accurate calculation during tests. The proposed amendment would change the performance criteria of the heaters to account for their capacity based on test at a nominal 23 kW capacity. The diesel generator loading which powers the heaters will not be significantly affected by the nominal 3 kW per heater increase, and the small increase in heater downstream temperature due to the increased kilowatt will not affect the thermal safety setting of 220 °F in the heaters. The change in the method of calculating the heater capacity will provide more accurate test information on the heaters function.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for a no significant hazards consideration determination by providing certain examples (48 FR 14879). One of the examples (vi) of actions involving no significant hazards considerations is a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria. These proposed amendments simply clarify the Tech Specs to indicate that allowable heater capacity is voltage dependent and to reflect the higher capacity of new heaters, and do not change the intent of the Technical Specifications nor permit testing or operation outside acceptable criteria. Therefore, since the application for amendments involve proposed changes that are similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application for amendments involves no significant hazards consideration.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Attorney for licensee: Isham, Lincoln and Burke, Suite 840, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: A. Schwencer.

Commonwealth Edison Company, Docket Nos. 50–373 & 50–374, La Salle County Station, Units 1 & 2, La Salle County, Illinois

Date of amendment request: February 21, 1985.

Description of amendment request: The proposed amendments to Operating License NPF–11 and Operating License NPF–18 would revise the La Salle, Units 1 and 2 Technical Specifications in Tables 4.3.1.1–1, 4.3.2.1–1, 4.3.3.1–1 and 4.3.5.1–1 to delete the channel check requirements from certain instruments. These instruments contain Barton differential indicating switches to measure vessel level and various system flows. These switches are installed in the Reactor Protection Systems, Primary Containment Isolation Systems, Emergency Core Cooling Systems, and Reactor Core Isolation Cooling Actuation Systems.

These Barton differential pressure indicating switches have not met the qualification requirements of 10 CFR 50.49 and are being replaced by qualified differential pressure switches manufactured by Static-O-Ring, Inc. These new switches are blind differential switches and do not have local indication. During the preparation of the La Salle Units 1 & 2 Technical Specifications, required channel checks were added where indication was available for performing these checks. Since these pressure switches are now being upgraded to meet 10 CFR 50.49, these channel checks are not possible and must be deleted from the Technical Specifications. It should be noted, though, while these specific instrument channels are deleted, in all cases except one, other instrumentation from the same reactor vessel reference and variable legs are still required to have channel checks.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The license has determined and the NRC staff agrees that the proposed amendments will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because this change only removes the channel check requirements. Channel functional testing and calibrations are still periodically required to ensure system availability as necessary. Single failure criteria is not affected by this revision.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated because failure of these instruments is evaluated and no new accident is postulated from removing the channel check requirement.

(3) Involve a significant reduction in the margin of safety because the availability of safety related systems is not significantly affected.

Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specifications involve no significant hazards considerations.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Ogelsby, Illinois 61348.

Attorney for licensee: Isham, Lincoln and Burke, Suite 840, 1120 Connecticut, Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: A. Schwencer.

Commonwealth Edison Company, Docket No. 50–265, Quad Cities Nuclear Power Station, Unit 2, Rock Island County, Illinois

Date of amendment request: January 3, 1985.

Description of amendment request: The proposed amendment would change the Technical Specifications for the reactor scram system. The change would provide new limiting conditions for operation and surveillance requirements for a newly modified scram system having improved reliability. The modifications were implemented per an NRC Order issued on June 24, 1983. The proposed changes to the Technical Specifications are based upon the

licensee's final design of its scram system and its review of model technical specifications provided as guidance by the NRC staff.

Basis for proposed no significant hazards consideration determination: The licensee submittal of January 3, 1985, contained an evaluation of the proposed action, and a proposed no significant hazards consideration determination, based on the following considerations.

Subsequent to a failure of 76 of 185 control rods to fully insert at Browns Ferry Unit 3 in response to a manual scram signal, the Commission had embarked on an indepth review of the BWR control rod drive system which identified a number of design issues requiring both short and long term corrective measures. On October 1, 1980 letters were sent to all BWR licensees requesting commitments to reevaluate the present scram system and modifying it as necessary to meet both the design and performance criteria as developed by the BWR Owners Subgroup. Accordingly, a confirmatory order was written June 24, 1983 for Quad Cities Unit 2 regarding a schedule for implementation of the long term corrective actions. That Confirmatory Order also provided model technical specification changes. Based on Commonwealth Edison's final design and upon a review of the model technical specifications, Commonwealth Edison is proposing a number of changes to Appendix A of the Technical Specification for Quad Cities Unit 2 in accordance with the formentioned Confirmatory Order.

The Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing specific examples. The examples of actions involving no significant hazards consideration include: (ii) Changes that constitute an additional limitation or restriction or control not presently within the technical specifications e.g., a more stringent surveillance requirement.

The changes proposed in this application for amendment are encompassed by this example because of the additional limitations and restrictions that will be added by this Technical Specification amendment.

Therefore, since the application for amendment involves a proposed change that is similar to an example for which no significant hazards consideration exists, Commonwealth Edison has made a proposed determination that the application involves no significant hazards consideration.

The staff has reviewed the licensee's significant hazards consideration determination and, based on this review, the staff has made a proposed determination that the application for amendment involves no significant hazards considerations.

Local Public Document Room location: Moline Public Library, 504—17th Street, Moline, Illinois 61265.

Attorney for licensee: Mr. Robert G. Fitzgibbons, Jr., Isham, Lincoln, & Beale, Three First National Plaza, Suite 5200, Chicago, Illinois 60602.

NRC Branch Chief: Domenic B. Vassallo.

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Nuclear Power Station, Unit Nos. 1 and 2, Benton County, Illinois

Date of application for amendments: October 19, 1984, augmented by letters dated December 20, 1984 and February 14, 1985.

Description of amendments request: The amendment would change (a) the hot channel factor limits and (b) limiting conditions for operation of the accumulator system. Both changes result from the revised Emergency Core Cooling System (ECCS) analysis.

Basis for proposed no significant hazards consideration determination: The revised ECCS analysis resulted in new values for peak cladding temperature, total core hydrogen generation and local cladding oxidation. All new values are well within the respective limits set forth in 10 CFR 50.46. The new analysis demonstrates increased safety margins using previously approved analysis models and methods which are in compliance with 10 CFR 50.46 and Appendix K. In addition, the results also meet the criteria set forth in Section 15.6.5, Loss of Coolant Accident of the Standard Review Plan. The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards include actions which may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: For example, a change resulting from the application of a small refinement of a previously used calculational model or design method. The changes requested fall in this category. On the above basis, the staff proposes to conclude that the amendments involve a no significant hazards consideration.

Local Public Document Room location: Zion-Benton Library District, 2600 Emmaus Avenue, Zion, Illinois 60099.

Attorney to licensee: P. Steptoe, Esq., Isham, Lincoln and Beale, Counselors at Law, Three First National Plaza, 51st Floor, Chicago, Illinois 60602.

NRC Branch Chief: Steven A. Varga.

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Nuclear Power Station, Units Nos. 1 and 2, Benton County, Illinois

Date of application for amendments: February 5, 1985.

Description of amendments request: The amendments would revise the actions required in the event of an inoperable rod due to a rod urgent failure condition. The amendments would reduce challenges to plant safety systems as requested in Inspection Report Nos. 50–295/81–09 and 50–304/81–05.

Basis for proposed no significant hazards consideration determination: The existing Technical Specifications require if more than one control rod is inoperable, except due to a rod urgent failure, the reactor must be shutdown within four hours. For inoperability due to rod urgent failure, if the affected assemblies cannot be returned to service within two hours, the reactor shall be shutdown within 4 hours. The amendment being proposed would provide that, for inoperability caused by a rod urgent failure condition, if the affected assemblies cannot be returned to service within twenty-four hours the reactor shall then be shutdown within the next four hours.

A rod urgent failure indicates equipment failure in the rod control system power or logic cabinets. The rod urgent failure condition will inhibit the rod control system's ability to move rods, but will not affect the ability of the control rods to be tripped.

The Commission's example of actions involving no significant hazards considerations (48 FR 14870) include: "(vi) A change which may either result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but when the results of the change are clearly within all acceptable criteria with respect to the system or component. . .". The above example fits the proposed change. The staff, therefore, proposes to conclude that the proposed changes to the Technical Specifications involve no significant hazards consideration.

Local Public Document Room location: Zion-Benton Library District,

2600 Emmaus Avenue, Zion, Illinois 60099.

Attorney to licensee: P. Steptoe, Esq., Isham, Lincoln and Beale, Counselors at Law, Three First National Plaza, 51st Floor, Chicago, Illinois 60602.

NRC Branch Chief: Steven A. Varga.

Consumers Power Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: November 19, 1984.

Description of amendment request: The proposed amendment would: (1) Incorporate additional technical specifications for the new Control Room Emergency Air Cleanup Systems and (2) add fire detectors, sprinklers, and a hose station to the Tables of required fire protection equipment that have been added to the facility.

Basis for proposed no significant hazards consideratioan determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870, April 6, 1983). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications. The proposed changes (1) and (2) above add such limitations and controls for equipment presently not included in the technical specifications.

Therefore, because this amendment request involves only changes of the type specified in example (ii) of the Commission's guidance, the staff proposes to determine that the proposed changes would not involve a significant hazards consideration.

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49007.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: John A. Zwolinski.

Dairyland Power Cooperative, Docket No. 50–409, La Crosse Boiling Water Reactor, Vernon County, Wisconsin

Date of amendment request: October 18, 1984, as revised January 10, 1985.

Description of amendment request: The existing Provisional Operating License (DPR–45) for the La Crosse Boiling Water Reactor has license conditions which prohibit the license from possession or use of more than 100 millicuries each of any by-product material for sample analysis or instrument calibration, or 100 milligrams each of any source or special nuclear material for sample analysis or instrument calibration, with the exception of up 10 curies of cesium-137 which may be used in the form of a sealed source for instrument calibration. On October 18, 1984, Dairyland Power Cooperative (DPC) proposed a change to the conditions of the facility operating license to allow the receipt, possession, and use of more than 10 curies of cesium-137 in the form of sealed sources for instrument calibration. Subsequently, on January 10, 1985, DPC revised the earlier submittal and requested that all quantity limitations on possession of by-product or special nuclear material for sample analysis or instrument calibration be removed from the facility opearting license. These changes would make the La Crosse license conditions for by-product materials consistent with those in licenses currently being isued by the NRC to new plants which allow the possessin of these materials "in amounts as required."

Basis for proposed no significant hazards consideration determination: The licensee's requests to eliminate limitations on the amount of certain redionuclides at La Crosse would allow the possession and use of a more accurate device for calibration of various radiation monitoring instruments throughout the plant. The proposed change would make the La Crosse license consistent with the conditions now incorporated in operating licenses issued by the NRC to new plants. The intent of the proposed change is to allow the licensee to have greater flexibility in selection of radioactive sources for calibrating radiation detection equipment. Failure of radioactive sources has extremely low consequences for members of the general public and thus is not considered in licensing evaluations of nuclear plants. Although it would allow an increase in the amount of radioactive material used at La Crosse, the proposed change is not expected to significantly increase the amount used at the site for the identified purposes. The licensee's technical specifications for handling and control of this material are consistent with the Standard Technical Specifications which are implemented at new plants and are consistent with current licensing criteria. Therefore, based upon all of the above, the staff concludes that the proposed change does not involve a significant hazards consideration determination since it: (1) Does not involve a significant increase in the probability or consequences of a previously evaluated accident, (2) does not create the possibility of a new or different kind of accident from an accident previously evaluated, and (3) does not involve a significant reduction in a margin of safety.

Local Public Document Room location: La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601.

Attorney for licensee: O.S. Heistand, Jr., Esquire, Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John A. Zwolinski, Branch Chief.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Dockets Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2, Appling County, Georgia

Date of amendment request: October 1, 1984.

Description of amendment request: The amendments would modify the Environmental Technical Specifications (Appendix B) to delete the requirement for aerial photography which has been employed to determine the effects of cooling tower drift on the surrounding environment.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards consideration is example (iv), a relief granted upon demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not yet demonstrated. This assumes that the operating restriction and the criteria to be applied to a request for relief have been established in a prior review and that it is justified in a satisfactory way that the criteria have been met.

The proposed amendments constitute a change to grant relief upon demonstration of acceptable operation. The aerial photography program requirement was instituted due to the unknown effect of the deposition of cooling tower drift upon the environment prior to plant operation. The program has been successfully completed with no adverse environmental impact. Therefore, this change is similar to example (iv). On this basis, the Commission proposes to determine that the amendment request involves no significant hazards considerations.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.
Attorney for licensee: G.F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.
NRC Branch Chief: John F. Stolz.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Dockets Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2, Appling County, Georgia

Date of amendment request: November 7, 1984, as corrected November 20, 1985.
Description of amendment request: The amendments would modify the Hatch Unit 1 Technical Specifications to:

1. Delete the requirement for demonstration diesel generator operability when core spray stystems, low pressure core injection systems (LPCI), plant service water systems or two reactor heat removal (RHR) systems are inoperable.
2. Add a requirement to verify offsite power availability and correct breaker alignments.
3. Replace the monthly diesel generator test with a test schedule requirement based on the number of failures during the previous 100 valid tests.
4. Add a requirement that during the start test the diesel accelerates to synchronuous speed within 12 seconds and increases the minimum load for demonstrating operability.
5. Eliminate the requirement for additional operability testing of the diesel every 24 hours following the initial testing.
6. Decrease the time allowed to restore an inoperable diesel to operable status from 7 days to 3 days.
7. Add a requirement for an annual report on the number of tests and failures for each diesel.

The amendments would modify the Hatch Unit 2 Technical Specifications to:

1. Increase the time allowed to restore one of two inoperable diesel generators to an operable status from 2 hours to 24 hours.
2. Replace the requirements for testing diesels at 3, 7, 14, or 31 day intervals based on the total number of failures out of the last 100 valid tests of all diesels at a unit with only two of these test intervals, 7 and 14 days, based on the number of failures out of the last 100 valid tests of all diesels at a unit with only two of these test intervals, 7 and 14 days, based on the number of failures out of the last 100 valid tests for the specific diesel being tested.
3. Revise the 18-month cycle, 24-hour diesel test requirement to require that the overload test be performed during the last two rather than the first two hours of the test.
4. Extend the test interval for verifying operability of diesel air start receivers from 18 months to 5 years.
5. Replace the requirements to report failures for each diesel test and to provide a supplemental report if more than seven failures occurred during the last 100 tests with an annual report like the one discussed above for Hatch Unit 1 (Item 7).

The amendments would modify the Technical Specifications for both Hatch Units 1 and 2 to:

1. Add a once a year 7-day inoperability exception for each individual diesel and two 18-day inoperability exceptions for all the diesels in a unit to the 3-day inoperable limit for an inidividual diesel.
2. Increase the time allowed for a diesel to accept full load during a test from 2 minutes to 5 minutes.
3. Increase the time allowed to verify that a diesel is operable after declaring an offsite power source component of another diesel to be inoperable from "immediately" to 24 hours, except that incease of loss of an offsite power source component, the diesel will not have to be tested if it has been successfully tested within the previous 7 days.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of the criteria in 10 CFR 50.92 by providing examples of amendments that are considered not likely to inivolve a significant hazards consideration (48 FR 14870). One such example is (ii), a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications.

Items 2, 3, 4, 6 and 7 listed above as changes to the Hatch Unit 1 Technical Specifications are similar to this example.

Another such example (i) of action not likely to involve significant hazards consideration is a purely administrative change to the Technical Specifications. Item 5 listed above as a change to the Hatch Unit 2 Technical Specifications is similar to this example.

The Commission has also provided standards for determining whether a significant hazards consideration exists [10 CFR 50.92(c)]. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission's staff, in Generic Letter (GL) 84–15 ("Proposed Staff Action to Improve and Maintain Diesel Generator Reliability"—July 2, 1984), indicated that requirements for testing diesel generators while emergency core cooling equipment is inoperable results in excessive testing and increased degradation of diesel engines. The staff recommended, therefore, that these testing requirements be deleted from the Technical Specifications. Item 1 listed above as a change to Hatch Unit 1 Technical Specifications is one such item as addressed in GL 84–15. The licensee stated in its November 7, 1984, letter that the above proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because it will eliminate a practice of unnecessary and abusive diesel generator testing which can contribute to accelerated diesel generator wear, which consequently degrades diesel generator reliability and availability. The licensee stated that this change will not create the possibility of a new or different kind of accident from any accident previously evaluated because no physical modifications are required to be made to the plant and performance of onsite emergency power systems as described in the Final Safety Analysis Report (FSAR) will remain unchanged. The licensee also stated that this change does not involve a significant reduction in a margin of safety because with the proposed change failures of the core spray, LPCI or RHR service water system components will not adversely affect the reliability and performance of the diesel generators.

The Commission's staff agrees with the licensee's evaluation in this regard, and accordingly, the staff proposes to find that this change involves no significant hazards considerations.

Item 5 listed above as a change to Hatch Unit 1 Technical Specifications, Items 1 through 4 above for Hatch Unit 2 Technical Specifications, and Items 1 through 3 above for both Hatch Units 1 and 2 Technical Specifications are changes directed at enhancing the reliability of the diesel generators. GL 84–15 expressed the staff's position that frequency of fast start tests from ambient conditions of diesel generators

should be reduced. The staff in GL 84–15 encouraged licensees to submit changes to their Technical Specifications to accomplish a reduction in the number of fast starts as well as to reduce other diesel testing requirements in the Technical Specifications as discussed above. All these changes could lead to an overall improvement in diesel reliability and availability as outlined in GL 84–15.

The licensee indicates that the above changes do not involve significant hazards considerations because:

(1) The proposed changes will not significantly increase the probability or consequences of an accident previously evaluated because they will eliminate a practice of unnecessary and abusive diesel generator testing contained in the Technical Specifications. Such testing contributes to accelerated diesel generator wear, which consequently degrades their reliability and availability.

(2) The proposed changes will not create the possibility of a new or different accident from any accident previously evaluated because no physical modifications are required to be made to the plant in conjunction with these proposed changes. Therefore, performance of the onsite emergency power system as described in the FSAR remains unchanged.

(3) The proposed changes will not involve a significant reduction in a margin of safety because demonstration of diesel generator operability will be maintained and will be conducted in a more optimum manner that will improve the overall performance of the onsite emergency power system.

The Commission's staff concurs with the licensee's evaluation in this regard, and accordingly, the staff proposes to find that these changes involve no significant hazards considerations.

On the basis of the above, the Commission has made a proposed determination that the amendment application does not involve a significant hazards consideration.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Attorney for licensee: G.F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

GPU Nuclear Corporation, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: July 19, 1984 as supplemented by agreement noted in meeting minutes of February 22, 1985.

Description of amendment request: Request approval of Appendix A Technical Specification (TS) changes which pertain to the Limiting Conditions for Operation and the Bases for the primary containment atmosphere in Section 3.5.A.6 and are proposed to add the requirement that, after the startup test program and demonstration of plant electrical output, the primary containment atmosphere shall be reduced with nitrogen to less than 4% oxygen within 24 hours after the reactor mode selector switch is placed in the run mode.

The amendment also requests approval of an administrative change to the Bases for Section 4.5, Surveillance Requirements, for the primary containment atmosphere to correct a typographical spelling error.

Basis for No Significant Hazards Consideration Determination: The licensee has proposed to reduce the maximum oxygen concentration in the primary containment during the run mode from less than the existing 5% to less than 4%. This maximum concentration must be reached within the existing requirement of within 24 hours after the reactor mode selector switch is placed in the run mode. The time for primary containment deinerting prior to a scheduled shutdown has not been changed. Therefore, this proposed change constitutes an additional limitation or restriction not presently in the TS.

The licensee is also proposing to correct a typographical spelling error to the Bases for Section 4.5, Surveillance Requirements, Containment Atmosphere.

Therefore, the above proposed changes constitute (1) an additional limitation, restriction or control not presently in the TS and (2) an administrative change to the TS to correct an error. Because the proposed changes fall within examples (ii) and (i), respectively, provided by the Commission in 48 FR 14870, of amendments that are not likely to involve significant hazards considerations, the staff proposes to determine that the requested action involves no significant hazards consideration.

Local Public Document Room location: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Attorney for licensee: G.F. Trowbridge, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, N.W. Washington, D.C. 20036.

NRC Branch Chief: John A. Zwolinski.

GPU Nuclear Corporation, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: February 11, 1985, supplementing the June 8, 1984 request.

Description of amendment request: The proposed amendment requests approval of administrative revisions to Inservice Inspection (ISI) and Inservice Testing (IST) requirements in Section 4.3, Reactor Coolant, of the Oyster Creek Appendix A Technical Specifications (TSs).

Basis for proposed no significant hazards consideration determination: The licensee proposed by the amendment request dated June 8, 1984, to incorporate the requirements of the Commission's revised regulations in 10 CFR 50.55a on inservice inspection and testing in the plant TSs and delete a required inspection schedule from the TSs which is also contained in the station ISI Program. This amendment request affected the existing Paragraphs 4.3.B and 4.3.G, Table 4.3–1 and Bases of Section 4.3 of the plant TSs. This was noticed in the **Federal Register**, on February 27, 1985 (50 FR 7988), and the staff proposed to determine that this request involved no significant hazards consideration.

In the February 11, 1985, request, the licensee proposed other changes to Section 4.3 of the plant TSs in addition to those requested June 8, 1984. The other changes which are the subject of this notice would revise the existing Paragraphs 4.3.C and 4.3.D and Bases of Section 4.3 to delete detailed ISI and IST requirements in the TS and replace them with references to Section XI of the ASME Boiler and Pressure Code, the details of which are implemented in the station ISI and IST Programs.

The additional changes proposed in the February 11, 1985, request and not would would also delete required inspections from the TSs which are also contained in the Oyster Creek ISI and IST Programs. The Commission has provided examples of license amendments that are not likely to involve significant hazards considerations (48 FR 14870), which include: (i) Purely administrative changes to the TSs and (vii) changes to conform the license to the regulations where the license change results in minor changes to facility operations clearly in keeping with the regulations. The deletion from the TSs of redundant requirements falls within example (i); the replacement of detailed ISI and IST TS with references to the ASME Code

falls within example (vii). Because these amendments fall within examples of actions not likely to involve significant hazards considerations, the staff proposes to determine that the requested action involves no significant hazards consideration.

Local Public Document Room location: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Attorney for licensee: G.F. Trowbridge, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John A. Zwolinski.

Indiana and Michigan Electric Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment request: February 14, 1985.

Description of amendment request: The amendments would revise the Technical Specifications by updating the plant heatup and cooldown curves to reflect the recent reactor vessel material surveillance capsule examination and analysis.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether license amendments involve no significant hazards considerations by providing certain examples (48 FR 14871). One of these examples (ii) is a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications. The proposed amendments are directly related to this example in that revised heatup and cooldown curves are required to meet the reactor vessel fracture toughness requirements in 10 CFR Part 50, Appendix G. These new limits on heatup and cooldown constitute an additional limitation, restriction, and control not presently included in the current heatup and cooldown curves in the Technical Specifications. On this basis, the Commission proposes to determine that the amendments involve no significant hazards consideration.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbride, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: November 9, 1984, as revised January 18, 1985.

Description of amendment request: The proposed amendment would change the Duane Arnold Energy Center (DAEC) Technical Specifications to incorporate changes to fire protection surveillance requirements taking into account the installation of fire detection systems in most areas of the plant containment safety-related equipment.

Presently the DAEC Technical Specifications require that a continuous fire watch must be established within one hour in the event a fire barrier is found to be nonfunctional. The recent installation of a fire detection system at DAEC, would permit a relaxation of current continuous fire watch requirement. The licensee has therefore requested to change that requirement to an hourly watch in the event a fire barrier is found to be nonfunctional. The licensee has also proposed an additional change to correct a typographical error in the Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards of no significant hazards consideration determination by giving certain examples (48 FR 14870, April 6, 1983). One of the examples of actions considered likely to involve no significant hazards consideration is example (vi) relating to a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. The proposed change would relax the continuous fire watch requirement to an hourly fire watch in the presence of a fire detection system. Such a relaxation may result in some reduction in a safety margin, but the results of the change in conjunction with the fire detection system modifications are clearly within all acceptable criteria in the Standard Review Plan Section 9.5.1.

Another example of actions involving no significant hazards consideration is example (i) a purely administrative change to Technical Specifications: For example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or change in nomenclature. The proposed change to correct an error is encompassed by the above cited examples.

Therefore, since the application for amendment involves proposed changes similar to examples for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Newman and Holtzinger, 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: December 7, 1984.

Description of amendment request: The Iowa Electric Light and Power Company (the licensee) proposes to revise the Duane Arnold Energy Center (DAEC) Technical Specifications to reflect conformance to the Type C testing criteria of 10 CFR Part 50, Appendix J, Paragraph III.C.2.(b) for containment isolation valves.

The present Technical Specifications distinguish between those valves tested with air and those tested with water. The DAEC Technical Specifications state that valves tested with water shall be pressurized to 54 psig (P_a). However, 10 CFR Part 50, Appendix J, Paragraph III.C.2.(b) requires the tests be conducted at a pressure not less than 1.10 P_a. The proposed change request would revise the Technical Specifications to conform to the Type C testing requirements of 10 CFR Part 50, Appendix J, Paragraph III.C.2.(b), and would change the test pressure from 54 psig to the more restrictive pressure of 1.10 P_a.

Basis for no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards of no significant hazards consideration determination by providing certain examples (48 FR 14870, April 6, 1983). One such example (ii) relates to a change that constitutes an additional limiting restriction, or control not presently included in the Technical Specifications: For example, a more stringent surveillance requirement. Changing the Type C testing pressure for containment isolation valves from the

current pressure of P_s to a pressure of 1.10 P_s is an additional restriction not currently in the DAEC Technical Specifications. The proposed change is, therefore, encompassed by the above cited example.

Therefore, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Newman and Holtzinger, 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Iowa Electric Light and Power Company, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: January 11, 1985, as supplemented March 15, 1985.

Description of amendment request: The proposed amendment would revise the Duane Arnold Energy Center (DAEC) Technical Specifications (TS) reflecting the previously proposed operation with an extended load line limit, and the presently proposed improvements to the Average Power Range Monitor (APRM) and Rod Block Monitor (RBM). The APRM, RBM and TS (ARTS) improvements are intended to increase the plant operating efficiency, update the compliance with the thermal margins requirements, improve the accuracy and response of the pertinent instrumentation, and to improve the man/machine interface. The proposed improvement program would modify the Technical Specifications as follows:

1. The RBM setpoints will be changed from flow-biased to power-dependent settings; and

2. The APRM system flow-biased setpoints setdown requirement will be eliminated, and the flow-biased APRM setpoint values will be changed.

Basis for proposed no significant hazards consideration determination: The proposed submittal is similar to the previous requests for amendments to the Hatch and the Monticello plants. In those cases, the staff made a determination that a significant hazards consideration was involved. The staff's determination was based on the novelty and the complexity of the ARTS improvement program at that time. Subsequent reviews of the Hatch and the Monticello applications have clarified the safety issues associated with the ARTS program, so that a no siginificant hazards consideration finding can now be made.

The Commission has provided guidance concerning determination if significant hazards consideration exists, by providing certain standards (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

1. *APRM System Changes.* Adjusting the flow-biased equations of APRM scram and rod blocks will allow operation above the 100% load line at less then rated power/flow conditions. Operation above the 100% load line is achieved by withdrawal of control rods at low power/flow conditions using preestablished withdrawal sequences. The only accidents initiated by withdrawal of control rods are the Rod Withdrawal Error and Control Rod Drop Accidents, which require a withdrawal of a rod out-of-sequence and a decoupling of the control blade from its drive, respectively. Both of these events are independent of the withdrawal sequence used or final rod pattern chosen. Thus, the probability of these events is not increased from that analyzed in the Updated Final Safety Analysis Report (UFSAR) by operation above the 100% load line. The operation above the 100% load line is bounded by the analyses conducted at the 100% power and 100% flow conditions, except for the Feedwater Controller Failure transient. However, the Feedwater Controller Failure is not the most limiting transient for determining the operating limits. Thus, the consequences of an accident are not increased from those previously analyzed in the UFSAR.

The requirement to setdown the APRM flow-biased scram and rod block equations when the maximum fraction of limiting power density (MFLPD) exceeds the fraction of rated core thermal power (FRP) is being eliminated. In order to insure that the consequences of any abnormal operating transient or loss-of-coolant accident (LOCA) are not increased by this change, flow and power-dependent Minimum Critical Power Ratio (MCPR) and Maximum Average Planar Linear Heat Generation Rate (MAPLHGR) limits are being added to the Technical Specifications and are based upon the supporting transient and LOCA analyses at off-rated conditions. Removing the thermal peaking factor setdown requirement will not increase the probability of any such transient or accident, as it is not the initiating event of any accident.

Deleting the APRM flow-biased rod block as a Limiting Safety System Setting (LSSS) will not change the probability of any accidents because no credit is taken for its function in any safety evaluation.

Adjusting the APRM flow-biased scram and rod blocks to allow operation above the 100% load line impacts only the Rod Withdrawal Error and Control Rod Drop Accidents. Both the accidents are analyzed in the UFSAR. Therefore, the possibility of a different type of accident is not created.

The thermal peaking factor setdown requirement was instituted to protect the fuel from transients and accidents initiated from off-rated conditions. Replacing the peaking factor setdown function with equivalent flow and power-dependent MCPRs and MAPLHGRs will not create a new or different type of accident.

Deleting the APRM Rod Block as an LSSS will not introduce a new or different accident because no credit is taken for its function.

The supporting analyses of design basis events and abnormal operating transients were conducted above the 100% load line (100% Power, 87% Flow). In all cases, except the Feedwater Controller Failure (FWCF) transients, the results were bounded by those analyzed at the 100% power, 100% flow condition and thus the margin of safety for these events are not reduced above those previously analyzed. While the results of the FWCF transient at the (100, 87) point were slightly worse than those at rated conditions, the margin of safety is not degraded as this is a nonlimiting event and is not used for determining the operating limit MCPRs, which define the margin of safety.

Replacing the requirement to perform the thermal peaking factor setdown with equivalent flow and power-dependent MCPRs and MAPLHGRs will ensure that the margin of safety is not reduced by eliminating the setdown requirement.

Deleting the APRM Rod Block as an LSSS will not reduce the margin of safety as the APRM Rod Block will be maintained in the other sections of the Technical Specifications.

2. *Rod Block Monitor (RBM) System Changes.* The current flow-biased RBM rod blocks protect localized regions of the core from inadvertent withdrawals of control rods which would violate the

Safety Limit MCPR, i.e., rod withdrawal error (RWE) accidents. The new power-referenced RBM setpoints are based upon the supporting RWE analyses, which ensure with a 95% probability at a 95% confidence level (95/95 limits) that the Safety Limit MCPR will not be violated by an single withdrawal of a control rod. Therefore, replacing the current flow-biased rod blocks with power-referenced rod blocks will not increase the probability of any event (RWE) previously analyzed. In addition, the probability of an RWE event is not increased by this change due to the increased operator confidence in the new RBM system, as the new hardware for the RBM system, which supports the power-dependent limits, is simpler and more reliable than the old system.

The definition of a Limiting Control Rod Pattern (LCRP) has been revised based upon the supporting RWE analyses provided in the licensee's submittal. These analyses show, with 95/95 limits, that an RWE initiated when the plant is not on an LCRP will not violate the Safety Limit MCPR with the RBM bypassed. Therefore, revising the operability and surveillance requirements of the RBM system based upon the new definition of an LCRP will not increase the probability or magnitude of the consequences of any accident previously analyzed.

The RBM system's design function is to prevent localized fuel failures due to RWE accidents, which have previously been analyzed. That design function has not been changed by converting to power-dependent setpoints and defining new operability and surveillance requirements of the RBM system based upon the new definition of an LCRP. Therefore, the possibility of a new or different accident is not created.

The supporting analyses of RWE accidents demonstrate that the MCPR margin of safety is not reduced by the new power-dependent setpoints and operability and surveillance requirements for the RBM system. Therefore, the proposed change will not result in any reduction of a safety margin.

Therefore, since the application for amendment involves proposed changes which meet the Commission's standards for cases where no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Newman and Holtzinger, 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: January 11, 1985.

Description of amendment request: The proposed amendment would change the Duane Arnold Energy Center (DAEC) Technical Specifications to incorporate revisions in pressure-temperature operating limits for the reactor vessel and revise the minimum temperature, for which the reactor vessel head bolting studs can be in tension, from 100 °F to 74 °F. The pressure-temperature operating limits for the reactor vessel are being revised to reflect minor changes in the fracture toughness due to 6 effective full power years of neutron fluence on the vessel. The revision of the bolting stud tension temperature from 100 °F to 74 °F is shown by the licensee's analyses to comply with the Commission's regulation 10 CFR 50 Appendix G.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards of no significant hazards determination by giving examples (48 FR 14870, April 6, 1983). One such example of actions considered likely to involve no significant hazards consideration is example (vi) relating to a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. . .: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

The pressure-temperature fracture toughness has been revised due to 6 full power years of neutron fluence. The revision incorporates a calculational refinement accounting for neutron fluence. The reduction of the temperature from 100 °F to 74 °F for which reactor vessel head bolting studs can be in tension will comply with the Commission's regulations. Both of the above changes may result in reduction of safety margins, but the results of these changes are clearly within the acceptable criteria with respect to components specified in the Standard Review Plan section 5.3.1.

Therefore, since the application for amendment involves proposed changes similiar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application invoves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Newman and Holtzinger, 1025 Connecticut Avenue, NW., Washington, D.C 20036.

NRC Branch Chief: Domenic B. Vassollo.

Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: December 20, 1984, as supplemented by submittal dated February 22, 1985.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) for (1) average power range monitor (APRM) flow transmitter calibration, (2) definition of "OPERABLE-OPERABILITY", (3) NUREG–0737, Item II.K.3.18, "ADS Logic Modification", and (4) Cooper Nuclear Station organization change.

(1) *APRM Flow Transmitter Calibration.* The proposed change would correct Section 4.1, Bases and a note to Table 4.2.C, "Surveillance Requirements for Rod Withdrawal Block Instrumentation" to reflect actual conditions resulting during calibration of the APRM Flow Biasing Network. Current TS state that during calibration ". . .a zero flow signal will be sent to half of the APRM's resulting in a half scram and rod block condition." However, each reactor recirculation flow unit, when in the calibration mode, actually sends a full flow signal to half of the APRM's producing a rod block but not a half scram. The licensee states that even without the half-scram signal, a substantial margin from fuel damage is provided by the 120% high flux scram which is in effect during calibration.

(2) *Definition of "OPERABLE-OPERABILITY".* The proposed change would expand the present definition of operability to explicitly include functionality of support systems and components such as instrumentation, control, power and other auxiliary systems. The present definition of operable requires only that a system or component be capable of performing its

intended function in its required manner in order to be considered operable.

(3) *NUREG–0737, Item II.K.3.18, "ADS Logic Modifications"*. The proposed change would revise the TS relative to the automatic depressurization system (ADS) to be consistent with ADS actuation logic modifications previously approved by the staff in a letter dated June 6, 1984. The approved ADS logic modifications result in eliminating the need for manual actuation for transient and accident events which do not directly produce a high drywell pressure signal. Consequently, the licensee will eliminate the high drywell pressure permissive from the ADS logic and add a manual inhibit switch. The proposed TS change would delete all references to 2 psig drywell pressure from Table 3.2.B for ADS circuitry requirements and add surveillance requirements for the manual inhibit switches to Table 4.2.B.

(4) *Cooper Nuclear Station Organization Change*. The proposed TS change reflects changes in the CNS organization as follows: (a) Changes of position title, (b) a change in the reporting requirements for the Chemistry and Health Physics (HP) Supervisor, and (c) the addition of a control room supervisor to the plant staff. The changes of position title are proposed for the convenience of the licensee to more accurately describe position duties and responsibilities. The proposed change in the reporting requirements of the Chemistry and HP Supervisor were made to address the guidelines of Regulatory Guide 1.8 for experience level. As a result of these comments, it is proposed that a broken line be added to the organization chart between the Senior Rad/Tech Advisor and the Chemistry and HP Supervisor to indicate the oversight function of the Senior Rad/Tech Advisor. This latter manager will review and direct the efforts of the Chemistry and HP Supervisor until he has attained the requisite experience level specified in Regulatory Guide 1.8. The addition of the control room supervisor, who will be a qualified senior reactor operator, reflects the changes in staffing that were made in accordance with the minimum staffing requirements of 10 CFR 50.54.

Basis for proposed no significant hazards consideration determination:

(1) *APRM Flow Transmitter Calibration*. The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations is example (i) purely administrative changes to the Technical Specifications, for example to achieve consistency throughout the Technical Specifications, correction of an error or a change in nomenclature. The change proposed by the licensee relative to the APRM flow transmitter calibration involves only a correction to the Bases section and to an explanatory note to a table to reflect actual plant design. These changes do not affect any surveillance operations of limiting conditions for operation. The proposed changes are descriptive and purely administrative in nature. As such, the proposed changes fall within the scope of example (i). On this basis, the Commission proposes to determine that these changes involve no significant hazards considerations.

(2) *Definition of "OPERABLE-OPERABILITY"*. The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations, i.e. example (ii), relates to a change that constitutes an additional limitation, restriction or control not presently in the Technical Specifications. The proposed change would make the definition of operable more limiting and is, therefore, similar to this example. The Commission therefore proposed to determine that this action involves no significant hazards considerations.

(3) *NUREG–0737, Item II.K.3.18, "ADS Logic Modifications"*. The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license to a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed TS changes result from plant modifications previously approved by the staff in a letter dated June 6, 1984. The licensee has evaluated the proposed TS changes against each of the above three criteria and has provided the following results of the evaluation in the application dated December 20, 1984:

1. Because the proposed change eliminates the need for operator actuation of the ADS System for certain transient and accident events, it decreases the consequences of an accident previously evaluated and has no effect on its probability of occurring.

2. Because the proposed change does not introduce any new mode of operation, the possibility of an accident of a different type than analyzed in the Final Safety Analysis Report would not result from the change; therefore, the proposed license amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Because the proposed amendment eliminates the need for operator actuation of ADS for certain events, thereby freeing the operator to monitor and evaluate the accident or transient and take actions to combat any additional concerns, the proposed change does not reduce, but enhance the margin to safety.

The staff agrees with the licensee's evaluation that the proposed change meets the three criteria of the Commission's guidance as stated above. On this basis, the Commission proposes to determine that the application does not involve a significant hazards consideration.

(4) *Cooper Nuclear Station Organization Change*. The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). Examples of actions not likely to involve significant hazard consideration include actions specified as (i) purely administrative changes to the Technical Specifications, (ii) changes that constitute an additional limitation, restriction, or control not presently include in the Technical Specifications, and (vii) a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations. The proposed changes in position title are administrative in nature and fall within example (i) above. The proposed change relative to the reporting requirements of the Chemistry and Health Physics Supervisor reflects an additional control on this position and as such is similar to example (ii). The addition of a control room supervisor who is a qualified senior reactor operator was made to comply with the requirements of 10 CFR 50.54. This proposed change is therefore similar to example (vii). On this basis, the Commission proposes to determine that these changes involve no significant hazards considerations.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Attorney for licensee: Mr. G.D. Watson, Nebraska Public Power

District, Post Office Box 499, Columbus, Nebraska 68601.

NRC Branch Chief: Domenic B. Vassallo.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: January 10, 1985, as supplemented by submittal dated February 28, 1985.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) to support operation of Cooper Nuclear Station (CNS) during the upcoming fuel Cycle 10 and to expand the flexibility of plant limits to permit operation with barrier-type fuel and hafnium (General Electric Hybid I) control rods. The proposed amendment would revise the following areas:

1. Rod Block Monitor (RBM) Upscale Trip Setting.
2. Maximum Average Planar Linear Heat Generation Rate (MAPLHGR) Curves.
3. Minimum Critical Power Ratio (MCPR) Curves.
4. Description of Control Rod Materials.

These proposed changes are described in more detail below.

1. *RBM Upscale Trip Setting.* The proposed amendment would change the way in which the RBM upscale trip setting is expressed in the TS. The existing trip setting is expressed in terms of recirculation loop flow plus a constant value. The proposed amendment would replace the constant with a variable parameter that would vary with core configuration. For each change in core configuration the value of the variable would be calculated using the methodology delineated in the latest NRC-approved version of General Electric (GE) Report "General Electric Standard Application for Reactor Fuel", (NEDE–24011–P–A). The methodology is identical to that currently used to determine the value of the trip setting as it is now expressed in the TS.

2. *MAPLHGR Curves.* The proposed amendment would revise the title of the existing MAPLHGR curves to indicate the applicability of the curves for use with barrier-type fuel as well as with the currently used fuel at CNS. The addition of barrier fuel to these curves does not necessitate a change to the numerical values represented by the curves. Barrier-type fuel is similar to previously-used fuel at CNS except that a thin Zirconium liner is added to the inner surface of the cladding to reduce cladding failures due to pellet-clad interaction. The barrier fuel design has been incorporated into the current revision of GE Report, "General Electric Standard Application for Reactor Fuel", (NEDE–24011–P–A–6, April 1983) and has been determined by the NRC to be acceptable.

3. *MCPR Curves.* The proposed amendment would result in small changes to the MCPR curves to be consistent with the operation of the reactor core during fuel Cycle 10. In addition, the range of applicability would be changed so that separate curves would be used for beginning of cycle and end of cycle instead of a single curve for the entire cycle. The MCPR curves have been calculated using the NRC-approved methodology of NEDE–24011–P–A–6, April 1983. The Cycle 10 reload will use fuel identical to that used previously at CNS.

4. *Description of Control Rod Materials.* The proposed amendment would change the description of control rod materials in TS Section 5.2 to include the use of hybid design hafnium control rod assemblies. The Hybrid I Control Rod (HICR) Assembly has been designed by General Electric (GE) to be used as direct replacement for the present control rod assemblies. The original control rods contain only boron carbide, B_4C, as the absorbing material. The HICR assemblies use B_4C absorber cubes and three solid hafnium rods in the outside edge of each wing. The HICR design will lengthen control rod lifetime.

The description of these control rods was submitted to the NRC by GE in topical report NEDE–22290. Based on the staff's evaluation of the information provided in (a) NEDE–22290, (b) a meeting with GE representatives, and (c) responses to NRC staff questions, the staff concluded that there is reasonable assurance that the substitution of Type I HICRs for other approved GE control blades will not result in unacceptable hazards to the public and should, in fact, result in improved control blade performance and a positive contribution to reactor safety. Therefore, NEDE–22290, as amended to incorporate the staff's safety evaluation, was approved as a referenced document for the GE Type I HICR by NRC letter dated August 22, 1983.

Basis for proposed no significant hazards consideration determination:

1. *RBM Upscale Trip Setting.* The Commision has provided standards for determining whether a significant hazards consideration exists [10 CFR 50.92(c)]. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or conequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in margin of safety.

The proposed amendment would base the calculation of the trip setting on NRC-approved methodology but would not specify a value for setting as is presently the case. The NRC staff has determined that the proposed amendment would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the value of this trip setting would not change for a particular core configuration, just the way it is expressed in the TS. Only small changes in trip setting are expected to result from changes in core configuration. In either case, the resultant trip setting is based on the same NRC-approved calculational methodology.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated because the resultant value of trip setting would be based on NRC-approved calculational methods as described above.

(3) Involve a significant reduction in margin of safety because, as discussed above, only small changes in trip setting are expected to result from changes in core configuration and for a particular core configuration there would be no difference in trip setting as a result of the amendment.

Based on the above, the staff proposes to find that the proposed TS changes to the BRM upscale trip setting do not involve a significant hazards consideration.

2.*MAPLHGR Curves.* The Commission has provided standards for determining whether a significant hazards consideration exists [10 CFR 50.92(c)]. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident previously evaluated; or (3) involve a signifiant reduction in margin of safety.

The proposed amendment would change the title of the MAPLHGR curves to indicate their applicability with barrier-type fuel, but would not change the numerical values of the curves. The lack of change in the MAPLHGR curves indicates that the type of barrier fuel involved in this proposed change has the

same nuclear and thermal characteristics as previously-used fuel. The MAPLHGR values for the barrier fuel were determined using NRC-approved methodology. Because of these considerations, and because the barrier-type fuel design has been found to be acceptable to the NRC, we conclude that the possibility or consequences of a previously evaluated accident would not be significantly increased and the possibility of new accidents would not be created. Also, because the design of the barrier fuel is intended to reduce the possibility of fuel cladding failure, we conclude that the margin of safety would be increased. Based on these conclusions, we find that the proposed changes to the MAPLHGR curves meet the Commission's standards cited above, and the staff, therefore, proposes to determine that this change to the TS does not involve a significant hazards consideration.

3. *MCPR Curves.* The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations, i.e. example (iii), is a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility are involved. The proposed changes to the MCPR curves are necessitated by a core reload at CNS with fuel identical to types previously used at the facility. The proposed changes to the MCPR values were calculated using NRC-approved methodology. Therefore, the staff finds that the proposed changes fall within the Commission's example (iii) of an action not likely to involve a significant hazards consideration.

Accordingly, the staff proposes to determine that the proposed change to the MCPR curves involves no significant hazards considerations.

4. *Description of Control Rod Materials.* The Commission has provided standards for determining whether a significant hazard consideration exists [10 CFR 50.92(c)]. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The staff has reviewed the proposed amendment and the related topical report. The licensee concludes that the proposed amendment does not involve a significant hazards consideration and based on the following discussion the staff concurs with this conclusion.

The material evaluation, which includes the chemical, physical, mechanical and irradiation properties, indicates that data and experience demonstrate acceptable corrosion resistance in high temperature water and steam exist for hafnium in BWR control rods. The physical properties expected to be germane to control application indicate acceptable performance in the BWR environment.

The mechanical evaluation indicates that the thermal expansion and irradiation growth of hafnium will not interfere with handle and velocity limiter.

A nuclear evaluation indicates that the HICR will have no significant impact on core and fuel operation when used as a replacement for the current B_4C control rod assemblies. Experiments provide critical benchmarks for calculations and illustrate a minimum impact on local power and flux distributions with all hafnium rods. An even smaller impact is expected for HICR which is a mixture of hafnium and B_4C. Therefore, the HICR can be used without change in the current lattice physics treatment of control rod assemblies and current design procedures.

Thermal-hydraulic evaluation shows that the maximum temperature of the new rods is not significantly different from the currently used control rod assemblies.

An accident evaluation shows that the HICR weight and envelope are identical to the current assemblies. The mechanical and nuclear properties of the HICR do not differ from the current assemblies in any measures that might be significant during normal or accident conditions.

The HICR is, except for minor differences, mechanically identical to the BWR assemblies for which many reactor years of safe operating experience are available. Accordingly, the mechanical safety analysis for the HICR is enveloped by the mechanical safety analyses for the current assemblies.

The reactor core response for the HICR design has been evaluated against the current control rod design for comparison with linear heat generation, minimum critical power ratio and maximum average planar heat generation limits. The HICR weight and rod worth are the same as the current control rod design, therefore the scram speed and scram reactivity are the same and the above limits are not affected by the change.

Based on the above, the staff has determined that: (1) The probability of occurrence or the consequences of an accident would not be increased above those anlayzed in the Final Safety Analysis Report (FSAR) because the weight and envelope of the HICR are identical to those of the currently used assemblies, and the nuclear and mechanical properties of the HICR do not differ from currently used assemblies in a significant way; (2) the possibility of an accident different from those analyzed in the FSAR would not result from these changes because, in addition to the above, these systems would not be operated in a manner new or different from that described in the FSAR; and (3) the margin of safety as analyzed in Technical Specifications would not be reduced because the proposed amendment involves no significant relaxation of the criteria used to establish safety limits, no significant relaxation of the bases for limiting safety system settings, and no significant relaxation in limiting conditions for operation. Therefore the staff finds that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident; or (3) involve a significant reduction in a margin of safety. Accordingly, the Commission proposes to determine that the proposed changes to the TS involve no significant hazards considerations.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Attorney for licensee: Mr. G.D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68601.

NRC Branch Chief: Domenic B. Vassallo.

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit 2, New London County, Connecticut

Date of amendment request: February 6, 1985.

Description of amendment request: The proposed changes in the Technical Specifications are based on anticipated Cycle 7 fuel inventory. Although not expected, additional Technical

Specification changes may be necessary depending upon the final inventory. During the Cycle 6 shutdown, plans have been made to replace all fuel assemblies that contain leakers. Due to the uncertainty in the fuel inventory, the final Cycle 7 reload design cannot be performed until after the Cycle 6 shutdown and a determination is made as to the exact fuel inventory to be used in Cycle 7 (expected mid-May 1985).

The proposed changes in the Technical Specifications modify the allowable region of operation when the core power distribution is monitored by the Excore Detector Monitoring System. The new curve allows a wider range of operation (i.e., higher thermal power and a larger axial shape index). The change establishes two curves to be used. A new curve for the allowable thermal power vs. axial shape index has been developed for the case where the total radial peaking factor (F_{xy}) is less than or equal to 1.62 while the present curve in the Technical Specifications will be applicable for F_{xy} values less than or equal to 1.719.

The proposed changes trade range in radial peaking for more range in axial shape index. The maximum radial peak is specified in the Technical Specifications as a limit on F_{xy} while the maximum axial peak is specified by limits on the axial shape index. The new curve will still assure that the peak linear heat rate (i.e. 15.6 Kw/ft) assumed in the LOCA analysis is not exceeded. The increase in the allowable value of the axial shape index will be offset by a decrease in the allowable value F_{xy} without changing the design basis value for linear heat rate. Consequently, all safety analyses involving linear heat rate are not impacted by the change. Similarly, the transients for which Departure from Nucleate Boiling Ratio (DNBR) is a concern are unaffected by the change, since the proposed curve is still bounded by the curve in Technical Specification 3.26 (Figure 3.2–4). Figure 3.2–4 provided the shapes that were input into all DNBR design basis analyses.

Basis for proposed no significant hazards consideration determination: Based on the above information, we conclude that the proposed Technical Specification change would not impact the previously derived maximum allowable linear heat rate or other parameters which could adversely impact plant transient or accident analyses. Therefore, the proposed change would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Accordingly, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut.

Attorney for licensee: Gerald Garfield, Esq., Day, Berry and Howard, One Constitution Plaza, Hartford, Connecticut 06103.

NBC Branch Chief: James R. Miller.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County Nebraska

Date of amendment request: February 7, 1985.

Description of amendment request: The amendment would add new technical specifications addressing the operability and surveillance requirements for the New Toxic Gas Monitoring System. A new Toxic Gas Monitoring System was recently installed and declared operational. The amendment would also make administrative changes to correct the duplication of numbering of a table. The current technical specifications have two different tables numbered 2–9.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the technical specifications. Another one of the examples (i) of an action not likely to involve a significant hazards consideration is a purely administrative change to the technical specifications. The proposal to add new technical specifications to address the operability and surveillance requirements for the new Toxic Gas Monitoring System comes under example (ii). The proposal to renumber one table to avoid number duplication comes under example (i). Based upon the above, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Attorney for licensee: Leboeuf, Lamb, Leiby, and MacRae, 1333 New Hampshire Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Pacific Gas and Electric Company (PG&E), Docket No. 50–133, Humboldt Bay Nuclear Power Plant, Unit No. 3, Humboldt County, California

Date of amendment request: July 30, 1984.

Description of amendment request: PG&E proposed: (1) To amend License No. DPR–7 to possess-but-not-operate status; (2) to delete license conditions related to seismic modifications, investigations and analysis required prior to NRC authorization of a return to power operation; (3) to revise the Technical Specifications (TSs) to reflect the possess-but-not-operate Status of license; and (4) to decommission Humboldt Bay Unit No. 3 in accordance with a decommissioning plan submitted with the application. Items 2, 3 and 4 above will be noticed separately in the Federal Register. This notice applies to item (1).

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for a no significant hazards consideration determination by providing certain examples (April 6, 1983, 48 FR 14870). Example (ii) is a change that constitutes an additional limitation, restriction, or control not presently included in the TSs. The proposed action to amend License No. DPR–7 to possess-but-not-operate status is a more restrictive license than the present license because the present license permits operation of the facility if certain conditions related to seismic concerns are met. Therefore, since the change is encompassed by example (ii) of the Commission's guidance, the staff proposes to determine that the proposed action does not involve a significant hazards consideration.

Local Public Document Room location: Eureka Humboldt County Library, 421 I Street (County Courthouse), Eureka, California 95501.

Attorney for licensee: Phillip A. Crane, Jr., Pacific Gas and Electric Company, Post Office Box 7442, San Francisco, CA 94120.

NRC Branch Chief: John A. Zwolinski.

Pennsylvania Power & Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of amendment request: October 30, 1984 as supplemented February 20, 1985.

Description of amendment request: The proposed amendment would delete license condition 2.C.(4)(b) to Facility Operating License No. NPF-14 for Susquehanna Steam Electric Station (SSES), Unit 1. License Condition 2.C.(4)(b) requires that the licensee provide a new stability analysis indicating the results for appropriate exposure core conditions prior to startup following the first refueling outage.

In the Code of Federal Regulations (10 CFR Part 50 Appendix A), General Design Criteria (GDC) 12, "Suppression of Reactor Power Oscilations," states:

> The reactor core and associated coolant, control, and protectin systems shall be designed to assure that power oscillations which can result in conditions exceeding specified acceptable fuel design limits are not possible or can be reliably and readily detected and suppressed.

The licensee has stated that the license condition is more restrictive than GDC 12 in that it does not include the option to detect and suppress power oscillations. With the approval of Technical Specifications implementing the guidance of General Electric Service Information Letter No. 380 (GE-SIL-380), Revision 1, the licensee has stated that procedures for detecting and suppressing power oscillations at SSES have been implemented, and compliance with the intent of license condition 2.C.(4)(b) has been satisfied.

Basis for proposed no significant hazards consideration determination: The method to detect and suppress power oscillations incorporated into SSES Technical Specifications, based on guidance contained in GE-SIL-380, would satisfy GDC 12. Since the purpose of license condition 2.C.(4)(b) is to assure that GDC 12 is satisfied, and since the license has an alternate and acceptable means to satisfy GDC 12 (i.e., the detection and suppression of power oscillations), there is no longer any purpose served by license condition 2.C.(4)(b). Because the purpose of license condition 2.C.(4)(b) has been satisfied by other means, deletion of this license condition will not significantly increase the probability or consequence of accidents previously evaluated, wuill not create the possibility of a new and different accident from any previously evaluated, and will not significantly reduce a safety margin. On that basis the NRC staff proposes to find this proposed change does not involve a significant hazards consideration.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: A Schwencer.

Pennsylvania Power & Light Company, Docket No. 50-387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of amendment request: January 15, 1985 as supplemented February 21, 1985.

Description of amendment request: The proposed amendent would revise the Unit 1 Technical Specifications (TS) to support the operation of Susquehanna Steam Electric Station (SSES), Unit 1 at full rated power during the upcoming Cycle 2. The proposed amendment request to support this reload, changes the Technical Specifications in the following areas: (1) Establishes operating limits for all fuel types for the upcoming Cycle 2 operation; (2) establishes the Average Power Range Monitor setpoints; (3) reflects the replacement of approximately one quarter of the core with Exxon fuel assemblies for the upcoming Cycle 2 operation; and (4) modifies the bases section to account for the use of Exxon fuel assemblies.

To support the license amendment request for operation of Susquehanna Unit 1 during Cycle 2 the licensee submitted as attachments to the application the following:

I. Susquehanna SES Unit 1 Cycle 2 Reload Summary Report (NPE-84-015)
II. Susquehanna Unit 1 Cycle 2 Reload Analysis (XN-NF-84-116)
III. Susquehanna Unit 1 Cycle 2 Plant Transient Analysis (XN-NF-84-118)
IV. Susquehanna Unit 1 Cycle 2 Plant Transient Analysis Recirculation Pump Run-Up Results (XN-NF-84-118 Supplement 1)
V. Susquehanna Unit 1 LOCA-ECCS Anlysis MAPLHGR Results (XN-NF-84-119)
VI. Susquehanna SES Unit 1 Cycle 2 Proposed Startup Physis Tests Summary Description

During the first refueling outage 192 General Electric (GE) initial fuel assemblies (approximately one quarter of the core) will be replaced with new but substantially similar Exxon, type XN-1, fuel assemblies.

Basis for Proposed No Significant Hazards Consideration Determination: The proposed amendent to the Susquehanna Technical Specification to support this reload is very similar to Example (iii) provided by the Commission of the types of amendments not likely to involve significant hazards consideration. Example (iii) is an amendment to reflect a core reload where:

(1) No fuel assemblies significantly different from those found previously acceptable to the Commission for a previous core at the facility in question are involved;

(2) No significant changes are made to the acceptance criteria for the Technical Specifications;

(3) The analytical methods used to demonstrate conformance with the Technical Specifications and regulations are not significantly changed; and

(4) The NRC has previously found such methods acceptable.

This reload will consist of 764 assemblies, 572 of which are once burned GE fuel assemblies and 192 of which are new ENC, type XN-1 fuel assemblies. The Exxon fuel assemblies are very similar to the GE fuel assemblies except for slight differences in the mechanical, thermal-hydraulic and nuclear design.

Although the Exxon fuel is very similar to the GE fuel, the slight differences in mechanical, thermal-hydraulic, and nuclear design of the bundles, and the use of different analysis methodologies, required that a wide range of reanalyses be performed by Exxon Nuclear Company (ENC). This included reanalyzing for anticipated operations occurrences, performing LOCA and MAPLHGR analyses for the Exxon fuel, and analyzing for the rapid drop of a high worth control rod to assure that excessive energy will not be deposited in the fuel. Analyses for normal operation of the reactor consisted of fuel evaluations in the areas of mechanical, thermal-hydraulic and nuclear design.

The use of the ENC type XN-1, fuel assemblies and the associated analytical methods used for the Cycle 2 reload analyses have been previously approved by the Commission's staff for use in other boiling water reactors (BWR's). Based on previous experience, the staff has determined that only small differences result between the use of Exxon or GE analytical methods.

The other difference between the Cycle 1 core and the Cycle 2 core reload is in the core loading pattern. Cycle 1 is a standard GE BWR/4 initial core configuration consisting of fuel assemblies of similar enrichments placed in a specific zone within the core. In contrast the Cycle 2 core will be based on the conventional scatter load principle where fresh reload assemblies are scatter loaded throughout the core except for the center region and the core

periphery. Changing from a zone core loading pattern used during first fuel cycle to a scatter loading pattern for the new reload assemblies during the second cycle is an accepted reload method that has been approved by the staff for other BWR plant reloads.

Thus, this core reload involves the use of fuel assemblies that are not significantly different from those found previously acceptable to the Commission for a previously core at this facility. The request for amendment changes the TSs to reflect new operating limits associated with the fuel to be inserted into the core are based on the new core physics and are within the acceptance criteria.

In the analyses supporting this reload, there have been no significant changes in acceptance criteria for the Technical Specifications, and those analytical methods used have previously been found acceptable.

The only difference between this reload and Example (iii) provided by the Commission is related to the use of the Exxon analytical methods which are different than those used for Cycle 1. However the Exxon analytical methods have been previously approved by the staff for use in the BWR's and the analytical results are not significantly different from those found previously acceptable to the Commission for the initial core at the facility.

On the bases of the similarity between the proposed amendment and the Commissions Example (iii) and the fact that the analytical methods used have been previously approved by the staff and do not provide results significantly different, the Commission's staff has concluded that operation of the facility in accordance with the proposed reload amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any previously evaluated; or (3) involve a significant reduction in the margin of safety. Based on the foregoing discussion, the Commission's staff proposes to determine that the amendment request does not involve a significant hazards consideration.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: A Schwencer.

Pennsylvania Power & Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of amendment request: January 31, 1985.

Description of amendment request: NUREG–0737 Item II.K3.18 required modification of the automatic depressurization system (ADS) actuation logic to eliminate the need for manual actuation to assure adequate core cooling. The addition of the ADS drywell pressure bypass timer and manual inhabit switch to the Susquehanna Steam Electric Station (SSES), Unit 1, satifies this requirement. Since the ADS is considered one of the safety systems used to assure emergency core cooling, license condition 2.C.(28)(e) required that the licensee propose Technical Specifications to cover the equipment installed that eliminated the need for manual actuation of the ADS. The changes to the Technical Specifications requested in this amendment, except those on page 3/4 3–28, are all related to modifications made to satisfy NUREG–0737 Item II.K.3.18 requirements and associated license condition 2.C.(28)(e).

In addition, the licensee has proposed in this amendment to correct errors contained in Table 3.3.3–1 Emergency Core Cooling System (ECCS) Actuation Logic Instrumentation (page 3/4 3–28) of the Technical Specifications. Footnote (a), where originally located on this page, applied to every entry. Footnote (a) states:

> A channel may be placed in an operable status for up to 2 hours for required surveillance without placing the trip system in the tripped condition provided at least one OPERABLE channel in the same trip system is monitoring that parameter.

This footnote was erroneously applied to the manual initiation functions, which can be performed without placing the required system in an inoperable status, and the Level 8 high pressure coolant injection trip function which would become unavailable if one channel were placed in an inoperable status. The proposed amendment would remove this footnote from these functions since it was incorrectly applied originally.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of these, Example (ii), involving no significant hazards considerations is "A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications, for example, a more stringent surveillance requirement." The requested changes to satisfy NUREG–0737, Item II.K.3.18 matches this example and the staff, therefore, proposes to determine that this change involves no significant hazards consideration.

Another of these, Example (i), involving no significant hazards consideration is "A purely administrative change to the Technical Specifications: For example a change to achieve consistency throughout the Technical Specifications, a correction of an error, or a change in nomenclature. The requested changes to correct the error related to the footnote in page 3/4 3–28 of Table 3.3.3–1 of the Technical Specifications clearly matches this example and the staff, therefore, proposes to determine that this change involves no significant hazards consideration.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: A Schwencer.

Pennsylvania Power & Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of amendment request: January 31, 1985 as supplemented February 20, 1985.

Description of amendment request: In the proposed amendment the licensee has requested that: (1) Technical Specification 4/3 6.6.3 be revised to reflect the replacement of a one unit cooler subsystem with 2 recirculation fans to support drywell cooling improvements. The subject unit cooler subsystem will now be serving the general drywell area and the new recirculation fans will be supporting the safety-related function of post-LOCA drywell air mixing governed by this Technical Specification. (2) Technical Specification 4.8.4.1.a.1 be modified to achieve a greater level of clarity for this surveillance, which was previously ambiguous in cases where no trip setpoint or response time was provided. The difference between the current Technical Specification and the proposed revision is in specifying how acceptance criteria shall be met for each type of breaker, i.e., magneticonly (HFB–M) and thermal-magnetic (HFB–TM, KB–TM). The degree of testing for a given

breaker remains unchanged due to the proposed revision. (3) Technical Specification Table 3.8.4.1–1 be revised to reflect the replacement of magnetic-only circuit breakers with thermal-magnetic circuit breakers. Changing the containment penetration over-current protection from magnetic-only to thermal-magnetic circuit breakers allows detection of substantially lower short circuit currents.

(4) Additional changes to Table 3.8.4.1–1 are deletion of the following:

Frame Rating /UL: Control of breaker frame size and UL rating is ensurd by the design change control process, which is governed by 10 CFR 50.59, and therefore the information need not be listed in the Technical Specifications.

Trip Setpoint: Due to the replacement of magnetic with thermal-magnetic circuit breakers, the number of adjustable (Type HFB–M, magnetic-only) breakers has decreased by approximately two-thirds. Trip setpoints are not applicable to non-adjustable breakers. The setpoint control of the adjustable breakers is ensured by the setpoint change control process, which is governed by 10 CFR 50.59, and therefore the information need not be included in the Technical Specifications.

Response Time: The response time column is currently "NA" for all entries. This is because, as described in FSAR subsection 4.8.4.1.a.1, manufacturer's data is used to determine acceptable response time. Therefore, the column has been deleted.

(5) Other changes to Table 3.8.4.1–1 are the following editorial changes:

a. "Circuit Breaker Location" has been changed to "Circuit Breaker Designation".

b. "Molded Case Circuit Breaker" headings were deleted. The need for this heading is tied, by the Standard Technical Specifications, to a need to differentiate test methods from those used for metal case circuit breakers. The surveillance is now tied to the types listed in the proposed change, and no metal case breakers are in use, so the deleted information serves no purpose.

c. Editorial description of specific equipment have been deleted. Systems and equipment numbers is sufficient for this purpose.

d. Footnotes referring to vendors have been deleted since they are unnecessary; the type definitions they provided are covered by the revised surveillance.

e. Footnote "+" was revised (new footnote*) to drop a reference to A and B, because this is not always the correct designation. Furthermore, such specific information is unnecessary; the key information is that two redundant breakers are to be OPERABLE.

f. For Type KB–TM, an informative footnote has been added since the breaker arrangement is atypical from the other types.

g. The entire listing has been reorganized to be grouped by system rather than randomly.

(6) *Drywell Cooling:* Two pairs of Type HFB–TM circuit breakers associated with drywell cooling have been added to the table to support recirculation fans 1V418A and B which are being added as discussed above.

Basis for proposed no significant hazards consideration determination: 1. In Technical Specification 3/4.6.6.3, these changes proposed support design improvements to the Drywell Atmosphere Recirculation and Cooling System. The only safety-related aspect of this change is that the post-LOCA air mixing, and the air flow capability of the new recirculation fans is the same as that of the unit cooler fans formerly used for this purpose. Furthermore, the equipment change is in accordance with exisfing design criteria and will not adversely affect the function of any system. Electric separation, seismic integrity and all other required design criteria are met. As discussed above, the safety function of post-LOCA mixing will be maintained. Furthermore, drywell cooling requirements specified in the Technical Specifications will be easier to maintain. Based on the above, the proposed changes do not: (1) Involve a significant increase in the probability or consequence of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in the margin of safety.

2. In Technical Specification 4.8.4.1.a.1 the degree of testing has not changed for any given breaker but, the amount of prescriptiveness required to clarify the acceptance criteria applicable to any given breaker has been increased. Therefore, this change falls under example (ii) "a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications" of the Commission's guidance in (48 FR 14870) on types of amendments which are not likely to involve significant hazards considerations.

3. In Technical Specification Table 3.8.4.1–1 by replacing magnetic-only circuit breakers with thermal-magnetic circuit breakers safety has been improved by the addition of this equipment, which can detect lower short circuit currents. This design improvement provides additional control over penetration protection and it therefore falls under example (ii) "a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specification" of the Commission's guidance in (48 FR 14870) on types of amendments that are not likely to involve significant hazards considerations.

4. In Technical Specification Table 3.8.4.1–1 the licensee has proposed deletion of design information related to the overcurrent protection devices (Frame Rating/UL, Trip Setpoint and Response Time). This equipment is covered under the requirements of 10 CFR 50.59 which states that the licensee may make equipment changes without prior Commission approval, unless the proposed change involves a change to the Technical Specifications or an unreviewed safety question. Although the change would delete design information from the Technical Specifications this equipment would still be covered under 10 CFR 50.59 which does not permit any changes or replacement of equipment that is not the same as or equivalent to that currently installed. Therefore this deletion merely provides flexibility within the bounds of 10 CFR 50.59 without requiring changes to the Technical Specifications. The proposed changes therefore do not: (1) Involve a significant increase in the probability or consequence of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated or (3) involve a significant reduction in the margin of safety.

5. In Technical Specification Table 3.8.4.1–1 other changes have been proposed which are purely administrative and clearly fall under example (i) of actions not likely to involve significant hazards considerations, "A purely administrative change to Technical Specifications: For example, a change to achieve consistency throughout the Technical Specifications, correction of an error or a change in nomenclature.

6. In Table 3.8.4.1–1 additional circuit breakers were added to meet design criteria specified for the modifications described in Technical Specification 3/4 6.6.3 pertaining to drywell cooling to provide overcurrent protection for primary containment penetration conductors. Therefore the same basis for no significant hazards consideration as given for Technical Specification 3/4 6.6.3 (Item 1 above) is applicable.

On the basis of the above, the Commission proposes to conclude that

all the proposed changes involve no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: A. Schwencer.

Pennsylvania Power & Light Company, Docket No. 50-388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania

Date of amendment request: January 31, 1985.

Description of amendment request: NUREG-0737 Item II.K.3.18 required modification of the automatic depressurization system (ADS) actuation logic to eliminate the need for manual actuation to assure adequate core cooling. The addition of the ADS manual inhibit switch to the Susquehanna Steam Electric Station (SSES), Unit 2, completes the modifications to the ADS needed to satisfy this requirement. Since the ADS is considered one of the safety systems used to assure emergency core cooling, license condition 2.C.(12)(f) required that the licensee propose Technical Specifications to cover the equipment installed that eliminated the need for manual actuation of the ADS. The changes to the Technical Specifications requested in this amendment, except those on page 3/4 3-28, are all related to modifications made to satisfy NUREG-0737 Item II.K.3.18 requirements and associated license condition 2.C.(12)(f).

In addition, the licensee has proposed in this amendment to correct errors contained in Table 3.3.3-1 Emergency Core Cooling System (ECCS) Actuation Logic Instrumentation (page 3/4 3-28) of the Technical Specifications. Footnote (a), where originally located on this page, applied to every entry. Footnote (a) states:

> A channel may be placed in an operable status for up to 2 hours for required surveillance without placing the trip system in the tripped condition provided at least one OPERABLE channel in the same trip system is monitoring that parameter.

This footnote was erroneously applied to the manual initiation functions, which can be performed without placing the required system in an inoperable status, and the Level 8 high pressure coolant injection trip function which would become unavailable if one channel were placed in an inoperable status. The proposed amendment would remove this footnote from these functions since it was incorrectly applied originally.

Basic for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of these, Example (ii), involving no significant hazards considerations is "A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications, for example, a more stringent surveillance requirement." The requested changes to satisfy NUREG-0737, Item II.K.3.18 matches this example and the staff, therefore, proposes to determine that this change involves no significant hazards consideration.

Another of these, Example (i), involving no significant hazards consideration is "A purely administrative change to the Technical Specifications: For example a change to achieve consistency throughout the Technical Specifications, a correction of an error, or a change in nomenclature. The requested changes to correct the error related to the footnote in page 3/4 3-28 of Table 3.3.3-1 of the Technical Specifications clearly matches this example and the staff, therefore, proposes to determine that this change involves no significant hazards consideration.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: A Schwencer.

Pennsylvania Power & Light Company, Docket No. 50-388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania

Date of amendment request: February 7, 1985.

Description of amendment request: The proposed amendment to the Technical Specifications (TSs) would revise the trip setpoint for isolation of the Reactor Core Isolation Cooling (RCIC) system on high steam line differential pressure. The current value for this trip setpoint was initially based on engineering judgment and operating experience. The proposed revised trip setpoint value is based on actual test data obtained using the startup test program.

Basis for proposed no significant hazards consideration determination: The intent of the trip setpoint in question is to insure isolation of the RCIC system occurs in the event of a design basis pipe break flow between 2.72 and 3.0 times maximum normal flow. Since the current pressure differential trip setpoint valve was based on engineering judgment and operating experience, it des not necessarily provide RCIC isolation within the design basis pipe break flow values. The proposed change would replace the current trip setpoint values based on actual inplant test data obtained during the startup test program. This would assure that RCIC isolation occurs within the desired design basis pipe break flow values. Since the proposed trip setpoints are based on actual test data and the current values are based on engineering judgment, no previous evaluations are compromised and no new accidents are created. In addition, the proposed values are more conservative than the current values, which increases the safety margin. On the basis of the above, the staff has determined that the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any previously evaluated; or (3) involve a significant reduction in a margin or safety. The staff therefore has made a proposed determination that this application for amendment involves no significant hazards consideration.

Local Public Document Room location: Osterhoust Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: A. Schwencer.

Pennsylvania Power & Light Company, Docket Nos. 50-387/388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: October 1, 1984.

Description of amendment request: The proposed amendment would incorporate controls in the form of limiting condition for operation (LCO) into the Technical Specifications on equipment needed to insure proper functioning of the isolated 480 volt swing busses.

The licensee has identified a potential unreviewed safety question if appropriate controls are not placed on the power sources supporting the

isloated 480 volt swing busses. In the current Technical Specifications for Susquehanna Steam Electric Station (SSES) Units 1 and 2 if any of these power sources are inoperative (i.e. down for maintenance) no LCO exists to require the swing busses to be returned to service within a specified time. A break in one recirculation line between the reactor vessel and the low pressure coolant injection loop (LPCI) in combination with a single failure of the 4kV power supply and an inoperative swing bus which both provide electrial power to the other loop results in a condition which renders both LPCI loops inoperable. Subsection 6.3.1.1.2 of the FSAR identifies the minimum combinations of emergency core cooling systems (ECCS) needed to recover from a pipe break in the primary system. Each combination requires at least one LPCI system to be operable. Since the scenario described does not satisfy the minimum ECCS requirement it represents a potential unreviewed safety question if the appropriate controls are not placed in the power sources supporting the isolated 480 volt swing bus. The proposed amendment will incorporate LCO's on the power sources supporting the isolated swing busses to prevent the potential for this scenario from occurring. The NRC staff has reviewed the Technical Specifications proposed by the licensee in this amendment and determined they are acceptable.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of these, Example (ii), involving no significant hazards considerations is "A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: For example, a more stringent surveillance requirement." The requested change matches the example and the staff, therefore, proposes to characterize it as involving no signficant hazards consideration.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 13701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: A. Schwencer.

Pennsylvania Power & Light Company, Docket No. 50–387 & 388, Susquehanna Steam Electric Station, Units 1&2, Luzerne County, Pennsylvania

Date of amendment request: February 11, 1985.

Description of amendment request: The proposed change to the Susquehanna Steam Electric Station (SSES) Unit 1 and Unit 2 Technical Specifications would permit the number of individuals on the Susquehanna Review Committee (SRC) to vary between eight and twelve and require a quorum, which consists of a majority of all members or designated alternatives approved by the Senior Vice President Nuclear, to be present for all formal meetings.

The Technical Specifications currently restrict the number of individuals on the SRC to nine. This "fixed number" restriction causes two problems: (1) When additional expertise is required, either a current voting member must be "replaced" temporarily or the more expert individual must be relegated to a non-voting status; and (2) when a vacancy is created on the current SRC roster, a replacement must immediately be found. This proposed change would provide additional flexibility, thereby relieving the above problems. Each new member chosen will still have to meet the qualification requirements stated in Technical Specification 6.5.2.2.

Basis for proposed no significant hazards consideration determination: The proposed changes are administrative improvements intended to provide additional flexibility related to the number of individuals that comprise the SRC. Their responsibilities are not diminished and the changes will not physically affect any safety related systems. The staff, therefore, proposes to conclude that the amendment to the Technical Specifications would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of an accident of a type different from any previously evaluated, or (3) involve a significant reduction in a margin of safety. On this basis, the staff has made an initial determination that the proposed amendment is not likely to involve a significant hazards consideration.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: A. Schwencer.

Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: July 13, 1981, as supplemented May 3, 1984, July 27, 1984 and January 18, 1985.

Description of amendment request: These submittals supplement the request for amendment dated July 13, 1981 which was noticed in the **Federal Register** on February 24, 1984 (49 FR 7040). The proposed revisions to the Technical Specifications would revise the testing requirements for hydraulic shock suppressors (snubbers) and add requirements for mechanical snubber operability and testing. The proposed changes were made in response to an NRC request to upgrade the testing requirements for all safety-related snubbers to ensure a higher degree of operability. The changes involve: Clarifying the frequency for visual inspection, stating the requirements for functional testing of snubbers which visually appear inoperable, the inclusion of a formula for the selection of representative sample sizes, the clarifying of the testing acceptance criteria, and revising the method of snubber listing to incorporate more information.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards considerations include changes that constitute additional limitations or restrictions in the Technical Specifications. The proposed changes revise sections of the Technical Specifications related to hydraulic snubbers to clarify requirements and include additional testing, and incorporate both operability and testing requirements for mechanical snubbers. Since the requested changes upgrade the requirements for hydraulic snubbers and add requirements for mechanical snubbers, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room Location: Penfield Library, State University College of Oswego, Oswego, New York.

Attorney for licensee: Mr. Charles M. Pratt, Assistant General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019.

NRC Branch Chief: Domenic B. Vassallo.

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: December 21, 1984, as supplemented February 19, 1985.

Description of amendment request: The proposed amendment would change the Technical Specifications (TS) to incorporate Radiological Effluent Technical Specifications (RETS) that would bring the license into compliance with Appendix I of 10 CFR Part 50. The proposed amendment would provide new Technical Specification sections pertaining to the following: Limiting conditions for operation and surveillance requirements for radioactive liquid, gaseous and solid wastes; total dose; and radiological environmental monitoring consisting of a monitoring program, land use census, and an interlaboratory comparison program. The proposed amendment would also incorporate into the Technical Specifications the bases that support the operation and surveillance requirements. In addition, some changes would be made in administrative controls, specifically delaing with the process control program, the offsite dose calculation manual, and the radiological monitoring program.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications.

The Commission, in a revision to Appendix I, 10 CFR Part 50, required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement, it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the addition of Technical Specifications described above. The staff proposes to determine that the application does not involve a significant hazards consideration since the changes constitute additional restrictions and controls that are not currently included in the Technical Specifications.

Location Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Attorney for licensee: Mr. Charles M. Pratt, Assistant General Counsel, Power Authority of the State of New York 10, Columbus Circle, New York, New York 10019.

NRC Branch Chief: Domenic B. Vassallo.

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: January 30, 1985.

Description of amendment request: The proposed amendment would revise Table 3.7-1 "Process Pipeline Penetrating Primary Containment" on page 198 of Appendix A of the Technical Specifications (TS). The isolation signals for two reactor water sample line valves (drywell penetration X-41) would be changed from "B, C, D, E, and P" to "B and C".

The purpose of this change is to correct an error in Table 3.7-1 that was inadevertently introduced during the initial issuance of the TS. Three additional isolation signals "D, E, and P" were incorrectly included under the reactor water sample line entry in Table 3.7.1. This error was discovered during normal operation when the reactor water sample line isolation valves did not isolate on all signals listed in Table 3.7.-1.

Basis for proposed no significant hazards consideration determination: Signals B, C, D, E, and P effect closure of various Group A isolation valves. The Group A valves are located in process lines that communicate directly with the reactor vessel and penetrate the primary containment. Group A isolation functions include generation of isolation signals for the following components:

1. Main stream isolation valves (Penetration X-7A.B.C.D).
2. Main stream line drain isolation valves (Penetration X-8).
3. Reactor water sample line isolation valves (Penetration X-41).
4. Condenser vacuum pump.

The original plant design basis called for the reactor water sample line to isolate on signals B and C only. Signals, D, E, and P were intended to effect closure of the main stream isolation valves and main stream line drain isolation valves only. Therefore, the inclusion of the additional signals D, E, and P in Table 3.7-1 under drywell penetration X-41 represents an error.

The Commission has made a proposed determination that the amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Clearly, the proposed amendment does not change the design basis of the plant but, rather, corrects an error to make the TS conform to the design basis. Therefore, the proposed amendment satisfies the three above-stated criteria for no significant hazards consideration.

Based on the foregoing, the Commission proposed to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Attorney for licensee: Mr. Charels M. Pratt, Assistant General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019.

NRC Branch Chief: Domenic B. Vassallo.

Power Authority of the State of New York, Docket No. 50-286, Indian Point Unit No. 3, Westchester County, New York

Date of amendment request: May 3, 1983.

Description of amendment request: The amendment would revise and update Table 3.6-1 and Table 4.4-1 of the Technical Specification to reflect: (1) The replacement of double disc containment isolation value 850A with two single disc containment isolation valves 850A and 850C, (2) the installation of check valve 8406 as an automatic containment isolation valve, (3) the automation of valves 550, 863, 958, 959, and 1610, (4) the addition of two automatic containment valves, DW-AOV-1 and DW-AOV-2, for the demineralized water system. These modifications were made in response to position II.E.4.2.3 of NUREG-0737 which states that all non-essential systems be automatically isolated by the containment isolation signal.

The organizational changes requested in the May 3, 1983 submittal are being handled as a separate action and has

received a separate Federal Register Notice (48 FR 52823).

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing examples (48 FR 14870). One of the examples of actions not likely to involve a significant hazards consideration relates to changes that constitute additional limitations or restrictions in the Technical Specifications. The proposed changes revise Table 3.6–1, the list of non-automatic containment isolation valves open continuously or intermittently for plant operation, and Table 4.4–1, the list of all containment isolation valves, to reflect modifications made in response to position II.E.4.2.3 of NUREG–0737. Since the requested changes upgrade the Technical Specifications to reflect stricter requirements for containment isolation valves, the staff proposes to determine that this application does not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee; Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Branch Chief: Steven A. Varga.

Power Authority of the State of New York, Docket No. 50–286, Indian Point Unit No. 3, Westchester County, New York

Date of amendment request: December 3, 1984.

Description of amendment request: This amendment would revise Section 3.7 of the Technical Specifications to define the Limiting Conditions for Operation of systems, subsystems, trains, components and devices supplied by an inoperable normal or emergency power source, as provided by the Standard Technical Specifications.

By letter dated April 10, 1980, the staff issued a generic letter clarifying the term OPERABLE and requesting the licensee to propose Technical Specifications consistent with Model Technical Specifications. By Operating License Amendment No. 32, dated September 5, 1980, we granted the licensee's amendment, requested by letter dated May 23, 1980, implementing the Model Technical Specification definition of OPERABLE.

During a recent review it became clear that Amendment No. 32 did not fully satisfy the intent of the April 10, 1980 generic letter. By letter dated October 22, 1984, the staff requested that the licensee submit a license amendment to resolve the remaining concerns. This amendment request, dated December 3, 1984, is the licensee's response.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing examples (48 FR 14870). One of the examples (example (ii)) of actions not likely to involve a significant hazards consideration relates to changes that constitute an additional limitation, restriction, or control not presently included in the Technical Specifications. The proposed change, which revises Section 3.7 to define the Limiting Conditions for Operation of systems, subsystems, trains, components and devices supplied by an inoperable normal or emergency power source, falls into this category of additional limitations. Therefore, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York New York 10601.

Attorney for licensee; Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Branch Chief: Steven A. Varga.

Power Authority of the State of New York, Docket No. 50–286, Indian Point Unit No. 3, Westchester County, New York

Date of amendment request: January 17, 1985.

Description of amendment request: This amendment would revise the Technical Specifications related to steam generator tube inservice surveillance (Appendix A, Section 4.9 of the operating license) to extend the region for which the tube plugging limit of 63% degradation due to pitting applies. By letter dated November 9, 1984, the staff issued Amendment No. 50 granting an interim 63% plugging limit for the region from the tubesheet to the first subport plate for cold leg pitted tubes. The pending request would extend the region, for which the 63% degradation due to pitting limit applies, from the tubesheet to the second support plate for the remainder of Cycle 4.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). An example (example (vi)) of an action likely to involve no significant hazards considerations is a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP 5.4.2.2).

The licensee indicates that a detailed analysis, performed by Westinghouse, of similar units shows that extending the cold leg tube plugging limit of 63% to the regions above the first tube support plate and up to, but not including, the sixth support plate does not significantly change the accident analysis. Westinghouse has confirmed that this result conservatively applies to Indian Point 3. In addition, as stated in the Safety Evaluation for Amendment No. 50, previous plugging limits for cold leg pitted tubes were determined by the previous corrosion rate so as to maintain the requisite minimum wall thickness. Investigations made during the cycle 4 steam generator inspection outage indicate that the corrosion rate has significantly decreased. Therefore, the higher plugging limit would maintain the same minimum wall thickness.

The staff considers that this evidence meets the requirements of example (vi) and proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Branch Chief: Steven A. Varga.

Portland General Electric Company, et al., Docket No. 50–344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: January 29, 1985.

Description of amendment request: The amendment request was submitted in response to NRC Generic Letter 84–15 (dated July 2, 1984) which identified cold fast starts of diesel-generator sets as contributing to premature diesel engine degradation. In addition, excessive diesel engine testing was also identified as contributing to unnecessary wear. Consistent with the NRC request, the amendment would reduce the frequency of diesel-generator testing and allow the engine to be warmed up for most tests before increasing speed. The test starts from *ambient* conditions would be conducted semi-annually instead of monthly, consistent with the NRC guidance. Monthly testing would be continued.

The restriction that the 18-month testing be conducted during plant shutdown would be removed since some of the testing can be conducted while operating.

Finally, the time to shut down the plant in the event that two off-site transmission lines are not available would be changed from four hours to six hours. This is consistent with NRC guidance contained in NRC Standard Technical Specifications and consistent with other sections of the technical specifications that require a plant shutdown.

Basis for proposed no significant hazards consideration determination: The NRC staff has determined that excessive diesel-engine testing and cold fast starts contribute to premature engine degradation and that an overall improvement in reliability and availability can be gained by performing diesel-generator starts for surveillance testing using engine prelube and other manufacturer-recommended procedures to reduce engine stress and wear. The proposed amendment is consistent with this objective and therefore should result in enhanced reliability.

The change allowing six hours to shut down is minor. It is consistent with NRC guidance and would allow more time to conduct an orderly shutdown. Therefore it appears that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident, or (3) involve a significant reduction in a margin of safety. Based on the foregoing, the NRC staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Multnomah County Library, 801 SW. 10th Avenue, Portland, Oregon.

Attorney for licensee: J.W. Durham, Senior Vice President, Portland General Electric Company, 121 SW. Salmon Street, Portland, Oregon 97204.

NRC Branch Chief: James R. Miller.

Public Service Electric and Gas Company, Docket No. 50-311, Salem Nuclear Generating Station, Unit No. 2, Salem County, New Jersey

Date of amendment request: October 15, 1984.

Description of amendment request: The analysis of the reactor vessel material contained in surveillance capsule T, the first capsule to be removed for Salem Unit 2, showed that the transition temperature for the plate and weld material shifted more than predicted. Since the shifts were greater than predicted and the intermediate and lower shell vertical weld seam chemistries were estimated, the revised limits curves proposed in this amendment request are based on the upper limits of the Regulatory Guide 1.99 prediction curves. Specifically, the proposed amendment would: (1) Replace the present Heatup Limits Curve, Figure 3.4-2 with a new Heatup Limits Curve, (2) replace the present Cooldown Limits Curve Figue 3.4-3 with a new Cooldown curve, and (3) replace the present neutron fluence vs. Full Power Service Life, Figure B 3/4.4-1, with a new curve.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for a No Significant Hazards determination by providing examples of actions not likely to involve a Significant Hazards Consideration in the **Federal Register** (48 FR 14870). One of the examples (ii) relates to changes that constitute additional limitations, restrictions, or controls not presently included in the technical specifications. Use of the proposed new curves, since they place more stringent limits on operation, will result in lower stresses to the Reactor Vessel during heatups and cooldowns.

Based on the above, since the proposed changes involve actions that conform to the referenced example in 48 FR 14870, we propose to determine that this application for amendment involves no significant hazards consideration.

Local Public Document Room location: Salem Free Library, 112 West Boardway, Salem, New Jersey 08079.

Attorney for licensee: Conner and Wetterhann, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

NRC Branch Chief: Steven A. Varga.

Public Service Electric and Gas Company, Docket No. 50-272, Salem Nuclear Generating Station, Unit No. 1, Salem County, New Jersey

Date of amendment request: October 15, 1984.

Description of amendment request: The proposed amendment would provide revised heatup and cooldown curves developed from the Capsule T analysis. Specifically, Technical Specifications Heatup and Cooldown Curves, Figures 3.4.3 and 3.4.3 would be replaced with revised figures.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for a No Significant Hazards determination by providing examples of actions not likely to involve a Significant Hazard Consideration in the **Federal Register** (48 FR 14870). One of the examples (ii) related to changes that constitute additional limitations, restrictions, or controls not presently included in the technical specifications. Use of the proposed new curves, since they place more stringent limits on operations, will result in lower stresses to the Reactor Vessel during heatups and cooldowns.

Based on the above, since the proposed changes involve actions that conform to the referenced example in 48 FR 14870, we propose to determine that this application for amendment involves no significant hazards consideration.

Local Public Document Room location: Salem Free Library, 122 West Broadway, Salem, New Jersey 08079.

Attorney for licensee: Conner and Wetterhann, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

NRC Branch Chief: Steven A. Varga.

Public Service Electric and Gas Company, Docket No. 50-311, Salem Nuclear Generating Station, Unit No. 2, Salem County, New Jersey

Date of amendment request: January 11, 1985.

Description of amendment request: The cycle 3 reload design for Salem Unit 2 is based on a revised control rod pattern which closely approximates the current Unit 1 control rod pattern. The design change request to reidentify control banks is being implemented during cycle 2-3 refueling outage, under the provisions of 10 CFR 50.59. The benefits associated with the revised rod pattern are as follows:

1. Reduces the maximum hot channel enthalpy rises factors during reactor maneuvers.

2. Provides a significant increase in operational flexibility by allowing an increase of the rod insertion limits.

Therefore, to take advantage of these benefits, this amendment request would change the Power Dependent Insertion Limit (PDIL) to allow a relaxation of the Unit 2 rod insertion requirements to match that of the current Unit 1 limits.

Basis for proposed no significant hazards consideration determination: A Reload Safety Evaluation (RSE) for cycle 3 hass been performed by Westinghouse and reviewed by Public Service Electric and Gas (PSE&G) to determine the impact of less restrictive (i.e. deeper) rod insertion limits. The results of the Westinghouse RSE show that the proposed limits do not cause the previously acceptable safety limits for any incident to be exceeded. PSE&G has

review this analysis and concurs with the Westinghouse conclusions. The PSE&G reviewed consisted of performing an independent reload safety evaluation for cycle 3 using in-house computer codes, and it resulted in the determination that the current safety analysis design bases continue to be met.

The Commission has provided guidance concerning the application of the standards for a No Significant Hazards determination by providing examples of actions not likely to involve a Significant Hazards Consideration in the **Federal Register** (48 FR 14870). One of the examples (vi) relates to a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP). As stated above, since the input parameters to the accident analyses are no less conservative than previously used values in the FSAR, the margins to safety remain at least as conservative with respect to the limits given for all analyzed accidents in Chapter 15.0 of the SRP and for appropriate sections of Chapter 4.3 of the SRP.

Based on the above evaluation we have determined that the proposed change in PDIL corresponds to example (vi) of guidance provided by the Commission in Federal Register 48 FR 14870, and the staff proposes to determine that this application for amendment involves no Significant Hazards Consideration.

Local Public Document Room location: Salem Free Library, 122 West Broadway, Salem, New Jersey 08079.

Attorney for licensee: Conner and Wetterhann, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

NRC Branch Chief: Steven A. Varga.

Public Service Electric and Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment requests: February 8, 1985.

Description of amendment requests: The proposed amendment request would revise Salem Unit Nos. 1 and 2 Technical Specifications to agree with the attached corrected pages from Amendments 59 and 28 for Units 1 and 2 respectively. The corrections are predominantly typographical errors; several are editorial or clarifying in nature; finally, some material added by recent amendments has been inadvertently replaced by out-dated wording in the two year old license change which initiated Amendments 59 and 28.

Basis for proposed no significant hazards consideration determination: The proposed changes are administrative, in that, they either achieve consistency in the Technical specifications, add clarifications, or correct errors in the recently issued Amendments 59 and 28.

The Commission has provided guidance concerning the application of the standards for a No Significant Hazards determination by providing examples of actions not likely to involve a Significant Hazards Consideration in the **Federal Register** (48 FR 14870). One of the example (i) relates to a purely administrative change, for example the correction of an error. Since this proposed change conforms to this example, the Commission proposes to determine that the application for amendment does not involve a significant hazards consideration.

Local Public Document Room location: Salem Free Library, 122 West Broadway, Salem, New Jersey 08079.

Attorney for licensee: Conner and Wetterhann, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

NRC Branch Chief: Steven A. Varga.

Public Service Electric and Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment requests: February 8, 1985.

Description of amendment requests: The amendments would make the following revisions to Technical Specifications Sections 3.3 and 3.11 as found in previous Amendments 59 and 28 for Salem Units 1 and 2 respectively:

1. On Table 3.3-12, TABLE NOTATION 28 should be modified on Unit No. 1 to base sampling/analysis requirements on containment fan coil unit operability.

2. On Table 3.3-12, TABLE NOTATION 28 should be modified on Unit No. 2 to allow for local monitor readout capabilities when control room indication is inoperable, and base sampling/analysis requirements on containment fan coil unit operability.

3. On Table 3.3-12, (Item 2.b) Instrument R-37, CHEMICAL WASTE BASIN LINE DISCHARGE, for Unit 2, change ACTION number to ACTION 31 and in the TABLE NOTATION add new ACTION 31 which bases sampling/analysis frequency on primary-to-secondary leak determination.

4. Delete Specification 3/4.11.2.6, GAS STORAGE TANKS to eliminate an unnecessary Curie limit on the Waste Gas Decay Tanks.

Basis for proposed no significant hazards consideration determination: Compared to the specifications that they affect, each of the four items above may, in some way, slightly reduce a safety margin by virtue of either decreasing a sampling frequency or by deleting an existing (albeit unnecessary) specification limit. However, operation of the Salem facilities with the proposed changes in place would remain clearly within all acceptable criteria specified in Standard Review Plan Sections 9.3.2 and 11.5 with respect to the affected systems and components.

The Commission has provided guidance concerning the application of the standards for a No Significant Hazards determination by providing examples of actions not likely to involve a Significant Hazards Consideration in the **Federal Register** (48 FR 14870). One of the examples (vi) relates to a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP). Based on the above discussion we have determined that the four proposed changes to the Technical Specifications corresponds to example (vi) of guidance provided by the Commission in **Federal Register** 49 FR 14980, and the staff proposes to determine that this application for amendment involves no Significant Hazards Consideration.

Local Public Document Room location: Salem Free Library, 122 West Broadway, Salem, New Jersey 08079.

Attorney for licensee: Conner and Wetterhann, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

NRC Branch Chief: Steven A. Varga.

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of amendment request: December 28, 1984.

Description of amendment request: This submittal revises the request for amendment dated September 9, 1982, which was noticed in the **Federal Register** on November 22, 1983 (48 FR 52825). The submittal: (1) Deletes

inspection requirements that were completed during the 1983 refueling outage, (2) revises the Technical Specification paragraph numbers, and (3) adds a table to designate the selected special interest peripheral tubes that are to be eddy current tested.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for a no significant hazards determination by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications.

The September 9, 1982, application proposed Once Through Steam Generator (OTSG) Auxiliary Feedwater Header surveillances that were to be performed during the Rancho Seco 1983 refueling outage. These inspections were completed during the 1983 refueling outage. Therefore, the December 28, 1984, revision deleted these requirements from the proposed Technical Specifications and did not change the proposed Technical Specification surveillances to be conducted subsequent to the 1983 refueling outage. The paragraph numbers were changed because the original numbers had already been used in a Technical Specification revision issued after September 9, 1982. The September 9, 1982, submittal specified that special interest peripheral tubes would be eddy current inspected. The December 28, 1984, submittal added a table to designate which tubes are the special interest peripheral tubes. Thus, the December 28, 1984, submittal revises the proposed Technical Specification change to: (1) Delete a surveillance already completed, (2) administatively change paragraph numbers, and (3) add an additional restriction not presently included in the Technical Specifications.

Therefore, since the application for amendments consists of an additional restriction not presently included in the Technical Specifications, the Commission's previous proposed determination, that the application for amendment does not involve a significant hazards consideration, remains unchanged.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Attorney for licensee: David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street; P.O. Box 15830, Sacramento, California 95813.

NRC Branch Chief: John F. Stolz.

South Carolina Electric and Gas Company, South Carolina Public Service Authority, Docket No. 50-395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Dates of amendment request: August 24 and November 14, 1984.

Description of amendment request: The amendment would change time constant T_4 in the overtemperature delta-T setpoint equation from 33 seconds to 28 seconds and would change the reactor trip setpoint for the steam generator water level low-low signal. Currently, this setpoint is linear from 12% to 54.9% of span for 30% to 100% of rated thermal power (RTP). This would be changed to 12% to 30% of span for 30% to 100% of RTP. Also, the allowable value associated with the trip setpoint is being changed a corresponding amount.

Basis for proposed no significant hazards consideration determination: Reducing the value of T_4 from 33 seconds to 28 seconds will slow down the response to the T-average dynamic compensation of the overtemperature delta-T setpoint. The dynamic T-average term in the overtemperature delta-T equation compensates for inherent instrument response times and piping transport lags between the core and the temperature sensors in the manifolds. This reduction in T_4 lowers the lead/lag ratio by 15% resulting in a comparable reduction in the anticipatory response of the T-average compensation of the setpoint.

The seven safety analyses correlated with the overtemperature delta-T trip have been reviewed for the effect of the new T_4 and found to still be acceptable. Four of the safety analyses are more conservative with this change. The effect of the decrease in T_4 on the three remaining analyses that take credit for the overtemperature delta-T trip is dicussed below for each transient.

Protection for the rod withdrawal at power accident is provided by the overtemperature delta-T trip for low reactivity insertion rates and by the high neutron flux trip for high reactivity insertion rates (FSAR Figure 15.2.8). The decrease in T_4 will cause the point at which the two segments of the curve in Figure 15.2.8 meet to be at a slightly lower reactivity insertion rate. The high neutron flux portion of the curve remains above the limiting departure from nucleate boiling ratio (DNBR) of 1.30.

Uncontrolled boron dilution events require operator action to recognize and terminate the uncontrolled dilution. For an uncontrolled boron dilution at power, the analysis assumes that the operator is alerted to the event by the overtemperature delta-T reactor trip. The analysis indicates that the operator has 43.2 minutes after the trip to terminate the dilution. The decrease in T_4 will result in an insignificant delay in receiving the overtemperature delta-T trip and therefore the response time will not be significantly decreased. The delay is small because the rate of increase in T-average is very slow for a boron dilution event resulting in very little dynamic compensation of the setpoint. The operator response time will still be approximately 43 minutes; more than ample time for the operator to recognize and terminate the event.

Protection for the loss of load accident is provided by the overtemperature delta-T trip when pressurizer pressure control is assumed to function and by the high pressurizer pressure trip when pressurizer pressure control is assumed not to function. FSAR Section 15.2.7 documents the results of analyses for each of these assumptions considering both beginning of life and end of life conditions. For the beginning of life case (small negative moderator temperature coefficient) with pressurizer pressure control, the decrease in T_4 results in a small delay in the overtemperature delta-T trip and a slightly lower minimum DNBR of approximately 1.50 which is still well above the acceptance criteria of 1.30 (FSAR Figure 15.2-19).

For the end of life case (large negative moderator temperature coefficient) with pressurizer pressure control, the decrease in T_4 again results in a small delay in the overtemperature delta-T trip, howevr, DNBR does not decrease below its initial value, but increases (see FSAR Figure 15.2-21). The increase in DNBR is due to the decrease in nuclear power from the negative moderator temperature coefficient and the increase in pressurizer pressure.

The above discussion demonstrate that the effect of the decrease in T_4 on the protection provided by the overtemperature delta-T reactor trip is minimal and that the safety analysis design basis will continue to be met.

The Commission has provided certain examples (48 FR 14870) of actions likely to involve no significant hazards considerations. One of the examples (vi) relates to a change which may reduce in some way a safety margin, but where the resutls of the change are clearly within all acceptable criteria with respect to the system specified in the Standard Review Plan.

The change to time constant T_4 is similar to this example. Accordingly, the Commission proposes to determine that

this change does not involve significant hazards considerations.

The basis function of the reactor protection circuits associated with low steam generator water level is to preserve the steam generator heat sink for removal of long term residual heat. Therefore, the low-low steam generator water level trip is provided for each steam generator to ensure that sufficient initial thermal capacity is available in the steam generator at the start of the transient due to the loss of normal feedwater accident.

The loss of normal feedwater accident analysis was reviewed for the effect of the change in the low-low steam generator water level trip from 54.9% to 30% of span at 100% rated thermal power. It was found that the original accident analysis assumed a 0% of span trip setting. Therefore, even assuming worst case instrument uncertainties, the 30% of span trip setpoint provides 5.2 feet more thermal capacity than that assumed in the safety analysis.

The Commission has provided certain examples (48 FR 14870) of actions likely to involve no significant hazards considerations. The request involved in this case does not match any of those examples. However, the staff has reviewed the licensee's request for the above amendment and has determined that should this request be implemented, it will not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the lose of normal feedwater accident is not made more probable and the accident analysis design basis continues to be met, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the trip setpoint setting is still covered by the original accident analysis. Also, it will not (3) involve a significant reduction in a margin of safety because a steam generator heat sink greater than that assumed in the original accident analysis will continue to exist. Accordingly, the Commission proposes to determine that this change doe not involve significant hazards considerations.

Local Public Document Room location: Fairfield County Library, Garden and Washington Street, Winnsboro, South Carolina 29180.

Attorney for licensee: Randolph R. Mahan, South Carolina Electric and Gas Company, P.O. box 764, Columbia, South Carolina 29218.

NRC Branch Chief: Elinor G. Adensam.

Southern California Edison Company, Docket No. 50–206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: February 14, 1985.

Decription of amendment request: This amendment would approve changes to the Technical Specifications regarding testing of the emergency diesel generators. The proposed changes would: (1) limit diesel engine loading to 4500 kW plus or minus 5% for engine testing and emergency service requirements, (2) eliminate fast engine starts from the monthly surveillance testing, but retain the refueling interval fast start test which simulates design basis emergency power requirements, (3) delete the requirement to run the diesel generators for 60 minutes at 4422 kW load during the refueling interval test (TS 4.4.F.2(d)), and (4) specify that the monthly surveillance and refueling interval tests start from "standby conditions" rather than "ambient conditions".

Basis for proposed no significant hazards consideration determination: The NRC staff's safety evaluation "Transamerica Delaval, Inc. (TDI) Diesel Engine Reliability and Operability—San Onofre Nuclear Generating Station, Unit 1," dated November 19, 1984, requested that the licensee, among other items, propose Technical Specification changes to accomplish the following: Engine load shall not exceed 4500 kW plus or minus 5% for engine testing and emergency service requirements, and monthly surveillance testing will not include "fast starts," but rather "slow starts." The refueling interval "fast start" test which simulates design basis service requirements should be retained.

Generic Letter 84–15, "Proposed Staff Actions to Improve and Maintain Diesel Generator Reliability," dated July 2, 1984, also discusses the reduction in number of cold fast start surveillance tests for diesel generators.

Items (1) and (2), discussed above, were proposed by the licensee to meet the Technical Specification changes requested by the staff.

The licensee also proposed two additional changes to the Technical Specifications (Items 3 and 4, above). TS 4.4.F.2(d) currently requires that the diesel generator run for 60 minutes at 4422 kW load as part of the test that simulates safety injection demand concurrent with loss of offsite power. The licensee has proposed to delete this Technical Specification and has stated that it is considered superfluous in view of TS 4.4.F.2(b) which verifies the capability of the diesel to automatically take on emergency loads and then run for 5 minutes. Technical Specifications 4.4.B.1 and 4.4.F.2 currently specify that the monthly surveillance and refueling interval diesel generator test start shall be from "ambient" conditions. The proposed change would specify that these starts shall be from "standby" conditions. The licensee stated that "ambient" is considered misleading for a diesel generator system that is normally maintained above ambient temperature.

The licensee has made a no significant hazards consideration determination pursuant to 10 CFR 50.92. The licensee stated that the proposed changes will ensure that loading of the diesel generators for monthly surveillance tests and refueling interval tests is realistic and not excessive, and unnecessary fast test starts are avoided. These changes will minimize mechanical stress and wear of the engine components and therefore prolong engine life. The licensee further stated that the proposed change will not significantly impact the effectiveness of surveillance testing and refueling interval testing, nor will it reduce the frequencies of any of these tests, nor impact the current availability of the diesel generators in all modes of plant operation. In light of these considerations, the licensee concluded that the proposed changes will enhance plant safety. Thus, the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated because the changes are designed to prolong the diesel engine life and will not affect the frequency of engine tests nor impact the availability of the diesel generators. The proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated because the changes will not impact the current availability of the diesel generators in all modes of plant operation. The proposed changes also do not involve a significant reduction in a margin of safety because the changes are designed to prolong engine life, will not significantly impact the effectiveness of testing, will not reduce the frequency of the test nor impact the availability of the diesel generators.

The staff has reviewed the licensee's significant hazards consideration determination, and based on this review, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: San Clemente Public Library,

242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Beoletto, Esquire, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770.

NRC Branch Chief: John A. Zwolinski.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request: December 13, 1984.

Description of amendment request: The amendment would modify paragraph 6.2.B.4 of the Appendix A Technical Specifications to:

(1) Delete a requirement that unreviewed safety questions be reviewed by the Plant Operations Review Committee (PORC). (Unreviewed safety questions determinations would still be reviewed by the Nuclear Safety Review Board.)

(2) Change the requirement that Radiological Emergency Plan procedures and Industrial Security Program procedures be reviewed annually by the PORC. (The licensee proposes that the PORC review each procedure once and subsequently review only changes to procedures.)

(3) Delete a requirement that the PORC review the adequacy of employee training programs and recommend changes. (Training programs will continue to be audited annually by the Nuclear Safety Review Board.)

Basis for propssed no significant hazards consideration determination: The Commission has provided guidance for the application of criteria for no significant hazards consideration determination by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). These examples include: "(vi)— A change which either may result in some increase to the probability or consequences of a previous-analyed accident or reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP): For example, a change resulting from the application of a small refinement of a previously-used calculational model or design method."

The proposed changes will reduce the extend of management overview of certain safety-related activities and may thereby reduce a safety margin. However, the revised requirements would be consistent with ANSI/ANS.3.2, "American National Standard, Administrative Controls and Quality Assurance for the Operational Phase of Nuclear Power Plants" which is endorsed by SRP Chapter 17.2. The proposed changes are thus encompassed by example (vi) of the Commission's guidance.

Since the application for amendment involves proposed changes that are encompassed by the criteria or an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Attorney for licensee: H. S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33C, Knoxville, Tennessee 37902.

NRC Branch Chief: Domenic B. Vassallo.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request: February 25, 1985.

Description of amendment request: The amendments would delete paragraphs 3.5.B.11 through 3.5.B.13 and 4.5.B.11 through 4.5.B.13 of the Appendix A Technical Specifications. These paragraphs specify limiting conditions for operation and surveillance requirements associated with the residual heat removal (RHR) system crossties between adjacent reactor units. These crossties provide for certain RHR pumps and heat exchangers in each unit to serve as backups for those in an adjacent unit for long term shutdown cooling and permit fluid makeup from the adjacent unit.

By proper valve alignment, the network created by the RHR crossties permits the B (or D) RHR pumps on Unit 1 to circulate Unit 2 suppression pool or reactor vessel water through the B (or D) heat exchangers on Unit 1 in the event that the Unit 2 RHR pumps are unavailable. The crosstie network is sized for a minimum flow of 5,000 gpm which will achieve about 91% of full flow heat transfer capability of the RHR heat exchangers. In a like fashion, the A (or C) RHR pumps on Unit 2 can be used to circulate Unit 1 suppression pool or reactor vessel water through the A (or C) heat exchangers on Unit 2. The B (or D) RHR pumps on Unit 2 and the A (or C) RHR pumps on Unit 3 can be similarly utilized. Suppression pool water which has been circulated through the RHR heat exchangers on one unit can be used to flood the reactor core, spray the drywell and suppression chamber, or returned to the suppression chamber of the adjacent unit. In this way decay heat and residual heat can be removed from the reactor core and primary containment of the adjacent unit on a long term basis.

The operability requirements for crosstie RHR cooling capability require, during certain maintenance or modification activities in one unit, that other units be shutdown (i.e., if Unit 2 RHR systems are taken out of service, Units 1 and 3 must be shutdown within 10 days). Deletion of the Technical Specifications will permit adjacent units to continue operating during RHR system modification and maintenance activities.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of criteria for no significant hazards consideration determination by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). These examples include: "(vi) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP): For example, a change resulting from the application of a small refinement of a previously-used calculational model or design method."

The proposed changes may reduce the redundancy available to the RHR system and may thereby increase the probability or consequences of accidents which are mitigated by the RHR system. However, no credit was given for the RHR crosstie feature in the facilities' licensing basis (Final Safety Analysis Report (FSAR) Section 4.8), and, without the feature the RHR system will still meet the redundancy requirements of the acceptance criteria of SRP Section 5.4.7, "Residual Heat Removal System." The proposed changes are thus encompassed by example (vi) of the Commission's guidance.

Since the application for amendments involve proposed changes that are encompassed by an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Attorney for licensee: H. S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33C, Knoxville, Tennessee 37902.

NRC Branch Chief: Domenic B. Vassallo.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: September 17, 1984.

Description of amendment request: The proposed amendment would add a requirement to the Administrative Controls Section of the Appendix A Technical Specifications to report, on a monthly basis, all challenges to the Pressurizer power operated relief valve (PORV) and Pressurizer code safety valves. The amendment request is submitted in response to a request from the NRC.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards consideration include actions which involve a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications. The proposed change matches this example since the above reporting requirement is not presently included in the Technical Specifications. Therefore, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NBC Branch Chief: John F. Stolz.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: October 8, 1984.

Description of amendment request: The proposed amendment would add a new section (Section 6.2.3) to the facility Technical Specifications. The new section would add a requirement for administrative procedures to limit the working hours of facility staff who perform safety related functions. The procedures would limt the amount of overtime worked by the facility staff, such as senior reactor operators, reactor operators, auxiliary orperators, health physicists, and key maintenance personnel, in accordance with guidelines included with the new Technical Specification section. The proposed amendment request was submitted in response to NUREG-0737, Item I.A.1.3.1, and Generic Letter 82-12.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards consideration include actions which involve a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications. The proposed change matches this example since limitations on working hours are not covered in the current Technical Specifications. This additional requirement would enhance safe plant operation by limiting overtime worked by key personnel so that the potential for human error caused by fatigue can be reduced. Therefore, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: University of Teledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NBC Branch Chief: John F. Stolz.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: November 5, 1984.

Description of amendment request: The proposed amendment would change the Davis-Besse Appendix A Technical Specification Surveillance Requirement 4.7.1.2.d by deleting the requirement for the Auxiliary Feed Pump Turbine Inlet Steam Pressure Interlocks to be demonstrated operable. This change, in effect, would permit the deletion of these interlocks from the system.

Basis for proposed no significant hazards consideration determination: The pressure interlocks were installed in the plant to protect againt the effects of a rupture of the steam supply line to the auxiliary feed pump turbines. Under the guidance existing at the time, the line was classified as a high-energy line. Subsequently, a Standard Review Plan and Branch Technical Position were published which would permit application of moderate-energy criteria to high-energy lines which are used infrequently, not more than 2% of the plant operating time. Evaluation under the less stringent criteria would not require the pressure interlocks for protection and would permit their deletion. Elimination of these interlocks will improve reliability of the auxiliary feedwater system.

The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). An example of an amendment not likely to involve a significant hazards consideration is (example (vi)) a change which may result in some increase to the probability or consequences of a preiously-analyzed accident or reduce in some way a safety margin but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan.

The proposed change matches this example; therefore, the staff proposes to determine that the application does not involve a sigificant hazards consideration.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: December 16, 1984.

Description of amendment request: The proposed amendment would add the title of "Nuclear Training Manager" to Technical Specification Section 6.4.1. This Section currently does not indicate the position title of the individual responsible for the direction of the retraining and replacement training program for facility staff.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance

concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). The examples of actions not likely to involve a significant hazards consideration include actions related to a purely administrative change to the Technical Specifications such as a change to achieve consistency throughout the Technical Specifications, correcting an error, or a change in nomenclature. The proposed change matches this example since the addition of the position title only remedies the previous omission in the Technical Specifications and in no way affects the conduct or effectiveness of the training program itself. Therefore, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: December 16, 1984.

Description of amendment request: The amendment would modify the Technical Specifications to incorporate revisions to reporting requirements in response to Generic Letter 83–43 to comply with 10 CFR 50.72 and 50.73. Changes are made in Definitions, Instrumentation, Reactor Coolant System, Plant Systems and Administrative Controls Sections of the Appendix A Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for making a no significant hazards consideration determination by providing certain examples (48 FR 14870). The example which the proposed amendment fits is: "(vii) A change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations." The Commission revised 10 CFR 50.72 and added 10 CFR 50.73, both to become effective January 1, 1984. These regulations revised the immediate notification requirements for operating nuclear power reactors and revised the Licensee Event Report System. The Commission then provided to the licensee model Technical Specifications to incorporate these regulation changes. The licensee has now proposed the changes in Technical Specifications to comply with the regulations. For these reasons, the Commission proposes to determine that the amendment involves no significant hazards consideration.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

Union Electric Company, Docket 50–483, Callaway Plant, Unit No. 1, Callaway County, Missouri

Date of amendment request: January 10, 1985.

Description of amendment request: The purpose of the proposed amendment request is to revise Technical Specification Figures 6.2–1 and 6.2–2 to include modified organizational charts in the Administrative Technical Specifications. The proposed change reduces the detail in the Figures and results in more generic Technical Specification organizational charts, without reducing commitments and without conflict to the organization as described in Technical Specification Section 6.0. This request to reduce the amount of detail in the organizational charts does not represent a change in reporting relationships; a change in responsibilities; or a change in commitments. Positions deleted from the Technical Specification charts are still described in the Figures and text of Chapter 13 of the Final Safety Analysis Report.

Basis for proposed no significant hazards consideration determination: The licensee, by letter dated January 10, 1985, stated that the proposed change does not: (1) Involve a significant increase in the probability or consequences of an accident or other adverse condition over previous evaluations; or (2) create the possibility of a new or different kind of accident or condition over previous evaluations; or (3) involve a significant reduction in a margin of safety. The Commission has provided guidance concerning the application of the Standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards consideration relates to a purely administrative change to Technical Specifications. This amendment request reduces the detail in Technical Specification Figures 6.2–1 and 6.2–2 to produce more generic Technical Specification organizational figures, without reducing commitments and without conflict to the organizational description in Section 6.0 of the Tech. Specs. The revised charts do not represent a change in reporting relationships; a change in responsibilities; or a change in commitments. The organization remains essentially as previously submitted and approved. Based on the foregoing, the requested amendment does not present a significant hazard.

Local Public Document Room locations: Fulton City Library, 709 Market Street, Fulton, Missouri 65251 and the Olin Library of Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: B. J. Youngblood.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: January 29, 1985.

Description of amendment request: The purpose of the proposed amendment request is to revise the surveillance requirements given in Technical Specification Table 4.3–1 in order to comply with the following staff requirements.

(a) Independent, on-line testing of the Undervoltage and Shunt Trip Attachments on the reactor trip breakers per Item 4.5.1 of Generic Letter 83–28; and

(b) Periodic testing of the Undervoltage and Shunt Trip Attachments on the bypass breakers, with test intervals as defined by the staff.

The addition of the above surveillance requirements results in greater confidence that the respective Undervoltage and Shunt Trip Attachments will perform as designed.

Basis for proposed no significant hazards consideration determination: The licensee, by letter dated January 29, 1985, stated that the proposed change does not: (1) Involve a significant increase in the probability or consequences of an accident or other adverse condition over previous evaluations; or (2) create the possibility of a new or different kind of accident or condition over previous evaluations; or (3) involve a significant reduction in a margin of safety. The Commission has provided guidance concerning the

application of the Standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). This amendment request is similar to the example of an action involving no significant hazards consideration which relates to a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications. This amendment request involves the addition of two surveillance requirements, as requested by the staff, which result in greater confidence that the respective Undervoltage and Shunt Trip Attachments will perform as designed. Based on the foregoing, the requested amendment does not present a significant hazard.

Local Public Document Room locations: Fulton City Library, 709 Market Street, Fulton, Missouri 65251 and Olin Library of Washington University, Skinker and Lindell Boulevard, St. Louis, Missouri 63130.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: B.J. Youngblood.

Washington Public Power Supply System, Docket No. 50-397, WNP-2, Richland, Washington

Dates of amendment request: December 20, 1984 and January 31, 1985.

Description of amendment request: Currently the WNP-2 Technical Specification requires at least one containment air lock door to be closed at all times during plant operation and locked closed within 24 hours if the other door becomes inoperable. The Specification is silent with respect to the interlock mechanism that assures that only one air lock door can be open at any one time.

The proposed amendment to Operating License NPF-21 would revise the WNP-2 Technical Specifications to permit repair and/or maintenance of the interlock mechanism for the primary containment and/or maintenance of the interlock mechanism for the primary containment air locks during plant operations. The amendment is intended to assure containment integrity in the event the containment air lock itself is operable—but the airlock door interlock mechanism is inoperable—by substituting administrative controls to ensure that at least one door is closed at all times while the mechanical interlock mechanism is undergoing repair or maintenance. The purpose of the proposed change is to amplify and clarify the Technical Specification in this regard.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Subsequent to his initial (December 20, 1984) request, the licensee has determined that the requested amendment per 10 CFR 50.92 does not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the administrative controls serve the same function as the mechanical interlock; namely, to ensure containment integrity is maintained; or

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated also because the administrative controls serve the same function as the mechanical interlock so there is no new or different kind of accident scenario; or

(3) Involve a significant reduction in a margin of safety because the requirement for leak tightness remains unchanged.

Based on staff review of the proposed changes, we find that there exists reasonable assurance that containment integrity will not be violated whenever the interlock mechanism or one air lock door becomes inoperable provided proposed administrative controls are instigated. The proposed administrative controls include:

1. Assignment of a dedicated individual to assure that both air lock doors cannot be opened simultaneously whenever the air lock is used and the interlock mechanism is inoperable; and

2. Locking closed one of the air lock doors that remains operable if the interlock mechanism or air lock door cannot be returned to service within 24 hours; and

3. Verifying that an uperable air lock door is locked closed prior to each closing of the shield door and at least once per shift while the shield door is open.

NB: Outside the containment, the air lock is completely enclosed in a shield cubicle that has a door (shield door) with two locks on it. Opening of the shield door is alarmed in both the control room and the central alarm station.

The licensee has determined and the NRC staff agrees that these changes have little safety significance and that the proposed amendment will not alter any of the accident analyses.

Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specifications involve no significant hazards considerations.

Local Public Document Room location: Richland City Library, Swift and Northgate Streets, Richland, Washington.

Attorney for licensee: Nicholas Reynolds Esquire, Bishop, Cook, Liberman, Purcell and Reynolds, 1200 Seventeenth Street, NW., Washington, D.C. 20036.

NRC Branch Chief: A. Schwencer.

Wisconsin Electric Power Company, Docket No. 50-266, Point Beach Nuclear Plant, Unit No. 1, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: January 11, 1985.

Description of amendment request: The amendment would modify the license to delete conditions imposed by the Commission's Confirmatory Order for Modification of License dated November 30, 1979 and Order Modifying Confirmatory Order dated January 3, 1980. The conditions of those Orders which are currently in effect are:

1. Primary coolant activity for Point Beach Nuclear Plant Unit 1 will be limited in accordance with the provisions of Sections 3.4.8 and 4.4.8 of the Standard Technical Specifications for Westinghouse Pressurized Water Reactors, Revision 2, July 1979, rather than Technical Specification 15.3.1.C.

2. Close surveillance of primary-to-secondary leakage will be continued and the reactor will be shut down for tube plugging on detection and confirmation of any of the following conditions:

(a) Sudden primary-to-secondary leakage of 150 gpd (0.1 gpm) in either steam generator.

(b) Any primary-to-secondary leakage in excess of 250 gpd (0.17 gpm) in either steam generator.

(c) An upward trend in primary-to-secondary leakage in excess of 15 gpd (0.01 gpm) per day when measured primary-to-secondary leakage is above 150 gpd.

3. The reactor will be shut down, any leaking steam generator tubes plugged, and an eddy current examination

performed if any of the following conditions are present:

(a) confirmation of primary-to-secondary leakage in either steam generator in excess of 500 gpd (0.35 gpm).

(b) Any two identified leaking tubes in any 20 calendar day period.

This eddy current program will be submitted to the NRC for staff review.

4. The NRC staff will be provided with a summary of the results of the eddy current examination performed under item 3 above, including a description of the quality assurance program covering tube examination and plugging. This summary will include a photograph of the tubesheet of each steam generator which will verify the location of tubes which have been plugged.

5. The licensee will not resume operation after the eddy current examinations required to be performed in accordance with condition 3 above until the Director, Office of Nuclear Reactor Regulation determines in writing that the results of such tests are acceptable.

6. Unit 1 will not be operated with more than 18% of tubes plugged in either steam generator.

7. Unit 1 will be operated at a reactor coolant pressure of 2000 psia with the associated parameters (i.e., overtemperature delta T and low pressurizer pressure trip point) with limits indicated in the Safety Evaluation Report appended to the Orders.

The above conditions (with the exception of items 1 and 7 which are currently included in the Technical Specifications) would be deleted by the proposed amendments and the requirements of Technical Specification 15.3.1.D would be in effect.

Basis for proposed no significant hazards consideration determination: The operating restrictions imposed by the Commission's Orders were necessary because of the severely degraded nature of Point Beach Unit 1 steam generators. Those steam generators were replaced in late 1983-early 1984 with new lower internals including tube bundles and refurbished upper internals. The staff's Safety Evaluation of July 15, 1983 concluded that replacement of the steam generators for Point Beach Unit 1 could be conducted safety and that continued operation with the replaced steam generators would not pose a threat to the public health and safety. The staff's environmental review was completed on September 30, 1983 and in it the staff concluded that replacement of the Unit 1 steam generators and subsequent operation would have neither significant radiological nor non-radiological environmental impact. The new steam generators have been operating satisfactorily for approximately one year. The staff has concluded that the restrictions imposed by the Commission's Orders are no longer necessary with the exception of those items incorporated into the Technical Specifications which will not be changed by the proposed amendment. Because the replaced steam generators are not significantly different than those previously in place at Point Beach Nuclear Plant except where the changes were reviewed and approved in the staff's Safety Evaluation the staff finds that the proposed amendments would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Therefore, the staff proposes to determine that the amendment involves no significant hazards considerations.

Local Public Document Room location: Joseph P. Mann Public Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Wisconsin Electric Power Company, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: January 30, 1985.

Description of amendment request: The proposed amendments would revise the Technical Specifications covering the low frequency trip setpoints for the reactor coolant pump motor breakers. Specifically, the low frequency trip setpoint would be changed from 57.5Hz to 55.0Hz.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazard exists by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations is example (vi), "a change which either may result in some increase to the probability or consequences of a previously analyzed accident, or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan".

The licensee has provided the results of a reanalysis of the loss of flow transient, performed by Westinghouse, in support of its proposed amendment application. The analysis methodology and assumption for this transient are consistent with those used in the FSAR supporting previously approved licensing of Optimized Fuel Assembles.

While the DNBR margin will be reduced at the lower trip frequency, the results of the analysis indicate that the departure from nucleate boiling ratio (DNBR) remains well within the accepted limits. Therefore, the staff believes that the proposed amendments match the Commission's example of actions likely to involve no significant hazards considerations and proposes to determine that the amendments involve no significant hazards considerations.

Local Public Document Room location: Joseph P. Mann Public Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Yankee Atomic Electric Company, Docket No. 50–29, Yankee Nuclear Power Station, Franklin County, Massachusetts

Date of amendment request: May 26, 1981 as revised January 23, 1984.

Description of amendment request: The proposed amendment would make a number of changes to the Technical Specifications (TSs). These changes are: (1) Correction of typographical errors and clarifications which do not change the intent of the TSs and involve no reduction in safety; (2) the addition of a further restriction in the TSs by removal of reference to 3 loop operation as 3 loop operations are not permitted at Yankee until further analysis is performed and approved by the NRC; (3) addition of limitations or restrictions in the TSs to be consistent with TMI Action Plan requirements of NUREG–0737 and NRC Generic Letter 82–16; (4) addition of limitations, restrictions or controls in the TSs to be consistent with NUREG–0825, "Integrated Plant Safety Assessment Systematic Evaluation Program for the Yankee Nuclear Power Station;" (5) revisions to radiological effluent TSs to correct typographical errors or achieve more consistency throughout the TSs; (6) revisions and additions to the TSs that involve additional restrictions or surveillance requirements in

radiological effluent TSs to be more consistent with NUREG–0472, "Radiological Effluent Technical Specifications for PWRs;" (7) revision to the basis for TS 3/4.7.6, Sealed Source Contamination, to include a basis for exempting sealed sources contained within radiation monitoring or boron measuring devices from leak testing requirements. This will make the basis more consistent with other TSs and with Standard Technical Specifications. This change is administrative only and does not remove or relax any existing safety requirements as it affects the Basis of the TSs only; (8) revise TSs for Operational Quality Assurance Program which require conformance to ANSI N18.7–1972 and Regulatory Guide 1.33, of November 1972 to the more current NRC requirements stated in ANSI N18.7–1976 and in Regulatory Guide 1.33, Revision 2. In addition, this revision will be more consistent with the Yankee Operational Quality Assurance Program; and (9) revise TSs to reduce the time between Audits of the Facility Security Plan and Facility Emergency Plan from 24 months to 12 months. This reduction in time between audits is an additional restriction in the TSs. It is also more in conformance with Generic Letters 82–17 and 82–23 and the regulations of 10 CFR 50.54(t) and 10 CFR 73.40(d). These audits are conducted by the Nuclear Safety Audit and Review Committee.

The remaining issues addressed in the application dated May 26, 1981 as revised January 23, 1984 and February 26, 1985 will be addressed in future correspondence.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for a no significant hazards considerion by providing certain examples (48 FR 14870). The examples include: (i) A purely administrative change to the TSs to achieve consistency throughout the TSs, correct errors of clarify TSs; (ii) a change that constitutes an additional limitation, restriction or control not presently include in the TSs and (vii) a change to make the license conform to changes in the regulations.

Items (1) and (5) which correct typgraphical errors or achieve more consistency with other TSs are encompassed by the Commission's example (i) of actions not likely to involve a significant hazards consideration. Items (2), (3), (4), (6) and (9) which are additional limitations, restrictions or controls in the TSs are encompassed by the Commission's example (ii) of actions not likely to involve a significant hazards consideration. Item (7) merely revises the basis for a Technical Specification. Item (8) is a change which would not: (1) Involve a significant increase in the probability or consequences of a accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in the margin of safety because the change does not significantly relax any existing requirements but updates the TS requirements to be consistent with the NRC approved Yankee Operational Quality Assurance Program. Therefore, Item (8) meets the standards provided in 10 CFR 50.92(c).

Therefore, Since Items (1) through (9) of the application for amendment involve proposed changes that are similar to examples or meet the standards for which no significant hazards consideration exists, the staff has made a proposed determination that the proposed amendment involves no significant hazards consideration.

Local Public Document Room location: Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

Attorney for licensee: Thomas Dignan, Esquire, Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02107.

NRC Branch Chief: John A. Zwolinski.

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this regular monthly notice. They are repeated here because the monthly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Boston Edison Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Dates of application for amendment: February 1 and 15, 1985.

Brief description of amendment: The amendment revises the Technical Specifications to permit changes in the normal full power background trip level setting for the main steam line high radiation scram and isolation setpoints to accommodate a short-term test of operation with hydrogen injection into the reactor coolant.

Date of publication of individual notice in **Federal Register:** 50 FR 7860 February 26, 1985.

Expiration date of individual notice: March 27, 1985.

Local Public Document Room Location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Union Electric Company, Docket No. 50–483, Callaway Plant, Callaway County, Missouri

Date of amendment request: February 12, 1985.

Description of amendment request: The proposed amendment would allow for an extension of the time period for completion of the containment vessel tendon surveillances required by Technical Specification Surveillance 4.6.1.6.1.

Date of publication of individual notice in Federal Register: February 27, 1985 (50 FR 8024).

Expiration date of individual notice: March 28, 1985

Local Public Document Room locations: Fulton City Library, 709 Market Street, Fulton, Missouri 65251 and the Olin Library of Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

Wisconsin Public Service Corporation, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application request: February 7, 1985.

Brief description of amendment: The amendment would provide relief from a restriction in the plant technical specifications on hydrotesting of the secondary side with the primary side above 350°F.

Date of publication of individual notice in **Federal Register:** March 4, 1985 (50 FR 8688).

Expiration date of individual notice: April 3, 1985.

Local Public Document Room location: University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the 30-day period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has

determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see: (1) The applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Alabama Power Company, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, Houston County, Alabama

Date of application for amendments: February 3, 1984 supplemented September 14, and November 26, 1984.

Brief description of amendments: Technical Specifications are modified to incorporate revisions in reporting requirements in response to Generic Letter 83–43 to comply with 10 CFR 50.72 and 50.73 which became effective January 1, 1984.

Date of issuance: February 19, 1985.

Effective date: February 19, 1985.

Amendment Nos.: 57 and 49.

Facilities Operating License Nos. NPF–2 and NPF–8. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 25, 1984 (49 FR 17851). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 19, 1985.

Significant hazards consideration comments received: No.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Arkansas Power and Light Company, Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of application for amendment: August 15, 1984.

Brief description of amendment: The amendment provides additional Technical Specifications for ANO–1 which require operating restrictions and testing of the Low Temperature Overpressure Protection System.

Date of issuance: March 4, 1985.

Effective date: March 4, 1985.

Amendment No.: 95.

Facility Operating License No. DPR–51. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 28, 1984 (49 FR 38393). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 4, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Arkansas Power and Light Company, Docket Nos. 50–313 and 50–368, Arkansas Nuclear One, Units 1 and 2, Pope County, Arkansas

Date of application for amendments: October 16, 1984.

Brief description of amendment: The amendments revised the Technical Specifications to require that keys to key operated handswitches for the ANO 1 and 2 containment purge valves be removed when purge valves are required to be closed.

Date of issuance: March 18, 1985.

Effective date: March 18, 1985.

Amendment Nos.: 96 and 64.

Facility Operating License Nos. DPR–51 and NPF–6. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 21, 1984 (49 FR 45941 at 45943). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 18, 1985.

No significant hazards consideration comments received. No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Baltimore Gas & Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: April 9 and June 29, 1984.

Brief description of amendments: The amendments changed the Technical Specifications to provide Limiting Conditions for Operation and Surveillance Requirements for certain NUREG–0737 items.

Date of issuance: February 22, 1985.

Effective date: February 22, 1985.

Amendment Nos.: 99 and 81.

Facility Operating License Nos. DPR–53 and DPR–69. Amendments changed the Technical Specifications.

Date of initial notice in **Federal Register:** December 31, 1984 (49 FR 50794 at 50796). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 22, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Baltimore Gas & Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: October 11, 1984.

Brief description of amendments: The amendments revised the Technical Specifications (TS) to: (1) Provide an environmental monitoring program which meets the requirements of Appendix I to 10 CFR Part 50, and (2) delete the existing environmental monitoring TS in the Appendix B TS which are no longer needed.

Date of issuance: February 22, 1985.

Effective date: February 22, 1985.

Amendment Nos.: 100 and 82.

Facility Operating License Nos. DPR–53 and DPR–69. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 31, 1984 (49 FR 50794 at 50799). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 22, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Calvert County Library, Prince Frederick, Maryland.

Baltimore Gas & Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: June 29, 1984.

Brief description of amendments: The amendments changed Technical Specification 4.7.11.3c.2, "Halon Systems" to revise the Surveillance requirements for the Switchgear Room Halon and Cable Spreading Room total flood halon Fire suppression systems.

Date of issuance: March 7, 1985.

Effective date: March 7, 1985.

Amendment Nos.: 101 and 83.

Facility Operating License Nos. DPR–53 and DPR–69. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 31, 1984 (49 FR 50794 at 50797). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 7, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Calvert County Library, Prince Frederick, Maryland.

Carolina Power & Light Company, Docket No. 50–324, Brunswick Steam Electric Plant, Unit 2, Brunswick County, North Carolina

Date of application for amendment: September 26, 1984.

Brief description of amendment: The amendment changes the Technical Specifications by revising Tables 3.3.5.2–1 and 4.3.5.2–1 and TS 3/4.6.6.4 to reflect requirements for the drywell/suppression chamber hydrogen and oxygen analyzers. These requirements were identified in NUREG–0737 as TMI Action Plan Item II.F.1.6.

Date of issuance: February 20, 1985.

Effective date: February 20, 1985.

Amendment No.: 108.

Facility Operating License No. DPR–62. Amendment revised the Technical Specificatons.

Date of initial notice in **Federal Register:** November 2, 1984 (49 FR 45943). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 20, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Carolina Power and Light Company, Docket No. 50–261, H.B. Robinson Stem Electric Plant, Unit No. 2, Darlington, South Carolina

Date of application for amendment: March 21, 1984, as supplemented by November 8, 1984.

Brief description of amendment: The amendment revised the Technical Specification to provide conformance with 10 CFR 50.72 and 50.73 The licensee's second submittal dated November 8, 1984 was largely due to Amendments 83, 84, and 85 issued subsequent to their March 21, 1984 submittal. The subsequent amendments affected pages of the reporting requirements as described in the licensee's November 8, 1984 forwarding letter. Minor changes of a clarification nature were also made as a result of the NRC review process. Therefore, no substantive changes were made by the licensee's November 8, 1984 resubmittal.

Date of issuance: March 15, 1985.

Effective date: March 15, 1985.

Amendment No.: 89.

Facility Operating License No. DPR–23. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 25, 1984 (49 FR 17857). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 15, 1985.

Significant hazards consideration comments received: No.

Local Public Document Room Location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Commonwealth Edison Company, Docket Nos. 50–237/249, Dresden Nuclear Power Station, Unit Nos. 2 and 3, Grundy County, Illinois

Date of application for amendments: March 15, 1984 as supplemented by a letter dated September 21, 1984.

Brief description of amendments: The amendments delete the Technical Specifications (TS) snubber tables, 3.6.1.a and 3.6.1.b and all reference to them to reflect the guidance in Generic Letter 84–13. Additionally, TS Sections 3.6.I.2 and 3.6.I.4 were revised to remove any reference to the Torus Ring Header Snubber work which has been completed at both units. Section 4.6.2 and the Bases for Section 3.6.I are revised to remove limits on the type of functional testing performed on the snubbers. Finally, Section 4.6.I.2 and 4.6.I.4 and the Bases for 3.6.I are being revised to allow for velocity range tests as required by certain types of snubbers which were not used at the site until recently.

Date of issuance: February 27, 1985.

Effective date: February 27, 1985.

Amendment Nos.: 85 and 78.

Provisional Operating License No. DPR–19 and Facility Operating License No. DPR–25. The amendments revise the Technical Specifications.

Date of initial notice in **Federal Register:** December 31, 1984 (50 FR 50800). The Commission's related evaluation of the amendments is contained in a letter dated February 27, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Morris Public Library, 604 Liberty Street, Morris, Illinois 60450.

Commonwealth Edison Company, Docket No. 50–265, Quad Cities Nuclear Power Station, Unit 2, Rock Island County, Illinois

Date of application for amendment: December 4, 1984.

Brief description of amendment: The amendment revises the Technical Specifications to allow a temporary increase in the Linear Heat Generation Rate (LHGR) from 13.4 to 15.0 kw/ft for certain Barrier Fuel Test Assemblies present in the Unit 2 core. This new limit applies only during the remainder of the current Operating Cycle 7.

Date of issuance: February 25, 1985.

Effective date: February 25, 1985.

Amendment No.: 85.

Facility Operating License No. DPR–30. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 23, 1985, 50 FR 3049.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 25, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Moline Public Library, 504–17th Street, Moline, Illinois 61265.

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Nuclear Power Station, Unit Nos. 1 and 2, Benton County, Illinois

Date of application for amendments: October 17, 1984 and supplemented January 3, and January 16, 1985.

Brief description of amendments: These amendments add a specification for hydrogen monitors to match the Standardized Technical Specifications and eliminate specifications for the hydrogen purge fan system which now serves only as a backup to the new operable hydrogen recombiner system.

The licensee's submittals of January 3 and 16, 1985 were made as a result of NRC staff request to clarify the language of the original submittal dated October 17, 1984, and do not contain substantive changes.

Date of issuance: March 14, 1985.

Effective date: March 14, 1985.

Amendment Nos.: 87 and 77.

Facility Operating License Nos. DRP-39 and DPR-48. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 31, 1984 (49 FR 50801).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 14, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Zion Benton Library District, 2600 Emmaus Avenue, Zion, Illinois 60099.

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: February 28, 1984.

Brief description of amendment: The amendment revises the Technical Specifications to incorporate the requirements of NUREG-0737 Item II.B.1, "Reactor Coolant System Vents." The Technical Specifications have been revised to ensure that the Indian Point Unit No. 2 Reactor Coolant Vent System is available to effectively vent noncondensible gases from teh reactor coolant system without significantly increasing the probability of a Loss of Coolant Accident or challenge to containment integrity.

Date of issuance: February 28, 1985.

Effective date: Immediately with implementation within 30 days.

Amendment No.: 93.

Facilities Operating License No. DPR-26: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 25, 1984 (49 FR 17858) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 28, 1985.

Significant hazards consideration comments received: None.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: July 31, 1984.

Brief description of amendments: The amendments change the Technical Specifications to expand Tables 3.3-10 and 4.3-7 concerning accident monitoring instrumentation and surveillance requirements to include the recently installed Reactor Vessel Level Instrumentation System and to include both channels of the Subcooling Margin Monitoring System.

Date of issuance: February 28, 1985.

Effective date: February 28, 1985.

Amendment Nos.: 40 and 21.

Facility Operating License Nos. NPF-9 and NPF-17. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 24, 1984 (49 FR 42817). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 28, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of application for amendment: October 10, 1984.

Brief description of amendment: The amendment changes the Technical Specifications for Beaver Valley Unit No. 1 to eliminate the Tables listing all mechanical and hydraulic snubbers, to add a new surveillance requirement on the recirculation spary subsystem, and to clarify a number of existing specifications.

Date of issuance: February 22, 1985.

Effective date: February 22, 1985.

Amendment No.: 91.

Facility Operating License No. DPR-66. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 31, 1984 (49 FR 50804). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 22, 1985.

No significant hazards consideration comments received. None.

Local Public Document Room location: B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Florida Power and Light Company, et al., Docket No. 50-389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of application of amendment: September 28 and October 19, 1984.

Brief description of amendment: The amendment changed the nomenclature of three valves in Tables 3.6-1 and 3.6-2.

Date of Issuance: March 15, 1985.

Effective Date: March 15, 1985.

Amendment No.: 10.

Facility Operating License No. NPF-16. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 29, 1984 (49 FDR 43517). The Commission's related evaluation of the amendment is contained in a Safety Evaluation date March 15, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50-321, Edwin I. Hatch Nuclear Plant, Unit No. 1, Appling County, Georgia

Date of application for amendment: February 6, 1984, as supplemented April 16, 1984.

Brief description of amendment: The amendment revises the TSs for Hatch Unit 1 to increase the reactor pressure operability requirement for the High Pressure Coolant Injection and Reactor Core Isolation Cooling systems from 113 psig to 150 psig.

Date of issuance: March 12, 1985.

Effective date: March 12, 1985.

Amendment No.: 107.

Facility Operating License No. DPR-57. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 20, 1984 (49 FR 25361). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 12, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of application for amendment: February 13, 1984.

Brief description of amendment: This amendment revises the Technical

Specifications to add operability and surveillance requirements for the backup incore thermocouple display channels in response to the requirements of NUREG–0737, Item II.F.2(8).

Date of issuance: March 5, 1985.

Effective date: 30 days after issuance.

Amendment No.: 105.

Facility Operating License No. DPR–50. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 25, 1984 (49 FR 17863). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 5, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: September 26, 1984, as supplemented October 26, 1984.

Brief description of amendment: The amendment revises the license to remove the commitment of the use, by the Security Force, of rifles from the Duane Arnold Energy Center Security Plan and the Guard Training and Qualification Plan. We are also updating the license to incorporate any § 50.54(p) changes that have occurred.

Date of issuance: February 26, 1985.

Effective date: February 26, 1985.

Amendment No.: 112.

Facility Operating License No. DPR–49. Amendment revised the license.

Date of initial notice in **Federal Register:** November 21, 1984 (49 FR 45955). By letter dated October 26, 1984, the licensee submitted a page correction to the September 26, 1984 application. This submittal falls within the scope of the original notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 26, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: August 20, 1984, as revised September 14, 1984.

Brief description of amendment: This amendment revises the Technical Specification to: (1) Change the snubber testing following a failure from 10% to 5%, (2) delete the requirement to increase the drag force by 50% during snubber functional tests, (3) delete snubbers list from Technical Specifications, and (4) correct some typographical errors.

Date of issuance: March 12, 1985.

Effective date: March 12, 1985.

Amendment No.: 113.

Facility Operating License No. DPR–49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 21, 1984 (49 FR 45954). The September 14, 1984 submittal contained clarifying information and did not change the substance of the initial application, therefore, no additional notice was issued.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 12, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: February 27, 1984, as revised August 16, 1984.

Brief description of amendment: This amendment revises the Technical Specifications to incorporate changes related to: (1) Clarification in 12 areas, (2) updating references in 12 areas, and (3) correction of typographic errors in five areas of the Technical Specifications.

Date of issuance: March 14, 1985.

Effective date: March 14, 1985.

Amendment No.: 114.

Facility Operating License No. DPR–49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 24, 1984 (49 FR 42824). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 14, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of application for amendment: July 19, 1984.

Brief description of amendment: The amendment revises the Technical Specification to make changes to the Administrative Controls section to reflect a revised arrangement of certain upper management positions in the corporate organization.

Date of issuance: February 19, 1985.

Effective date: February 19, 1985.

Amendment No.: 68.

Facility Operating License No. DPR–63. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 28, 1984 (49 FR 38403). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 19, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of application for amendment: August 7, 1984.

Brief description of amendment: The amendment revised the Technical Specifications concerning changes to Section 6.5.2.8 of the Administrative Controls Section.

Date of issuance: February 25, 1985.

Effective date: February 25, 1985.

Amendment No.: 69.

Facility Operating License No. DPR–63. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 28, 1984 (49 FR 38403). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 25, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Niagara Mohawk Power Corporation, Docket No. 50-220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of application for amendment: July 11, 1984 as clarified October 24, 1984.

Brief description of amendment: The amendment revises the Technical Specification to modify the definition, limiting conditions for operation, surveillance requirements and bases for the reactor coolant leakage limits.

Date of issuance: February 27, 1985.

Effective date: February 27, 1985.

Amendment No.: 70.

Facility Operating License No. DPR-63. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 28, 1984 (49 FR 38402). By letter dated October 24, 1984, the licensee submitted clarifying information. The information did not alter the content of the initial notice. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 27, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: May 4, 1983, as supplemented November 10, 1983.

Brief description of amendments: These amendments provide limiting conditions for operation and surveillance requirements for the sump collection and the flow monitoring system, reduce the Iodine-131 concentration operating limits from 2.0 microcuries per gram to 0.2 microcuries per gram of dose equivalent I-131 and add surveillance testing for Kr-88 in the offgas sample.

Date of issuance: February 27, 1985.

Effective date: February 27, 1985.

Amendment Nos.: 105 and 109

Facility Operating License Nos. DPR-44 and DPR-56. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 22, 1984 (49 FR 10741) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 27, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publication Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: September 19, 1984.

Brief description of amendments: These amendments add surveillance requirements for the ADS Bypass Timer and change the title of "Auto Blowdown Timer" to "ADS Actuation Timer".

Date of issuance: March 5, 1985.

Effective date: March 5, 1985.

Amendment Nos.: 106 and 110

Facility Operating License Nos. DPR-44 and DPR-56. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 31, 1984 (49 FR 50818). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 5, 1985

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publication Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: January 23, 1984.

Brief description of amendment: The amendment allows plant operation with the boron injection tank bypassed or eliminated or the boron concentration therein reduced to as low as zero ppm.

Date of issuance: March 4, 1985.

Effective date: March 4, 1985.

Amendment No.: 103.

Facility Operating License No. NPF-1. Amendment revised the Technical Specification.

Date of initial notice in **Federal Register:** May 23, 1984 (49 FR 21824 at 21834). The Commission's related evaluation of the amendment is contained in Safety Evaluation dated March 4, 1985.

No significant hazards consideration comments received: No comments received.

Location of Local Public Document Room: Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: September 20, 1984.

Brief description of amendment: The amendment clarified the surveillance test for the pressurizer power-operated relief valve when used for low temperature overpressure protection and revised the basis for thermal-hydraulic limts to account for the recently modified reactor internals.

Date of issuance: March 15, 1985.

Effective date: March 15, 1985.

Amendment No.: 104.

Facility Operating License No. NPF-1. Amendment revised the Technical Specifications and a basis statement.

Date of initial notice in **Federal Register:** November 21, 1984 (49 FR 45941 at 45962). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 15, 1985.

No Significant hazards consideration comments received: No comments received.

Location of Local Public Document Room: Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

Public Service Electric and Gas Company, Docket No. 50-311, Salem Nuclear Generating Station, Unit 2, Salem County, New Jersey

Date of application for amendment: October 15, 1984.

Brief description of amendment: The amendment revises the final acceptance criteria envelope for "K(z) Normalized $F_Q(z)$ as a function of Core Height," Figure 3.2-2 in the Technical Specifications.

Date of issuance: February 22, 1985.

Effective date: February 22, 1985.

Amendment No.: 30.

Facility Operating License No. DPR-75: Amendment revised the Technical Specification.

Date of initial notice in **Federal Register:** December 31, 1984 (49 FR 50821). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 22, 1985.

No significant hazards consideration comments have been received.

Local Public Document Room location: Salem Free Library, 112 West Broadway, Salem, New Jersey 08079.

Public Service Electric and Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: December 27, 1983 and supplemented February 25, 1985.

Brief description of amendments: The amendments consists of three (3) independent parts. Part (1) modifies the Salem Unit 1 Technical Specifications, Table 3.3–1 (Action 1) and Table 3.3–3 (Action 13) to read the same as Salem Unit 2 Technical Specifications Tables 3.3–1 and 3.3–3. Part (2) corrects a typographical error in the Salem Unit 32 Technical Specifications. Part (3) revises the response time requirement for the overtemperature delta T reactor trip for both Units 1 and 2 and makes them identical.

The licensee's supplemental submittal dated February 25, 1985 provided an additional Westinghouse analysis which was done subsequent to the original license change request. This submittal will be the subject of a future action.

Date of issuance: March 8, 1985.

Effective date: March 8, 1985.

Amendment Nos.: 60 and 31.

Facility Operating Licenses Nos. DPR–70 and DPR–75: Amendments revised the Technical Specification.

Date of initial notice in **Federal Register:** December 31, 1984 (49 FR 50820). The Commission's related evaluation of amendments is contained in a Safety Evaluation dated March 8, 1985.

No significant hazards consideration comments have been received.

Local Public Document Room location: Salem Free Library, 112 West Broadway, Salem, New Jersey 08079.

Rochester Gas and Electric Corporation, Docket No. 50–244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of application for amendment: January 25, 1985.

Brief description of amendment: The amendment modified the Technical Specifications authorizing the use of a temporary closure plate in place of the equipment hatch (door) during refueling operations.

Date of issuance: March 8, 1985.

Effective date: March 8, 1985.

Amendment No.: 2.

Facility Operating License No. DPR–18. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 5, 1985 (50 FR 5020).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 8, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: July 22, 1983, as supplemented June 26 and October 1, 1984.

Brief description of amendment: The amendment revises the Technical Specifications defining the requirements for surveillance of Auxiliary Feedwater System Auto-Start Instrumentation.

Date of issuance: February 21, 1985.

Effective date: February 21, 1985.

Amendment No.: 60.

Facility Operating License No. DPR–54. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 23, 1984 (49 FR 21837 and December 31, 1984, 49 FR 50824). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 21, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: January 26, 1984, as supplemented July 11, 1984, and revised October 30, 1984.

Brief description of amendment: The amendment revises the Technical Specifications to clarify the use of the term "Operable" as it applies to single-failure criterion for safety systems.

Date of issuance: March 4, 1985.

Effective date: March 4, 1985.

Amendment No.: 61.

Facility Operating License No. DPR–54. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 31, 1984 (49 FR 50822).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 4, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: June 25, 1984.

Brief description of amendment: The amendment revises the Technical Specifications to prescribe requirements for reporting operational conditions and events in accordance with 10 CFR 50.73.

Date of issuance: March 8, 1985.

Effective date: March 8, 1985.

Amendment No.: 63.

Facility Operating License No. DPR–54. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 31, 1984 (49 FR 50823).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 8, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: April 19, 1983, as supplemented November 14, 1983, and June 25, 1984.

Brief description of amendment: The amendment revises the Technical Specifications to describe the current off-site and on-site organizations and review committee membership and quorum requirements.

Date of issuance: March 7, 1985.

Effective date: March 7, 1985.

Amendment No.: 62.

Facility Operating License No. DPR–54. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 25, 1984 (49 FR 17872 and December 31, 1984, 49 FR 50823). The Commission's related evaluation of the amendment is contained in a Safety evaluation dated March 7, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Southern California Edison Company, Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of application for amendment: July 17, 1984, as revised on November 30, 1984.

Brief description of amendment: The amendment modifies the Technical Specifications by adding administrative guidance and requirements relating to the assignment of overtime to personnel performing safety-related activities.

Date of issuance: March 6, 1985.

Effective date: March 6, 1985.

Amendment No.: 88.

Provisional Operating License No. DPR-13. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 23, 1985 (50 FR 3055). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 6, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: San Clemente Public Library, 242 Avendia Del Mar, San Clemente, California 92672.

Southern California Edison Company, et al. Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Dates of application for amendments: February 29, April 2, July 2, August 7, October 1 and 3, 1984.

Brief description of amendments: The amendments changes Technical Specifications to: (1) Accommodate Core Protection Calculator software changes being implemented for Cycle 2 operation, (2) allow Control Element Assembly misalignment during requried physics testing, (3) be consistent with the assumptions used for Cycle 2 safety analysis, (4) incorporate the results of the revised departure from nucleate boiling ration (DNBR) analysis and explicitly define the actions required if the core operating limit supervisory system is out-of-service and one or both control element assembly calculators are inoperable, and (5) change certain specifications relating to reactor protection instrumentation and electrical power sources.

Date of issuance: March 1, 1985.

Effective date: Portions of the amendments are effective as of the date of issuance and shall be fully implemented within 30 days; the remainder of the amendments is effective on initial entry into the first applicable operational mode following first refueling.

Amendment Nos.: 32 and 21.

Facility Operating License Nos. NPF-10 and NPF-15: Amendments revised the Technical Specifications.

Dates of initial notices in **Federal Register:** November 21, 1984 (49 FR 45964 and 45965 and 45966) and December 31, 1984 (49 FR 50843 and 50845). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 1, 1985.

No significant hazards consideration comments were received.

Local Public Document Room location: San Clemente Library, 242 Avenida Del Mar, San Clemente, California.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: May 5, 1982 (Part of Item 1), and March 22, 1984.

Brief description of amendment: The amendment modifies Tables 3.3-10 and 4.3-10 relating to post-accident monitoring instrumentation by adding incore thermocouples, reactor coolant hot leg level, containment water level, and containment pressure to the list of post-accident instrumentation that must be operable and are subject to surveillance requirements. The amendment also adds TS Section 6.8.4.c which requires the establishment of a post-accident sampling program.

Date of issuance: March 13, 1985.

Effective date: March 13, 1985.

Amendment No.: 84.

Facility Operating License No. NPF-3. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 24, 1984 (49 FR 42835). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 13, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: August 1, 1984.

Brief description of amendment: The amendment consists of a change to the Technical Specifications to add an additional provision to allow for appropriate compensatory actions when two range monitor channels are out of sevice in order to maintain the plant in a safe condition.

Date of issuance: March 6, 1985.

Effective date: March 6, 1985.

Amendment No.: 4.

Facility Operating License No. NPF-30: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 28, 1984 (50 FR 38413). The Commission's related evaluation of the amendment is contained in a Safety Evaluation, dated March 6, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Fulton City Library, 709 Market Street, Fulton, Missouri 65251 and Olin Library of Washington University, Skinker and Lindell Boulevard, St. Louis, Missouri 63130.

Vermont Yankee Nuclear Power Corporation, Docket No. 50-271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of application for amendment: March 26, 1984, as supplemented September 9, 1984.

Brief description of amendment: The amendment revises the Technical Specifications to reflect a change from 120% to 140% in the main steam line high flow setpoint. In addition, the reactor power limit for quarterly MSIV full closure testing in increased from 50% to 75% of rated power.

Date of issuance: February 21, 1985.

Effective date: February 21, 1985.

Amendment No.: 86.

Facility Operating License No. DPR-28. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 23, 1984 (49 FR 21848). By letter dated September 7, 1984, the licensee submitted clarifying information which falls within the scope of the initial notice. The Commission's related evaluation of the amendment is contained in a Safety Evaluation date February 21, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro Vermont 05301.

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant Units 1 and 2, Town of Two Creeks, Manitowoc County, wisconsin

Date of application for amendments: June 8, 1984.

Brief description of amendments: The amendments revised Technical

Specification 15.3–10 to define the "fully withdrawn" condition of a control rod as equal to or greater than 225 steps withdrawn. Figure 15.3.10–1 "Control Rod Insertion Limits" has been revised to change "steps withdrawn" to "percentage fo control bank withdrawn".

Date of issuance: March 7, 1985.

Effective date: 20 days after issuance.

Amendment Nos.: 88 and 93.

Facility Operating License Nos. DPR–24 and DPR–27:

Date of initial notice in 3Federal Register: September 28, 1984 (49 FR 38390 at 38414). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 7, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Joseph P. Mann Public Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Wisconsin Electric Power Company, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant Units 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of application for amendments: May 2, 1984 as revised September 5, 1984.

Brief description of amendments: The amendments revised the surveillance requirements for containment prestressed tendons and added a limiting condition for operation.

Date of issuance: March 7, 1985.

Effective date: 20 days from date of issuance.

Amendment Nos.: 89 and 94.

Facility Operating License Nos. DPR–24 and DPR–27. Amendments revised the Technical Specifications.

Date of initial notice in Federal Register: June 20, 1984 (49 FR 25350 at 25382). Renoticed November 21, 1984 (49 FR 45941 at 45980). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 7, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Joseph P. Mann Public Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR HEARING (EXIGENT OR EMERGENCY CIRCUMSTANCES)

During the 30-day period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing. For exigent circumstances, a press release seeking public comment as to the proposed no significant hazards consideration determination was used, and the State was consulted by telephone. In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant, a short public comment period (less than 30 days) has been offered and the State consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see: (1) The application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By April 26, 1985, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the

designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Branch Chief):* petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: December 6, 1984, as supplemented January 10, 1985, February 8, 14, and 21, 1985.

Brief description of amendment: The amendment revises the Technical Specifications to permit refueling with the Reactor Protection System and certain specified refueling interlocks and control rod blocks inoperable. These revisions will facilitate installation of Analog Trip Transmitter components during the Reload 6/Cycle 7 refueling outage.

Date of issuance: February 22, 1985.

Effective date: February 22, 1985.

Amendment No.: 87.

Facility Operating License No. DPR–59. Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: Yes. February 4, 1985 (50 FR 4929).

No comments received.

The Commission's related evaluation of the amendment and final determination of no significant hazards consideration are contained in a Safety Evaluation dated February 22, 1985.

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Dated at Bethesda, Maryland this 20th day of March 1985.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 85–7143 Filed 3–26–85; 8:45 am]

BILLING CODE 7590–01–M

Federal Register

Wednesday
March 27, 1985

Part IV

Department of Energy

48 CFR Part 901 et al.

Acquisition Regulation; Competition in Contracting and Miscellaneous Amendments

DEPARTMENT OF ENERGY

48 CFR Parts 901, 902, 903, 904, 905, 906, 914, 915, 919, 924, 928, 943, 950, 952, and 970

Acquisition Regulation; Competition in Contracting and Miscellaneous Amendments

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This rule is to amend the Department of Energy Acquisition Regulation (DEAR). The revisions are intended to update the DEAR as a result of the Competition in Contracting Act of 1984, Pub. L. 98–369. Also incorporated are changes resulting from comments submitted by the Federal Energy Regulatory Commission (FERC). A detailed listing of the changes is given below under the section entitled "SUPPLEMENTARY INFORMATION."

The DEAR is being supplemented by this regulation because the Federal Acquisition Regulation (FAR) has been amended to incorporate and reflect the changes to Federal acquisition policy required by the Competition in Contracting Act. The comments from FERC relate to the independent nature of that regulatory body within the Department of Energy, and the separate delegations of procurement authority made to FERC by the Secretary of Energy. The comments were made at the time the initial DEAR was published in March, 1984.

EFFECTIVE DATE: This final rule will be effective April 1, 1985.

FOR FURTHER INFORMATION CONTACT:
Richard Langston, Procurement Policy Branch, (MA–421.1), Procurement and Assistance Management Directorate, Washington, D.C. 20585, (202) 252–8250
Paul J. Sherry, Office of the AGC for Procurement and Financial Incentives, GC–43, Washington, D.C. 20585, (202) 252–1526.

SUPPLEMENTARY INFORMATION:

I. Background
II. Procedural Requirements
A. Review Under the Executive Order 12291
B. Review Under the Regulatory Flexibility Act
C. Paperwork Reduction Act
D. National Environmental Policy Act
III. Public Comments

I. Background

Under section 644 of the Department of Energy Organization Act, Pub. L. 95–91, (42 U.S.C. 7254), and section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168), the Secretary of the Department is authorized to prescribe such procedural rules and regulations as may be deemed necessary or appropriate to accomplish the functions vested in that position. Accordingly, the Department of Energy Acquisition Regulation (DEAR) was promulgated with an effective date of April 1, 1984 (49 FR 11922, March 28, 1984), 48 CFR Chapter 9.

The primary purpose of this rule is to revise the DEAR, as necessary, to implement the Federal Acquisition Regulation (FAR) implementation of the Competition in Contracting Act of 1984, Pub. L. 98–369. The purpose of the Act and the FAR coverage, as implemented herein, is to increase the use of full and open competition in the acquisition of property and services. The FAR and related DEAR coverage provides for full and open competition by soliciting sealed bids or requesting competitive proposals, or use of other competitive procedures, unless a statutory exception permits other than full and open competition. There are new justification, approval, and notice requirements for contracts employing other than full and open competition. The coverage also provides for appointment of the competition advocates required by the Act. The Act contains a requirement for the submission and certification of cost and pricing data for certain contracts exceeding $100,000. As a result, the Department has deleted subsection 915.804–2 which provides that such requirements need not apply to cost-reimbursement contracts with educational institutions, or State, local, or Federally recognized Indian Tribal or governments. DOE no longer has administrative discretion to make such an exemption since the requirement for cost or pricing data is now based in statute. A secondary purpose is to make revisions requested by the Federal Energy Regulatory Commission (FERC) to reflect the fact that FERC has independent acquisition authority pursuant to Title IV of the Department of Energy Organization Act, Pub. L. 95–91. Another purpose of the rule is to add uniformity to the contract close-out process by requiring that contract close-out be accomplished by the issuance of Standard Form (SF) 30.

The parts affected by the these revisions are as follows: Table of Contents changes. Subsection 901.103–70, "Exclusions." Section 902.100, "Definitions." Section 902.200, "Definitions clause." Subpart 903.3, "Reports of Suspected Antitrust Violations." Section 903.303, "Reporting suspected antitrust violations." Section 904.601, "Federal procurement data system." Subsection 904.601–70, "Procurement and Assistance Data System (PADS)." Subpart 905.2, "Synopses of Proposed Contract Actions." Subpart 905.3, "Synopses of Contract Awards." Section 905.403, "Requests from Members of Congress." A new 905.403–70, "Required notices of award," is added. A new Part 906, "Competition Requirements." Subsection 914.201–5, "Part IV—Representations and instructions." Subsection 914.201–7, "Contract clauses." A new Subsection 914.404–1, "Cancellation of invitations after opening," is added. Subpart 914.5 "Two-Step Sealed Bidding." Subpart 915.1, "General Requirements for Negotiation." Subpart 915.2, "Negotiation Authorities." Subsection 915.406–5, "Part IV Representations and instructions." Subpart 915.3 "Determinations and Findings to Justify Negotiation." Subsection 915.506–2, "Evaluation." Subsection 915.804–2, "Requiring certified cost or pricing data." Subsection 915.804–8, "Contract clauses." Subsection 915.804–70, "Uncertified cost or pricing data." Subpart 915.10, "Preaward, Award, and Postaward Notifications, Protests, and Mistakes." Section 915.1003, "Debriefing of unsuccessful offerors." Section 919.201, "General policy." Section 924.202, "Policy." Subsection 928.101–1, "Policy on use." A new Section 943.301, "Use of forms." Section 950.7002, "Definitions." Subpart 952.2, "Text of Provisions Clauses." Subsection 952.202–1, "Definitions." Section 952.214, "Clauses related to sealed bidding," and Subsection 952.214–27, "Price reduction for defective cost or pricing data—modifications—sealed bidding." Subsection 952.215–23, "Price reduction for defective cost or pricing data—modifications." Subsection 970.1508–1, "Cost or pricing data." Subsection 970.5204–24, "Subcontracting cost or pricing data."

II. Procedural Requirements

A. Review Under Executive Order 12291

Procurement rules are normally exempt from review under Executive Order 12291, entitled "Federal Regulation," based on a determination that they generally relate only to the management of an agency function and do not have any major economic impact. The Office of Management and Budget (OMB) has decided however that agency implementations of the Competition in Contracting Act of 1984, Pub. L. 98–369, warrant review. Accordingly, this rule was submitted to OMB for review in accordance with Executive Order 12291 and OMB Circular 85–6. Their review (dated February 26, 1985) led to the deletion of subsection 914.201–7. This change is described below under this

section entitled "Public Comments" at *Other Changes.*

B. Review Under the Regulatory Flexibility Act

This rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96–354, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. DOE certifies that this rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

C. Paperwork Reduction Act

No information collection or recordkeeping requirements are imposed on the public by this final rule. Accordingly, no OMB clearance is required by section 350(h) of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, *et seq.*, or OMB's implementing regulations at 5 CFR Part 1320.

D. National Environmental Policy Act

DOE has concluded that promulgation of this rule would not represent a major Federal action having significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 432 *et seq.* 1976), or the Council on Environmental Quality Regulations (40 CFR Part 1020), and therefore does not require an environmental impact statement or an environmental assessment pursuant to NEPA.

III. Public Comments

Interested persons were invited to participate by submitting data, views or arguments with respect to this rule. One comment was received from the general public and several from DOE personnel. They are discussed below.

1. *Comment:* A commenter expressed concern regarding the applicability of the Competition in Contracting Act (CICA) to changes within the general scope of work under active (awarded) contracts for engineering, design, and construction services. Hypothetical examples were given to illustrate cases in which unanticipated changes were encountered during the course of a design or construction contract. In particular, the commenter is concerned that CICA's emphasis on competition might cause the Government to suspend or terminate work under the contract and compete the changed portion of the work. The commenter also notes that FAR 6.001(d) may not solve this problem and that additional changes are required. Among other things, the commenter suggests that the DEAR resolve this problem by adding a new applicability provision to read essentially as follows: "These procedures apply to all acquisitions except contract modifications that are properly executed pursuant to the changes provisions of existing contracts."

Response: The Department believes that language presently contained in the FAR provides the coverage necessary to satisfy the concerns raised by the commenter. FAR 6.001(d) exempts from the CICA requirements for full and open competition "Contract modifications that are within the scope and under the terms of an existing contract". In addition, FAR 5.001, in part, defines "contract action" as *not* including "contract modifications that are within the scope and under the terms of the contract . . ." In any event, the concerns raised by the commenter pertain more directly to the FAR coverage than the DEAR. Since any changes resulting from this comment would best be resolved through the FAR, this comment is being forwarded to the Civilian Agency Acquisition Council which is the appropriate forum for consideration of FAR changes.

2. *Comment:* Two reviewers noted that DEAR 902.100, "Definitions" provides that the term "Procurement Executive" in the DEAR is intended to be synonymous with the term "Senior Procurement Executive" used in the FAR. They pointed out that the proposed changes at 906.202(b)(1) and 906.304(c)(3) were inconsistent with the stated intent by using the term "Senior Procurement Executive."

Response: The Department conformed 906.202(b)(1) and 906.304(c)(3) by using the term "Procurement Executive" rather than "Senior Procurement Executive."

3. *Comment:* A reviewer suggested that the reference to a "justification for sole source acquisition" at 906.303–1(a) was not consistent with other references to a "justification for noncompetitive acquisition."

Response: The term "justification for noncompetitive acquisition" has been substituted at 906.303–1(a) in the first and third sentences.

4. *Comment:* A reviewer noted that the proposed 906.303–1(a) provision requiring legal counsel review of actions "exceeding $1,000,000 or such other dollar amount as may be determined by agreement of counsel and the Head of the Contracting Activity" differed from a similar requirement at 915.506–2(e)(2) which reads "exceeding $1,000,000, or such lower level as counsel may determine."

Response: For the sake of consistency 906.303–1(a) has been revised to agree with 915.506–2(e)(2).

5. *Comment:* A reviewer suggested that the reference in 906.303–1 to "DOE Order 4200.1B" be changed to "internal DOE Directives." This would recognize that the numbers assigned to the internal DOE Directives change from time to time and eliminate the need to revise the reference in the DEAR from time to time.

Response: The suggested change has been made. This change has also been made at 906.501.

6. *Comment:* Two reviewers questioned why there was a need to exempt acquisitions resulting from Program Opportunity Notices and Program Research and Development Announcements from the noncompetitive acquisition procedures of FAR 6.303–1 as is done by 906.303–70(a)(1). The reviewers stated that these two solicitation techniques are themselves competitive and that each has its own separate justification requirement.

Response: The Department recognizes that the Program Opportunity Notice and Program Research and Development Announcement techniques are competitive. The intent had been to highlight the differing nature of the justifications. The intent has apparently introduced further confusion and 906.303–70(a)(1) of the proposed rule has been deleted as unnecessary. Subparagraphs (2) and (3) of the proposed rule have been renumbered as (1) and (2). Proposed subparagraph (4), however, has been deleted from this final rule. Upon reflection, this guidance is considered unnecessary as small purchases are covered at FAR 13.

7. *Comment:* A reviewer questioned why the authority discussed at 906.302–70(a) was limited by 906.302–70(b), "Application."

Response: The authority discussed in 906.302–70(a) is the authority of the President, pursuant to section 162 of the Atomic Energy Act of 1954, to exempt any specification in a particular matter from the provisions of law relating to contracts if such action is essential to the interest of the common defense and security. The reviewer is correct as there is no correlation between the two authorities. Accordingly, 906.302–70(b) and (c) of the proposed rule are deleted. In the course of this review, the Department notes that this section should appropriately reflect a second authority (nonimpairment authority) which may permit other than full and open competition. Accordingly, a new

subparagraph (a)(2) has been added to 906.302-70.

8. *Comment:* Three reviewers questioned 906.303-70(a)(3) which exempts special research contracts from the justification requirements of FAR 6.303-1. One asserted that special research contracts should be exempted altogether from the requirements of the Competition in Contracting Act implementation (e.g., *Commerce Business Daily* announcements, market surveys, etc.). Another reviewer questioned the need for any exemption. A third found the provision unclear.

Response: The special research contract has been the means by which the Department has fulfilled its responsibilities under sections 31 and 31a of the Atomic Energy Act of 1954, as amended, relative to energy research and development in the academic community. The exemption at 906.303-70(A)(3) is only meant to apply to the written justification requirements of FAR 6.303-1. The reason for this is that separate justification requirements are found at 917.7106. Use of the separate justification format at 917.7106 does not exempt this special contract procedure from other requirements of the Competition in Contracting Act implementation. In light of the provisions of FAR 6.102(d)(2) which provides for the competitive selection of basic research proposals for award as a competitive procedure, the Department is reviewing Part 917.71 with the intention of providing for competitive selection of these research activities.

9. *Comment:* A reviewer suggested that the title of 906.5 should include the plural "advocates" rather than the singular "advocate" since both the agency and contracting activity advocates are discussed.

Response: The title of 906.5 has been changed to read "Competition Advocates."

10. *Comment:* A reviewer questioned the requirement at 943.301 for the use of an SF-30 for contract closeouts.

Response: Section 943.301 is intended to highlight the requirement at FAR 43.103(a)(1)(vi) regarding use of Standard Form 30 (SF30) for any obligation of funds from a contract. In particular, it points out the importance of this action under cost-type contracts in which final costs are less than the obligated amount. It provides that the form may be issued on a unilateral basis when the contractor's final release has already been obtained. Uniformity in this regard will assure that the Department's Procurement and Assistance Data System contains accurate data.

Other Changes

1. Pursuant to Executive Order 12291, "Federal Regulation," this regulation was reviewed by the Office of Management and Budget (OMB). Their review suggested that proposed 905.403(c) be removed from DEAR implementation of FAR 5.403. In response to OMB's suggestion, the instructions previously found at 905.403(c) now appear in a new subsection 905.403-70.

2. OMB's review also suggested that subsection 914.201-7(b)(1) be removed as it is duplicative of FAR 14.201-7(b)(1). The suggestion has been adopted. The subsection had instructed contracting officers to insert a contract clause in contracts resulting from seal bidding. Since the FAR already contains the instruction, it is unnecessary in the DEAR. Subsection 914.201-7(b)(1) is deleted and the subsection reserved.

3. It was noted that 915.506-2(e) contains a reference to FAR 15.105(c). The FAR section was removed in the course of the FAR revisions. Accordingly, the third sentence of 915.506-2(e) is removed.

4. At 943.170(g)(1), the reference to 915.570-2 is incorrect. The reference is corrected to read 917.7111-2.

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 Regulation is proposed to be amended as set forth below.

Issued in Washington, DC on March 21, 1985.

Berton J. Roth,

Director, Procurement and Assistance Management Directorate.

The regulations in 48 CFR Chapter 9 are amended as set forth below.

Authority: Sec. 644 of the Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7254); and section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168).

1. The Table of Contents for Chapter 9, Subchapter A—General and Subchapter C—Contracting Methods and Contract Types is amended by adding Part 906 and revising the heading of Part 914 as follows:

* * * * *

Part

906—Competition requirements

* * * * *

914—Sealed bidding

* * * * *

PART 901—[AMENDED]

2. Subsection 901.103-70 is amended by adding a new paragraph (f) to read as follows:

901.103-70 Exclusions.

* * * * *

(f) Subject matter which is procedural in nature and which is internal to the operation of the Federal Energy Regulatory Commission (FERC). These matters are contained in the FERC Directive System.

PART 902—[AMENDED]

3. Section 902.100 is amended by revising the definitions for "Head of the Agency", "Senior Program Official", and the introductory text and paragraph (j) of the definition for "Procurement Executive", and by adding a definition for "Senior Procurement Executive," to read as follows:

902.100 Definitions.

* * * * *

"Head of the Agency" means the Secretary, Deputy Secretary, or Under Secretary and, for acquisitions by the Federal Energy Regulatory Commission, the Chairman, Federal Energy Regulatory Commission.

* * * * *

"Procurement Executive" means the individual appointed as such by the Head of the Agency pursuant to Executive Order 12352. The Director, Procurement and Assistance Management Directorate, has been appointed as the DOE Procurement Executive except for the activities of the Federal Energy Regulatory Commission (FERC). The Executive Director, FERC, functions as the Procurement Executive with respect to FERC acquisition activities. The FERC Procurement Executive's responsibilities are those described at paragraphs (a), (b), (c), (d), (f), (g), (h), (i) and (j) below. Duties of the Procurement Executive include:

* * * * *

(j) Appoint advocates for competition; and

* * * * *

"Senior Procurement Executive" as defined at FAR Subpart 2.1 is synonymous with the term "Procurement Executive" used in this chapter.

"Senior Program Official" means the Assistant Secretaries; Administrators of Administrations; Director, Office of Energy Research; and heads of DOE Headquarters staff offices.

4. Section 902.200 is revised to include the Chairman, Federal Energy Regulatory Commission, as follows:

902.200 Definitions clause.

As prescribed by FAR 2.2, insert the clause at FAR 52.202-1, Definitions, but modify it to limit the definition, at paragraph (a) of the clause, to encompass only the Secretary, Deputy Secretary, or Under Secretary of the Department of Energy and the Chairman, Federal Energy Regulatory Commission. The contracting officer shall also add a paragraph (d) (or (c) in case Alternate I is used), which defines "DOE" as meaning the United States Department of Energy and "FERC" as meaning the Federal Energy Regulatory Commission.

PART 903—[AMENDED]

5. Subpart 903.3 is amended by revising the subpart title and to correct 903.302-2 to read section 903.303, revise the section title and remove existing paragraph (a) and designate existing paragraph (b) as paragraph (a). As revised, it reads:

Subpart 903.3—Reports of Suspected Antitrust Violations

903.303 Reporting suspected antitrust violations.

(a) Potential anti-competitive practices, such as described in FAR 3.301, and antitrust law violations as described in FAR 3.303, evidenced in bids or proposals, shall be reported to the Office of General Counsel through the Head of the Contracting Activity with a copy to the Procurement Executive. The Office of General Counsel will provide reports to the Attorney General as appropriate.

PART 904—[AMENDED]

6. Section 904.601 is revised to include the Federal Energy Regulatory Commission as follows:

904.601 Federal procurement data system.

(c) DOE's data collection point is the Office of Procurement Support, Headquarters. The Office of Program Management is responsible for data collection and reporting by the Federal Energy Regulatory Commission.

904.601-70 [Amended]

7. Subsection 904.601-70, Procurement and Assistance Data System (PADS), is corrected by changing the word "Forms" to read "Form" in the last sentence in paragraph (b)(4).

PART 905—[AMENDED]

Subpart 905.2—Synopses of Proposed Contract Actions

8. Subpart 905.2 is amended by revising the title to read as set forth above.

905.205 [Amended]

9. Section 905.205, Special situations, is corrected by adding to paragraph (a) in the first sentence the word "as" between "If," and "a".

10. A new Subpart 905.3 is added to read as follows:

Subpart 905.3—Synopses of Contract Awards

905.303 Announcement of Contract Awards.

(a) *Public Announcement.* See 905.403-70 for procedures to be followed in DOE as pertains to notices of award.

905.403 [Amended]

11. Section 905.403 is amended by removing paragraph (c), and redesignating that paragraph as a new subsection 905.403-70 which reads as follows:

905.403-70 Required notices of award.

The Office of Congressional Affairs, Headquarters, is responsible for advising Members of Congress regarding Departmental activities likely to have an impact on their constituents. To facilitate this advice, contracting officers shall notify the Office of Congressional Affairs regarding pending awards for significant new starts or modifications significantly expanding the previous scope of a contract. The transmittal of such notices to the Office of Congressional Affairs shall be as follows:

(a) Notice of awards of $500,000 or greater, but less than $1,000,000 shall be forwarded 48 hours prior to the time of contract execution.

(b) Notice of source selection for a contemplated award of $1,000,000 or greater shall be forwarded 48 hours prior to the public announcement of the source selection. Such notices need not be duplicated at time of award.

(c) Notice of awards of $50,000 or greater, under Special Research Contracts as described at 917.71, shall be forwarded 48 hours prior to the time of contract execution.

12. A new Part 906 is added to Subchapter A to read as follows:

PART 906—COMPETITION REQUIREMENTS

Subpart 906.1—Full and Open Competition

Sec.
906.102 Use of competitive procedures.

Subpart 906.2—Full and Open Competition After Exclusion of Sources

906.202 Establishing or maintaining alternative sources.

Subpart 906.3—Other Than Full and Open Competition

906.302 Circumstances permitting other than full and open competition.
906.302-70 Otherwise authorized by law.
906.303 Justifications.
906.303-1 Requirements.
906.303-70 Exemptions.
906.304 Approval of the justification.

Subpart 906.5—Competition Advocates

906.501 Requirement.

Authority: Sec. 644 of the Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7254); and section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168).

Subpart 906.1—Full and Open Competition

906.102 Use of competitive procedures.,

(d) Other competitive procedures.

(1) Professional architect-engineer services shall be negotiated in accordance with Subpart 936.6 and FAR Subpart 36.6.

(4) Competitive selection of research proposals for award received in response to a Program Research and Development Announcement (See Subpart 917.73 and Part 935).

(5) Competitive selection for award of proposals offered in response to program opportunity notices (See Subpart 917.72).

Subpart 906.2—Full and Open Competition After Exclusion of Sources

906.202 Establishing or maintaining alternative sources.

(b)(1) Every proposed contract action under the authority of FAR 6.202(a) shall be supported by a determination and finding (D&F) signed by the Procurement Executive.

Subpart 906.3—Other Than Full and Open Competition

906.302 Circumstances permitting other than full and open competition.

906.302-70 Otherwise authorized by law.

(a) *Authority.* (1) The Atomic Energy Act of 1954, as amended, provides in section 162 that the President may, in advance, exempt any specific action of the Department of Energy in a particular matter carried out under the authority of the Atomic Energy Act of 1954, as amended, from the provisions of law relating to contracts whenever it is determined that such action is essential

in the interest of common defense and security.

(2) Pursuant to the Federal Property and Administrative Services Act (40 U.S.C. 474(13)), nothing in the Federal Property and Administrative Services Act, as amended, shall impair or affect any authority or programs authorized under the Atomic Energy Act of 1954, as amended.

906.303 Justifications.

906.303-1 Requirements.

(a) The justification for noncompetitive acquisition shall examine the reasons for the acquisition being other than a full and open competition and shall contain in the first sentence of the justification an appropriate recommendation (e.g., I recommend that negotiations be conducted only with (name and entity) for the supplies or services described herein). In accordance with FAR 6.303-1 each justification shall set forth enough facts and circumstances to clearly and convincingly establish that full and open competition would not have been feasible or practicable. A justification for noncompetitive acquisition exceeding $1,000,000, or such lower dollar amount as counsel may determine, shall be submitted by the initiator to Counsel, at the Headquarters or field location of the initiator, for concurrence prior to forwarding to the contracting officer. Procedural guidance is provided in internal DOE Directives. For small purchases the justification for other than full and open competition should be in accordance with small purchase procedures.

906.303-70 Exemptions.

(a) The provisions of FAR 6.303-1 do not apply to:

(1) Contracts which are subject to separate justification for recompetition or extension in accordance with FAR subpart 17.6.

(2) Special Research Contracts which are subject to separate justification with educational and other nonprofit institutions and extensions thereof entered into under subpart 917.71.

906.304 Approval of the justification.

(c) Class justifications within the delegated authority of a Head of the Contracting Activity may be approved for:

(1) Contracts for electric power or energy, gas (natural or manufactured), water, or other utility services when such services are available from only one source;

(2) Contracts under the authority cited in FAR 6.302-4 or 6.302-5; or

(3) Contracts for educational services from nonprofit institutions. Class justifications for classes of actions that may exceed $10,000,000 require the approval of the Procurement Executive.

Subpart 906.5—Competition Advocates

906.501 Requirement.

The Secretary of Energy has delegated the authority for appointment of the agency and contracting activity competition advocates to the Procurement Executive. The Procurement Executive has delegated authority to the Head of the Contracting Activity to appoint contracting activity competition advocates. Procedural guidance is provided in internal DOE Directives.

PART 914—SEALED BIDDING

13. The heading to Part 914 is revised to read as set forth above.

14. Subsection 914.201-5 is amended by removing the words "formally advertised" and adding the words "sealed bid" in paragraph (a)(1). As revised, paragraph (a)(1) reads:

914.201-5 Part IV—Representations and instructions.

(a) * * *

(1) DOE contracting activities may elect to adopt the simplified representations and certifications technique, described in 915.406-5, in their sealed bid acquisitions.

* * * * *

914.201-7 [Removed]

15. Subpart 914.2 is amended by removing 914.201-7.

16. A new 914.404-1 is added to read as follows:

914.404-1 Cancellation of invitations after opening.

(c) The Procurement Executive has been delegated authority to make the determination under FAR 14.404-1(c) and (e) and has redelegated this authority to the Heads of Contracting Activities without power of redelegation.

17. The heading of subpart 914.5 and 914.502(c) are amended by removing the words "formal advertising" and adding the words "sealed bidding". As revised they read:

Subpart 914.5—Two-Step Sealed Bidding

914.502 Conditions for use.

(c) Use of the two-step sealed bidding method shall be approved by the Head of the Contracting Activity. The contracting officer shall submit a written request for approval justifying its use in accordance with FAR 14.502.

PART 915—[AMENDED]

Subparts 915.1, 915.2, and 915.3—[Removed]

18. Part 915 is amended by removing Subparts 915.1, 915.2 and 915.3.

19. Subsection 915.406-5 paragraphs (a)(4) (iii) and (v) are amended by removing the words "Formal Advertising" and adding the words "Sealed Bidding". As revised paragraphs (a)(4) (iii) and (v) read:

915.406-5 Part IV Representations and instructions.

(a) * * *

(4) * * *

(iii) Type of Business Organization—Sealed Bidding (Negotiation) FAR 52.214-2 (FAR 52.214-6)

* * * * *

(v) Place of Performance—Sealed Bidding (Negotiation) FAR 52.214-14 (FAR 52.214-20)

* * * * *

915.506-2 [Amended]

20. Section 915.506-2 is amended by removing the third sentence of paragraph (e)(3).

915.804-2 [Removed]

21. Subpart 915.8 is amended to remove the exemption from the submission and certification of cost and pricing data presently provided to educational institutions, and State, local and tribal governments by removing 915.804-2 requiring certified cost or pricing data.

22. Subsection 915.804-8 is amended, at paragraph (b), to remove the exemption from the requirement to submit and certify cost and pricing data now available to educational institutions, State, local, and Federally recognized Indian Tribal governments. As revised, paragraph (b) reads:

915.804-8 Contract clauses.

* * * * *

(b) The contracting officer shall, insert the clause at FAR 52.215-23, Price Reduction for Defective Cost or Pricing Data—Modifications, in solicitations and contracts when the clause prescribed in paragraph (a) of this subsection has not been included.

23. Subsection 915.804-70 is amended by removing "$500,000" and adding "$100,000."

Subpart 915.10—Preaward, Award, and Postaward Notifications, Protests, and Mistakes

24. The heading to Subpart 915.10 is revised to read as set forth above.

915.1002 [Redesignated as 915.1003]

25. Section 915.1002 is redesignated as 915.1003.

PART 919—[AMENDED]

26. Section 919.201 is revised to include the Federal Energy Regulatory Commission as follows:

919.201 General policy.

(c) The Director, Office of Small and Disadvantaged Business Utilization and small disadvantaged business programs. The Executive Director, Federal Energy Regulatory Commission, is responsible for the administration of the Commission's small and small disadvantaged business programs. This includes responsibility for developing, implementing, executing, and managing these programs, providing advice on these programs, and representing DOE before other Government agencies on matters primarily affecting small and small disadvantaged businesses. Heads of Contracting Activities (HCAs) shall appoint a small business/small disadvantaged business (SB/DB) specialist.

PART 924—[AMENDED]

27. Section 924.202 is revised to include the Federal Energy Regulatory Commission as follows:

924.202 Policy.

(b) See 10 CFR Part 1004, Freedom of Information, for the DOE regulations relating to the availability of DOE records to the public. See 18 CFR Part 388, Public Information and Records, for the regulations relating to the availability of Federal Energy Regulatory Commission records.

PART 928—[AMENDED]

28. Subsection 928.101–1 is amended by removing the words "formal advertising" and adding "sealed bidding". As revised 928.101–1 reads as follows:

928.101–1 Policy on use.

(a) In addition to the restriction on use of bid guarantees in FAR 28.101–1(a), a bid guarantee may be required only for fixed price or unit price contracts entered into as a result of sealed bidding. They may not be required for negotiated contracts.

PART 943—[AMENDED]

29. Part 943 is amended by revising the table of contents, adding a heading for subpart 943.1 immediately before section 943.170, and adding subpart 943.3 to read as set forth below. Also, the authority citation following section 943.170 is removed.

Subpart 943.1—General

Subpart 943.3—Forms

943.301 Use of forms.

Authority: Section 644 of the Department of Energy Organization Act, Pub. L. 95–91 (42 U.S.C. 7254); and section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168).

Subpart 943.1—General

Subpart 943.3—Forms

943.301 Use of forms.

(c) FAR 43.301(a)(1)(vi) requires the use of Standard Form 30 (SF30) to effect any obligation or deobligation of contract funds after award. The Standard Form 30 (SF30) shall also be used to deobligate funds when effecting contract closeout for a cost reimbursement contract when obligated funds exceed the final contract costs. In this instance, the form may be issued as an administrative modification on a unilateral basis if the contractor's financial release has been separately obtained.

PART 950—[AMENDED]

30. Section 950.7002 is amended by correcting the first sentence of paragraph "Public Liability" to read as follows:

950.7002 Definitions.

* * * * *

"Public liability" means any legal liability (including liability for loss of, or damage to, or loss of use of property which is located at the site of and used in connection with the contract activity arising out of or resulting from a nuclear incident) except:

* * * * *

PART 952—[AMENDED]

31. Subsection 952.202–1 is amended to revise paragraph (a) of the clause and paragraph (d) to include the Federal Energy Regulatory Commission as follows:

952.202–1 Definitions.

* * * * *

(a) The term "Head of Agency" means the Secretary, Deputy Secretary or Under Secretary of the Department of Energy and the Chairman, Federal Energy Regulatory Commission.

* * * * *

(d) The term "DOE" means the Department of Energy and "FERC" means the Federl Energy Regulatory Commission.

32. Section 952.214 and subsection 952.214–27 are amended by removing the words "formal advertising" and adding "sealed bidding". As revised, sections 952.214 and 952.214–27 read as follows:

952.214 Clauses related to sealed bidding.

952.214–27 Price reduction for defective cost or pricing data—modifications—sealed bidding.

As prescribed in 914.201–7(b)(1), when contracting by sealed bidding insert the clause at FAR 52.214–27, Price Reduction for Defective Cost or Pricing Data—Modification—Sealed Bidding, in solicitations and contracts unless this requirement is waived pursuant to FAR 14.201–7(b)(2).

33. Subsection 952.215–23 is revised to read as follows:

952.215–23 Price reduction for defective cost or pricing data—modifications.

As prescribed in 915.804–8(b), insert the clause at FAR 52.215–23, Price Reduction for Defective Cost or Pricing Data—Modifications, in solicitations and contracts when the clause at FAR 52.215–22 has not been included.

PART 970—[AMENDED]

34. Subsection 970.1508–1 paragraphs (b)(1) (i) and (ii) are amended by removing "$500,000" and adding "$100,000". As revised (b)(1) (i) and (ii) read:

970.1508–1 Cost or pricing data.

* * * * *

(b) * * *

(1) * * *

(i) Award of a negotiated subcontract at any tier when the subcontract price is expected to exceed $100,000, or

(ii) Modification of any subcontract when the modification is expected to exceed $100,000, unless unrelated and separately priced changed, for which certified cost of pricing data would not otherwise be required, are included.

* * * * *

970.5204–24 [Amended]

35. 970.5204–24 is amended by changing "$500,000" to "$100,000" everywhere it appears in the section.

[FR Doc. 85–7107 Filed 3–26–85; 8:45 am]
BILLING CODE 6450–01–M

Federal Register

Wednesday
March 27, 1985

Part V

Environmental Protection Agency

40 CFR Parts 154 and 162

Special Reviews of Pesticides; Criteria and Procedures; Proposed Rule

40 CFR Part 155

Pesticide Registration Standards; Docketing and Public Participation Procedures; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 154 and 162

[OPP-30083]

Special Reviews of Pesticides; Criteria and Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to revoke 40 CFR 162.11 (a) and (b) and to issue a new subpart 40 CFR Part 154 in its place. Section 162.11 (a) and (b) contains rules governing what is known as the "Rebuttable Presumption Against Registration" or RPAR process. These proposed amendments would revise both the substantive criteria under which EPA initiates review of pesticide products (leading to an ultimate determination of whether their use or uses pose unreasonable adverse effects to humans or the environment) and the procedures for the process. The proposed amendments are based primarily on changes made to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.*, by Congress in 1978 and on the experience acquired by EPA in regulating pesticides pursuant to the present § 162.11.

DATE: Comments should be received on or before June 25, 1985.

ADDRESS: Submit written comments, bearing the identification number "OPP-30083," by mail to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, deliver comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this proposed rule may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Joanna J. Dizikes, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: 1921 Jefferson Davis Highway, Rm. 711, Crystal Mall #2, Arlington, VA, (703-557-7400).

SUPPLMENTARY INFORMATION: This notice consists of nine sections:

I. Overview
II. Historical Background
A. The 1972 FIFRA
B. The 1975 Amendments to the FIFRA
C. The 1978 Amendments to the FIFRA
1. Additional Data to Support Registration
2. Interim Administrative Review
D. The RPAR Process
1. Risk Criteria of the Current RPAR Process
2. Stages of the Current RPAR Process
III. The Change of the Name
IV. Proposed Changes to the Risk Criteria
A. Introduction
B. Exposure Information
C. Exposure as a Basis for Assessing Risk
D. Risk Assessment
E. The Proposed Criteria Revisions
1. Acute Toxicity to Humans or Domestic Animals
2. Oncogenic, Teratogenic, Fetotoxic, Reproductive, and Other Chronic or Delayed Toxic Effects
3. Heritable Genetic Effects
4. Hazard to Wildlife
5. Hazard to Threatened or Endangered Species
6. Other Adverse Effects
7. Lack of Emergency Treatments
V. Proposed Procedural Changes to the RPAR Process
A. General matters
B. Registrant Notification
C. Current Benefits Review
D. Significance of Risk—Decision Whether to Initiate a Special Review
E. Docket
F. The Special Review Process
1. Public Discussions
2. Risk/Benefit Evaluations and Preliminary Determination
3. Review and Comment on Preliminary Determination
4. Final Determination
VI. Request for Comments
VII. Statutory Review
A. Department of Agriculture
B. Scientific Advisory Panel
C. Congressional Committees
VIII. Regulatory Review Requirements
A. Executive Order 12291
B. Regulatory Flexibility Act
C. Paperwork Reduction Act
IX. List of Subjects in 40 CFR Parts 154 and 162

I. Overview

The objective of this Proposed Rule is to revise both the substantive criteria and the procedures for the Special Review (RPAR) process; these proposed criteria will be used by the Agency to determine if a use or uses of a pesticide may pose a significant risk to health or the environment. If one or more of these criteria are met or exceeded, the Agency will initiate a Special Review on the pesticide product use or uses in question, leading to an ultimate determination of whether this use or uses may pose unreasonable adverse effects to humans or the environment.

The current risk criteria for initiation of a comprehensive risk/benefit review have proven to be impractical and inflexible. Because these criteria are often based on narrow toxicologic determinations and do not adequately address the likelihood that significant exposures will actually occur, the Agency has developed new criteria for initiation of a Special Review. These proposed criteria assure that the determination of risk will be based both on the toxic effects associated with a pesticide and considerations of exposure of humans and nontarget organisms to the pesticide. For example, factors such as the magnitude and duration of exposure and the size of the exposed population will be taken into account. The significance of the risk will be determined according to the weight of the evidence of the toxicological information and the magnitude and scope of exposure.

This proposed rulemaking is issued pursuant to sections 3, 6, and 25 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended ("FIFRA" or "the Act") (7 U.S.C. 136 *et. seq.*). The first unit of this preamble presents an overview of this proposed rule. The second unit gives a historical background. The third unit describes the change of the name from "RPAR" to "Special Review." The fourth unit describes the proposed revisions to the risk criteria presently found in § 162.11. The fifth unit describes the proposed revisions to the RPAR or Special Review procedures. The preamble concludes with a request for comments.

Section 162.11 entitled "Criteria for determinations of unreasonable adverse effects" and is commonly known as EPA's Rebuttable Presumption Against Registration ("RPAR") process. Section 162.11 includes both the substantive criteria for initiating and the procedures for conducting the public administrative reviews leading to determinations by EPA as to whether unreasonable

adverse effects to humans or the environment exist or will be created as the result of some or all uses or prospective uses of a pesticide.

This document proposes to revise both the substantive criteria and the procedures of § 162.11. Furthermore, this document proposes to change the name of the RPAR process from "RPAR" to "Special Review." These revisions are intended to revise the criteria and procedures in reponse to (a) the requirements and legislative intent of Congress as expressed in the 1975 and 1978 revisions to FIFRA and (b) the Agency's own experiences gained after more than 8 years of dealing with pesticide regulation under the present § 162.11.

The revisions to FIFRA in 1972, 1975, and 1978 will be discussed, by year, in the following unit. However, the changes to the criteria and procedures which are proposed in this document are based especially on section 3(c)(2)(B) and (8) of the 1978 revisions to FIFRA. In discussing FIFRA section 3(c)(8), the 1978 Conference Report of the House and Senate directs the EPA to consider exposure to a pesticide before initiating the RPAR process (Conf. Rep. p. 21). This proposal requires EPA to take into account actual or projected human or environmental exposures from a pesticide use before a Special Review is initiated. Specifically, these proposed amendments would change several of the present initiating criteria from reliance primarily upon toxic effects found under laboratory conditions to criteria based on the assessment of actual or estimated risk in the environment.

Furthermore, the 1978 revisions to FIFRA include section 3(c)(2)(B) which allows the Agency to require the registrants to generate and submit additional data to support an existing registration. Submission of data under section 3(c)(2)(B) can be enforced by suspension.

Since the inception of the RPAR review program in 1975, the Agency has accumulated experience in regulating pesticides suspected of causing health or environmental problems. The Agency's experience has led to concern over the amount of time and resources required to review each chemical and achieve a regulatory solution, resulting in a limited number of chemicals being processed each year. The length of time involved in the review of RPAR chemicals has been considerable, ranging generally from 2 to 6 years before final resolution.

The process needs to be more efficient in order that risk concerns from problem chemicals can be thoroughly reviewed and quickly resolved. The process must allow the Agency to respond quickly to potential problems through implementation of health and environmental protection measures.

The Agency believes that the proposed changes to the RPAR criteria and procedures will achieve this goal and will integrate legislative revisions with Agency experience.

This document proposes certain changes to update and facilitate EPA's public review process that is initiated when the Agency believes there are data or other significant evidence which raise prudent concerns that a use, or uses, of a pesticide cause or will cause an unreasonable risk to humans or to the environment as defined and required by section 3(c)(8) of FIFRA. The sometimes rigid Requirements of § 162.11 have not achieved the goal of speedy resolution of risk concerns.

The EPA believes that these proposed amendments will aid the Agency in the future regulation of pesticides that may pose unreasonable adverse effects to humans or the environment and will implement both the letter and the spirit of the statutory changes made by the Congress. In addition, the Agency also recognizes the necessity to maintain effective pest control technology for the protection of human health, agricultural and forestry production, and the environment.

EPA believes that the goals of openness, speed, scientific accuracy, and candor will be achieved by the new procedures. This Proposed Rule requests the submission of written comments, data and other evidence or argument from all interested persons concerning all issues raised by this rulemaking. By this notice, EPA intends to provide the public with full opportunity for discussion of all these issues and participation in the development of the final rule.

II. Historical Background

A. The 1972 FIFRA

In 1972, FIFRA was significantly amended in scope and procedure with respect to the Federal regulation of pesticides. Section 3(d)(5) of FIFRA provides that the Administrator shall register a pesticide only if he determines that, among other things, "when used in accordance with widespread and commonly accepted practice it will not cause unreasonable adverse effects on the environment" under section 3(c)(5)(D). Likewise, section 6(b) of the 1972 FIFRA authorizes the Administrator to cancel the registration of a pesticide if he determines that use of a product causes unreasonable adverse effects on the environment. "Unreasonable adverse effects on the environment," as used in both the registration and cancellation contexts, is defined by section 2(bb) to mean "any unreasonable risk to man or the environment, taking into account the economic, social and environmental cost and benefits of the use of any pesticide." Furthermore, the 1972 legislation required that all previously registered pesticides be reviewed in light of possible adverse effects to health or the environment (FIFRA section 3(g)).

B. The 1975 Amendments to the FIFRA

In 1975, Congress amended the FIFRA in two relevant respects. These changes required the Administrator to submit proposed cancellation actions or proposed changes in classification, under FIFRA section 6, to the United States Department of Agriculture (USDA) and the Scientific Advisory Panel (SAP) for review prior to sending such notice to the registrant or making public such notice. These procedures were added to assure that the Agency complied with the section 6(b) cancellation criteria by looking at both risks and benefits prior to formal cancellation hearings.

First, the Administrator is required to submit a proposed action, along with an analysis of its impact on the agricultural economy, to the Secretary of Agriculture for review. This submission must occur at least 60 days prior to issuing the notice of final action. If the Secretary of Agriculture comments in writing on the proposed action and analysis within 30 days after receipt, the Administrator is required to issue both the Secretary's comments and the Administrator's responses to these comments for publication in the **Federal Register**, along with the notice activating the hearing rights of registrants and other adversely affected persons.

Second, the Administrator Administis required to submit certain proposed actions to the SAP for peer review. The Administrator is required to establish this review, pursuant to detailed procedures specified in FIFRA section 25(d). Proposed cancellation actions are referred to the SAP for comment on "the impact on health and the environment of the action proposed . . ." (section 25(d)). The procedures governing the timing of submissions to the SAP and response to any comments received from the SAP are identical to the procedures governing review by the Secretary of Agriculture.

C. The 1978 Amendments to the FIFRA

1. Additional Data to Support Registration

The Federal Pesticide Act of 1978 substantively amended FIFRA. One significant 1978 addition to this section 3(c)(2)(B), which allows the Agency to require the registrants to submit additional data in support to an existing registration. Prior to enactment of this section the Agency had no express authority to require additional data in order to assess a possible hazard from a registered pesticide.

2. Interim Administrative Review

Another significant 1978 addition is FIFRA section 3(c)(8). The current oncogenicity and mutagenicity criteria for initiating RPAR reviews do not take exposure into account. (These criteria were promulgated prior to 1978.) Thus, § 162.11 technically requires the initiation of the RPAR process in some cases when the Agency may be convinced that exposures or risks are insignificant. Because of this perceived rigidity, Congress added section 3(c)(8). It provides:

Interim Administrative Review

Notwithstanding any other provision of this Act, the Administrator may not initiate a public interim administrative review process to develop a risk-benefit evaluation of the ingredients of a pesticide or any of its uses prior to initiating a formal action to cancel, suspend, or deny registration of such pesticide, required under this Act, unless such interim administrative process is based on a validated test or other significant evidence raising prudent concerns of unreasonable adverse risk to man or the environment. Notice of the definition of the terms 'validated test' and 'other significant evidence' as used herein shall be published by the Administrator in the **Federal Register.**

The requirement that the Agency issue a notice for publication in the **Federal Register** defining the terms "validated tests" and "other significant evidence" was satisfied by the publication of a notice in the **Federal Register** of February 14, 1979 (44 FR 9626) titled "Proposed Definitions of 'Validated Tests' and 'Other Significant Evidence.'" This document provided that the definition of these terms shall be the definitions given to them in the Conference Report on the Federal Pesticide Act of 1978 (S. Rep. No. 94–1188, 95th Cong., 2d Sess. 35 (1978).[1]

The legislative history of section 3(c)(8) makes it clear that Congress wanted the EPA to have some solid evidence of risk to humans or the environment in hand before initiating the lengthy and time-consuming RPAR process, and that the extent of human or environmental exposure to a pesticide should be considered when evaluating risk. The Conference Report of the House and Senate stated in pertinent part:

Human exposure to pesticides through any medium or pathway is a central issue in evaluating the unreasonable adverse effects of pesticide products. Where this issue can be resolved without an RPAR being initiated, it shall be (Conf. Rep. p. 21).

Also, the Conference Report states that "[t]he Administrator should notify in writing the registrant of a pesticide product under Special Review of the exact scope and nature of any alleged unreasonable adverse effect on human health or the environment prior to initiating an interim public review" (Conf. Rep. p. 145). In the view of the Conferees, this notification should be a written, private communication between the Agency and the registrant (Conf. Rep. p. 71). Such notification is intended to give the registrants an opportunity to refute the Agency's findings in order to "* * * furnish a greater degree of protection for the property rights of pesticide registrants and ameliorate the indictment-like characteristics of the interim public review process" (Conf. Rep. p. 145).

Therefore, the Agency has followed a practice of notifying registrants by letters when it believes a pesticide might become the subject of a Notice of Rebuttable Presumption Against Registration. Typically, such letters have informed the registrant in general terms of the bases for the Agency's tentative conclusions.

The Agency's practice regarding such early notification is consistent with Senator Leahy's statement on the Senate floor debate on consideration of the Conference Report regarding the 1978 revisions to the FIFRA. Senator Leahy was the floor leader for the bill, and he made this statement when explaining the conference bill:

I wish to stress that this provision is not meant to permit extended private or closed negotiations. We want to protect the rights of producers, but not circumvent established case law in regard to substantial questions of unreasonable adverse effects.

Pesticide regulation is not the private business of the pesticide industry and the EPA. The conference report language affording affected pesticide producers an opportunity to respond to a "private communication" about an impending RPAR is not intended to afford the registrant a protracted and secret discussion of risks and benefits with EPA. If the registrant discovers egregious errors in the studies to be cited by EPA in an RPAR, all parties are served by having this brought to EPA's attention. When, however, the registrant disputes the conclusions EPA may choose to draw from these experimental results, his views are of no greater relevance than those of any other person, and, indeed, because of this vested interest in the regulatory outcome, should be subject, along with the EPA interpretation, to public scrutiny. Therefore, "reasonable" time to respond to a private communication on an impending RPAR must take into account the interest of the public in participating in any risk-benefit evaluations that affect their health, and the need to consider that the public may remain exposed to the hazard the pesticide poses while the RPAR process is underway [Congressional Record, September, 18, 1978, vol. 124, p. S 15304].

D. The RPAR Process

In its 1975 regulations implementing the registration provisions of the 1972 amendments, the Agency created a public administrative review process which as become known as the "Rebuttable Presumption Against Registration" or "PRAR" process. As mentioned previously, this process and the criteria that trigger (17a follows) it are found in 40 CFR 162.11. The process (a) was intended to provide an administrative mechanism for identifying pesticide uses which might pose substantial questions of safety, (b) was expected to provide an exchange of information between the Agency and interested persons on the question of whether a substantial question of safety in fact existed, (c) attempted to provide a forum for broad public participation during those steps, and (d) required initiation of formal adjudicatory processings under FIFRA if the risk criteria were not rebutted.

Some of these criteria do not require the Agency to consider whether significant adverse effects result from the use of the pesticide; rather, they require the Agency to initiate the RPAR review on any pesticide that demonstrates the effect in animal studies. The regulations have not been amended since 1975.

1. *Risk criteria of the current RPAR process.* Presently, § 162.11(a)(3) requires the Agency to initiate the RPAR process for a pesticide if it meets or

[1] Those definitions are as follows: "The Administrator shall insure that the pesticide shall be subject to the RPAR process only on the basis of a validated test or other significant evidence (and not on the basis of unsubstantiated claims,) and that the term 'validated test' be defined as a test conducted and evaluated in a manner consistent with accepted scientific procedures, and that the term 'other scientific evidence,' be defined as evidence that relates to the uses of a pesticide and their adverse risk to man or to the environment. It is the intent of the conferees that 'other significant evidence' of adverse risk means factually significant information and is not to include evidence based only on misuse of the pesticide" (Conf. Rep. p. 20).

exceeds any of the following criteria when used according to label directions:

(i) *Acute toxicity*—(A) *Hazard to Human and Domestic Animals.* (1) Has an acute dermal LD_{50} of 40 mg/kg or less as formulated; or

(2) Has an acute dermal LD_{50} of 6 g/kg or less as diluted for use in the form of a mist or spray;

(3) Has an inhalation LC_{50} of 0.04 mg/liter or less as formulated.

(B) *Hazard to Wildlife.* (1) Occurs as a residue immediately following application in or on the feed of a mammalian species representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species, at levels equal to or greater than the acute oral LD_{50} measured in mammalian test animals as specified in the Registration Guidelines.

(2) Occurs as a residue immediately following application in or on avian feed of an avian species, representative of the species likely to be exposed to such feed in amounts equivalent to the average daily intake of such representative species, at levels equal to or greater than the subacute dietary LC_{50} measured in avian test animals as specified in the Registration Guidelines.

(3) Results in a maximum calculated concentration following direct application to a 6-inch layer of water more than ½ the acute LC_{50} for aquatic organisms representative of the organisms likely to be exposed as measured on test animals specified in the Registration Guidelines.

(ii) *Chronic Toxicity.* (A) Induces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure; or induces mutagenic effects, as determined by multitest evidence.

(B) Produces any other chronic or delayed toxic effect in test animals at any dosage up to a level, as determined by the Administrator, which is substantially higher than that to which humans can reasonably be anticipated to be exposed, taking into account ample margins of safety; or

(C) Can reasonably be anticipated to result in significant local, regional, or national population reductions in non-target organisms, or fatality to members of endangered species.

(iii) *Lack of Emergency Treatments.* Has no known antidotal, palliative, or first aid treatments for amelioration of toxic effects in man resulting from a single exposure.

2. *Stages of the current RPAR process.* The current RPAR process consists of several stages. First, the initial investigation phase involved a review of the scientific studies that suggest that one or more of the RPAR criteria have been met or exceeded by the chemical in question. A validation of these studies is conducted by Agency scientists or by contractors. An extensive literature search is initiated in an attempt to identify all available health and environmental effects information. If health effects studies are found to be valid, an effort is made to gather and preliminarily assess readily available information on the exposure to the pesticide in question. The applicants or registrants of the pesticide are informed of the review and are offered the opportunity to submit additional information or comment.

The validated health effects studies, the literature search, and the combination of this hazard information with information on use and routes of exposure produce the agency's preliminary position on the potential risk of the pesticide. The document describing this position on risk is referred to as Position Document 1 (PD 1). A notice of the availability of the PD 1 and a formal Notice of Rebuttable Presumption Against Registration is published in the **Federal Register.** After a PD 1 is published, the public process begins.

Risks can be rebutted in the RPAR process by interested parties submitting to the Agency: (1) Evidence that the study or studies upon which the presumption is based are not scientifically valid; or (2) evidence that any actual risk can be reduced to levels where "unreasonable adverse effects" will not occur.

This phase of the process focuses on the gathering of additional information in the form of rebuttal comments, additional information on risk, and input from other agencies. For example, the United States Department of the Interior (USDI) provides information on the effects of pesticide use on endangered species.

In the event that the Agency concludes at this point that none of the risk criteria have been met with respect to one or more uses of the pesticide, the pesticide is returned to the normal registration process and the RPAR is terminated with regard to those uses. A second Position Document (PD 2) is drafted which describes the Agency's decision to support its regulatory action. The PD 2 ends the RPAR process for those uses.

When the rebuttal is not successful, a rebuttal assessment, risk assessment, benefits assessment, risk/benefit analysis and proposed regulatory position are presented in a document termed Position Document 2/3 (PD 2/3).

In the PD 2/3, the Agency attempts to examine the full range of regulatory options which are available under the law. These options range from full registration of specific uses to full cancellation. Within this range, the Agency has a variety of options involving labeling changes and restricted use.[2] Each option is examined in regard to its impact on the risks and benefits of each pesticide use. The recommended decision presents the best balance of risks and benefits in the interest of public health and the environment. A notice of the proposed determination and an announcement of the document's availability are published in the **Federal Register.** In some cases, the PD 1 and the PD 2/3 stages are combined and a single document is published for public comment.

As discussed earlier, the 1975 amendments to FIFRA require that if the proposed decision (PD 2/3) proposes involuntary regulatory measures, it must be submitted to the Scientific Advisory Panel for review of its scientific basis and to the Secretary of Agriculture for comment. These comments, plus any industry or public comments on the proposed decision, are evaluated. The Agency's assessment of these comments and the final decision on the regulatory action are then announced in the **Federal Register.** The risk/benefit evaluation supporting the final decision is contained in the Position Document 4 (PD 4) which is available from the Agency on request.

III. The Change of the Name

Over a period of years, registrants have commented that the term "Rebuttable Presumption Against Registration" implies that the risks posed by a product subject to an RPAR review are not justified by the benefits of the product's use. These comments point out that, at the time the Agency determines that a risk criterion has been met or exceeded, there had not been an assessment of the benefits of the product under review. As a result, many registrants have expressed concern that governments of foreign countries and members of the public may misinterpret the meaning of an "RPAR" notice.

---

[2] Restricted use pesticides are those pesticides with uses that are limited to certified applicators or persons under their supervision, or subject to other regulatory restrictions which might be imposed by regulation. The term "certified applicator" refers to an individual certified under section 4 of the FIFRA. Although the Agency was given the authority in 1972 to have restricted use pesticides, the criteria necessary to classify pesticides for restricted use were not established until 1975.

The Agency recognizes that the presumption that arises upon initiation of an RPAR review or Special Review is that one of three types of notices—a notice of denial of registration under FIFRA section 3(c)(6), a notice of intention to cancel a registration under section 6(b)(1), or a notice of intent to hold a hearing under section 6(b)(2)—will be issued for each pesticide or pesticide use under review, unless specific information is eventually brought forward to rebut the presumption. The procedural device of a rebuttable presumption reflects the fact that under FIFRA it is the registrant who must satisfy the ultimate burden of establishing that the risks posed by his product are reasonable in light of the benefits it provides. Issuance of a Notice of Rebuttable Presumption does not mean that the Agency has concluded that the pesticide poses an unreasonable risk. However, the Agency agrees that the public and others may misinterpret the ongoing review as indicating that the Agency has determined that registration of a pesticide or pesticide use should be cancelled or denied.

Accordingly, to avoid any misinterpretations resulting from the term "Rebuttable Presumption Against Registration," the Agency proposes to refer to its in-depth review of the risks and benefits posed by a pesticide use as a "Special Review." This description distinguishes the process from the routine reviews that the Agency conducts in making most registration and reregistration determinations, but it does not connote an Agency conclusion that a pesticide use presents or will present an unreasonable risk to the environment. The term "Special Review" is intended instead to indicate that the use of a pesticide may pose a significant risk, and, therefore, the Agency will perform an in-depth review of the risks and benefits of the pesticide use before deciding what regulatory action, if any, is appropriate.

IV. Proposed Changes to the Risk Criteria

A. Introduction

As discussed above, the risk criteria issued in 40 CFR 162.11 in 1975 were intended to identify pesticides which might pose significant risks and, therefore, might require regulatory action. When one or more of the risk criteria were met or exceeded, the RPAR process was intended to provide a brief period for comments by interested parties, and to propose and then finalize a regulatory decision within a short period of time. However, the Agency has encountered problems in attempting to apply or interpret the criteria. These problems include criteria based on toxicity without considering exposure and unclear or impractical criteria.

First, some of the existing criteria are narrow or unrealistic, since several of the criteria are based on toxicity demonstrated in laboratory tests (i.e., the acute oral, dermal, and inhalation criteria, and the oncogenicity and mutagenicity criteria) without considering whether exposure to humans or other nontarget species is high enough to pose a significant risk. Illustratively, the criteria for acute effects to wildlife focus on laboratory test results and a theoretical concentration of a pesticide in food or water which might exceed a defined toxicity level, rather than considering the exposure to wildlife from a pesticide use in the environment. As a result of initiating the RPAR process on criteria based only on toxicological effects without considering exposure in the environment, the Agency has discovered during RPAR reviews that these toxicity data alone might be inadequate for estimating potential risks.

Second, some of the risk criteria are unclear or have been impractical to apply. For example, the criterion for mutagenic effects requires "multi-test evidence." However, it has been unclear what the term "multi-test evidence" meant and what type of evidence was necessary to trigger an RPAR.

The proposed changes to the risk criteria address these types of problems by assuring that there is a risk based not only on the toxic effect associated with a pesticide but also on the likely exposure to the pesticide, prior to evaluating the significance of the risk posed by the use of a pesticide.

B. Exposure Information

Many different types of exposure information may be taken into consideration when determining the sufficiency of the exposure information. Among these are:

1. Predicted environmental behavior based on studies required by 40 CFR Part 158, in particular, likely persistence and mobility.
2. Parameters used to predict absorption through the skin or gastrointestinal tract.
3. Use volume.
4. Description of use practices.
5. Actual or expected presence in the food chain of humans or wildlife.
6. Estimates of the number of people and segments of the population exposed through occupation, diet, or water consumption.
7. National surveys of concentration of chemicals in human tissues.

In addition, the amount of exposure information which the Agency determines to be sufficient to investigate risk may depend upon the toxicity or uses of the chemical at issue. The Conference Report of the House and Senate on the 1978 amendments to the FIFRA states:

> In determining whether there is more than minimal exposure, the toxic properties of the chemical should be considered. In some cases, low levels of exposure in a purely quantitative sense will, nonetheless, because of the serious toxicity of the chemical, raise prudent concerns about the safety of the chemical (Conf. Rep. p. 71).

A very toxic chemical would be assessed differently from a less toxic chemical; a chemical used on food crops would be assessed differently from a chemical used only on non-croplands. Similarly, the amount of data which is sufficient may vary according to the volume of use or whether the uses are minor or major.

Also, the Agency may have sufficient exposure information as a result of using "surrogate" data. Surrogate exposure data are data regarding similar chemicals from which the Agency may extrapolate if data are not available for the chemical under review; see the **Federal Register** of June 25, 1980 (45 FR 42858). In such cases, the Agency will proceed without waiting for exposure data on the chemical under review. In cases where the Agency determines that additional information is necessary, it will require under FIFRA section 3(c)(2)(B) that the registrant submit this information.

C. Exposure as a Basis for Assessing Risk

Usually, the Agency evaluates the sufficiency of exposure information in order to determine significance of risk after validated toxicity data indicate an effect to health or the environment. However, in some cases the Agency will further investigate to determine the significance of risk from concerns originally raised from exposure information. One such case would be when ground water is found to be contaminated by pesticide.

Ground water provides 45 percent of the United States drinking water supply. Therefore, contamination of ground water by pesticides could result in widespread exposure to large populations. The ability for some pesticides to persist without significant degradation in soil or ground water, the mobility of ground water (and waterborne residues) throughout an aquifer, and the extreme heterogeneity of soil and aquifer characteristics in the

United States make it difficult to predict what level or duration of ground water contamination at a given site may result from use of a pesticide at the same or a different site. Evidence of relatively localized levels of pesticide contamination of ground water should be treated as a warning of more widespread, future contamination. In addition, ground water once contaminated cannot be easily decontaminated; thus, there is a considerable potential that ground water contamination will continue long after actions have been taken to restrict application of the pesticide.

Therefore, if the Agency finds a pesticide in ground water or if the Agency has data indicating the presence of a pesticide in ground water, the Agency will investigate further to determine if there is a significant risk. If essential toxicity or environmental fate data are not available, registrants will be required to submit the data under FIFRA section 3(c)(2)(B). The Agency will evaluate the available data in regard to levels and extent of ground water contamination, the likelihood of more extensive ground water contamination (both present and future), environmental fate and transport, and toxic effects in order to determine whether a Special Review should be initiated. The mere presence of a pesticide in ground water will not be a basis for initiating a Special Review, but the Agency evaluation of known contamination together with estimated current and future contamination at toxicologically significant levels may provide the basis for initiating a Special Review.

The Agency's Office of Pesticide Programs (OPP) discussed toxicity assessment for drinking water contamination in a document prepared by OPP for the FIFRA Scientific Advisory Panel (SAP) in June 1983. This document states the following:

> Contamination of any drinking water by pesitcides is undesirable, but may be unavoidable. Depending on the level found, however, regulatory action or a public health concern may or may not be warranted. In order to assess the significance of pesticides in ground water, EPA proposes to extend the concept of the acceptable daily intake (ADI), used in the establishment of food tolerances, as a benchmark for the assessment of potential hazard. The ADI has been defined as follows: "The daily exposure level of a pesticide residue which, during the entire lifetime of man, appears to be without appreciable risk on the basis of all facts known at the time. The ADI is expressed in milligrams of the pesticide, as it appears in the diet, per kilogram of body weight per day (mg/kg bw/day). 'Without appreciable risk' is taken to mean the practical certainty that injury will not result even after a lifetime of exposure. * * * The ADI is based on a rigorous evaluation of animal studies and, in rare cases, human data. Although in most cases the ADI will be based on a chronic feeding study, other studies such as a multigeneration reproduction study may also be used to set an ADI."

In determining whether to initiate a Special Review, the Agency will consider, among other things, the levels of contamination found in ground water relative to drinking water standards and health advisories.

The presence of a pesticide in ground water is one example of an exposure concern that would cause the Agency to investigate further to determine if there is a significant risk. Other examples include the presence of unanticipated pesticide residues in consumer products and the presence of indoor pesticide residues from domestic uses.

D. Risk Assessment

When the Agency determines that there is sufficient exposure and effects information on a chemcial, a risk assessment will be performed for the appropriate route(s) of exposure. Risk assessment has been defined as:

> * * * the characterization of the potential adverse health effects of human exposures to environmental hazards. Risk assessments include several elements: description of the potential adverse health effects based on evaluation of results of epidemiologic, clinical, toxicologic, and environmental research; extrapolation from those results to predict the type and estimate the extent of health effects in humans under given conditions of exposure; judgments as to the number and characteristics of persons exposed at various intensities and durations; and summary judgments on the existence and overall magnitude of the characterization of the uncertainties inherent in the process of inferring risk.[3]

The possible components in risk assessment have been described as follows:

> Risk assessment can be divided into four major steps: hazard identification, dose-response assessment, exposure assessment, and risk characterization. A risk assessment might stop with the first step, hazard identification, if no adverse effect is found or if an agency elects to take regulatory action without further analysis, for reasons of policy or statutory mandate.
>
> Of the four steps, hazard identification is the most easily recognized in the actions of regulatory agencies. It is defined here as the process of determining whether exposure to an agent can cause an increase in the incidence of a health condition (cancer, birth defect, etc.) It involves characterizing the nature and strength of the evidence of causation. Although the question of whether a substance causes cancer or other adverse health effects is theoretically a yes-no question, there are few chemicals on which the human data are definitive. Therefore, the question is often restated in terms of effects in laboratory animals or other test systems, e.g., "Does the agent induce cancer in test animals?" Positive answers to such questions are typically taken as evidence that an agent may pose a cancer risk for any exposed humans. Information from short-term in vitro tests and on structural similarity to known chemical hazards may also be considered.
>
> Dose-response assessment is the process of characterizing the relation between the dose of an agent administered or received and the incidence of an adverse health effect in exposed populations and estimating the incidence of the effect as a function of human exposure to the agent. It takes account of intensity of exposure, age pattern of exposure, and possibly other variables that might affect response, such as sex, lifestyle, and other modifying factors. A dose-response assessment usually requires extrapolation from high to low dose and extrapolation from animals to humans. A dose-response assessment should describe and justify the methods of extrapolation used to predict incidence and should characterize the statistical and biologic uncertainties in these methods.
>
> Exposure assessment is the process of measuring or estimating the intensity, frequency, and duration of human exposures to an agent currently present in the environment or of estimating hypothetical exposures that might arise from the release of new chemicals into the environment. In its most complete form, it describes the magnitude, duration, schedule, and route of exposure; the size, nature, and classes of the human population exposed; and the uncertainties in all estimates. Exposure assessment is often used to identify feasible prospective control options and to predict the effects of available control technologies on exposure.
>
> Risk characterization is the process of estimating the incidence of a health effect under the various conditions of human exposure described in exposure assessment. It is performed by combining the exposure and dose-response assessments. The summary effects of the uncertainties in the preceding steps are described in this step.[4]

When common parameters (even if based on scientific assumptions) are applied to a number of chemicals the Agency can compare the potential risks associated with the use of each of these chemicals. Therefore, risk assessments can assist the Agency in ranking or prioritizing chemicals for review. As a result, Agency resources can be directed

[3] National Academy of Sciences, Committee on the Institutional Means for Assessment of Risks to Public Health. "Risk Assessment in the Federal Government: Managing the Process." NAS-NRC, p. 18, 1983.

[4] National Academy of Sciences, Committee on the Institutional Means for Assessment of Risks to Public Health. "Risk Assessment in the Federal Government: Managing the Process." NAS-NRC, p. 18, 1983.

to those chemicals presenting the greatest potential risk. The Agency will perform risk assessments as expeditiously as possible so that any significant risk to the public can be defined and announced quickly.

Further, in order to avoid replacement of one pesticide with another whose risk may be equal or greater, the Agency will generally attempt to review the risks and benefits of all alternative pesticides in the same use category of a candidate for Special Review, and may require submission of data for the alternatives. In some instances the Agency may conduct Special Reviews of categories of pesticides. For additional guidance regarding Agency risk assessments, see the following notices issued in the **Federal Register** of November 23, 1984: "Proposed Guidelines for Carcinogen Risk Assessment; Request for Comments" (49 FR 46294); "Proposed Guidelines for Exposure Assessment; Request for Comments" (49 FR 46304); "Proposed Guidelines for Mutagenicity Risk Assessment; Request for Comments" (49 FR 46314); and "Proposed Guidelines for the Health Assessment of Suspect Developmental Toxicants and Request for Comments" (49 FR 46324).

E. The Proposed Criteria Revisions

The following sets forth revisions in the risk criteria (the standards for initiating a Special Review of pesticide uses). Proposed § 154.7 includes criteria for the initiation of a Special Review based upon (1) acute toxicity to humans or domestic animals (§ 154.7(a)); (2) the potential of adverse chronic effects in humans (§ 154.7(b)); (3) mutagenicity (§ 154.7(c)); (4) hazards to non-target wildlife (§ 154.7(d)); (5) separate criteria for hazards to threatened or endangered species (§ 154.7 (e) and (f)); and (6) an "other adverse effects" criterion which would permit the Agency to initiate a Special Review in circumstances wherein the other criteria have not been met (§ 154.7(g)). The revised criteria would require the Agency to evaluate not only toxicity data, but also actual and potential exposure information, prior to initiating a Special Review.

1. *Acute toxicity to humans or domestic animals.* Instead of the present numerical criteria that trigger the RPAR process, EPA is proposing that the acute toxicity risk criterion for initiating a Special Review [§ 162.11(a)(3)(i)(A)] should be revised to read: "the use of a pesticide . . . may pose a risk of serious acute injury to humans or domestic animals."

This proposed changes to the risk criterion for acute toxic effects is intended to remedy the fact that the present criterion does not consider whether humans or domestic animals will actually be exposed to amounts of the pesticide high enough to induce the effect observed in laboratory tests. The proposed criterion would consider exposure, whether based on observed effects under conditions of use, simulated field tests, or reliable estimates.

2. *Oncogenic, teratogenic, fetotoxic, reproductive, and other chronic or delayed toxic effects.* EPA believes the current risk criteria for initiating a Special Review pertaining to oncogenicity (§ 162.11(a)(3)(ii)(A)) or other chronic or delayed toxic effects (§ 162.11(a)(3)(ii)(B)) should be combined and revised to read:

> the use of a pesticide * * * may pose a risk of inducing in humans an oncogenic, teratogenic, fetotoxic, reproductive effect, or a chronic or delayed toxic effect, which risk is of concern in terms of either the degree of risk to individual humans or the number of humans at some risk, based upon:
>
> (a) The effects demonstrated in humans or experimental animals.
>
> (b) The known or predicted levels of exposure of various groups of humans.
>
> (c) The use of appropriate methods of evaluating data and relating such data to human risk.

Under this proposed criterion, the Agency would determine, from the body of available evidence, whether the pesticide use may pose a risk of inducing in humans an oncogenic, teratogenic, fetotoxic, or reproductive effect, or another type of serious chronic or delayed toxic effect. Mutagenic risks would be covered under a separate risk criterion.

The changes in this criterion are intended to improve the current criteria by requiring that exposure information be considered as an integral part of the decision to initiate a Special Review. This is consistent with the legislative history of FIFRA section 3(c)(8). The Agency will determine the degree to which humans would be exposed and whether adequate data exist to estimate risk. The Agency would evaluate the quality of the data available and determine whether the data would support a regulatory action on the pesticide of concern.

3. *Heritable genetic effects.* EPA believes that the unique character of heritable genetic effects justifies establishing a separate risk criterion for such effects. This criterion for initiating a Special Review is as follows:

> the use of a pesticide * * * may pose a risk of inducing a mutagenic effect in humans, based upon effects demonstrated:
>
> (a) In one or more appropriate test systems, if there is sufficient evidence that the test substance or its metabolites will reach mammalian germinal cells, or
>
> (b) In epidemiological or other data indicating mutagenic effects in humans, unless, in either case, the potential exposure of human populations is sufficiently low that significant mutagenic risk to humans is not likely to occur.

The changes reflected in the proposed criterion are intended to eliminate the ambiguity of the existing criterion (§ 162.11(a)(3)(ii)(A)) and to give better guidance as to the kinds of mutagenic effects which might cause concern. The existing criterion states that "multitest evidence" is required to initiate a Special Review. However, this criterion does not indicate the kinds of mutagenicity tests that might indicate a hazard to man. Furthermore, it seems to preclude action based on one study.

The proposed criterion could be satisfied in either of two ways. First, if the Administrator concluded from the results of appropriate testing that the test substance causes changes in genetic material and that it will reach mammalian germinal cells, the Special Review process would be initiated, unless the Administrator also determined that the exposure of potential for exposure to human populations is insufficient to result in significant risk. The term "germinal cells" is intended to encompass reproductive cells in all stages of development. Some mutagenic test systems provide evidence that the test substance has the ability to cause changes in genetic material and can reach mammalian germinal cells. By providing evidence of mutations directly in the offspring of mammalian test species, these test systems can produce results strongly indicative of the ability to induce heritable changes in human populations. Therefore, it is possible that one such test system, properly administered, could suffice for the purpose of this criterion, provided that there is actual or potential exposure to human populations. In other risk determinations, evidence of potential mutagenicity would consist of results from test systems that are, of themselves, less indicative of the ability to cause mutations in human populations. In such instances, relatively more evidence would be necessary to cause the Administrator to conclude that genetic changes will occur and that mammalian germinal cells will come into contact with the test substance.

Second, the criterion could be satisfied by direct evidence of heritable genetic change in human populations. Although the capability does not exist

currently, epidemiological studies may provide this evidence in the future.

4. *Hazard to wildlife.* The Agency believes that the criteria in § 162.11(a)(3)(i)(B) pertaining to acute effects on mammals, birds, and aquatic organisms and the criterion in § 162.11(a)(3)(ii)(C) regarding wildlife population reduction should be condensed into one criterion, except that separate criteria for endangered species are warranted (discussed below). This criterion for initiating a Special Review should be revised to read:

> the use of a pesticide * * * may result in residues of the pesticide product or its ingredients, impurities, metabolites or other degradation products in the environment of nontarget organisms at levels which equal or exceed concentrations acutely or chronically toxic to such organisms, or which produce adverse reproductive effects in such organisms, as determined from tests conducted on representative species or from other appropriate data.

The Agency has had difficulty in implementing the existing criterion. The present acute toxicity criteria for wildlife are based solely on a theoretical calculation of residue on animal or bird feed or in an aquatic organism's immediate habitat (e.g., a 6-inch layer of water). The present criteria are met if the theoretical residue exceeds a toxicity level determined by laboratory tests (e.g., LD_{50}). However, this set of criteria does not consider the concentrations to which wildlife in the environment are actually or likely to be exposed. The proposed criterion requires that actual or expected concentrations of a pesticide in the environment meet or exceed acute or chronic toxicity levels for an organism.

5. *Hazard to threatened or endangered species.* In order to bring the Agency criteria into compliance with the Endangered Species Act of 1973, the Agency believes that the criteria should be revised to read:

> the use of a pesticide . . . may pose a risk to the continued existence of any endangered or threatened species designated by the Secretary of the Interior or the Secretary of Commerce under the Endangered Species Act of 1973, as amended, or may result in the destruction or other adverse modification of any habitat designated by the Secretary of the Interior or the Secretary of Commerce under the Endangered Species Act as a critical habitat for any such endangered or threatened species.

Unlike the present criteria for hazards to endangered or threatened species, the proposed criteria would also consider whether the habitat of any endangered or threatend species might be adversely affected by pesticides. The Endangered Species Act of 1973 requires the Agency to consult with the Secretary of the Interior or the Secretary of Commerce on these issues. Therefore, these proposed revisions would make the criteria consistent with the Agency's obligations under the Act.

6. *Other adverse effects.* In order to be able to consider risks to man or the environment which may not be covered by the preceding risk criteria, the Agency believes that the following criterion should be added:

> the use of a pesticide * * * may otherwise pose a risk to humans or to the environment which is of sufficient magnitude to merit a determination whether the use of the pesticide product offers offsetting social, economic, or environmental benefits that justify initial or continued registration.

While the existing § 162.11 criteria are intended to define most hazards which might constitute unreasonable adverse effects, they may not encompass all possible types of hazard to man or the environment.

The proposed criterion would enable the Agency to initiate the Special Review process for potentially serious effects which do not meet or exceed the other risk criteria. An example of such an effect might be the potential for an acutely toxic pesticide to contaminate ground water despite label restrictions specifically prescribed to avoid such contamination.

7. *Lack of emergency treatments.* The proposed regulation deletes the existing criterion in § 162.11(a)(3)(iii), which addresses the lack of a known treatment to ameliorate toxic effects in man resulting farom a single exposure. The Agency recognizes that for many pesticide products it is not possible to specify an effective antidote for accidental poisoning. Accordingly, the determination the Agency considers to be important for the Special Review process is whether the lack of an effective antidotal treatment poses a significant risk to health, given the particular packaging, labeling, methods of application, and characteristics of the product. If such a risk does exist, the Agency would investigate the feasibility of various regulatory alternatives to reduce the risk to acceptable levels. The above proposed criterion for acute toxicity would apply to risks of serious acute injury resulting from product toxicity, whether or not the risks result from lack of an effective antidote. Consequently, the Agency believes that a separate criterion is no longer necessary.

V. Proposed Procedural Changes to the RPAR Process

As mentioned previously, the 1972 legislation required that all previously registered pesticides on the U.S. market be reregistered. This involved the review of over 40,000 pesticide formulations. The extensive reviews and documentation associated with the reregistration review of all these pesticide formulations would have been extremely costly. In response to this problem, the 1978 amendments to the FIFRA allowed a generic registration standards program to be created. The over 40,000 active registrations can be covered by approximately 600 Registration Standards, each representing a single active ingredient. These approximately 600 active ingredients have been grouped into 48 "clusters, and these clusters have been ranked for review. A detailed explanation of the cluster concept, describing how the review priorities of these clusters were set, is given in a notice published in the **Federal Register** of November 14, 1980 (45 FR 75488).

As part of the Registration Standard program, data on the toxicology, chemistry, environmental effects, and environmental fate of an active ingredient are reviewed. The Registration Standard will summarize these data and present any risk concerns identified during the review. At present, most new identifications of risk concerns are occurring during reregistration reviews.

However, risk concerns may also be identified from reviews conducted outside the reregistration process. Such reviews may result from new applications for registration or from information submitted by individuals, research, or educational institutions.

A. General Matters

The Agency has developed procedures intended to provide opportunity for public participation in the Special Review process. Agency personnel will be free to meet and otherwise communicate with persons or parties outside of Government, including manufacturers, users, trade unions, and environmental groups, to obtain information, exchange views, explore factual and substantive positions, or discuss regulatory options concerning Special Review decisions. However, under these proposed rules, no person outside of Government will be afforded special or preferential access to Agency Special Review decisionmakers or to the Agency's Special Review decision process.

The procedures are designed to ensure that such meetings will not unduly delay EPA's Special Review decisions. Further, during such meetings, the Agency will not commit to take any particular action concerning a pending Special Review decision. The Agency could receive and consider information and recommendations from persons or parties outside of Government; however, the Agency will make the final administrative decision on a wholly independent basis and in accordance with law.

All such meetings and communications will be recorded in a docket which will be maintained for each chemical involved in pre-Special Review or Special Review and which will be indexed. However, for any particular chemical in pre-Special Review, the docket and its indices will become available to the public only upon the conclusion of the pre-Special Review process.

The Agency, through the docketing procedure, will inform interested members of the public of the occurrence and substance of any meetings with any person or party outside of Government concerning pending Special Review decisions, and, upon reasonable request, will meet with other responsible individuals or groups concerning such pending decisions within a reasonable time. The Agency will make available to members of the public upon request any draft Agency documents concerning any pending Special Review decisions, if the documents otherwise had been made available to any person or party outside of Government.

While such procedures as the docketing procedure are not required by FIFRA, the Agency believes it is important to increase the opportunity for public participation in the Special Review process. These procedural changes will facilitate such participation.

A number of procedures proposed in this Proposed Rule also address issues identified in the September 19, 1984, settlement agreement between the parties in *NRDC and AFL–CIO* v. *EPA, et al.*, Civil Action No. 83–1509, U.S. District Court for the District of Columbia (a copy of the settlement agreement is available for inspection in the docket to this rulemaking). Under that agreement EPA agreed to propose formally a number of procedures for certain pesticide program activities, including pre-RPAR review, RPAR review and Registration Standard development. Pre-RPAR review and RPAR review are being addressed in this proposed Special Review regulation. Registration Standard development will be addressed in a separate notice of proposed rulemaking to be published in the near future.

Both this Proposed Rule and the NRDC settlement agreement contain provisions concerning the following subjects:

1. Public notification of Agency decisions concerning Special Reviews (§§ 154.23, 154.25, 154.31 and 154.33).
2. Opportunities for public comment concerning issuance of a Special Review, a proposed Special Review decision, and a decision following pre-Special Review not to initiate a Special Review (§§ 154.23, 154.25, and 154.31).
3. Procedures employed in determining whether to issue a Special Review notice (§ 154.21).
4. Optional procedures which the Agency may utilize to expedite the Special Review process (§ 154.34).
5. Maintenance of dockets for each pesticide in pre-Special Review or Special Review containing written communications and descriptions of meetings with persons or parties outside of Government (§ 154.15).
6. Preparation and public distribution of docket indices (§ 154.15).
7. General principles governing public participation in pesticide decision making and meetings with persons or parties outside of Government (§ 154.27).

Most of these provisions were under development independent of the NRDC settlement agreement. Although the procedures embodied in this proposal would have likely been very similar even in the absence of a settlement agreement, some of the details of these procedures are the result of the negotiations. For example, it was EPA's original intent to propose establishment of a public docketing procedure; however, some details concerning the content of the docket and the proposed time frames for inclusion of relevant items in the docket were a product of negotiations between NRDC and EPA. In another instance, EPA agreed during negotiations with NRDC to incorporate certain general principles concerning pesticide decision making in the proposed rules [see § 154.27(a) and (b)]. While EPA believes that these principles constitute sound policy, it might not otherwise have incorporated them in the Special Review proposal.

There are similarities between the docket and public participation procedures for this Proposed Special Review Rule and those proposed for the upcoming Registration Standards procedures. Therefore, the Agency intends to coordinate its review of comments submitted in response to these proposals; as a result, comments submitted in response to this Special Review proposal and adopted by the Agency may, in appropriate instances, also be adopted with regard to the Registration Standard proposal and vice versa.

B. Registrant Notification

When the Agency concludes tentatively that effects data, together with preliminary information on exposure, indicate that a risk criterion may have been met, registrants will receive private notification that the Agency is considering issuing a Notice of Special Review (see § 154.21 and Unit II.C.2 in this preamble). At this stage the Agency will be deemed to have commenced the pre-Special Review process.

Although this notification is private, a docket will be established which will include this notification as well as all written comments (other than confidential business information or "CBI") submitted by the registrant in response to the notification. After the decision is made whether or not to issue a Notice of Special Review, this notification, all related information, and comments (other than CBI) will be available to the public (see § 154.15 and Unit V.D in this preamble).

Usually, registrant notification would consist of the toxic effects findings, the route(s) of exposure, general information concerning the assumed level of exposure, and any other basis for Agency concern that a risk criterion may have been met. The registrant would have 30 days from the receipt of notification to dispute in writing the validity of the Agency's conclusions or to present in writing any information in response to the Agency's risk concerns included in this notification.

C. Current Benefits Review

After the Agency has determined the validity of a study or evidence which indicates a hazardous effect to health or the environment from the use of a pesticide, a Current Benefits Review would be initiated on the chemical. Such a review can be completed in approximately 90 days. Therefore, the Agency would have a preliminary benefits profile for the chemical at approximately the same time the risk assessment is being evaluated.

Benefits information would not be relied on to decide whether or not to initiate a Special Review. A benefits profile will help the Agency decide whether to allow a pesticide use which has an indicated risk to continue while data and reviews are being developed. Also, a preliminary benefits profile

would aid the Agency in developing a realistic regulatory position and in developing early regulatory options.

Furthermore, a benefits profile early in the process would aid the Agency in knowing where to focus a more detailed benefits analysis. Such an analysis would be initiated if a significant risk is found to be associated with a specific pesticide use of uses. However, a full benefits evaluation may not be undertaken unless cancellation is being considered as a possible regulatory action for a pesticide use or uses.

D. Significance of Risk-Decision Whether to Initiate a Special Review

Following notification to the registrants of the Agency's concerns, if the Agency tentatively determines that a significant risk is not associated with a pesticide use or uses, a Federal Register notice will be issued which explains the Agency's previous risk concerns, and gives the basis for the Agency's tentative determination that there is not a significant risk associated with a use or uses of a pesticide (and, therefore, no need to issue a Notice of Special Review). The notice also announces the availability of the Registration Standard or, for reviews conducted outside the reregistration process, the availability of an Agency support document, and it announces the availability of the public document. Finally, the notice solicits public comment on the Agency determination under § 154.23. Following a public comment period, the Agency will issue a final determination on whether a significant risk may be associated with a pesticide use or uses and on whether a Special Review should be issued.

If EPA determines that a significant risk is associated with a pesticide use or uses, a Notice of Special Review will be issued in the **Federal Register** for the pesticide use or uses of concern. This notice will announce: the Agency's concerns and reasons for the determination of significant risk and issuance of a Special Review; the assumption and data used in the analyses; the nature and strength of the conclusions; the availability of the Registration Standard or Agency support document; and the availability of the public docket. The notice will also solicit public comment and request additional information on the chemical (see § 154.254). If a public meeting has been planned for these risk issues, this notice will announce such a meeting; these meetings may include presentations before the SAP. The time allowed for public comment during any part of the review will depend on the complexity of the issues.

In order to expedite decision making, under the proposal, the Agency may elect to issue a Notice of Special Review and a Notice of Preliminary Determination simultaneously; or, to initiate cancellation, suspension, or denial proceedings concerning the pesticide or any of its uses without first conducting a Special Review. If the Agency elected to issue a simultaneous Notice of Special Review and Notice of Preliminary Determination, the Agency will make the docket for that decision available for public inspection no more than three months after private notification to the registrant by the Agency of its risk concerns at the initiation of the pre-Special Review process. The Agency is specifically interested in receiving comments on the extent to which it should be free to deviate in other ways from the procedures set forth in this proposed regulation.

Reviews conducted for a new registration application may result in a Special Review risk criterion being met. When this occurs, a risk/benefit analysis will be performed by the Agency. The Agency will use this analysis to decide tentatively whether to register any of these new pesticide uses. The Agency's proposed decision and rationale will be presented to the public for review and comment before a final decision is made.

E. Docket

Following private notification of registrants by the Agency that it is considering issuance of a Notice of Special Review for a pesticide, the Agency will establish a docket for the pesticide. This docket and its indices will become available to the public for inspection and copying as to pesticides involved in pre-Special Review only upon the completion of the pre-Special Review procedure. All materials in the docket for each chemical in Special Review will be available to the public for inspection and copying upon their inclusion in the docket. Persons who wish to examine the public docket for a particular pesticide or receive copies of particular documents contained therein may be required to execute an affirmation of non-multinational status pursuant to FIFRA section 10(g).

The docket will contain: copies of all public notices and those documents referred to by the Agency in those notices as relied upon by the Agency (and subject to disclosure to the public only upon completion of pre-Special Review procedures, any private notification under § 154.21); all written comments received by the Agency in response to such notices, and transcripts from public meetings. Also, the docket will contain the following information and materials:

1. A memorandum, based upon notes taken at the particular meeting, describing each meeting (other than information claimed to consist of trade secrets of confidential commercial or financial information under FIFRA section 10(b) or 5 U.S.C. 552(b)(3) or (4)) between Agency personnel and any person or party outside of Government which concerns a pending decision. The proposed regulations detail what the contents of such a memorandum would include.

2. All comments, correspondence, or other materials concerning a pending decision provided to the Agency by a person or party outside of Government (other than CBI).

3. All documents, proposals, or other materials concerning a pending decision, provided by the Agency to any person or party outside of Government (other than CBI).

All documents and other materials in the docket will be available for public inspection and copying, except those which relate to a chemical in pre-Special Review, or those which may not lawfully be disclosed (e.g., those which involve trade secrets or confidential commerical or financial information). The proposed regulation provides time limits for certain items to be placed within the docket.

The Agency will maintain a current index of all materials in each docket. To promote public awareness of and access to materials in the public dockets, the Agency will distribute by mail, on a monthly basis, a compendium of indices for new materials in the public docket to those members of the public who have specifically requested such material. The Agency will announce the availability of docket indices both annually in the **Federal Register** and in each **Federal Register** Notice concerning pre-Special Review or Special Review for specific pesticides. The Agency will also be permitted periodically to require parties on the mailing list to renew their previous request for such indices.

F. The Special Review Process

1. *Public discussions.* After the Notice of Special Review has been issued, additional information is gathered and analyzed on effects, exposure, and benefits from a pesticide. The Agency will promote open discussion with users, registrants, labor and environmental groups, and other interested parties. The discussion will focus on the chemical at issue and possible ways to reduce its potential risk to health or the

environment. These discussions may be conducted in small groups, or the Agency may choose to hold informal, public meetings. This period of discussions may vary in length, depending on the complexity of the issues. For each such meeting, a memorandum summarizing the meeting shall be placed in the public docket.

The registrants may offer to take action voluntarily to reduce risks. Among those actions which could reduce potential effects or exposure are changing the use patterns, lowering application rates, requiring protective clothing or respirators for applicators, label warnings, changing composition or production methods etc. In addition, the registrant may offer to cancel certain uses.

When assessing suggested voluntary actions or any possible regulatory option, the Agency must take many factors into consideration. Obviously, voluntary actions will have merit only if it can be shown that such actions would reduce risk to "acceptable" levels. The Current Benefits Review generated earlier on the pesticide at issue may have contributed to the Agency's basis for regulatory options, since alternative pesticides would have been identified and the possibility of substituting alternative pesticides taken into consideration. Another consideration will be the enforceability of any regulatory action. For example, the Agency must consider if protective clothing requirements are enforceable or likely to be complied with in a given situation.

Some discussions with the registrations must be private. The confidentiality of certain production and use information is protected by law. However, these meetings will be summarized in the public docket, and upon resasonable request, the Agency will meet with other responsible individuals or groups concerning such pending decisions within a reasonable time. Furthermore, to the extent possible without violating applicable provisions of law and regulations governing confidential business information, any issues discussed or other information presented in these meetings will be made available in the public docket. The Agency could decline to meet subsequently with any person or party who asserts unreasonable confidential business information claims for the purpose of circumventing the docket procedures.

If the Agency determines that the registrants are able and willing on a voluntary basis to reduce the risks to acceptable levels, a Notice of Preliminary Determination, which identifies the Agency's previous risk concerns with the pesticide, explains how the Agency feels these concerns can be resolved, and gives the basis for the Agency's proposed regulatory decision under §154.31(a)(2) will be published in the **Federal Register.** This notice will solicit public comments on the Agency's position and proposed resolution. After the public comment period, the Agency will review and evaluate public comments before announcing its final regulatory decision under § 154.33. Therefore, the public will have full access to and play a vital role in the decision making process.

Moreover, to help prevent these discussions from resulting in undue delay in reaching pesticide regulatory decisions, approximately 90 days after these discussions begin, the Agency will determine whether to continue these discussions to seek voluntary resolutions or, instead, to begin preparation of a document proposing imposition of involuntary regulatory measures. Such involuntary restrictions include cancellation, denial of registration, or change of classification.

Following a final regulatory decision any Registration Standard which had been completed for the chemical will be amended to reflect that decision. The Registration Standard will discuss the previous risk concerns and how these concerns were resolved.

2. *Risk/benefit evaluations and preliminary determination.* If the Agency determines that the registrants are unable, or unwilling, to amend voluntarily the terms and conditions of registration in a manner that would lessen sufficiently any risks resulting from the uses of the pesticide, the Agency will prepare to take action to cancel, suspend or amend the terms and conditions of registration to eliminate any unreasonable adverse effects associated with the use of the pesticide.

The Agency's proposed action will include an analysis of the benefits of each use of the pesticide, considering the availability and cost of alternative control methods. Also, this analysis will determine the effects of the proposed action on production and prices of agricultural commodities, retail food prices, and the agricultural economy.

The USDA may be requested to participate in development of the analysis by responding to specific questions, augmenting the Agency's economic information previously summarized in the Current Benefits Review, or generating a benefits analysis targeted to specific uses. All potential sources of data will be explored in an attempt to provide a full assessment of the effects the proposed action will have on pesticide uses, commodity markets, consumers, communities, and national economic activity.

In accordance with statutory requirements, the Agency will conduct a risk/benefit analysis to determine whether the use of the pesticide causes "unreasonable adverse effects" on health or the environment prior to issuing a proposed notice of intent to cancel, suspend, or deny registration for certain or all uses of the pesticide. The Agency's proposed action will be announced in the **Federal Register** in a Notice of Preliminary Determination under § 154.31.

3. *Review and comment on preliminary determination.* As required by section 25(d) of FIFRA, the Agency will submit the proposed action to the Scientific Advisory Panel for comments on the scientific basis of the proposed action under § 154.31(b). The Panel's review would be conducted in accordance with the peer review notice published in the **Federal Register** of December 17, 1981 (46 FR 61502) regarding corroborative scientific review. At the same time, as required by section 6(b) of FIFRA, the Agency will submit the proposed action to the United States Department of Agriculture for comment especially on the benefits issues and agricultural impacts under § 154.31(b). As specified in sections 6(b) and 25(d) of the FIFRA, the USDA and the SAP will have at least 30 days to provide comments to the Agency. During this period, the Agency will also solicit comments from the public.

If the Agency met with any person or party outside of Government concerning a pending Special Review decision, the Agency will not issue a final Special Review decision until 30 days after inclusion of a memorandum concerning that meeting in the public docket. During that 30 days, any person or party could submit written comments to the Agency regarding the subject matter of the meeting in question. If such comments are received at this advanced stage of the process, the Agency will consider only those comments relating to the subject matter of the meeting. The Agency could issue a decision without allowing this 30-day period if expedited action was necessary to protect public health or the environment, or if the Agency had invited other parties with potentially opposing viewpoints to the meeting in question (e.g., registrants, users, labor, and environmental groups).

4. *Final determination.* The Agency will evaluate all comments received from the USDA, the SAP, and the public on the proposed action and consider

whether the proposal should be modified prior to issuance as a final action. The Agency will evaluate comments and revise the proposed action where appropriate. A Notice of Final Determination will be issued in the **Federal Register** announcing the final action under § 154.33 as well as the availability of a public docket. As required by FIFRA, the notice will include comments received from the SAP and the USDA and the Agency's responses to these comments. The final action will be implemented after issuance in the **Federal Register**, unless an affected party requests that an administrative hearing be held according to procedures set forth in 40 CFR Part 164.

VI. Request for Comments

The Agency encourages and solicits public comment on this proposed rule. Comments are sought on all aspects of the proposed criteria and the proposed process, but, in particular, the Agency seeks comments on the issues that follow.

1. The Agency is especially concerned with ground water contamination, as well as surface water contamination, by pesticides. Ground water contamination may expose large populations, is very difficult to clean up, and may indicate more widespread, future contamination. Therefore, the Agency has considered establishing a specific risk criterion for the initiation of a Special Review when ground water is found to be contaminated by pesticides. The proposal does not include a specific criterion because the Agency believes the other criteria provide an adequate basis for initiating a Special Review to address ground water contamination, and no specific criterion is necessary. In addition, the Agency emphasizes its concerns regarding ground water contamination in the preamble; such contamination will cause the Agency to investigate further the significance of risk under Unit IV.C.

However, the Agency solicits comments on the appropriateness of establishing a specific criterion for ground water contamination by pesticides and solicits suggested language for such a criterion.

2. Should the Agency omit the Notice of Special Review and, instead, make the first public notice the Notice of Preliminary Determination? Issuance of a Notice of Special Review will raise public concerns over the continued use of a pesticide, before the Agency has determined what actions, if any, are necessary to reduce the risks associated with use of the pesticide. If the Agency's first public notice was the Notice of Preliminary Determination, the public would be better informed of the potential risk and, at the same time, the means to reduce the risk. In addition, elimination of the Notice of Special Review would conserve Agency resources that would be required to develop the Notice of Special Review and analyze all comments submitted in response to it.

On the other hand, elimination of the Notice of Special Review will delay public notification of potential adverse effects associated with the use of a pesticide. Furthermore, because the public was not involved earlier, the Notice of Preliminary Determination may lack significant information that might have been provided in response to the Notice of Special Review. Moreover, in those instances where the Agency's concerns would have been resolved through voluntary actions by registrants, the Agency will have needlessly spent resources to develop an in-depth benefits analysis, a use-by-use risk/benefit determination, an analysis of regulatory options for reducing the risks associated with each use, and the Notice of Preliminary Determination.

3. How should Special Review procedures be applied when EPA receives an application for registration of a product, particularly one containing a new active ingredient whose use would pose some significant risk and thus satisfies one or more of the § 154.7 risk criteria? Of course, the Agency could simply refuse to issue the registration until EPA had completed a Special Review. However, if use of the product, would produce high benefits, if the product would replace other products posing greater risks, or both, there might be merit in registering the product, thus allowing its use while the Special Review is conducted. The Agency seeks comments on what findings should have to be made as a precondition of registering such a product before the Special Review is completed, and what conditions or limitations should be placed on any such registration.

The Agency is considering whether to eliminate the Notice of Special Review for new registrations. Should the Agency issue a Notice of Special Review for new chemicals, whose use may satisfy one or more of the § 154.7 risks criteria, or would it be more appropriate for the first public notice to be the Notice of Preliminary Determination? In considering these two options it is important to consider whether one or two rounds of public comments are necessary. Would two rounds slow down the process unnecessarily? When a Special Review is initiated on a chemical already on the market (e.g. a pesticide undergoing reregistration), the Notice on Special Review allows advance notice to the public regarding possible exposures from using marketed pesticides which may pose significant risks. When a product is not yet on the market, the reasons for early alert are not as compelling, and issuing a Notice of Special Review may delay regulatory action.

4. Should the Agency formally consider benefits information prior to initiating the public Special Review process?

Historically, the Agency has initiated Special Reviews based solely on risk concerns. This policy has been based on the premise that unless there is a substantive risk concern, a comprehensive benefits analysis is not required. Thus, the Agency process has has been first to identify particular pesticides which appear to pose a significant risk, then to solicit input from the registrant rebutting the Agency's risks concerns, next to solicit public input concerning both the Agency's risk concerns and the benefits associated with pesticide use, and finally, to reach a risk/benefit decision.

Based on past experience, the Agency is concerned that it may not be possible to gather adequate benefits data for a meaningful risk/benefit analysis in the non-public, pre-Special Review stage, since users and other parties from whom it receives a significant amount of benefit information are excluded by section 3(c)(8) at this stage in the process. In the current process, Agency and external resources are efficiently utilized by focusing first on whether there is a risk and then, only if necessary, on a weighing of the risks and benefits.

On the other hand, consideration of benefits in the pre-Special Review process may conserve Agency resources if EPA could make an earlier determination that a pesticide does not pose unreasonable adverse effects. This might occur in instances where the Agency could determine from available benefits information that the benefits of use of a pesticide are sufficiently large to outweigh any conceivable risk. In such instances, consideration of benefits could further the statutory intent of FIFFA section 3(c)(8) by avoiding the stigma associated with unnecessary issuance of a Special Review for that pesticide.

The Agency has recently taken steps to ensure that benefits information is available at an earlier stage of the process, although this does not entail a formal consideration of benefits at the

pre-Special Review stage. In those instances where EPA decides to initiate a Special Review, a more extensive, formal consideration of costs and benefits at the pre-Special Review stage might expedite the subsequent public review process, if EPA could then omit publication of a PD 1 and go directly to a PD 2/3. It might also increase the efficiency of the process by identifying, early, relevant issues or data gaps that must be addressed in order for EPA to determine whether continued use presents unreasonable adverse effects.

The Agency specifically solicits comments on the utility and practicality of inclusion of benefits analysis in the pre-Special Review process.

5. Is the Special Review process a fair, effective, and expeditious procedure for the review of pesticides? Should the Special Review process be abandoned and the Agency instead adopt some other administrative mechanism to determine whether or not to issue notices of intent under FIFFA section 6?

The Special Review process has, in the past, provided opportunities for all interested parties to participate in an informal and constructive process for reaching complex risk/benefit decisions on pesticides which may pose unreasonable adverse effects. The procedural changes proposed in this Rule will affect the Agency greater flexibility in determining whether or not to initiate a Special Review, while enhancing the opportunities for public participation in the Agency's decision making process.

However, the Special Review process is not required by FIFRA and has been criticized for being time-consuming and burdensome. Although EPA is not proposing one at this time, an alternative procedure may enable EPA to gather the information necessary to determine whether use of a pesticide will present unreasonable adverse effects in a more efficient and effective manner than the existing Special Review process. The Agency is therefore soliciting comments on whether the advantages of the Special Review process, even reformed by these proposed revisions, outweigh the disadvantages.

6. Under the provisions proposed in this rule, any decision not to initiate a Special Review which is made following private notification to the registrant, and the reasons for that decision, will be published in the **Federal Register** for public comment. Comments on the necessity and desirability of publishing the reasons for the decision not to initiate a Special Review are also solicited.

7. In the **Federal Register** of February 14, 1979, the Agency proposed a definition of the terms "validated test" and "other significant evidence" as they apply to initiation of an interim administrative review (Special Review).

Specifically, the Agency adopted the definition given in the Conference Report on the FPA [No. 95–1188]:

> The Administrator shall ensure that pesticides shall be subject to the RPAR process only on the basis of a validated test or other significant evidence (and not on the basis of unsubstantiated claims), and that the term "validated test" be defined as a test conducted and evaluated in a manner consistent with accepted scientific procedures, and that the term "other significant evidence" be defined as evidence that relates to the uses of a pesticide and their adverse risk to man or to the environment. It is the intent of the conferees that "other significant evidence" of adverse risk means factually significant information and is not to include evidence based only on misuse of the pesticide.

EPA considers a "validated test" to be one which is determined to have been conducted in conformance with acceptable protocols and good laboratory practices, and which permits the Agency to make sound scientific judgments.

EPA's Pesticide Assessment Guidelines contain "accepted scientific procedures" for conducting tests. Those Guidelines suggest protocols for conducting tests to develop data to support pesticide registrations required in 40 CFR part 158 Data Requirements for Pesticide Registration. The basic criteria for determining the acceptability of a test protocol are that it meets the purpose of the test standards specified in EPA's guidelines and yields data of suitable quality and completeness. Protocols other than those suggested by EPA would satisfy these criteria. For example, data developers are permitted to use varying test procedures tailored to evaluate their particular ingredients, mixtures or products.

Likewise, protocols developed by the Organization for Economic Cooperation and Development (OECD) may be substituted for EPA guidelines. If a data developer elects to employ a protocol which deviates from EPA guidelines, EPA encourages consultation with Agency personnel prior to initiating testing to ensure that the protocol satisfies EPA's fundamental criteria for acceptability.

Data used as the basis for initiating a Special Review may come from many sources including registrants, academia, other Federal agencies, or foreign countries. These data may not meet the stringent requirements for supporting a pesticide registration. (This may be because the Part 158 criteria and the Guidelines are relatively new, or because the data were developed by persons or organizations who are not subject to regulation under FIFRA.) Nevertheless, they may contain useful information which the Agency has determined is relevant to assessing potential risks. Before beginning a Special Review on the basis of such data, the Agency considers whether generally accepted test methods and good laboratory practices were used, sufficent numbers of measurements were made to achieve statistical reliability, and adequate controls were built into all phases of the experiment. In sum, EPA does not reject data merely because they were not developed in strict accordance with suggested guidelines.

"Other significant evidence" refers to data or information that is not generated from "tests" but is instead contained in reports of poisoning incidents, environmental contamination, retrospective epidemiological studies, or unplanned adverse effects on health or the environment. Such evidence is "significant" if it is sufficiently reliable, in terms of the documentation of the effect and the relevant qualifications of the person(s) who gathered the information, to allow the Agency to draw useful conclusions from it.

The Agency solicits comments on the definitions of "validated test" and "other significant evidence," including whether these terms could be better defined or more suitable criteria could be developed for these definitions.

VII. Statutory Review

A. Department of Agriculture

In accordance with FIFRA section 25(a), this proposal was submitted to USDA for comments. The following are the comments from USDA. Please, note that some of USDA's comments on the preamble refer to information on specific page numbers or line numbers. These page numbers and line numbers were in the document as sent to USDA; however; as issued in the **Federal Register**, the page numbers and line numbers containing this information differ. Therefore, next to the page numbers and line numbers referred to by USDA, the unit where this information can be found is cited in brackets. Regarding USDA's comments on the regulation, although USDA referred to some page numbers, these comments also cited the section in the regulation where this information can be found; therefore, it was not necessary to

add bracketed citations for USDA's comments on the regulation.

December 11, 1984.

Mr. Steven Schatzow,
Director, Office of Pesticide Programs, U.S. Environmental Protection Agency, Washington, D.C.

Dear Mr. Schatzow: This is the U.S. Department of Agriculture response for publication, pursuant to FIFRA section 25(a)(2)(A), to the EPA's proposed rule regarding Criteria and Procedures for Special Reviews of Pesticides. This draft was received on November 26 with letter dated November 19. The Department shares EPA's concern over the amount of time taken to review each chemical and achieve a regulatory solution. However, we also have a major concern that in your efforts to improve efficiency and arrive at a quick solution, a full scientific assessment of economic impact, the needs of pest control technology and the balancing of benefits vs risks may well be sacrificed. In this resonse we will divide our comments into those dealing expressly with the proposed regulations, and separately those dealing with the preamble to the proposed regulations.

Comments on Preamble

We particularly support the statement on page 8, paragraph 3, and the top of page 9 [Unit I]. We would suggest that at the top of page 9, line 13 [Unit I] be modified to include "by the Congress, *including the necessity to maintain effective pest control technology for the protection of human health, agricultural and foresty production, and the environment*".

The language at page 10–11, item B [Unit II.B.], is not accurate. We suggest that the statutory language be used. The FIFRA does not provide for review "prior to the initiation of hearings" but "prior to sending such notice to the registrant or making public such notice". There may in fact not be a hearing in a particular instance. We would suggest that it might be appropriate for EPA to send the draft PD 4 to USDA 60 days prior to making it public in accordance with the statute. Similarly at page 21 [Unit II.D.2.], the preamble states that the "final decision on the regulatory action" is announced after the agency assesses USDA, SAP, and public comments on the proposed decision. The preamble further provides that: "The risk/benefit evaluation supporting the *final* decision is contained in the Position Document 4 (PD4) which is available from the Agency *on request*. (Emphasis added.)" USDA is therefore *not* given this final/risk benefit evaluation which contains the actual economic analysis for comment pursuant to FIFRA section 8.

There appears to be a discrepancy between pages 22–23 [Unit III.] where EPA seems to be committed to analyzing both benefits and risks before deciding on a course of action and pages 41–48 [Unit IV.E.5.—Unit V.C.] where benefits information would not be relied upon to initiate a Special Review, EPA already having decided to seek a cancellation.

EPA's pledge at page 35 [Unit IV.D.] to "review the risks and benefits of all alternative pesticides in the same use category of a candidate for Special Review" is commendable. However, procedures for doing this are not spelled out, and appear to be absent from the remainder of the proposed regulation, except for a very general reference on page 55 [Unit V.F.2.]. A review of all pesticide alternatives for a major commodity would be very similar to the approach "pesticide assessment by commodity" now underway on a trial basis in USDA. We view this approach as important and necessary. Unless all reasonable alternative chemicals are reviewed simultaneously, all alternatives could be cancelled one by one if the Special Review is sequential. If the pledge to review alternatives refers to a sequential review, the pledge has limited meaning or value. The regulation should clarify this matter, which is of critical importance.

The Section on registrant notification on pages 46–47 [Unit V.B.] begins discussion of a phase of EPA activity leading up to a decision whether to initiate a Special Review. However, during this phase, including preparation of the "preliminary benefits profile", the draft regulation characterizes EPA's activities as internal to EPA only, except for "private" communication with the pesticide registrant. We believe that other parties, such as USDA, State departments of agriculture, agricultural users, and environmental groups should also be included.

We believe that these groups should also be included in communications at this same early phase in order to assist EPA in preparing the preliminary benefits profile. Also, a time frame of 90 days does not appear to be sufficient for an adequate analysis. EPA is certainly aware of its intent at a much earlier point in the sequence. As an example, according to testimony before Congress it was known that benefits information was needed on dicofol one full year before any word was received by USDA from EPA. FIFRA does not require EPA to consult with affected groups prior to deciding on a Special Review, but neither does FIFRA prohibit it. It seems logical that all parties who can contribute information and analyses to a risk/benefit decision should be involved as early as possible in the assembly and analysis of information. This certainly would involve the Federal/State agricultural research, extension, and regulatory network including USDA, State Experiment Stations, State Extension Services, and State Departments of Agriculture. Perhaps the "Current Benefits Review" or preliminary benefits profile should be developed by USDA with its state cooperators. Not only is the involvement of these entitles logical, it is also consistent with the generation of information and analysis associated with previous pesticide regulatory reviews. This involvement is essential to generate the greatest possible body of knowledge, to help assure that the risk/benefits decision is consistent with the intent of FIFRA and to provide for a balance among the goals of environmental quality of adequate supplies of food and fiber at acceptable prices. If EPA is going to consult with chemical companies at this phase, it is also desirable to consult with USDA, States, users, and environmental groups. In our view some mechanism must be worked out to do this expeditiously.

Page 52, paragraph F.1 [Unit V.F.1.] comments that discussions may be conducted in small groups. It is not clear who will be invited to the "small groups" meetings. Will advance notice be given of all such meetings, and can anyone attend? The term "voluntary" as used here is somewhat misleading. The term normally means "arising from one own initiative". While the registrant may be willing as a point in concession to take some action, the USDA (representing the agriculture community) must have input on the impact *any* changes might have on efficacy, minor use needs, production practices of farmers, etc. In addition, USDA must have the opportunity to assess the overall performance of alternatives before EPA arrives at a preliminary decision on regulatory control.

Regarding the USDA participation addressed in the first full paragraph on page 56 [Unit V.F.2.], the use of the term "may" is inappropriate. The USDA does plan to participate. USDA can more effectively gather information from the agricultural sector than any other federal agency or single state agency. For example, there is an indication in the preamble of national concern but no indication of concern for assessing the effects of proposed actions on minor uses. Congress has called for special EPA attention to minor uses and this is an important point worth specifying in the preamble. EPA is of course free to seek help, but this should not be read as limiting USDA's role.

Page 56 (paragraph 3) regarding "Review and Comment on Preliminary Determination" [Unit V.F.3.]. After special review initiation, EPA proposes to issue notices of preliminary determination under § 154.31. FIFRA requires submission of notices of intent to cancel to USDA and SAP. The Act is silent on when RPAR or Special Review documents must be referred. We would strongly encourage the submission of such documents in view of the potential adverse impact a cancellation could have on agricultural production, international trade, and pest control technology. Also, in light of the amount of time EPA usually takes to put documents together, more than 30 days should be allocated for comment. The appropriate scenario would be to negotiate acceptable time frames before submission to USDA depending on the size of the document and how many other documents are in review. Further, this paragraph states that the referral to the USDA is "for comment on the benefits issues and agricultural impacts". FIFRA does not restrict the range of USDA comments. Exposure and risk assessment calculations and evaluation of environmental impacts are areas where USDA has expertise and has commented in the past. EPA needs sound data from every reliable source and it should encourage access to and use of such data.

At page 59 [Unit VI.] EPA seeks comment on questions 2, namely, should a Notice of Special Review be eliminated and should the first public notice be a Notice of Preliminary Determination? The answer is emphatically

No! In our prior comments we are suggesting just the opposite—even earlier participation by USDA, states, users and environmental groups than EPA suggests. If EPA were to give its first notice in a Notice of Preliminary Determination, the very tight deadlines now contemplated in the formal Special Review process would preclude the collection of important information, and would also preclude analyzing the relative benefits of alternative pesticides and control methods, and of environmental effects.

The paragraph on the flexibility act on page 62 [Unit VIII.B.] should be clarified. Is this meant to be concerned solely with the regulatory impact on pesticide registrants or is the economic impact on farmer growers and other small entities also included?

Comments on Regulations

Section 154.1(a) implies a predetermined decision to cancel registration of a given pesticide as opposed to outlining a process for fully evaluating the scientific data. It has been our impression that the Agency has been trying to avoid that predetermination—hence a shift from the term RPAR. The language should be modified to read, "following completion of the Special Review process determinations appropriate to the data collected will be made and the pesticide in question will be returned to registration, or registered with or without modification or proceedings initiated to cancel or deny the registration". This would also then be in concert with the preamble intent at page 22 [Unit III.].

It is our opinion that § 154.3(d), defining "person", does not add anything but potential confusion with the term "person" as defined in the Act. FIFRA section 2(s). Moreover, the definition in the regulation may conflict with the statutory definition. The term person in the statute encompasses those listed in the proposed rule, but the rule apparently excludes persons included under the statute. If the Agency intends to limit the term and redefine, it then trade associations, grower organizations, government bodies and other groups, for example, should be added or their exclusion from the Special Review process should be explained and justified.

Is it the agency's intent to conduct Special Reviews on a use by use basis as indicated in § 154.5? If so, would only the specific use as outlined in the announcement of a Special Review be subject to regulatory action? Further, The criteria in § 154.5 on page 67 are extermely vague. While this allows the agency flexibility, it may lead to requests for Special Review based on isolated and minor potential for adverse effects. Also, the language at § 154.7(g) allows consideration of "social" benefits alone, but FIFRA section 2 (bb) defines "unreasonable adverse effects on the environment" to take into account the economic, social, *and* environmental costs and benefits of the uses of any pesticides". To more closely reflect the statutory language the word "or" between "economic" and "environmental" should be replaced by "and".

At page 70, § 154.15, the proposed regulation indicates that any written response to the "Notice of Preliminary Determination" from the Secretary of Agriculture will be made a part of the docket. Again, at 154.31(a)(5) there is a statement concerning referral of the preliminary determination and we believe that it is appropriate for the agency to seek USDA and Scientific Advisory Panel input at that point. However, since FIFRA also requires the submission of section 6(b) notices to the Secretary we take § 154.31 and § 154.33 as two separate referrals. The notice of preliminary determination is not a FIFRA section 6 notice of intent to cancel.

A discussion of any changes between the "preliminary" and "final" notice should be included in the contents of the notice at 154.33(b). In this regard, and in concert with our comments on §§ 154.15 and 154.31, if any substantive changes have been made or if an elapsed time of greater than one year has occurred, a new referral to the USDA and SAP should be made.

Comments made by USDA and SAP on preliminary documents in the past have been congent and on point. If future agency decisions issued in a notice of intent to cancel are based on the earlier PD 2/3, referrals of PD 4 likely will be pro format, and no additional comments would be needed. If, however, the actual regulatory decision changed significantly from that selected as preferred or probable among the range of options included PD 2/3, referral of the new decision is imperative so that USDA and SAP can comply with Congress' intent in FIFRA sections 6(b) and 25.

Referral of PD 2/3 and later of PD 4 can be compared to the section 25(d) provision for review of both proposed and final regulations from EPA. This procedure has caused no delay, and none should be expected if the agency continues to refer PD 2/3 and then provides a notice of intent with PD 4 in advance of publication, as required by FIFRA section 6(b).

To contend that PD ⅔ constitutes the final agency regulatory action could require EPA to prepare an analysis of agricultural impact for each option discussed, so USDA can review all the options and impacts to be certain it assesses the one which will finally be chosen. Such a process would satisfy FIFRA, but leads to excessive workloads and waste of resources in both USDA and EPA.

We appreciate the opportunity for comment on this very important set of proposed regulations. We wish to work very closely and cooperatively as they are brought to final publication and then implementation.

Sincerely,

Charles L. Smith,

Coordinator, Pesticides and Pesticide Assessment.

The following are EPA responses to USDA comments on the preamble portion of the Proposed Special Review Criteria and Procedures Rule.

In response to the suggestion that line 13 on page 9 (in Unit I) of the preamble be modified, we have included the following new sentence: "In addition, the Agency also recognizes the necessity to maintain effective pest control technology for the protection of human health, agricultural and forestry production, and the environment."

Regarding the second paragraph of comments, we agree with the suggestion concerning the language in Unit II.B. of the preamble; we have incorporated the statutory language. We regard to the remainder of the comments in the second paragraph, the Agency does, and will continue to, send the draft (proposed) regulatory decision containing the risk/benefit evaluation and economic analysis to USDA in accordance with FIFRA section 6. In this draft we mention all available options, and request USDA to comment on this draft in the time allowed by statute.

Regarding the third paragraph of suggestions we do not believe there is a discrepancy between Unit III and Unit IV.E.5 through Unit V.C. Under these rules, EPA's decision whether or not to initiate a Special Review for a particular pesticide is based on considerations of risk to health or the environment. Initiation of a Special Review does not indicate that EPA has decided to seek a cancellation. Rather, it means that the pesticide appears to pose risks which are sufficiently significant to require a comprehensive evaluation of risks and benefits. Only after analyzing both benefits and risks in the context of a Special Review will the Agency decide whether a cancellation notice is warranted.

Regarding the discussion in the fourth paragraph of comments, EPA will use comparative risk/benefit data to the extent that these data are available and such a comparison can be done in a timely fashion thereby not delaying important risk reduction decisions. We expect that risk/benefit data on alternative pesticides will be more readily available in the future. For example, Special Reviews will often arise in the context of Registration Standard development. Under the Agency's "cluster concept," under 45 FR 75488, November 14, 1980, active ingredients with similar uses and sites will be scheduled for Registration Standard development in approximately the same time frame, thereby enhancing the likely availability of comparative data. Finally, in those instances where it may be necessary to regulate alternative chemicals sequentially, the pesticide industry is generally aware of the problem and can respond most appropriately by developing new, less toxic alternatives.

Regarding the fifth and sixth paragraphs of comments, the Agency believes that the intent of FIFRA section 3(c)(8) does not permit parties such as agricultural users and environmental

groups to participate in pre-Special Review discussions. The legislative history of section 3(c)(8) directs the Agency to notify affected registrants of the Agency's RPAR concerns by "private communication," in order to "ameliorate the indictment-like characteristics of the RPAR process." Under the Proposed Rule, once a decision whether or not to initiate a Special Review is made, users, environmental groups, and other interested persons will have the opportunity to participate fully in the subsequent Special Review or to submit comments concerning the Agency's decision not to initiate a Special Review.

We are willing as a courtesy to notify USDA when the Agency sends a pre-Special Review notification to affected registrants, in order to facilitate USDA's internal planning and data gathering efforts. However, it must be expressly understood that such notification will not be communicated to, or otherwise serve as the basis for communications or inquiries to, parties outside the Federal government during the pre-Special Review discussions.

Regarding the seventh paragraph, these meetings will be attended by those who are invited by the Agency and/or by those who request a meeting. Public meetings may be held, and in these cases, advance notice would be given. (See the discussion in Unit V.F.1 of the preamble.)

Regarding the eighth paragraph of comments, the Agency will assure that USDA has an opportunity to comment on any proposed EPA regulatory action. As in the past, the Agecny will provide all proposed Special Review actions to the Secretary of Agriculture for comment. In addition, USDA can comment and contribute during the "Public Discussions" stage of the Special Review process. (See Unit V.F.1 of the preamble.)

Regarding the ninth paragraph of comments, please note that the Agency will invite USDA to perform joint assessments or analyses with EPA when we believe such joint efforts will provide more timely and comprehensive assessments than would otherwise result. Although there is no statutory requirement that EPA involve USDA in conducting these analyses, EPA values information that USDA can provide. We encourage USDA to submit data or analyses for the Agency's consideration at any time during the process.

Regarding the tenth paragraph of comments, this Proposed Special Review Rule states that USDA will have at least 30 days to comment on EPA preliminary determinations; if more time is needed, EPA will consider requests from USDA for extensions of time. In addition, the Agency agrees that USDA may submit more than just benefits and agricultural information to EPA. Thus, language in Unit V.F.3 has been changed to read ". . . the Agency will submit the proposed action to the United States Department of Agriculture (USDA) for comment especially the benefits issues and agricultural impacts. . ."

Regarding the eleventh paragraph of comments which pertains to question 2 in Unit VI Request for Comments, the Agency will give USDA's concerns every consideration in deciding whether to forego the initial Notice of Special Review.

Regarding paragraph 12 of the comments, under the Regulatory Flexibility Act, EPA considered the possible regulatory impact on registrants that might result from this proposed rule. When individual Special Reviews are performed, the regulatory impact on farmers and growers, as well as consumers and other sectors of the economy, will be evaluated and considered.

The following are EPA responses to USDA comments on the regulation portion of the Proposed Special Review Criteria and Procedures Rule.

Regarding paragraph 13 of the comments, the following has been added to § 154.1(a): "[f]ollowing completion of the Special Review process, a pesticide in question may be returned to the registration process."

Regarding the comments in paragraph 14, we believe that the term "person" as defined in § 154.3(d) of the regulation does not exclude any group or person from the Special Review process.

Regarding the comments in paragraph 15, the Agency intends to conduct Special Reviews on a use by use basis, and only the specific use(s) outlined in the Special Review would be subject to regulatory action. In addition, the language at § 154.7(g) the word "or" between "economic" and "environmental" has been changed to "and".

Finally, with respect to the comments in paragraphs 16 through 20, the Agency believes that referral of the PD ⅔ to USDA and SAP for comment is the most efficient approach and also satisfies all applicable legal requirements. The PD ⅔ incorporates the Agency's preliminary decision concerning issuance of notices of intent under FIFRA section 6(b) and identifies and discusses alternative regulatory options. Affording USDA and others an opportunity to comment on the Agency's preliminary decision insures that comments will be received at a meaningful stage in the Agency's decisionmaking process. On the basis of a review of these comments, the Agency may adopt either the preliminary decision announced in the PD ⅔ or a decision which is a logical outgrowth of the identification and discussion of options and issues in the PD ⅔. In either case, the Agency will have afforded USDA full opportunity to comment on the content of any resultant cancellation notices.

B. Scientific Advisory Panel

Copies were also supplied to the Scientific Advisory Panel for comment. The SAP comments are as follows.

Federal Insecticide, Fungicide, and Rodenticide Act—Scientific Advisory Panel

Review of the Proposed Special Review Criteria and Procedures Rule

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) has completed review of the Agency's Proposed Special Review Criteria and Procedures Rule. The review was conducted in an open meeting held in Alexandria, Virginia, on December 13, 1984. All Panel members were present for the review with the exception of Dr. Richard Griesemer.

Public notice of the meeting was published in the **Federal Register** on Friday, November 16, 1984.

In consideration of all matters brought out during the meeting and careful review of the proposed Rule, the Panel unanimously submits the following report:

Report of SAP Recommendations

The Scientific Advisory Panel endorses the concept of flexibility presented in the proposed Special Review Criteria and procedures Rule whereby the total weight of evidence, taking exposure to a pesticide into account, rather than whether a pesticide simply exceeds one of more of the Special Review criteria, dictates whether a pesticide whould go into Special Review.

However, the Panel believes that a clear succinct statement of the objectives of the proposed Rule is required at the beginning of the document. This statement should specifically allude to the weight of evidence approach which takes exposure into account. The SAP believes that if the thought processes whereby a decision is reached whether or not to submit a compound to Special Review are more fully and clearly defined, there should be no need for greater specificity in the criteria.

The Panel notes that a number of specific comments on the draft Proposed Rule were brought to EPA's attention during the course of the meeting, and it requests that these comments be incorporated into the final Proposed Rule. Those persons wishing to review such comments in detail should contact the Executive Secretary of the SAP at 703–557–7086 regarding access to the transcript of the meeting.

FOR THE CHAIRMAN:

Certified as an accurate report of Findings:

Dated: January 9, 1985.

Philip H. Gray, Jr.

Executive Secretary,

FIFRA Scientific Advisory Panel.

The following are EPA responses to the SAP comments on the Proposed Special Review Criteria and Procedures Rule.

Regarding the Panel's belief that a clear, succinct statement of the objectives of this Proposed Rule should appear at the beginning of the document, the following discussion has been added to Unit I of the preamble:

The objective of this proposed Rule is to revise both the substantive criteria and the procedures for the Special Review (RPAR) process; these proposed criteria will be used by the Agency to determine if a use or uses of a pesticide may pose a significant risk to health or the environment. If one or more of these criteria are met or exceeded, the Agency will initiate a Special Review on the pesticide product use or uses in question, leading to an ultimate determination of whether this use or uses may pose unreasonable adverse effects to humans or the environment.

The current risk criteria for initiation of a comprehensive risk/benefit review have proven to be impractical and inflexible. Because these criteria are often based on narrow toxicologic determinations and do not adequately address the likelihood that significant exposures will actually occur, the Agency has developed new criteria for initiation of a Special Review.

These proposed criteria assure that the determination of risk will be based both on the toxic effects associated with a pesticide and considerations of exposure of humans and nontarget organisms to the pesticide. For example, factors such as the magnitude and duration of exposure and the size of the exposed population will be taken into account. The significance of the risk will be determined according to the weight of the evidence of the toxicological information and the magnitude and scope of exposure.

Regarding the Panel's note that other comments on the Proposed Rule were made during the course of the meeting and the Panel's request that these comments be incorporated in the Rule, we are uncertain as to which comments, statements, observations, etc. the Panel requests to be incorporated. Therefore, we have not specifically responded to any other comments but we will include a copy of the transcript of the proceedings of the SAP meeting in the public comment file.

C. Congressional Committees

Copies were also supplied to the Committee on Agriculture of the U.S. House of Representatives and the Committee on Agriculture, Forestry, and Nutrition of the U.S. Senate for comment; these copies were sent November 21, 1984. The Agency did not receive any comments from these Committees.

VIII. Regulatory Review Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. EPA has determined that this proposal is not a major regulation as defined by Executive Order 12291. This Proposed Rule was submitted to the Office of Management and Budget (OMB) for review, as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, (15 U.S.C. 601, Pub. L. 96-354, Sept. 19, 1980), EPA hereby certifies that this Proposed Rule, if promulgated, would not have a significant impact on a substantial number of small entities. EPA has concluded that the number of pesticide registrants subject to an RPAR review would not be increased as a consequence of the promulgation of the revisions proposed here, and that the review criteria and procedures would not have any disproportionate effect on those pesticide registrants that can be classified as small entities under the Act.

C. Paperwork Reduction Act

This Proposed Rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

IX. List of Subjects in 40 CFR Parts 154 and 162

Administrative practices and procedures, Intergovernmental relations, Labeling, Packaging and containers, Pesticides and pests, Special Review.

Dated: March 19, 1985.

Lee M. Thomas,

Administrator.

Therefore, it is proposed that 40 CFR Chapter I be amended as follows:

1. By adding Part 154 to read as follows:

PART 154—SPECIAL REVIEW PROCEDURES

Subpart A—General Provisions

Sec.

154.1 Purpose and scope.
154.3 Definitions.
154.5 Burden of persuasion in determination under this part.
154.7 Criteria for initiation of Special Review.
154.10 Petitions to begin the Special Review process.
154.15 Docket for the Special Review Review.

Subpart B—Procedures

154.21 Preliminary notification to registrants and applicants for registration.
154.23 Proposed decision not to start a Special Review.
154.25 Public announcement of final decision whether to initiate a Special Review.
154.26 Comment opportunity.
154.27 Meetings with interested persons.
154.29 Informal public hearings during a Special Review.
154.31 Notice of Preliminary Determination.
154.33 Notice of Final Determination.
154.34 Expedited procedure.
154.35 Finality of determinations.

Authority: Secs. 3, 6, and 25, Pub. L. 94-140, 89 Stat. 751, 753, and 755 as amended (15 U.S.C. 136 et seq.).

Subpart A—General Provisions

§ 154.1 Purpose and scope.

(a) *Purpose.* The purpose of the Special Review process is to help the Agency determine whether to initiate procedures to cancel or deny registration of a pesticide product because uses of that product may cause unreasonable adverse effects on the environment, in accordance with sections 3(c)(6) and 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The process is intended to insure that the Agency assesses risks that may be posed by pesticides, and the benefits of use of those pesticides, in an open and responsive manner. The issuance of a Notice of Special Review means that the Agency has determined that one or more uses of a pesticide may pose significant risks and that, following completion of the Special Review process,the Agency expects to initiate formal proceedings seeking to cancel, deny, or require modifications to the registration of the product(s) in question unless it has been shown during the special review that the Agency's initial determination was erroneous, that the risks can be reached to acceptable levels without the need for formal proceedings, or that the benefits of the pesticide's use outweigh the risks. Following completion of the Special Review process, a pesticide in question may be returned to the registration process.

(b) *Scope.* This part sets forth the substantive standards for initiating a Special Review of a pesticide product and the procedures for initiating and conducting the Special Review.

§ 154.3 Definitions.

(a) Except as otherwise defined in this section, terms defined in section 2 of FIFRA or in Part 152 of this chapter shall

have the same definitions for purposes of this Part.

(b) The term "Act" or "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq.

(c) The term "Administrator" means the Administrator of the Environmental Protection Agency or any officer or employee thereof to whom authority has been delegated to act for the Administrator.

(d) The term "other significant evidence" means factually significant information that relates to the uses of the pesticide and their adverse risk to man or to the environment but does not include evidence based only on the misuse of the pesticide unless such misuse is widespread and commonly recognized practice.

(e) The term "person" means an applicant, registrant, manufacturer, pesticide user, environmental group, labor union, or other person interested in pesticide regulation.

(f) The term "pesticide use" means a use of a pesticide (described in terms of the application site and other applicable identifying factors) that is included in the labeling of a pesticide product which is registered, or for which an application for registration is pending, and the terms and conditions (or proposed terms and conditions) of registration for the use.

(g) "Terms and conditions of registration" means the terms and conditions governing lawful sale, distribution and use approved in conjuction with registration, including labeling, use classification, composition, and packaging.

(h) The term "validated test" means a test determined by the Agency to have been conducted and evaluated in a manner consistent with accepted scientific procedures.

§ 154.5 Burden of persuasion in determinations under this part.

In making determinations under this Part the Administrator shall be guided by the principle that the burden of persuasion that a pesticide product is entitled to registration or continued registration for any particular use or under any particular set of terms and conditions of registration is always on the proponent(s) of registration.

§ 154.7 Criteria for initiation of Special Review.

The Administrator may conduct a Special Review of a pesticide use if he determines, based on a validated test or other significant evidence, that the use of the pesticide (taking into account the ingredients, impurities, metabolites, and degradation products of the pesticide):

(a) May pose a risk of serious acute injury to humans or domestic animals.

(b) May pose a risk of inducing in humans and oncogenic, teratogenic, fetotoxic, reproductive effect, or a chronic or delayed toxic effect, which risk is of concern in terms of either the degree of risk to individual humans or the number of humans at some risk, based upon:

(1) Effects demonstrated in humans or experimental animals.

(2) Known or predicted levels of exposure of various groups of humans.

(3) The use of appropriate methods of evaluating data and relating such date to human risk.

(c) May pose a risk of inducing a heritable genetic effect in humans, based upon effects demonstrated:

(1) In one or more appropriate test systems, if there is sufficient evidence that the test substance or its metabolites will reach mammalian germinal cells, or

(2) In epidemiological or other data indicating mutagenic effects in humans, unless in either case the potential exposure of human populations is sufficiently low that significant mutagenic risk to humans is not likely to occur.

(d) May result in residues in the environment of non-target organisms at levels which equal or exceed concentrations acutely or chronically toxic to such organisms, or which produce adverse reproductive effects in such organisms, as determined from tests conducted on representative species or from other appropriate data.

(e) May pose a risk to the continued existence of any endangered or threatened species designated by the Secretary of the Interior or the Secretary of Commerce under the Endangered Species Act of 1973, as amended.

(f) May result in the destruction or other adverse modification of any habitat designated by the Secretary of the Interior or the Secretary of Commerce under the Endangered Species Act as a critical habitat for any endangered or threatened species.

(g) May otherwise pose a risk to humans or to the environment which is of sufficient magnitude to merit a determination whether the use of the pesticide product offers offsetting social, economic, and environmental benefits that justify initial or continued registration.

§ 154.10 Petitions to begin the Speical Review process.

The Administrator may evaluate a pesticide use under the criteria of § 154.7 either on his own initiative, or at the suggestion of any interested person.

§ 154.15 Docket for the Special Review.

(a) *Establishment of the docket.* When the Agency first notifies registrants privately that it is considering issuance of a Notice of Special Review for a pesticide, it shall establish a docket concerning that particular pesticide.

(b) *Contents of the docket.* For each pre-Special Review or Special Review, the docket shall contain:

(1) The Notice of Special Review, any Notice of Preliminary Determination, and any Notice of Final Determination.

(2) Any notice issued under § 154.21 or § 154.23.

(3) Any documents (other than confidential business information) referred to by the Agency in those notices as relied upon by the Agency in reaching its determination.

(4) Copies of all written comments or materials (other than confidential business information) responding to any notice furnished under § 154.21 or § 154.23 or submitted at any time during the Special Review process by any person outside of government.

(5) Any written response to the Notice of Preliminary Determination from the Secretary of Agriculture or the Scientific Advisory Panel.

(6) A transcript of all public meetings held by the Scientific Advisory Panel or conducted by the Agency for the purpose of gathering information.

(7) A memorandum describing each meeting between Agency personnel and any person or party outside of government which concerns a pending Pre-Special Review or Special Review decision. Each such memorandum shall be based on notes taken at the meeting and shall specify the date and time of the meeting, the participants and their affiliations, who requested the meeting, the subject matter of the meeting, and the person who prepared the memorandum. Except for information claimed to consist of trade secrets or confidential commercial or financial information under FIFRA section 10(b) or 5 U.S.C. 552(b)(3) or (4) ("confidential business information"), each memorandum shall describe all significant positions taken, arguments made, and facts presented by each participant in the meeting, and shall identify all documents, proposals, or other materials distributed or exchanged at the meeting. Any discussion of confidential business information shall be identified in meeting notes and referenced in the memorandum.

(8) All comments, correspondence, or other materials concerning a pending

pre-Special Review or Special Review decision provided to the Agency by a person or party outside of government (other than confidential business information).

(9) All documents, proposals, or other materials concerning a pending pre-Special Review or Special Review decision, provided by the Agency to any person or party outside of government (other than confidential business information).

(c) *Placement of materials in the docket.* Any memorandum identified under paragraph (b)(7) of this section shall be placed in the docket within 10 working days of the subject meeting. Materials identified under paragraph (b)(8) of this section shall be placed in the docket within 10 working days of receipt by the Office of Pesticide Programs, or within 15 working days of receipt by the Office of Pesticide Programs if the submitter has asserted a confidential business information claim concerning the submittal. Materials identified under paragraph (b)(9) of this section shall be placed in the docket within 15 working days of transmittal to such person or party outside of government.

(d) *Index.* The Agency shall prepare and maintain a current index of all materials included in the docket. The index will include a list identifying, for each meeting between Agency personnel and a person or party outside of government for which a memorandum has been prepared, the date, the subject, participants, and person who requested the meeting. The index will also list any document included in the docket by its title, its source, its recipient, and the date it was received or provided by the Agency.

(e) *Access to the docket.* (1) For each chemical in Special Review, the docket shall be available for public inspection and its index kept current and made available to the public or request. The docket and index for any pesticide for which the Agency has issued a pre-Special Review notification under § 154.21 will be made available for public inspection only following issuance of a proposed decision not to start a Special Review under § 154.23, a Notice of Special Review under § 154.25(c), or as otherwise specified in § 154.34. The docket and index will be available at the Program Management and Support Division, in Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m. Monday through Friday, excluding legal holdiays.

(2) Information contained in the docket shall not be disclosed to the public to the extent that FIFRA or any other statute or regulations (including, but not limited to, 5 U.S.C. 552(b)(3) or (4)) prohibit its disclosure.

(3) The Agency will distribute a compendium of indices for new materials in the public docket by mail, on a monthly basis, to those members of the public who have specifically requested such material. The Agency will announce the availability of docket indices both annually in the **Federal Register** and in each **Federal Register** notice concerning pre-Special Review or Special Review for specific pesticides. The Agency may also periodically require parties on the mailing list to renew their previous request for such materials.

Subpart B—Procedures

§ 154.21 Preliminary notification to registrants and applicants for registration.

(a) *Preliminary notification.* If the Administrator determines that one or more of the criteria for initiating a special review may have been met, he shall send written notice by certified mail to the affected registrant(s) and applicant(s) of setting forth his determination and a general description of the information which supports it.

(b) *Comment opportunity.* Registrant(s) and applicant(s) will be allowed 30 days from the receipt of notification to respond in writing to dispute the validity of the Agency's conclusions or to present information in response to the notification.

§ 154.23 Proposed decision not to start a Special Review.

If the Administrator proposes not to initiate a Special Review after having given notice under § 154.21, he shall issue for publication in the **Federal Register** his proposal and the supporting reasons, announce the availability of a public docket, and invite public comment on his proposal within a period generally not less than 30 days. A notice under § 154.25(b) may not be published unless it has been preceded by a notice under this section. A proposal under this section shall not be based on the benefits of use of a pesticide product.

§ 154.25 Public announcement of final decision whether to initiate a Special Review.

(a) The Administrator shall evaluate the available information and the comments received in response to the notice under §154.21 and any notice issued under §154.23, and shall issue for publication in the **Federal Register** a notice under paragraph (b) or (c) of this section.

(b) If the Administrator determines not to initiate a Special Review, he shall issue his decision for publication in the **Federal Register** with a statement of reasons.

(c) If the Administrator determines that one or more of the risk criteria set forth in §154.7 have been satisfied, the Agency shall issue a notice for publication in the **Federal Register** which shall include:

(1) Identification of the pesticide uses for which a Special Review has been initiated and an identification of the criteria which have been satisfied.

(2) A brief discussion of the Agency's reasons for determining that the criteria have been satisfied.

(3) A statement indicating that EPA has established a docket for the Special Review, the contents of the docket, the location of the docket, and the times during which the docket will be available for inspection and copying.

(4) An invitation to all interested persons to submit further information concerning the risks and benefits associated with each use of the pesticide subject to the Special Review.

(5) A brief description of the Special Review process and a statement that registrants and applications bear an affirmative burden of supporting registration of a pesticide product.

(6) A date by which information in response to the Agency's request for further information must be submitted.

(d) In his discretion, the Administrator may request that the Scientific Advisory Panel hold a public meeting to review the scientific issues related to the Special Review.

§ 154.26 Comment opportunity.

After issuance of a Notice of Special Review that applies to a use of a pesticide product (or category of products), any person may submit to the Agency any information, argument, or both, pertinent to:

(a) Whether the use of a pesticide product satisfies any of the § 154.7 risk criteria, with respect to the composition, labeling, packaging, and restrictions on use of the product as currently registered.

(b) Whether the use of a pesticide product would satisfy any of the § 154.7 risk criteria if its composition, labeling, packaging, and restrictions on use were approved in accordance with an application for registration or amended registration pending before the Agency. For further information see § 154.27(b).

(c) Whether any risks posed by the use or proposed use of the product that satisfy the § 154.7 risk criteria are unreasonable, taking in to account the

economic, social, and environmental costs and benefits of the use of the product.

(d) What regulatory action, if any, the Agency should take with respect to the use of the product.

§ 154.27 Meetings with interested persons.

(a) In the Special Review process, to assure openness and responsiveness, no person or party outside of government will be afforded special or preferential access to Agency Special Review decisionmakers or to the Agency's Special Review process. At the same time, however, Agency personnel are free to meet and otherwise communicate with persons or parties outside of government, including registrants and manufacturers, users, trade unions, environmental groups and other interested persons, to obtain information, exchange views, explore factual and substantive positions, or discuss regulatory options concerning Special Review decisions.

(b) Meetings between EPA and any person or party outside of government will not result in undue delay in reaching Special Review decisions. During such meetings, the Agency will not commit to take any particular action concerning a pending decision. The Agency may receive and consider information and recommendations from persons or parties outside of government; however, the Agency will make the final administrative decision on a wholly independent basis and in accordance with law.

(c) Any interested person may ask to meet with Agency officials to discuss factual information available to the Agency, to present any factual information, to respond to presentations by other persons, or to discuss what regulatory actions should be taken regarding a pesticide which is or may be the subject of a Special Review. If, at its discretion, the Agency holds such meetings with any person outside of government concerning a use of a pesticide product, the Agency will prepare and file in the docket a memorandum of such meeting, meeting the requirements specified in § 154.15(b)(7).

(d) Meetings described in this section may include meetings held after issuance of a Notice of Special Review with any registrant who proposes to change voluntarily the composition, packaging, and labeling, or other terms and conditions of registration of his pesticide product in a way which he believes would reduce the risks of use of the product so that it would no longer meet or exceed the risk criteria of § 154.7. Meetings for this purpose will be most helpful and productive for both registrants and the Agency if they are requested by registrants shortly after the issuance of the Notice of Special Review.

(e) If the Agency meets with any person or party outside of government concerning a pending Special Review decision, the Agency will not issue a final Special Review decision until 30 days after inclusion of a memorandum concerning that meeting in the public docket. During those 30 days, any person or party may submit written comments to the Agency regarding the subject matter of the meeting in question. The Agency may issue a final Special Review decision without allowing this 30 day period if expedited action is necessary to protect public health or the environment, or if the Agency has invited other parties with potentially opposing viewpoints to the meeting in question (e.g., registrants, users, labor, and environmental groups).

(f) The Agency may decline to meet subsequently with any person or party who asserts unreasonable confidential business information claims for the purpose of circumventing the docketing procedures described in § 154.15(b).

§ 154.29 Informal public hearings during a Special Review.

(a) *Timing.* At any time after issuance of a Notice of Special Review and prior to issuance of a Notice of Final Determination, the Administrator may conduct an informal public hearing to gather relevant information or otherwise assist Agency decision making.

(b) *"Federal Register" notice.* The Administrator shall issue a notice for publication in the Federal Register of any informal public hearing to be held under this section. The notice shall contain the following information:

(1) The time, date, and place of the hearing.

(2) A brief description of the procedures governing participation in the hearing by interested persons.

(3) The issues to be considered at the hearing.

(c) *Transcript.* A verbatim transcript of the hearing shall be prepared and filed in the administrative record.

§ 154.31 Notice of Preliminary Determination.

The Administrator shall prepare a Notice of Preliminary Determination after the close of the comment period on a Notice of Special Review.

(a) *Contents of notice.* The Notice of Preliminary Determination shall respond to all significant comments submitted in response to the Notice of Special Review. For each use of a pesticide product that was the subject of the Notice of Special Review, the Notice of Preliminary Determination shall also include, as appropriate:

(1) A determination whether the use satisfies any of the risk criteria set forth in § 154.7, and a discussion of the reasons for the determination.

(2) A determination of whether any changes in the composition, packaging, labeling, or restrictions on use of a pesticide product that were proposed in an application for new or amended registration submitted after issuance of the Notice of Special Review would reduce the risk so that the use no longer would satisfy any of the risk criteria in § 154.7.

(3) If the use satisfies any of the risk criteria set forth in § 154.7, a determination of whether the adverse effects posed by the use are unreasonable, taking into account the economic, social, and environmental costs and benefits of the use of the product, and a discussion of reasons for the determination.

(4) If the use is determined to pose an unreasonable adverse effect, a statement of the regulatory action, if any, which the Agency intends to initiate with respect to the use, and a discussion of the reasons for initiating that regulatory action.

(5) A statement that the Administrator is requesting comments from the Secretary of Agriculture and the Scientific Advisory Panel on the notices and analysis specified in paragraph (b) of this section, and that the notices and analyses are available on request.

(6) Instructions to interested persons on how to submit comments (including the deadline for submission of comments).

(7) The location of the docket under § 154.15 and the times during which the docket will be available for inspection and copying.

(b) *Referral to Secretary of Agriculture and Scientific Advisory Panel.* If the Administrator proposes to cancel, deny, or change the classification of the registration of a pesticide product which is the subject of a Special Review, or to hold a hearing under FIFRA section 6(b)(2) on whether to take any of those actions, he shall:

(1) Prepare a proposed form of a Notice of Intent to Cancel, a Notice of Intent to Deny Registration, a Notice of Intent to Hold a Hearing, and/or a Notice of Intent to Change Classification, as appropriate.

(2) Prepare an Agricultural Impact Analysis, analyzing the impact of the proposed action on production and

prices of agricultural commodities, retail food prices, and otherwise on the agricultural economy.

(3) Send the proposed notices and analysis to the Secretary of Agriculture and the Scientific Advisory Panel for comment, as provided by the Act.

(4) Send the Notice of Preliminary Determination and the other notices and analysis prepared under this section to all registrants and applicants for registration of products that are subjects of the Special Review.

(c) *Publication.* The Agency shall issue the Notice of Preliminary Determination for publication in the **Federal Register.**

§ 154.33 Notice of Final Determination.

(a) *Publication and notice to registrants and applicants.* The Administrator shall prepare a Notice of Final Determination after the close of the comment period on a Notice of Preliminary Determination. As necessary, the Administrator shall also prepare Notices of Intent to Cancel, Notices of Denial, Notices of Intent to Hold a Hearing under FIFRA section 6(b)(2), or Notice of Intent to Change Classification.

(b) *Contents.* The Notice of Final Determination shall include:

(1) For each pesticide use subject to the Notice of Preliminary Determination, the Agency's final determination with respect to each use, along with a discussion of the reasons for the determination.

(2) Any comments submitted by the Secretary of Agriculture or the Scientific Advisory Panel, and the responses of the Administrator to these comments.

(3) The response of the Administrator to any significant public comments submitted on the Notice of Preliminary Determination.

(4) Instructions to registrants, applicants for registration, and other interested persons concerning the procedures which will be used to implement any regulatory action which the Administrator has decided upon, including instructions concerning how to request hearings, if hearings are available as of right under the Act or have been made available by the Administrator under the Act.

(5) The location of the docket under § 154.15 and the times during which the docket will be available for inspection and copying.

(c) *Publication and notification of registrants and applicants.* The Notice of Final Determination and any Notice of Intent to Cancel, Notice of Denial, Notice of Intent to Hold a Hearing, or Notice of Intent to Change Classification shall be published in the **Federal Register.** If the Administrator issues a Notice of Intent to Cancel, Notice of Denial, Notice of Intent to Hold a Hearing, or Notice of Intent to Change Classification, such notice, along with the Notice of Final Determination, also shall be sent by certified mail to all affected registrants and applicants.

§ 154.34 Expedited procedure.

The Agency may elect to issue a Notice of Special Review and a Notice of Preliminary Determination simultaneously; or, to initiate cancellation, suspension, or denial proceedings concerning the pesticide or any of its uses without first conducting a Special Review. If the Agency elects to issue a simultaneous Notice of Special Review and Notice of Preliminary Determination, the Agency will make the docket for that decision available for public inspection no more than 3 months after private notification of the registrant by the Agency of its risk concerns at the initiation of the pre-Special Review process.

§ 154.35 Finality of determinations.

(a) The Administrator will not approve an application for registration or amended registration of a pesticide product except by use of the procedures specified in paragaph (c) of this section, if:

(1) The application proposes registration of a product for a use which earlier had been the subject of a notice under § 154.21(a).

(2) After the Administrator issued the notice, he determined not to initiate a Special Review, because of a proposal by an applicant for registration or amended registration to change the terms and conditions of registration of the product in a way would reduce the risk sufficiently to eliminate the need for a Special Review.

(3) The application for registration or amended registration now proposes that the terms and conditions which served as the basis of the earlier determination be eliminated, or be modified in a way which might increase the risk which was the subject of the notice under § 154.21(a).

(b) The Administrator will not approve an application for registration or amended registration of a pesticide product except by use of the procedures specified in paragraph (c) of this section, if:

(1) The application proposed registration of a product for a use which earlier had been the subject of a Notice of Special Review issued under § 154.25.

(2) After the Administrator issued that Notice, he determined not to issue a notice under FIFRA section 3(c)(6) or 6(b) because of a proposal by an applicant for registration or amended registration to change the terms and conditions of registration of the product in a way which would reduce the risk sufficiently to eliminate the need for issuance of a notice under FIFRA section 3(c)(6) or 6(b).

(3) The application for registration or amended registration now proposes that the terms and conditions of registration which served as the basis for the earlier determination now be eliminated or be modified in a way which might increase the risk which was the subject of the Notice of Special Review.

(c) An application to which paragraph (a) or (b) of this section applies may not be approved until:

(1) The administrator issues a notice for publication in the **Federal Register** which describes why the application is subject to the provisions of this section, states that the Administrator proposes to approve the application and his reasons, solicits public comment on whether the application should be approved, and provides a period not less than 30 days for comments to be submitted.

(2) If any substantive comments are submitted in response to the notice, the Administrator issues a second notice for publication in the **Federal Register** responding to the comments.

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

§ 162.11 [Amended]

2. In § 162.11 by removing paragraphs (a) and (b) and designating them "[Reserved]."

[FR Doc. 85-7304 Filed 3-25-85; 11:43 am]
BILLING CODE 6560-50-M

---

40 CFR Part 155

[OPP-30090; FRL 2772-7]

Pesticide Registration Standards; Docketing and Public Participation Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This proposal would establish procedures for providing additional opportunities for public participation in the development of pesticide Registration Standards. The procedures would establish and provide for the maintenance of a docket for each Registration Standard, which would be

indexed and made available to the public. The procedures would also provide for publication in the **Federal Register** of an annual schedule of Registration Standards under development, as well as announcements of the availability of the public docket and Registration Standards. EPA believes that these procedures will promote public awareness of, and stimulate public participation in, the Agency's decisionmaking process for pesticide Registration Standards.

DATE: Written comments on this proposed rule should be submitted on or before May 28, 1985. Comments should be identified with the notation "OPP-30090."

ADDRESS: Submit written comments to:

By mail: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, deliver comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Jean M. Frane, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 1114, CM#2, 1921 Jefferson Davis Highway, Arlington, VA. (703-557-0592).

SUPPLEMENTARY INFORMATION:

I. Background

Under the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 136 (FIFRA), pesticide products must be registered by the Environmental Protection Agency before they can be marketed in the United States. Registration is a licensing action permitting the distribution and sale of a pesticide product in commerce. Pesticide products have been required to be registered since 1947, and currently some 48,000 products are registered. Each of these products has been reviewed by the Agency prior to marketing to determine that it meets certain standards for composition, labeling, and protection of human health and the environment.

The standards for registration with respect to health and environmental safety were changed in 1972, when Congress enacted major amendments to FIFRA. Section 3(c)(5), which contains the statutory standards for registration, now requires that the Agency make a determination that a product, or its uses, does not generally cause "unreasonable adverse effects" on man or the environment. When Congress amended FIFRA to include the "unreasonable adverse effects" standard, it directed the Agency to apply the standard not only to new products proposed for registration, but also to products that had been registered in the period from the inception of FIFRA in 1947 to 1972. The Agency is now required to review all existing pesticide products and reregister only those that meet the health and environmental standards of FIFRA sec. 3(c)(5).

The Agency chose to adopt a generic approach to accomplish the evaluation and reregistration of existing products. Many products contain the same pesticidal active ingredient(s) (referred to as "pesticide(s)" in this preamble) and are similar in composition and use. Rather than review each separately registered product to determine whether it meets the statutory health and safety standards (a review which would be costly and inefficient), EPA decided to conduct a comprehensive review of individual pesticides. The conclusions reached with respect to a pesticide serve as the basis for the determination whether products containing that pesticide meet the health and safety standards of the Act. The review culminates in the development of a document called a Registration Standard, which describes the Agency's position on the continued registrability of products containing a particular pesticide. In some cases, particularly where the pesticide was originally registered before 1975, the review may identify particular areas where the Agency is unable to determine whether the statutory standards are met because necessary data are lacking.

In this case, the Registration Standard identifies the studies that must be submitted to conclude the Agency's review of that pesticide. After the studies have been submitted, the Agency once again reviews the pesticide in light of the new information, and revises the Registration Standard.

A detailed description of the philosophy and operation of the Registration Standards program has been set out in several Agency documents, most recently in the preamble to the Agency's proposed "Pesticide Registration and Classification Procedures," published for comment in the **Federal Register** of September 26, 1984 (49 FR 37921). Readers may refer to this document for further information.

Although the Registration Standards process enables EPA to make comprehensive judgments about the continued registrability of a pesticide from a health and safety standpoint, the licensing scheme of FIFRA still requires EPA to reregister each separate product containing that pesticide. Following issuance of a Registration Standard, therefore, EPA must require registrants to submit applications for reregistration of their individual products. EPA reviews each product for compliance with data submission, composition, labeling, and packaging standards specified in the Standard, as well as for compliance with requirements previously established by regulation.

II. Public Participation in the Registration Standards Process

The Registration Standards process is an area in which the Agency believes that increased public participation in, and awareness of, the scientific and policy decisions underlying individual product reregistration would be both appropriate and useful. One of the major goals of the process is to produce consistent standards and policies that may thereafter be applied to individual pesticide products, as, for example, policies concerning aerial application, farmworker safety, ground water protection, or tolerance reassessment. Increased public participation would be useful in defining the issues that should be addressed in the Registration Standard review and in providing additional information on a pesticide that may not be available to the Agency, such as exposure information.

The Registration Standards process is a principal forum for discussion and examination of the bases for the Agency's decisionmaking with respect to a particular pesticide. EPA believes that the Registration Standards process should be conducted in an atmosphere of openness, so that all persons who may have an interest in, or be affected by, the Agency's decisions on a

pesticide and its uses will have the opportunity to offer their views.

EPA therefore proposes to establish procedures that will increase the opportunity for public participation in the Registration Standards process. In so doing, EPA is also addressing issues identified in the September 19, 1984, settlement agreement between the parties in *NRDC and AFL–CIO* v. *EPA et al.*, Civil Action No. 83–1509, U.S. District Court for the District of Columbia. (A copy of the settlement agreement is available for inspection in the public comment file for this rulemaking.) As part of that agreement, the Agency agreed to propose new procedures to encourage public participation in certain pesticide program activities, including Registration Standard development, pre-RPAR review, and RPAR review. While these procedures, such as the docketing procedures discussed below, are not required by FIFRA, the Agency believes that these procedural changes will facilitate public participation. Proposed procedures for Registration Standards are contained in this proposal, while those for pre-RPAR and RPAR review are addressed separately in a proposed special review regulation, published elsewhere in today's **Federal Register**.

III. This Proposal

EPA proposes to establish a new Part 155 of Title 40 to contain procedures relating to public participation in the Registration Standards process. This proposal falls generally into three categories:

1. Public docket procedures.
2. Open access provisions, such that all interested parties may be apprised of meetings or communications pertaining to the Registration Standard under development and of documents made available between interested parties and the Agency.
3. Increased opportunity for public participation through publication in the **Federal Register** of notices pertaining to the Registration Standard at certain phases of its development.

A. The Public Docket

Section 155.32 proposes the establishment of a public docket system by the Agency. A separate docket would be created for each Registration Standard under development.

The docket would be established no later than the time that the Agency announces a schedule for Registration Standards that includes the pesticide in question. Normally the Agency will issue a notice in the **Federal Register** each year announcing the schedule of Registration Standards to be issued during the next year. This notice would serve as the basis for creation of a docket for each pesticide in the schedule. The docket may be established earlier, however, if the Agency believes it appropriate. This might occur if EPA generates documents that it wants to include in a docket, or if the Agency receives comments or other information that it believes should be made available by inclusion in a public docket.

The docket would normally include: comments in response to **Federal Register** notices concerning the Registration Standard under development (See Unit III.C. of this preamble); documents, correspondence and other written material concerning the Standard submitted to the Agency by any person or party outside of Government; draft documents or proposals concerning the Standard provided by the Agency to persons outside of Government; and memoranda of meetings concerning the Standard held with interested parties (See Unit III.B. of this preamble). EPA may include other documents pertaining to the Registration Standard in its discretion.

Items will be included in the docket within 10 to 15 working days after they are received, generated, or made available by the Agency. Information claimed by a submitter to consist of confidential business information (CBI) (defined in proposed § 155.23), will be deleted from each item before inclusion in the docket. If such information is later cleared under the provisions of FIFRA sec. 10, it could then be included in the docket.

The Agency will maintain a current index of each docket and make the index available to the public, both by individual request and by maintenance of a mailing list for quarterly distribution of indices. Persons who wish routinely to receive updated indices for one or more Registration Standards may request inclusion on the mailing list for the Standard in question. Docket items other than the index will be available by individual request, but would not be automatically provided to persons on the mailing list. Persons who wish to examine specific docket items could identify those items through the index, and make a specific request for documents of interest. Persons who wish to examine the public docket or receive copies of particular documents contained therein may be required to execute an affirmation of non-multinational status pursuant to FIFRA section 10(g).

The Agency would announce in its annual **Federal Register** notice concerning the scheduling of Registration Standards the availability of the dockets and indices. To provide efficient maintenance of the mailing list for docket indices and to provide timely service, the Agency would require that persons on the mailing list annually renew their requests for inclusion on the mailing list. The annual announcement of Registration Standards under development could be used to require renewal. Additionally, the Agency would include in each **Federal Register** notice concerning a particular Registration Standard announcement of the availability of the docket for that Standard. The Agency believes that these publication procedures will provide ample notice of docket and index availability.

B. Open Access Provisions

EPA intends that all interested persons and parties should be afforded an opportunity to participate in the Agency's Registration Standards process. The Agency will meet or communicate with registrants, users, trade unions, environmental groups, and others who express an interest, to obtain information, exchange views, explore factual and substantive positions or discuss regulatory options under consideration in the development of the Standard. No person or party outside of Government will be given preferential access to the Agency. Persons may request to meet with Agency personnel at any time during the development of a Registration Standard. Although Agency deliberations about a Standard may be the subject of meetings or communications, the Agency's regulatory and administrative decisions will be reached independently and in accordance with law. The Agency will make no commitments in meetings with persons or parties outside of Government as to the course of the review or the regulatory decisions that may result.

To ensure that sufficient access and information are provided to other interested persons or parties, the Agency would record each such meeting in accordance with the procedures in proposed § 155.30, and place a memorandum of the meeting in the public docket. Other persons or groups having opposing views or different information could then request to meet with the Agency. Information claimed to the CBI would not be included in the memorandum, but the fact of its discussion at the meeting would be noted.

Although the Agency will generally honor reasonable requests for meetings, the Agency may refuse to meet with

some or all persons. One reason for such a refusal might be if the number of meetings threatened to delay seriously the issuance of the Standard. Meetings with responsible persons are welcome, but the Agency must consider the purposes of each meeting and its value in assisting the Agency or promoting public participation. EPA will not permit repeated or clearly frivolous requests for meetings to delay unduly the issuance of the Standard.

A second reason that the Agency might refuse to meet with outside parties would be because the participants asserted overly broad or apparently unwarranted claims of CBI. The Agency does not intend to make on-the-spot examinations of the validity of CBI claims that arise in meetings. The Agency will honor such claims for the purposes of initial exclusion of claimed CBI from the meeting memorandum and public docket. Excessive claims of CBI offer the opportunity for meeting participants to circumvent the public docket procedures. This, in turn, would diminish public awareness of and participation in the Registration Standards process and defeat the purposes of these procedures. For this reason, proposed § 155.30(b) provides that if unreasonable claims of confidentiality are asserted by meeting participants to circumvent the public docket procedures, the Agency may refuse to continue a meeting in progress, or may subsequently decline to meet further with those persons. The Agency would like to receive comment on the circumstances under which the Agency should consider CBI claims to be "unreasonable" and under what circumstances such claims may be construed as attempts to circumvent the docketing procedures.

C. Publication in the Federal Register

Sections 155.25 and 155.34 propose the publication in the **Federal Register** of notices concerning Registration Standard development.

Proposed § 155.25 provides that the Agency would publish annually, at or near the beginning of the Federal fiscal year (October), a notice announcing the Registration Standards under development which are scheduled to be issued during the upcoming fiscal year. The notice would list the approximate sequence of issuance and would request the submission of information and comments on the individual pesticides for which Registration Standards are under development. The sequence of issuance, however, would not be a subject for comment.

Because the Standards process is an ongoing one, the notice would be a "point-in-time" listing including pesticides in various stages of Registration Standard development. For the same reason, the listing would reflect priorities for issuance at the time the notice was issued. If the priorities for issuance later changed, the schedule might be adjusted to move certain pesticides earlier or later in the issuance "queue" without publication of a new schedule in the **Federal Register**.

Proposed § 155.34 provides that EPA will issue notice of the availability of each Registration Standard. EPA believes it appropriate to provide notice when the Agency reaches significant conclusions about the pesticide or its uses as a result of its comprehensive review. In the Registration Standards process, this means that such notice would be provided for the initial issuance of the Registration Standard, and at later times when the pesticide may be reevaluated based on new information and the Standard revised and reissued.

Under proposed § 155.34(a), EPA would issue in the **Federal Register** a notice of the availability of a Registration Standard in two situations:

1. A Registration Standard pertaining to a new pesticide (not currently contained in a registered product).

2. A Registration Standard pertaining to an existing pesticide whose chronic health effects data base is incomplete. Persons may submit comments concerning such Standards at any time.

When the Agency determines that it possesses a substantially complete chronic health effects data base for an existing pesticide, a notice of availability of a proposed Registration Standard would be published in the **Federal Register**. This notice would provide a specific opportunity for comment by interested persons or parties (unlike the notice pertaining to a Standard for which the data base is incomplete, which would simply announce the availability of the Standard). The Registration Standard, and a **Federal Register** notice of its availability, would be issued only after the Agency reviews comments received in response to the proposal.

At present, the majority of previously registered pesticides lack a complete chronic health effects data base, and Registration Standards currently being issued, therefore, fall into the category for which notice of issuance only would be provided. In the future, this will change. Under the Agency's Data Call-In Program, registrants must now submit a number of chronic health effects studies in advance of Registration Standards evaluation. Moreover, chronic health effects data will also be received by the Agency as a result of previously issued Registration Standards identifying data gaps in this area. EPA anticipates that Registration Standards for existing pesticides will increasingly be proposed under the § 155.34(b) provisions with opportunity for comment before issuance.

IV. Confidential Business Information

The term "confidential business information" is defined in proposed § 155.23 to include trade secret or confidential commercial or financial information under FIFRA sec. 10(b) or 5 U.S.C. 552(b) (3) or (4). These provisions of law permit a person to claim confidentiality for certain types of information submitted to the Agency. FIFRA section 10(c) and the Freedom of Information Act (FOIA) provide for a clearance process so that information that is claimed as CBI may be evaluated and cleared for release to the public. Because of the volume of information received by the Agency, the clearance process normally is undertaken only when a request for claimed CBI is received by the Agency under the FOIA.

Under these proposed procedures, the Agency would exclude information claimed to be CBI from meeting memoranda and from the public docket. Although a claim of CBI under FIFRA section 10(b) does not always withstand examination by the Agency, the clearance process to determine the validity of CBI claims requires a minimum of 30 days notification to the data submitter. The proposed docket procedures, on the other hand, would require inclusion of material other than claimed CBI in the docket within 10 or 15 working days. When the Agency deems it necessary or appropriate, and in any case if a FOIA request were received for the excluded information, the Agency would afterwards clear such information through the procedures in 40 CFR Part 2, and include cleared non-CBI in the docket.

Essential to the efficient and timely operation of the public docket system is the ability of the Agency to distinguish claimed CBI (which would not be included in the docket) from other information that may be included in the docket. Information must be properly identified as CBI or non-CBI at the time of submission if the Agency is both to protect claimed CBI and to maintain an effective docket system.

Proposed § 155.30(c) therefore requires that submitters of information containing claimed CBI provide two versions—one complete and clearly marked as CBI (in two copies), the other purged of the CBI and marked to

indicate that it contains no CBI. Information submitted to the Agency without identification of its claimed confidential nature would be deemed to be nonconfidential and could be included in the public docket (or otherwise disclosed to the public) without prior notice to the submitter.

V. Relationship to Special Review Procedures

Unlike the Registration Standards process, which is a systematic reexamination of each pesticide and its uses, the special review process focuses on particular pesticides that may pose unreasonable risks to man or the environment. Special review in an in-depth evaluation for the purpose of weighing the risks and benefits of use of a pesticide and is initiated when the Agency determines that a pesticide meets certain risk criteria. The Registration Standards process is one avenue for identification of pesticides for which special review is required.

Special review (RPAR) procedures and risk criteria are currently contained in 40 CFR 162.11 (a) and (b). The Agency is issuing elsewhere in today's **Federal Register** a proposal to modify the criteria and procedures for the special review program. That proposal included provisions for public participation, including the establishment of a public docket (see proposed §154.15) and publication in the **Federal Register** (various sections in the proposal), that are similar to those proposed for the Registration Standard process. Because of the similarities between the docket and public participation procedures in the two processes, the Agency intends to coordinate its review of comments submitted in response to these proposals. As a result, comments submitted in response to the special review proposal and adopted by the Agency may, in appropriate instances, also be adopted with regard to the Registration Standard proposal and vice versa.

When the comprehensive evaluations conducted through the Registration Standards process give rise to a special review, the ongoing docket for the Registration Standard would be affected. Section 154.21 of the proposed special review rule provides that before determining whether or not to initiate a special review, the Agency will privately notify registrants of products that would be affected, and offer them the opportunity to comment on the validity of the Agency's analysis and information which may lead to a special review of the pesticide. At the time of such notification, according to proposed § 154.15, EPA would establish a docket for the special review process. However, the docket for the private notification or "pre-special review" would not be available to the public until after the Agency has decided whether it will initiate a special review.

Thus, for pesticides for which a Registration Standard is under development and for which a special review is contemplated, two dockets would exist. Comments and information submitted to or provided by the Agency pertaining solely to the development of the Registration Standard would be placed in the Registration Standard docket. On the other hand, once the Agency issued its private notification to registrants and established a docket for the special review process, documents pertaining to the pre-special review notification and any subsequent special review would be placed only in the special review docket. As noted, the special review docket would remain closed until the Agency actually decided to proceed or not proceed with the special review.

VI. Statutory Requirements

As required by FIFRA section 25(a), a copy of this proposal was provided to the Secretary of Agriculture, the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition, and Forestry, and the FIFRA Scientific Advisory Panel. No comments were received from Congressional Committees on the rule. The FIFRA Scientific Advisory Panel waived its review of this proposal, and of the final rule that will ensue. The Secretary of Agriculture had no comment on the proposal.

VII. Regulatory Requirements

In order to satisfy requirements for analysis as specified by Executive Order 12291, the Regulatory Flexibility Act, FIFRA Section 25 and the Paperwork Reduction Act, the Agency has analyzed the costs and benefits of this proposal. A document containing the regulatory impact analysis is available for public inspection in Rm. 236 at the address given for submission of comments.

These proposed procedures are not expected to have significant cost impacts on applicants or registrants, or secondarily, on the agricultural economy. Although the proposal will require some use of EPA resources, primarily in the establishment and maintenance of the docket and mailing lists for Registration Standards, the benefits of a centrally located docket file for individual Registration Standards will offset some of the increased costs to the Agency. More important, the Agency believes that these procedures will promote public awareness of and stimulate public participation in the Agency's decisionmaking process for pesticide Registration Standards. The Agency has therefore concluded that this proposal is not a major regulation as defined in Executive Order 12291. This proposal has been submitted to the Office of Management and Budget for approval as required by E.O. 12291.

This rulemaking has been reviewed under the Regulatory Flexibility Act of 1980 (5 U.S.C. et seq) and it has been determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations. The proposed docket system will be established and maintained by the Agency, and will require little or no additional effort on the part of the industry, large or small, or of other small organizations and entities. Accordingly, I certify that this regulation does not require a separate regulatory flexibility analysis under the Regulatory Flexibility Act.

The Office of Management and Budget (OMB) has approved the information collection requirements contained in the proposed rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* under OMB Control Number 2000-0468.

List of Subjects in 40 CFR Part 155

Pesticides and pests, Administrative practice and procedure, Confidential business information.

Dated: March 19, 1985.

Lee M. Thomas,

Administrator.

Therefore, it is proposed that Title 40, Chapter I of the Code of Federal Regulations be amended by adding new Part 155, consisting at this time of Subpart B, to read as follows:

PART 155—REGISTRATION STANDARDS

Subpart A—[Reserved]

Subpart B—Docketing and Public Participation Procedures

Sec.

155.23 Definitions.
155.25 Schedule.
155.27 Agency review of data.
155.30 Meetings and communications.
155.32 Public docket.
155.34 Notice of availability.

Authority: Secs. 3 and 25, Pub. L. 94-140, 89 Stat. 751 and 755, as amended; 7 U.S.C. 136 through 136y.

Subpart A—[Reserved]

Subpart B—Docketing and Public Participation Procedures

§ 155.23 Definitions.

For the purposes of this part, "confidential business information" means trade secrets or confidential commercial or financial information under FIFRA section 10(b) or 5 U.S.C. 552(b)(3) or (4).

§ 155.25 Schedule.

EPA will issue annually in the **Federal Register** a notice listing the pesticides (or groups of pesticides) for which Registration Standards are currently being developed. The list will include pesticides for which a Registration Standard is scheduled for issuance within the next year, and the approximate sequence of issuance. The list may also include pesticides for which a Registration Standard will be under development during the upcoming year, but which are not scheduled for issuance until the succeeding year. The notice will invite comment and submission of information on the individual pesticides on the list.

§ 155.27 Agency review of data.

EPA will independently (or using the services of disinterested contractors or consultants) review available data in preparation for the development of a Registration Standard, and will be responsible for the drafting of the Registration Standard based on such data reviews. The Agency will not permit registrants to prepare, or assist in the preparation of, data reviews or other Registration Standard documents. The Agency may, however, meet with registrants to discuss its pending reviews, decisions, or documents, in accordance with the meeting procedures in § 155.30, and the docketing procedures in § 155.32.

§ 155.30 Meetings and communications.

EPA personnel may, upon their own initiative or upon request of any interested person or party, meet or communicate with persons or parties outside of government concerning a Registration Standard under development. Such meetings or communications will conform to the following policies and procedures:

(a) *Purpose.* Meetings and communications may be for the purpose of receiving and considering information, exchanging views, exploring factual and substantive positions, discussing regulatory options or for any other purpose deemed appropriate by the Agency in its deliberations concerning development of a Registration Standard. The Agency will not commit to take any particular action concerning a Registration Standard under development during discussions with any person or party outside of government. The Agency will make its final administrative decision on a wholly independent basis, and in accordance with law.

(b) *Meetings with persons or parties outside of government.* Requests by responsible persons or parties outside of government to meet with Agency personnel concerning a Registration Standard under development should be directed in writing to the Registration Division. Reasonable requests will ordinarily be granted on a timely basis. EPA will decide the time and place of such meeting, and the Agency personnel who will attend. EPA may decline to meet with persons or parties who assert unreasonable claims of confidential business information for the purpose of circumventing the docketing procedures in § 155.32. EPA may also decline to meet if the number or frequency of meetings would delay unduly the issuance of the Registration Standard. Further, no person or party outside of government will be accorded special or preferential access to Agency pesticide decisionmaking or to the Agency's decisional process.

(c) *Information submitted to the Agency concerning a Registration Standard under development.* (1) Information, comments, data, or other written material submitted to the Agency concerning a Registration Standard under development may be claimed by the submitter to be confidential business information.

(2) In order to assert a claim of confidentiality for all or any part of a submission concerning a Registration Standard under development, the submitter must submit two complete copies of the material, clearly marked as "trade secret" or "confidential business information," and one additional copy from which the claimed confidential business information has been purged or obliterated, also clearly marked to indicate that it contains no claimed trade secret or confidential business information.

(3) Any information received by the Agency that is not marked as confidential will be deemed to be non-confidential, and may be made available through the public docket or otherwise disclosed without prior notice to the submitter.

(d) *Memorandum of meeting.* For each meeting with a person or party outside of government, the Agency will prepare, based on notes taken at the meeting, a memorandum of the meeting. The memorandum will be prepared within 10 working days of the meeting and will include the following information:

(1) The date and time of the meeting;

(2) The name of the person who requested the meeting;

(3) The names and affiliations of the participants;

(4) The subject matter of the meeting;

(5) A full and accurate description of all significant positions taken, facts presented, and arguments made by each participant (except that any discussion of claimed confidential business information will be identified in meeting notes, and referenced in the memorandum;

(6) Identification of all documents, proposals, or other materials (other than information claimed to be confidential business information) distributed or exchanged at the meeting; and

(7) The name of the person who prepared the memorandum.

§ 155.32 Public docket.

(a) *When created.* A docket will be created for each Registration Standard upon publication of the notice described in § 155.25 setting out the list and sequence of Registration Standards, or at an earlier time if the Agency believes it appropriate or necessary. If the Agency notifies registrants privately in accordance with 40 CFR 154.21 that one or more risk criteria set forth in 40 CFR 154.7 (leading to a special review) may have been exceeded, that notification and any subsequent communications concerning that notification will be placed in a separate docket pertaining to possible special review in accordance with the provisions of §154.15.

(b) *Contents of docket.* The docket will contain, within the time frames indicated, the following documents and information (except that information claimed to be confidential business information will not be included):

(1) An index of its contents (refer to paragraph (c) of this section);

(2) A copy of each comment received in response to the notice described in § 155.25 that pertains to a pesticide for which the notice indicated a Registration Standard was under development (within 10 working days after receipt by the Agency, or 15 working days if the submitter has asserted a confidential business information claim concerning the material);

(3) A copy of each memorandum of a meeting between the Agency and persons or parties outside of government, prepared in accordance

with § 155.30(d) (within 10 working days after the meeting);

(4) A copy of each document, comment, item of correspondence or other written material concerning the Registration Standard submitted to the Agency by any person or party outside of government, whether in a meeting or separately (within 10 working days after receipt, or 15 working days if the submitter has asserted a confidential business information claim concerning the material);

(5) A copy of each document, proposal, or other item of written material concerning the Registration Standard provided by the Agency to any person or party outside of government (within 15 working days after the item is made available to such person or party);

(6) With respect to a Registration Standard for which the Agency has determined that a substantially complete chronic health effects data base exists, a copy of the **Federal Register** notice concerning availability of a proposed Registration Standard, and a copy of each comment received in response to that notice (within 10 working days after receipt by the Agency, or 15 working days if the submitter has asserted a confidential business information claim concerning the material);

(7) A copy of the **Federal Register** notice announcing the issuance of the Registration Standard (within 10 working days after the publication of the notice);

(c) *Index of the docket.* The Agency will establish and keep current an index to the docket for each Registration Standard. The index will include, but is not limited to, the following information:

(1) A list of each meeting between the Agency and any person or party outside of government, containing the information described by § 155.30(d)(1) through (4); and

(2) A list of each document in the docket by title, source, recipient(s), and the date the document was received or provided by the Agency.

(d) *Availability of docket and indices.* (1) The Agency will make available to the public for inspection and copying the docket and index for any Registration Standard.

(2) The Agency will establish and maintain a mailing list of persons who have specifically requested that they receive indices for one or more specific Registration Standard dockets. EPA will distribute the indices quarterly to these persons. Annually, EPA will require that persons on the list renew their requests for inclusion on the list.

(3) The Agency will issue annually in the **Federal Register** (in conjunction with the annual schedule notice specified in § 155.25) a notice announcing the availability of docket indices.

(4) Each **Federal Register** notice of availability of a Registration Standard will announce the availability of the docket index for that Standard.

§ 155.34 Notice of availability.

(a) The Agency will issue in the **Federal Register** a notice announcing the issuance and availability of a Registration Standard which:

(1) Concerns a previously unregistered active ingredient; or

(2) Concerns a previously registered active ingredient, and the Registration Standard states that registrants will be required (under FIFRA section 3(c)(2)(B)) to submit additional chronic health effects data. "Chronic health effects data" include, but are not limited to, chronic feeding, oncogenicity, reproduction, and teratogenicity studies.

(b) Interested persons may submit comments concerning any Registration Standard described by paragraph (a) of this section at any time.

(c) The Agency will issue in the **Federal Register** a notice announcing the availability of, and providing opportunity for comment on, each proposed Registration Standard which concerns a previously registered active ingredient for which the Agency has determined that a substantially complete chronic health effects data base exists. Following the comment period and issuance of the Registration Standard, the Agency will issue in the **Federal Register** a notice of availability of the Registration Standard.

[FR Doc. 85-7303 Filed 3-25-85; 11:43 am]

BILLING CODE 6560-50-M

Reader Aids

Federal Register

Vol. 50, No. 59

Wednesday, March 27, 1985

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

Subscriptions (public)	202-783-3238
Problems with subscriptions	275-3054
Subscriptions (Federal agencies)	523-5240
Single copies, back copies of FR	783-3238
Magnetic tapes of FR, CFR volumes	275-2867
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual 523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MARCH

8317-8572 1
8573-8702 4
8703-8988 5
8989-9260 6
9261-9420 7
9421-9608 8
9609-9784 11
9785-9978 12
9979-10198 13
10199-10492 14
10493-10748 15
10749-10926 18
10927-11144 19
11145-11362 20
11363-11496 21
11497-11652 22
11653-11828 25
11829-11990 26
11991-12214 27

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5133 (Amended by Proc. 5308) 10927
5306 8989
5307 9979
5308 10927
5309 11829
5310 11831
5311 11833

Executive Orders:
12193 (See EO 12506) 8991
12295 (See EO 12506) 8991
12351 (See EO 12506) 8991
12409 (See EO 12506) 8991
12463 (See EO 12506) 8991
12506 8991
12507 11835
12508 11837

Administrative Orders:

Memorandums:
September 6, 1973 (Superseded by Memorandum of February 27, 1985) 8953
February 27, 1985 8953

5 CFR

Ch. XIV 8993
213 11145
293 ..... 8993, 11788
294 8993
430 11788
530 11788
531 11788
536 11788
540 11788
595 11788
771 11788

7 CFR

27 10929
52 10199
54 11814
55 10749
56 10749
59 10749
70 10749
226 8573
301 ..... 9261, 9785, 9786
318 ..... 8317, 9786
319 ..... 8703, 8704, 9786, 10750
402 10200
409 9609
425 9981
433 10201
440 9609
448 9263
713 11145
722 11145
800 9981
910 ..... 8317, 9610, 10500, 11497
979 10206
1062 8318
1094 11991
1150 9982
1205 10929
1446 10750
1772 11497
1807 8581
1822 8581
1902 8581
1910 11498
1922 11839
1924 11498
1930 8581
1941 11498
1944 8581
1951 ..... 8581, 11498
1955 ..... 8581, 11498
1965 8581
1980 ..... 9987, 11498, 11648
2018 11839

Proposed Rules:
Ch. IV 9806
Ch. X 11171
29 10501
52 10970
53 10236
54 ..... 10236, 11816
271 10450
272 10450
273 10450
275 10450
400 11508
651 12034
911 9452
981 11510
989 9037
1002 ..... 9637, 11374
1004 9637
1007 9038
1011 9038
1030 10236
1046 9038
1093 9038
1094 9654
1097 9038
1098 9038
1102 9038
1108 9038
1126 ..... 9661, 11880

8 CFR

100 ..... 9991, 10751, 11146
103 ..... 8319, 11840
214 9991

235 11841
238 11363

Proposed Rules:
267 11880

9 CFR

51 11992
78 ..... 9991, 10493, 11499
94 10752
319 9788
327 9788

Proposed Rules:
92 ..... 11374, 11376
352 ..... 10778, 11882

10 CFR

Ch. I 11147
1 8605
53 8605

Proposed Rules:
25 1064
50 ..... 11882, 11884
95 1064

11 CFR

100 9992
101 9992
9007 9421
9038 9421

Proposed Rules:
2 10066
3 10066

12 CFR

3 10207
7 10207
202 8707
205 8707
207 10933
213 8708
220 10933
221 10933
226 8708
303 11653
308 11653
325 ..... 11128, 11138
332 10493
333 10753
337 10493
346 11142
407 8606
612 11655
701 8708
741 8708

Proposed Rules:
202 10890
207 10972
220 10972
226 8737
338 10784

13 CFR

121 ..... 9995, 10495
125 11994

14 CFR

39 ..... 8319-8321, 9794, 10219, 10934-10936, 11363, 11843
71 ..... 9250, 9252, 10937-10939, 11843-11846
73 11364
91 ..... 9252, 9795
97 10939
103 9252
105 9252

Proposed Rules:
Ch. I 11292
1 10144
11 10444
23 8948
39 ..... 8337-8339, 9806, 9808, 10973-10977, 11377, 11512, 11705, 11706, 11891-11894, 12035, 12036
43 10144
45 10144
61 10144
71 ..... 8340, 8738, 8739, 9039, 9040, 9452, 9453, 10978, 10979, 11707
73 ..... 9809, 11895
75 ..... 9453, 11896
91 ..... 10144, 11292
121 10444
133 10144
135 10144
211 11182
272 11182
302 ..... 8341, 11182

15 CFR

301 11500
376 11994

Proposed Rules:
90 11708
391 10501
902 11995

16 CFR

13 9795
1610 11847
1611 ..... 11847, 11848

Proposed Rules:
259 11378
443 11709

17 CFR

1 11656
140 11149
144 11149
211 11657
239 9267

Proposed Rules:
1 8639
3 10786
32 10786
210 11725
230 ..... 9281, 11725
239 11725
240 ..... 11725, 11896
270 11709
275 ..... 8740, 11718

18 CFR

4 11658
271 9997
282 11848

Proposed Rules:
154 8639
155 8639
156 8639
157 8639
225 10243
271 ..... 10505, 11901
277 10243
284 8639
410 9284

19 CFR

6 ..... 8710, 9796
10 9797
12 ..... 8710, 9796
18 ..... 8710, 9796
19 ..... 8710, 9796
141 ..... 8710, 9610, 9796
143 ..... 8710, 9610, 9796
144 ..... 8710, 9796
145 9610
146 ..... 8710, 9796
147 9610
172 9610
177 9610
178 11849

Proposed Rules:
101 9455

20 CFR

227 11501
404 8726
416 8726
629 11850
630 ..... 8323, 11850
631 8323
652 8323
701 9799
702 9799
703 9799

Proposed Rules:
200 ..... 8341, 9285, 10247
260 9810
320 9810
603 10450

21 CFR

5 ..... 9423, 9424
10 8993
12 8993
13 8993
14 8993
20 8993
25 8993
58 8993
73 9424
184 8997
201 8993
207 8993
211 8993
225 8993
291 8993
310 8993
312 8993
320 8993
330 8993
361 8993
429 8993
430 ..... 8993, 9998
431 8993
436 ..... 9267, 9998, 10220
440 10220
442 ..... 9998, 11690
444 10754
510 9800
520 ..... 9800, 10220, 11852
524 9800
556 10220
561 8999
573 8606
600 9000
606 9000
610 ..... 9000, 9800, 10941
620 9000
630 ..... 9000, 11365
640 ..... 9000, 11365
660 ..... 9000, 9800
864 8729
1308 11690

Proposed Rules:
193 10070
211 11478
310 ..... 9678, 11478
334 9678
341 9040
357 9040
561 ..... 10070, 10071
600 8743
660 8743
1304 11902

22 CFR

601 11995

23 CFR

625 10001
655 10001

Proposed Rules:
625 ..... 10072, 10506
635 12037
655 ..... 10072, 10506
658 8342
667 10755

24 CFR

1 9268
17 9268
35 9268
42 9268
50 9268
51 9268
52 11365
108 9268
200 9268
201 9268
207 11365
255 11365
390 9268
600 9268
811 11365
850 11365
880 9268
882 9268
883 9268
885 9268
886 9268
888 ..... 9268, 11998
905 9268
960 9269
1710 ..... 9268, 10942
1720 10942
2700 9268
3280 9268
3500 9268

Proposed Rules:
885 11903
1800 9040

25 CFR

Proposed Rules:
115 10980

26 CFR

1 ..... 9269, 9613, 9614, 11852-11856, 12012
31 9614
54 9614
301 9614
601 10221
602 ..... 10221, 12012

Proposed Rules:
1 ..... 8749, 11904
31 11904
54 11904
301 ..... 9678, 10981

27 CFR

3 8456
5 8456
13 8456
19 ..... 8456, 9152
20 9152
21 9152
22 9152
30 8456
55 10496
170 ..... 8456, 9152
178 ..... 10496, 11692
194 8456
195 8456
196 8456
197 8456
200 ..... 8456, 9152
211 ..... 8456, 9152
213 ..... 8456, 9152
231 8456
240 8456
245 8456
250 ..... 8456, 9152
251 ..... 8456, 9152
252 ..... 8456, 9152

Proposed Rules:

9 12038

28 CFR

0 ..... 8606, 8607
42 8608

Proposed Rules:

18 11905
31 9679
32 10982

29 CFR

20 8608
1691 8608
1910 9800
2510 10075
2619 10498

30 CFR

47 11642
56 11502
57 11502
913 9620
917 8608
935 10757
936 10759

Proposed Rules:

Ch. I 11644
56 11638
57 11638
904 9286
914 10791
916 11735
920 9679
931 10792
943 9287
946 10793
950 9680

31 CFR

51 ..... 8610, 8612

32 CFR

107 11693
199 8729
518 11857
706 11503
721 9000
724 10943

Proposed Rules:

97 10248

33 CFR

1 10761
117 ..... 10228, 11365, 11694
126 ..... 8612, 9426
157 11622
160 ..... 8612, 9426, 11503
165 ..... 9426, 11695
401 10962

Proposed Rules:

100 9681
110 8640
117 ..... 9288, 9289, 10250, 10251, 11382, 11736
140 ..... 9290, 10252
141 ..... 9290, 10252
142 ..... 9290, 10252
143 ..... 9290, 10252
144 ..... 9290, 10252
145 ..... 9290, 10252
146 ..... 9290, 10252
166 9682
183 11383

34 CFR

76 9960
251 10924
252 10924
253 10924
263 10924
369 9960
370 9960
690 10710
745 11630

Proposed Rules:

251 11513
324 11356
700 9970
701 9970
702 9970
703 9970
709 9970
710 9970
716 9970
718 9970
720 9970
795 9970

36 CFR

Proposed Rules:

223 ..... 8344, 9302
1154 9686

37 CFR

Ch. IV 9801
1 ..... 9368, 11366
201 ..... 9270, 11366

Proposed Rules:

308 10989

38 CFR

21 9621

Proposed Rules:

3 12041
17 9811

39 CFR

111 ..... 9622, 11151, 12019
601 9015

Proposed Rules:

111 ..... 8345, 9051, 10991

40 CFR

52 ..... 8614, 8616, 10004, 10005, 10964, 11859
60 ..... 8323, 8324, 8620, 9578, 61 ..... 8620, 10764–10766
62 9627
80 9386
81 ..... 11503, 10761–10765, 11860
86 10606
180 10006–10008
228 ..... 9273, 10009
271 ..... 9427, 11858
600 10606
712 11695
716 11697
775 8621

Proposed Rules:

51 ..... 9456, 9694, 11737, 11738
52 ..... 8346, 8749, 8751, 9052, 9694, 10076, 10794, 10796, 11183, 11738, 12043
58 9538
60 ..... 9055, 9057
65 11908
80 9400
81 ..... 8751, 9694, 10797, 11183, 12044
86 ..... 9204, 11515, 11739
110 9776
122 9362
153 12045
154 12188
155 12208
162 12188
180 ..... 10077–10085, 11184
220 10252
227 10252
228 10252
234 10252
260 11068
264 ..... 11068, 11740
265 11068
270 11068
271 11186
305 9586
306 9593
421 10918
464 11187
710 9944
721 ..... 11384, 11391, 12046

41 CFR

Ch. 101 8622
101–20 10229
Ch. 201 11861

Proposed Rules:

Ch. 201 10252
105–64 8641

42 CFR

124 10798
435 10013
436 10013
440 10013
441 10013

Proposed Rules:

431 10450
435 ..... 10450, 10992
436 10992

43 CFR

4 8325
3400 8626
3410 8626
3420 8626
3430 8626
3450 8626
3460 8626
3470 8626
8560 12020

Public Land Orders:

2634 (Amended by PLO 6595) 11505
3512 (Amended by PLO 6596) 11368
3923 (Corrected by PLO 6594) 11505
6141 (Corrected by PLO 6593) 11505
6459 (Corrected by PLO 6589) 9428
6588 9279
6589 9428
6590 10766
6591 10965
6592 10966
6593 11505
6594 11505
6595 11505
6596 11368
6597 11865

Proposed Rules:

4 10996
418 11515
1600 10086
2800 10998
2880 10998
3140 10998
3160 11517
3400 ..... 10508, 12053
3420 ..... 10508, 10510, 12053
3460 ..... 10508, 12053
4100 9698

44 CFR

64 ..... 10229, 10767
205 9628

Proposed Rules:

67 ..... 10253, 10256

45 CFR

205 11698

Proposed Rules:

205 10450
206 10450
232 10450
1206 10998
1601 11518
1622 11740

46 CFR

50 9428
52 9428
53 9428
54 9428
55 9430
56 9430
57 9430
58 9428
59 9430
60 9430
61 9430
62 9430
63 9428
64 9430
153 8730
154 8730
162 9428
298 9437
550 10966
580 10966

Proposed Rules:

Ch. IV 10807
50 11397

56 ..... 11397, 11741
58 11741
69 10803
107 11741
108 11741
109 11741
111 11741
154 10264
174 11741
298 ..... 9456, 11397
572 10810

47 CFR

Ch. I 8627, 9016
0 9632
1 ..... 11151, 11161
2 12021
21 11161
22 ..... 10029, 11505, 12021
42 11161
43 11161
64 9033
69 9633
73 ..... 8325-8335, 8628, 8634, 9033-9035, 9804, 10768
74 ..... 9035, 12021
81 11699
83 11699
87 11699
90 ..... 10231, 11699, 12021
94 ..... 10231, 11699, 11865
95 11699
97 ..... 10771, 11699

Proposed Rules:

Ch. I 9462, 10274
1 ..... 10814, 11402, 11909
2 ..... 9059, 9060, 9292, 11000, 11743
15 ..... 9059, 11743
21 11402
22 ..... 9059, 11519, 11743
25 ..... 9059, 11743
42 11909
43 11909
64 ..... 9060, 10510
73 ..... 8347, 9060-9074, 9804, 10817, 11000, 11188, 11190 11406
76 ..... 9076, 10274, 11100, 11191
83 10086
90 ..... 9059, 9060, 9293, 10821, 11743
97 ..... 8348, 10087, 10275
100 11744

48 CFR

Ch. 1 10233
Ch. 5 10036
Ch. 29 8914
242 12028
252 12028
901 12180
902 12180
903 12180
904 12180
905 12180
906 12180
914 12180
915 12180
919 12180
924 12180
928 12180
943 12180
950 12180
952 12180
970 12180
1801 11866
1803 11866
1804 11866
1805 11866
1807 11866
1809 11866
1810 11866
1813 11866
1814 11866
1815 11866
1816 11866
1817 11866
1819 11866
1827 11866
1831 11866
1832 11866
1836 11866
1837 11866
1852 11866
1853 11866

Proposed Rules:

Ch. 5 ..... 9293, 11910
14 11522
31 8752
36 10516
52 ..... 11522, 11523
533 10276
914 12053
933 12053
952 12053
970 12053

49 CFR

1 9036
25 8955
107 10060
172 ..... 11048, 11700
173 ..... 8635, 11048, 11700
174 11048
176 11048
177 11048
178 ..... 11048, 11700
179 ..... 11048, 11700
533 11162
555 10771
571 ..... 10772, 10968, 11506, 12029
574 10772
830 11165
1033 ..... 11366, 11368, 12031
1048 10233
1135 10969
1152 8566
1220 10774

Proposed Rules:

25 8987
172 10088
173 10088
192 10088
195 10088
215 ..... 9293, 9977
571 ..... 9294, 11209, 11213
573 12056
830 11214
192 11921
195 11921
1171 ..... 9298, 10822

50 CFR

21 8636
91 9279
611 8335
641 11166
651 8735
652 11166
655 ..... 10499, 12032
671 ..... 8348, 10233
672 ..... 10234, 11368
675 11369

Proposed Rules:

17 ..... 9083-9095, 9300, 10276
20 10276
26 9300
33 8752
285 11215
661 12059
663 10290
677 8348

LIST OF PUBLIC LAWS

Last List March 20, 1985

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202-275-3030).

H. J. Res. 85/Pub. L. 99-6

To designate the week of March 24, 1985, through March 30, 1985, as "National Skin Cancer Prevention and Detection Week". (Mar. 22, 1985; 99 Stat. 16) Price: $1.00

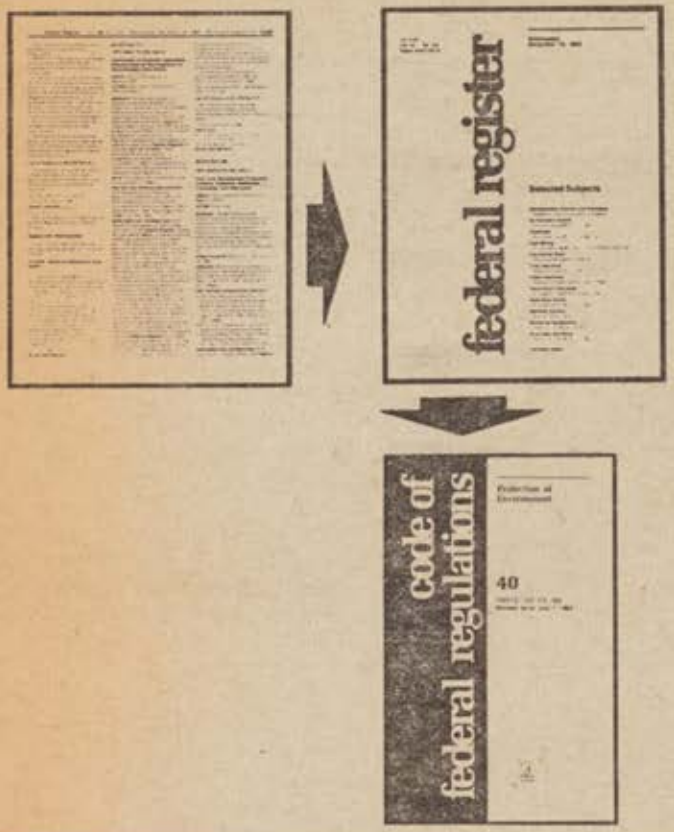






The Federal Register

Regulations appear as agency documents which are published daily in the **Federal Register** and codified annually in the **Code of Federal Regulations**



The **Federal Register**, published daily, is the official publication for notifying the public of proposed and final regulations. It is the tool for you to use to participate in the rulemaking process by commenting on the proposed regulations. And it keeps you up to date on the Federal regulations currently in effect.

Mailed monthly as part of a **Federal Register** subscription are: the LSA (List of CFR Sections Affected) which leads users of the **Code of Federal Regulations** to amendatory actions published in the daily **Federal Register**; and the cumulative **Federal Register Index.**

The **Code of Federal Regulations** (CFR) comprising approximately 185 volumes contains the annual codification of the final regulations printed in the **Federal Register.** Each of the 50 titles is updated annually.

Subscription Prices:

- **Federal Register**
  - **Paper:**
    - One year as issued: $300 domestic; $375 foreign
    - Six months: $150 domestic; $187.50 foreign
  - **24x Microfiche Format:**
    - One year as issued: $145 domestic; $181.25 foreign
    - Six months: $72.50 domestic; $90.65 foreign
- **Code of Federal Regulations**
  - **Paper:**
    - One year as issued: $550.00 domestic; $687.50 foreign
    - Single volumes: Individually priced.
  - **24x Microfiche Format:**
    - Current year (as issued): $185 domestic; $231.25 foreign
    - Previous year's full set (single shipment): $155 domestic; $193.75 foreign

Order Form

Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $_____ ☐ check, ☐ money order, or charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No. _____

MasterCard and VISA accepted.

Credit Card Orders Only

Total charges $_____

Fill in the boxes below.

Credit Card No.: ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Customer's Telephone No.: Area Code / Home / Area Code / Office

Charge orders may be telephoned to the GPO order desk at (202)783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays).

Please send me

PAPER:

_____ **Federal Register:** ___ $300 per year domestic; $375 foreign ___ $150 per six-month domestic; $187.50 foreign

_____ **Code of Federal Regulations:** ___ $550 per year domestic; $687.50 foreign

24x MICROFICHE FORMAT:

_____ **Federal Register:** ___ One year as issued: $145 domestic; $181.25 foreign ___ Six months: $72.50 domestic; $90.65 foreign

_____ **Code of Federal Regulations:** ___ Current year: $185 domestic; $231.25 foreign ___ Previous year's full set (single shipment): $155 domestic; $193.75 foreign

PLEASE PRINT OR TYPE

Company or Personal Name

Additional address/attention line

Street address

City State ZIP Code

(or Country)

For Office Use Only

Quantity Charges

_____ Publications _____

_____ Subscription _____

Special Shipping Charges _____

International Handling _____

Special Charges _____

OPNR _____

_____ UPNS

_____ Balance Due

_____ Discount

_____ Refund