AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

1-17-85
Vol. 50 No. 12
Pages 2539-2658

federal register

Thursday
January 17, 1985

Selected Subjects

Administrative Practice and Procedure
Commodity Credit Corporation

Aged
Equal Employment Opportunity Commission

Agricultural Research
Agricultural Marketing Service

Bridges
Coast Guard

Cable Television
Federal Communications Commission

Communications Common Carriers
Federal Communications Commission

Fisheries
National Oceanic and Atmospheric Administration

Forests and Forest Products
Forest Service

Hazardous Waste
Environmental Protection Agency

Loan Programs—Agriculture
Commodity Credit Corporation

Marketing Agreements
Agricultural Marketing Service

Pesticides and Pests
Environmental Protection 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.

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

Selected Subjects

Radio and Television Broadcasting
Federal Communications Commission

Reporting and Recordkeeping Requirements
Securities and Exchange Commission

Sunshine Act
Marine Mammal Commission

Waste Treatment and Disposal
Nuclear Regulatory Commission

Contents

Federal Register
Vol. 50, No. 12
Thursday, January 17, 1985

Agricultural Marketing Service
RULES
2539 Filberts/hazelnuts grown in Oregon and Washington
2539 Olives grown in California; correction
PROPOSED RULES
Cotton:
2575 Research and promotion; regulatory review

Agriculture Department
See Agricultural Marketing Service; Commodity Credit Corporation; Forest Service; Soil Conservation Service.

Antitrust Division
NOTICES
National cooperative research notifications:
2632 Exxon Production Research Co. et al.
2633 Microelectronics & Computer Technology Corp.
2633 Software Productivity Consortium

Arts and Humanities, National Foundation
NOTICES
Meetings:
2633 Humanities National Council Advisory Committee

Centers for Disease Control
NOTICES
Meetings:
2619 Mine Health Research Advisory Committee (NIOSH)

Coast Guard
RULES
Drawbridge operations:
2546 Florida
2545 New York
PROPOSED RULES
Drawbridge operations:
2590 Texas

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

Commodity Credit Corporation
RULES
Loan and purchase programs:
2541 Peanuts
PROPOSED RULES
2578 Suspension and debarment

Customs Service
NOTICES
Trade name recordation applications:
2653 Acme Premium Supply Corp.
2654 L.A. Gear California, Inc.

Defense Department
See also Engineers Corps; Navy Department.
NOTICES
Meetings:
2601 Science Board
2602 Science Board task forces

Education Department
NOTICES
Meetings:
2602 Adult Education National Advisory Council

Energy Department
See also Federal Energy Regulatory Commission.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements;
2603 International Atomic Energy Agency

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
2602 Kahana Bay, Oahu, HI

Environmental Protection Agency
RULES
Hazardous waste program authorizations:
2550 Kentucky
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
2546, 2547 Ethylene dibromide (2 documents)
NOTICES
Air programs; fuel and fuel additive waivers:
2615 E.I. DuPont de Nemours & Co., Inc.

Equal Employment Opportunity Commission
RULES
Age discrimination in employment:
2543 Bona fide executive or high policymaking employees; exemption

Federal Aviation Administration
RULES
2542 Transition areas; correction

Federal Communications Commission
RULES
Common carrier services:
2552 INTELSAT global communications satellite system; authorized user policy for access
Communications equipment and radio and television broadcasting:
2564 Technical regulations; re-examination; correction
Television stations; table of assignments:
2565 Florida
PROPOSED RULES
Common carrier services:
2594 MTS and WATS market structure, etc.; access charge and small business
Radio and television broadcasting:
2596 Network affiliation and transcription contracts filing

Television broadcasting:
2594 Cable Communications Policy Act; implementation; correction
NOTICES
2616 Agency information collection activities under OMB review
Hearings, etc.:
2617 Telecom Engineering, Inc., et al.
2617 Wilco Vision et al.
2616 Rulemaking proceedings filed, granted, denied, etc.; petitions

Federal Deposit Insurance Corporation
NOTICES
2657 Meetings; Sunshine Act (3 documents)

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
2604 Public Service Co. of New Mexico et al.
Hearings, etc.:
2603 Bayou Interstate Pipeline System
2603 Colorado Interstate Gas Co.
2603 Columbia Gas Transmission Corp.
2604 Natural Gas Pipeline Co. of America
2611 Utah Power & Light Co.
Natural gas certificate filings:
2605 Transcontinental Gas Pipe Line Corp. et al.
2608 United Gas Pipe Line Co. et al.

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
2653 Camden County, MO

Federal Reserve System
NOTICES
Federal Open Market Committee:
2618 Domestic policy directives
2657, 2658 Meetings; Sunshine Act (2 documents)

Food and Drug Administration
NOTICES
Food for human consumption:
2619 Identity standard deviation; market testing permits; Pacific salmon, canned

Forest Services
PROPOSED RULES
Timber sales, national forest:
2591 Periodic payments and cash downpayment requirements
NOTICES
Meetings:
2599 Black Hills National Forest Grazing Advisory Board
2599 Gila National Forest Grazing Advisory Board
2599 Mono Basin National Forest Scenic Area Advisory Board
2599 Umatilla National Forest Grazing Advisory Board

General Services Administration
NOTICES
2618 Agency information collection activities under OMB review

Health and Human Services Department
See Centers for Disease Control; Food and Drug Administration; Health Resources and Services Administration.

Health Resources and Services Administration
NOTICES
2619 Advisory committee reports, annual; availability

Housing and Urban Development Department
NOTICES
Grants; availability, etc.:
2620 Fair housing assistance program

Interior Department
See Land Management Bureau; Minerals Management Service; National Park Service.

International Trade Administration
NOTICES
Countervailing duties:
2600 Amoxicillin trihydrate and its salts from Spain; revocation

International Trade Commission
NOTICES
Import investigations:
2632 Portable electronic calculators

Justice Department
See Antitrust Division.

Land Management Bureau
RULES
Public land orders:
2551 Montana
NOTICES
Committees; establishment, renewals, terminations, etc.:
2628 Geothermal Environmental Advisory Panel
Exchange of public lands for private land:
2626 Idaho
2626 Montana
Land use plans:
2624 Alturas Resource Area et al., Susanville District, California
2626 Beckwourth Planning Area, California
Meetings:
2622 Battle Mountain District Grazing Advisory Board
2622 Boise District Grazing Advisory Board
2622 Richfield District Grazing Advisory Board
2627 Salt Lake District Grazing Advisory Board
Opening of public lands:
2626 Montana
Recreation use permit systems:
2627 Upper Missouri National Wild and Scenic River, Montana
Resource management plans/environmental statements; availability, etc.:
2627 Pocatello Resource Area, Idaho
Sale of public lands:
2624 California
2628 Oklahoma
2623 Oregon
Survey plat filings:
2628 Oregon and Washington
Withdrawal and reservation of lands:
2625 Oregon
2625 Washington

Marine Mammal Commission
RULES
2570 Sunshine Act; implementation

Minerals Management Service
NOTICES
Environmental statements; availability, etc.:
2630 Alaska OCS mineral prelease and exploration proposals
2631 Gulf of Mexico OCS mineral exploration proposals
2629 North Aleutian Basin, Alaska OCS lease sale
Meetings:
2629 Outer Continental Shelf Advisory Board
Outer Continental Shelf; development operations coordination:
2631 Marathon Oil Co.
2631 Tenneco Oil Exploration & Production
Outer Continental Shelf operations:
2630 Southern California; lease sale; request for information

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
2573 Tanner crab off Alaska
PROPOSED RULES
Fishery conservation and management:
2598 Northeast multi-species; hearing
NOTICES
Meetings:
2600 North Pacific Fishery Management Council

National Park Service
NOTICES
Meetings:
2632 Cape Krusenstern National Monument and Kobuk Valley National Park Subsistence Resource Commissions

National Science Foundation
NOTICES
Meetings:
2634 Prokaryotic Genetics Advisory Panel

National Technical Information Service
NOTICES
Patent licenses, exclusive:
2601 Mycogen Corp.

Navy Department
NOTICES
Meetings:
2602 Naval Research Advisory Committee

Nuclear Regulatory Commission
PROPOSED RULES
Practice rules:
2579 Criteria for reopening records in formal licensing proceedings; correction
2579 Radioactive wastes, high level; disposal in geologic repositories; licensing procedures
NOTICES
Applications, etc.:
2634 General Electric Co.
2634 Kerr-McGee Chemical Corp.
2634 Pacific Gas & Electric Co.
2636 Philadelphia Electric Co.
2635 Virginia Electric & Power Co.
Meetings:
2636 Review of Enforcement Policy Advisory Committee

Personnel Management Office
PROPOSED RULES
Retirement:
2575 Civil Service Retirement and Disability Fund; Federal claims collection, filing of debt claims; correction

Securities and Exchange Commission
RULES
Investment advisers:
2542 Recordkeeping requirements
NOTICES
2636 Agency information collection activities under OMB review (2 documents)
Hearings, etc.:
2636 Institutional Liquid Assets et al.
2637 Security Equity Fund et al.
Self-regulatory organizations; proposed rule changes:
2639, 2640 Philadelphia Stock Exchange, Inc. (2 documents)

Small Business Administration
NOTICES
Applications, etc.:
2644 Chestnut Capital International II, L.P.
Disaster loan areas:
2640 Arizona
2640, 2641 California (2 documents)
2641 Colorado
2641 Idaho
2644 Illinois
2641 Indiana
2641 Iowa
2641, 2645 Kansas (2 documents)
2642 Louisiana
2642 Michigan
2642 Minnesota
2642 Mississippi
2642, 2645 Nebraska (2 documents)
2643 New Mexico (2 documents)
2643 North Dakota
2644 Oklahoma
2643 South Dakota
2643, 2644 Texas (2 documents)
2645 Wisconsin

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
2599 Bear-Caine Creeks Watershed, Alabama
2600 Big Sandy Critical Area Treatment RC&D Measures, Kentucky

State Department
NOTICES
International conferences:
2645 Private-sector representatives on U.S. delegations

Textile Agreements Implementation Committee
NOTICES
Cotton, wool, and man-made textiles:
2601 China

Transportation Department
See Coast Guard; Federal Aviation Administration; Federal Highway Administration.

Treasury Department
See also Customs Service.
NOTICES
Boycotts, international:
2653 Countries requiring cooperation; list

United States Information Agency
NOTICES
2654, 2655 Privacy Act; systems of records (2 documents)

Veterans Administration
NOTICES
2656 Agency information collection activities under OMB review

---

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

CFR PARTS AFFECTED IN THIS ISSUE

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

5 CFR

Proposed Rules:

831 2575

7 CFR

932 2539
982 2539
1446 2541

Proposed Rules:

1205 2575
1407 2578

10 CFR

Proposed Rules:

2 2579
60 2579

14 CFR

71 2542

17 CFR

275 2542

29 CFR

1625 2543
1627 2543

33 CFR

117 (2 documents) 2545, 2546

Proposed Rules:

117 2590

36 CFR

Proposed Rules:

223 2591

40 CFR

180 (2 documents) 2546, 2547
271 2550

43 CFR

Public Land Orders:

6582 2551

47 CFR

Ch. I 2552
15 2564
73 2564
74 2564
76 2565

Proposed Rules:

1 2594
63 2594
67 2594
73 2596
76 2594

50 CFR

550 2570
560 2570
671 2573

Proposed Rules:

651 2598

Rules and Regulations

Federal Register
Vol. 50, No. 12
Thursday, January 17, 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.
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 932

Olives Grown in California; Amendment of Subpart; Rules and Regulations; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error in an interim final rule published on August 31, 1984 and adopted as final and published on November 7, 1984. The percent of olives in any lot or sublot of a specified variety that may be smaller than 1/150 pound is corrected to 20 percent rather than 10 percent as published (49 FR 34439, 44447).

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

List of Subjects in 7 CFR Part 932

Marketing Agreements and Orders, Olives, California.

Accordingly § 932.153(b)(4) as published at 49 FR 34440, August 31, 1984, is corrected to read as follows:

§ 932.153 Establishment of minimum grade and size requirements for 1984–85 crop olives used in limited use styles.

* * * * *

(b) * * *

(4) Variety Group 2 olives, except the Obliza variety, shall be of a size which individually weigh 1/150 pound: *Provided*, That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/150 pound.

* * * * *

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

Dated: January 14, 1985.

Thomas R. Clark,

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

[FR Doc. 85–1411 Filed 1–16–85; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 982

Filberts/Hazelnuts Grown in Oregon and Washington; Establishment of Inshell Trade Demand and Final Free and Restricted Percentages for the 1984–85 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes a trade demand and marketing percentages for domestic inshell filberts for the marketing year which began July 1, 1984. The action is taken to promote orderly marketing conditions for the 1984 crop and is based on recommendations of the Filbert/Hazelnut Marketing Board which works with the USDA in administering the program.

DATES: Effective July 1, 1984 to June 30, 1985.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5053.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule.

William T. Manley, Acting Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

It is found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rulemaking on establishing final free and restricted percentages and that good cause exists for not postponing the effective time of the establishment of the inshell trade demand and marketing percentages until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because: (1) Establishment of the trade demand and percentages in needed promptly to dispel any uncertainties about volume regulation for the 1984–85 marketing year and to maintain orderly marketing conditions for the 1984 crop; (2) growers and handlers have been conducting their operations in anticipation of the establishment of the trade demand and final percentages contained in this document; and (3) the 1984–85 marketing year began July 1, 1984, and the percentages established herein apply to all merchantable filberts handled from the beginning of the marketing year.

This action establishes an inshell filbert trade demand of 5,400 tons and final free and restricted percentages of 40 percent and 60 percent, respectively, for the 1984–85 marketing year. The establishment of the trade demand and percentages is pursuant to § 982.40 of the marketing agreement and Order No. 982, both as amended (7 CFR Part 982), regulating the handling of filberts/hazelnuts grown in Oregon and Washington. The marketing agreement and order are collectively referred to as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The inshell trade demand and marketing percentages were recommended by the Filbert/Hazelnut Marketing Board.

On November 7, 1984, notice was published in the **Federal Register** (49 FR 44500), inviting written comments on the proposed establishment of an inshell trade demand of 5,400 tons. Three comments were received. Two commentators stated that the trade demand was to low, and that their firm cannot get enough inshell filberts to meet their needs. The third comment filed by the Board supported its 5,400 ton trade demand recommendation and the need for the final free and restricted percentages hereinafter established for the 1984–85 marketing year. The comments are discussed in more detail later in this document.

Section 982.40(b) of the order provides that the Board shall recommend establishment of an inshell trade demand for a marketing year to the Secretary. If the Secretary finds on the basis of the Board's recommendation or other information that volume regulation for merchantable filberts for that marketing year would tend to effectuate the declared policy of the act, the Secretary shall establish that inshell

demand. The Board's 5,4000 ton trade demand recommendation for the 1984–85 season was made on July 31, 1984, in accordance with paragraph (b). That trade demand is based on an average of domestic inshell shipments during the three years 1981–83 of 4,471 tons. The Board increased that quantity by 10 percent to provide a quantity for market growth and added 500 tons for a desirable carryout on June 30, 1985. The desirable carryout provides inshell filberts for early season domestic use next season until the 1985 crop is available for market. The Board concluded that its recommended trade demand would provide an adequate supply of inshell filberts for market needs during the 1984–85 season and promote orderly market conditions for domestic producers and handlers as a whole.

Both commentators in opposition contended that the proposed inshell trade demand of 5,400 tons restricts the supply of inshell filberts to the domestic market, resulting in decreased domestic consumption and artificially inflated prices to the consumer. One opponent also contended that the proposal conflicted with the intended purpose of the program of providing a stable and preferably increasing supply of domestic inshell filberts while protecting against potential oversupply situations caused by variations in crop size. That commentator further contended that the Board's trade demand recommendation discriminated against aggressive inshell filbert marketers, was not in the best long-term interest of the industry because it did not maximize the domestic inshell market, and would tend to encourage imports from foreign producers. Finally, that opponent stated the Board's restrictive trade demand recommendation was not consistent with the Department's guidelines for market allocation marketing order programs. The other commentator in opposition also stated that the Board's recommendation would force his firm to purchase filberts from its domestic competition in order to meet market needs.

Pursuant to § 982.40(c), on or before November 15, the Board is required to meet and recommend to the Secretary final free and restricted percentages to release 100 percent or up to 110 percent, if market conditions justify, of the trade demand. The Board met for this purpose on November 15, 1984, and also reviewed the viewpoints of the opponents and their request for a higher inshell trade demand.

In its comment the Board stated that a higher trade demand would result in the release of more product than could be sold during the season and would eliminate any benefit the industry as a whole would derive from the quantity regulations this season. It further stated that a higher inshell trade demand would release too many inshell filberts and cause weak marketing conditions. According to the Board, this would result in excessive carryover and adversely effect next season's shipments.

The inshell filbert market is highly seasonal with more than 80 percent of the shipments made in October and November. Admittedly, the demand is limited. In past seasons, when an overly optimistic trade demand was established, users purchased only enough inshell filberts to cover their immediate needs and waited for prices to be reduced following the peak shipping season. After prices broke, users stocked up for the following fall shipments. This had an adverse effect on new crop shipments and grower prices.

The Board also noted that inshell filbert sales have decreased worldwide over the past few years, that this decrease is not limited to the domestic market, and thus could not be attributed to its marketing policies. For example, West Germany, the largest foreign market for inshell filberts, imported more than 5,100 metric tons each year from 1971 through 1977. Since 1978, its imports have not exceeded 4,600 metric tons and declined to 3,918 metric tons in 1983. During the 7 year period from 1971–1977, total inshell exports from Italy, Spain, and the United States averaged 17,924 metric tons. For the most recent 3 years, 1981 through 1983, these exports averaged 13,033 metric tons. Turkey, the world's largest filbert producer, exports mostly shelled filberts. The few inshell filberts it exports are shipped primarily to the U.S.S.R. and East Germany. All of the major handlers attended the November 15 meeting. In their collective judgments, an increase in the inshell trade demand now would impose a hardship on those handlers who made marketing decisions based on the 5,400 ton trade demand recommended by the Board. They also indicated that domestic inshell filberts were available for immediate shipment and no shortages were reported from any of their buyers. These handlers stated that they had not been contacted by the opponents about a prospective purchase of inshell filberts to make up any reported deficit.

The filbert order is designed to solve potential marketing problems for the industry as a whole and any action under the order has to be uniformly applicable to all handlers. An increase in the trade demand from 5,400 to the 6,100 tons as recommended by one of the commenters, would eliminate the need for his firm to obtain supplies from other handlers. However, such an increase could inflate the quantity available for inshell marketing by all handlers to such a degree as to cause weak marketing conditions for the rest of the industry. This could result in an excessive carryout at the end of the current season and a repeat of the disorderly marketing conditions experienced by the industry in the past when trade demand estimates were overly optimistic.

The Board's recommended 5,400 ton trade demand recognizes the need to provide enough inshell filberts for the industry as a whole while also providing for market growth. The recommended trade demand makes available for the domestic inshell market over 20 percent more than the average shipments made during the 1981–82, 1982–83, and 1983–84 seasons, thereby meeting the Departmental guideline for market allocation marketing order programs. That guideline requires the marketing percentages to release at least 110 percent of prior years' average shipments for unrestricted use.

Increasing the trade demand as urged in some of the comments could result in an ineffective marketing policy for the 1984–85 season, and unduly burden next year's crop. Such a change would impose a hardship on handlers who have made marketing decisions based on the Board's 5,400 ton figure. This is especially true because the peak inshell shipping season already has been completed and excess supplies could cause weak marketing conditions for the rest of the industry. Therefore, in view of all the foregoing, a trade demand of 5,400 tons appears appropriate and should be established for the 1984–85 marketing year.

At the November 15 meeting, the Board also adopted the USDA crop estimate of 14,000 tons and recommended the establishment of final free and restricted percentages of 40 percent and 60 percent, respectively, to release 100 percent of the trade demand.

In calculating the percentages, the Board considered the following supply and demand information for the 1984–85 marketing year:

Inshell supply	Tons
(1) Total production	14,000
(2) Less substandard, farm use, etc.	2,789
(3) Merchantable production	11,211

	Tons
(4) Plus carryover July 1, 1985, subject to regulation	1
(5) Supply subject to regulation (item 3 plus item 4)	11,211.1
Inshell requirements	
(6) Trade demand	5,400
(7) Less carryover July 1, 1984, not subject to regulation	942
(8) Adjusted trade demand	4,458
Percentages	
(9) Free percentage (item 8 divided by item 5)—40 percent	
(10) Restricted percentage (100 percent minus 40 percent)—60 percent	

After considerable discussion on the quality of the 1984 crop, the Board estimated that an unusually large portion of that crop would be non-merchantable because of the poor harvesting conditions this season. Normally about 10 percent of the crop is non-merchantable. This season some in the industry believe that percentage could approximate 20 percent or more. If the merchantable portion of the 1984 crop turns out smaller than expected, the free percentage can be increased to make more filberts available to reach the 5,400 ton trade demand. At any time prior to February 15 of the marketing year, the Board may recommend a revision in its marketing policy.

The free percentage prescribes that portion of the total merchantable supply subject to regulation which may be handled as inshell filberts. The restricted percentage prescribes that portion which must be withheld from such handling. Restricted filberts may be shelled (for domestic or foreign consumption), exported, or disposed of in outlets determined by the Board to be non-competitive with normal market outlets for inshell filberts.

After consideration of all relevant matter presented, the information and recommendations submitted by the Board, the comments received on the recommended inshell trade demand, and other available information, it is found that the establishment, under § 982.40 of the inshell trade demand and final free and restricted percentages, as hereinafter set forth, for the 1984–85 marketing year will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 982

Marketing agreement and order, Filberts, Hazelnuts, Oregon, and Washington.

PART 982—[AMENDED]

Therefore, § 982.233 is deleted and a new § 982.234 is added to read as follows: (The following section will not be published in the Code of Federal Regulations).

§ 982.234 Trade demand and free and restricted percentages for the 1984–85 marketing year.

(a) The trade demand for merchantable inshell filberts/hazelnuts for the 1984–85 marketing year shall be 5,400 tons.

(b) The final free and restricted percentages for merchantable filberts/hazelnuts for the 1984–85 marketing year shall be 40 percent and 60 percent, respectively.

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

Dated: January 14, 1985.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 85–1412 Filed 1–16–85 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1446

1981 Peanut Loan and Purchase Program

AGENCY: Commodity Credit Corporation, U.S.D.A.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to delete from the Code of Federal Regulations certain outdated regulations which set forth the policy of the Commodity Credit Corporation (CCC) for sales of 1981-crop peanuts pledged as collateral for price support loans or otherwise acquired by CCC in connection with its price support operations. These regulations are found at 7 CFR 1446.31 through 1446.49.

EFFECTIVE DATE: January 17, 1985.

FOR FURTHER INFORMATION CONTACT: Gypsy Banks, Agricultural Economist, Commodity Analysis Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013 (202) 447–5953.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures required by Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified "not major" since it has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State and local governments, or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this final rule applies are: Commodity Loans and Purchases, 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. In addition, this action will not adversely affect environmental factors such as wildlife, habitat, water quality, air quality, or land use and appearance. Accordingly, neither an Environmental assessment nor an Environmental Impact Statement is needed.

This progam/activity is not subject to the provisions of Executive Order 12372 which requires governmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

In the past, CCC has codified its sales policy with respect to peanuts pledged as collateral for price support loans or otherwise acquired by CCC in connection with its price support operations. Since all sales of 1981-crop peanuts are now complete, it has been determined that the continued codification of the CCC sales policy in 7 CFR Part 1446 for that crop is no longer necessary. Therefore, this final rule deletes those regulations.

List of Subjects in 7 CFR Part 1446

Loan programs—Agriculture, Peanuts, Price support programs, Warehouses.

Final Rule

PART 1446—[AMENDED]

§§ 1446.31–1446.49 [Removed]

Accordingly, the Subpart—1981 Peanut Loan and Purchase Program, regulations at 7 CFR 1446.31 through 1446.49, and the Headings thereto are hereby removed from the Code of Federal Regulations.

(Secs. 4 and 5, 62 Stat. 1070, as amended, 62 Stat. 1072, as amended (15 U.S.C. 714 b and c); secs. 101, 108, 401, 63 Stat. 1051, as amended, 91 Stat. 947, as amended, 63 Stat. 1054, as amended (7 U.S.C. 1441, 1445c, 1421); sec. 359, 375, 52 Stat. 31, as amended, 52 Stat. 66, as amended (7 U.S.C. 1359, 1375))

Signed at Washington, D.C. on January 11, 1985.

Everett Rank,

Executive Vice-President, Commodity Credit Corporation.

[FR Doc. 85-1410 Filed 1-16-85; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84-ANM-21]

Establishment of Transition Area, Hailey, ID

Correction

In FR Doc. 85-326 appearing on page 726 in the issue of Monday, January 7, 1985, make the following correction:

In the second column, seventh line, "1984" should have read "1985".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 275

[IA-952 File No. S7-7-84]

Amendment to Investment Adviser Recordkeeping Rule

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of rule amendment.

SUMMARY: The Commission is adopting an amendment to the recordkeeping rule under the Investment Advisers Act of 1940 to permit advisers to preserve required records on microfilm and in computer systems under certain conditions. The amendment would provide flexibility to advisers to determine the medium on which required records would be stored. Adoption of the amendment should result in cost savings to advisers using microfilm and computer recordkeeping systems.

EFFECTIVE DATE: January 17, 1985.

FOR FURTHER INFORMATION CONTACT: R. Michael Parker, Senior Compliance Examiner, (202) 272-2025 or Jay Gould, Attorney, (202) 272-2107, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In Investment Advisers Act Release No. 899 (February 15, 1984)[1] the Commission proposed an amendment to rule 204-2 [17 CFR 275.204-2], the recordkeeping rule under the Investment Advisers Act of 1940 [15 U.S.C. 80b-1 *et seq.*] the "Advisers Act"), relating to the preservation of required records. The amendment would permit immediate reliance by advisers on microfilm record storage by eliminating the requirement that advisers using microfilm record storage systems maintain hard copy originals for two years. The Commission also requested comment on whether to expand the amendment to permit advisers who maintain required records in computer systems to rely on computer storage systems, rather than on hard copy or microfilm, for compliance with rule 204-2. The release asked commentators to address a number of specific questions relating to the types of records which might be stored in computer systems and what safeguards might be necessary to maintain the integrity of records and the ability of the Commission to examine an adviser's records pursuant to section 204 of the Advisers Act. Commentators also were asked to assess the relative costs and benefits of permitting computer record storage and of the various safeguards which might be required.

Ten commentators, representing advisory firms, banks and trade associations, submitted their views on the proposal. The pertinent comments are discussed briefly below.

Commentators unanimously supported the amendment to permit immediate reliance on microfilm. Seven commentators also endorsed computer storage of records while one commentator expressed the view that microfilm storage was preferable to computer storage and another commentator believed it lacked sufficient experience with computer systems to provide comment. Generally, commentators addressing the issue of computer storage believed any Commission rule should permit advisers flexibility to devise computer storage systems which would be consistent with their operations and available technology and indicated that it should be the responsibility of the adviser to adopt appropriate measures to safeguard the integrity of computer-stored records and make them available to Commission examiners on request. Those commentators who responded to the question about duplicate computer tapes or disks believed a duplicate of the computer storage medium should be required although there was no consensus on whether off-site storage should be required or how frequently duplicates should be updated. Most commentators expressed the view that permitting computer storage could result in cost savings to advisers but did not attempt to quantify those savings.

The Commission has considered the issues raised by its proposal and the comments received, and has determined to adopt the amendment to permit immediate reliance on microfilm storage and to permit computer record storage under certain conditions. Adoption of the amendment makes the Advisers Act requirements with respect to microfilm storage consistent with recordkeeping rules adopted by the Commission for investment companies under the Investment Company Act of 1940 [15 U.S.C. 80a-1 *et seq.*] and for brokers and dealers under the Securities Exchange Act of 1934 [15 U.S.C. 78a *et seq.*]. Under the rule as amended, if the conditions relating to microfilm records are met, an adviser could immediately produce or reproduce records on microfilm and rely solely on the microfilm records for compliance with rule 204-2.

The amendment also would permit advisers to store certain records on computer tape or disk or other computer storage medium provided: (i) The records are arranged and indexed so as to permit their immediate location, (ii) printouts of the records or copies of the computer tape or disk are made available to Commission examiners promptly upon request, (iii) a duplicate of the computer storage medium is stored separately from the original, and (iv) the adviser maintains procedures for the maintenance, preservation of, and access to, records so as to reasonably safeguard records from loss, alteration or destruction.

The rule limits the types of records which can be stored in computer systems to those which exist in original form on a computer storage medium. Specifically, paragraph (g)(2) of the rule would permit computer storage of records which, in the ordinary course of the adviser's business, are created by the adviser on electronic media or are received by the adviser solely on electronic media or by electronic data transmission. The principal effect of this condition will be to require that communications in hard copy form sent or received by the adviser be retained in that form, except where the communications sent by the adviser are created on electronic media. This means, for example, that hard copies of correspondence sent by the adviser to clients would have to be retained unless the correspondence was created on word processing or other electronic media. Also, if an adviser receives confirmations of client trades by both electronic media and hard copy, the

[1] 49 FR 6746 (February 23, 1984).

hard copy confirmation would have to be retained.

Although the amendment requires the adviser to store a duplicate of the computer storage medium separately from the original, it does not require that the duplicate be stored off-site. The amendment also does not specify how frequently the duplicate should be updated to incorporate new records or what other specific safeguards should exist to protect the integrity of computer-stored records. Rather, as stated above, the amendment would require an adviser to maintain procedures so as to reasonably ensure that computer stored records are not altered, lost, or destroyed. The Commission believes that this approach is preferable in that it places the burden on an adviser to determine and maintain adequate safeguards. At the same time it avoids imposing specific requirements which, in some cases, might be unnecessarily restrictive or which might become outdated as newer technologies become available.

The amendment requires that advisers furnish printouts or copies of the computer tape or disk to Commission examiners promptly upon request but does not impose specific time limits. Commentators generally indicated that records should be furnished within 24 hours upon request and the Commission would expect that only in unusual circumstances would an adviser be permitted to delay furnishing these records for more than 24 hours. At the same time the Commission believes that in many cases, an adviser would be able to, and therefore would be required to, furnish records immediately or within a few hours of a request. The rule provides that examiners may request either printouts or copies of the computer storage medium. Because Commission examiners may begin to use portable computers in conducting examinations, in some cases it might facilitate the exam if Commission staff requested copies of the computer storage medium rather than printouts of information stored on that medium.

The amended rule would permit advisers who use computer systems in their operations to use their computer systems for record retention but it would not require them to do so. Advisers could continue to store required records in hard copy or on microfilm. The Commission wishes to emphasize that advisers storing records on microfilm or computer storage medium bear the responsibility for meeting all applicable conditions of the rule amendment. This means, for example, that an adviser using computer record storage in reliance on the rule must have computer capacity sufficient to produce promptly records requested by Commission examiners. Also, if the adviser discontinues use of its computer system or changes to a system which is not compatible with its previous system, the adviser must make adequate provisions to ensure that it can promptly make available to Commission examiners all required records.

The amendment will become effective January 17, 1985. The amendment relieves a restriction and the Commission finds that, because the amendment permits advisers greater flexibility in devising record retention systems, good cause exists to make it effective immediately.

List of Subjects in 17 CFR Part 275

Investment advisers, Reporting and recordkeeping requirements, Securities.

Text of Amendment

Chapter II of Title 17 of the Code of Federal Regulations is hereby amended by revising paragraph (g) of § 275.204–2 as follows:

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

§ 275.204–2 Books and records to be maintained by investment advisers.

* * * * *

(g)(1) The records required to be maintained and preserved pursuant to this rule may be immediately produced or reproduced by photograph on film or, as provided in paragraph (g)(2) of this section, on magnetic disk, tape or other computer storage medium, and be maintained and preserved for the required time in that form. If records are produced or reproduced by photographic film or computer storage medium, the investment adviser shall:

(i) arrange the records and index the films or computer storage medium so as to permit the immediate location of any particular record,

(ii) be ready at all times to provide, and promptly provide, any facsimile enlargement of film or computer printout or copy of the computer storage medium which the Commission by its examiners or other representatives may request,

(iii) store separately from the original one other copy of the film or computer storage medium for the time required,

(iv) with respect to records stored on computer storage medium, maintain procedures for maintenance and preservation of, and access to, records so as to reasonably safeguard records from loss, alteration, or destruction, and

(v) with respect to records stored on photographic film, at all times have available for Commission examination of its records pursuant to section 204 of the Investment Advisers Act of 1940, facilites for immediate, easily readable projection of the film and for producing easily readable facsimile enlargements.

(2) Pursuant to paragraph (g)(1) of this section an adviser may maintain and preserve on computer tape or disk or other computer storage medium records which, in the ordinary course of the adviser's business, are created by the adviser on electronic media or are received by the adviser solely on electronic media or by electronic data transmission.

* * * * *

Regulatory Flexibility Act Analysis

A Summary of the Initial Regulatory Flexibility Analysis which the Commission prepared in accordance with 5 U.S.C. 603 regarding the amendment to rule 204–2, was published in Investment Advisers Act Release No. 899. No comments were received on this analysis and the Commission has prepared a Final Regulatory Flexibility Act Analysis. Copies of the Final Regulatory Flexibility Analysis may be obtained by contacting R. Michael Parker or Jay Gould in the manner specified above.

Statutory Basis

The amendment adopted herein is adopted pursuant to the authority contained in sections 204 [15 U.S.C. 80b–4] and 211(a) [15 U.S.C. 80b–11(a)] of the Advisers Act.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85–1425 Filed 1–16–85; 8:45 am]

BILLING CODE 8010–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Parts 1625 and 1627

Exemption for Bona Fide Executive or High Policymaking Employees

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Age Discrimination in Employment Act of 1967 contains an exemption for bona fide executives and high policymaking employees. On October 9, 1984, President Reagan signed the Older Americans Act Amendments of 1984. These

amendments contain a section that raised the retirement income level necessary for an employee to come within the exemption from $27,000 to $44,000 per year. This document amends the Commission's existing interpretations by substituting $44,000 for $27,000.

EFFECTIVE DATE: October 9, 1984.

FOR FURTHER INFORMATION CONTACT: John J. Pagano or Stanley Kiszkiel, (202) 634-6592.

SUPPLEMENTARY INFORMATION: The Age Discrimination in Employment Act of 1967, as amended, prohibits, *inter alia*, mandatory retirement of employees under 70 years of age. Section 12(c) of the ADEA, however, contains an exception to this general prohibition. Section 12(c)(1) provided that:

> Nothing in this Act shall be construed to prohibit compulsory retirement of any employee who has attained 65 years of age but not 70 years of age, and who, for the 2-year period immediately before retirement, is employed in a bona fide executive or a high policymaking position, if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans, of the employer of such employee, which equals, in the aggregate, at least $27,000.

Section 802(c)(1) of the Older Americans Act Amendments of 1984, Pub. L. 98-459, amends section 12(c)(1) of the ADEA by raising the income level needed to come within the exemption from $27,000 to $44,000 per year.

The Commission has published an interpretation of section 12(c)(1) of the ADEA at 29 CFR 1625.12. In addition, the Commission has published a regulation at 20 CFR 1627.17 explaining how to calculate the amount of qualified retirement benefits for the purpose of applying the section 12(c)(1) exemption. This interpretation amends 29 CFR 1625.12 and 1627.17 by substituting the number $44,000 wherever $27,000 had appeared.

29 CFR 1625.12 is amended as follows. Subsection (a) is amended by inserting the number $44,000 where $27,000 appeared. Subsections (b), (c), (d)(1), (d)(2), (e), (f), (g), (h) and (i) are unchanged. Subsections (j)(1), (j)(2) and (k)(1) are amended by substituting $44,000 where $27,000 appears. Subsection (k)(2) remains unchanged.

29 CFR Part 1627 is amended as follows. Subsection (a) is amended by inserting the number $44,000 where $27,000 appeared. Subsection (b) is unchanged. Subsections (c)(1), (c)(2) and (c)(3) are amended by inserting $44,000 where $27,000 appeared. Subsections (c)(4) is unchanged. Subsections (c)(5), (c)(6), and (d) are amended by inserting $44,000 where $27,000 appeared. Subsections (e), (e)(1) and (e)(2) are unchanged.

Impact Analysis—This amendment will not result in an annual economic effect of $100 million or more as that term is used in Executive Order 12291 because it merely reflects the amendment to the ADEA made by Pub. L. 98-459.

Similarly, the Commission certifies under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that this amendment will not result in a significant impact on a substantial number of small employers. Any economic impact is caused by the amendment of the ADEA and not this amendment.

List of Subjects

29 CFR Part 1625

Advertising, Aged, Employee benefit plans, Equal Employment Opportunity, Retirement.

29 CFR Part 1627

Aged, Equal Employment Opportunity, Reporting and recordkeeping requirements.

PART 1625—[AMENDED]

Section 1625.12 is amended by revising paragraphs (a), (j)(1), (j)(2) and (k)(1) to read as follows:

§ 1625.12 Exemption for bona fide executive or high policymaking employees.

(a) Section 12(c)(1) of the Act, added by the 1978 amendments and as amended in 1984, provides: "Nothing in this Act shall be construed to prohibit compulsory retirement of any employee who has attained 65 years of age but not 70 years of age, and who, for the 2-year period immediately before retirement, is employed in a bona fide executive or a high policymaking position, if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans, of the employer of such employee which equals, in the aggregate, at least $44,000."

* * * * *

(j)(1) The annual retirement benefit must equal, in the aggregate, at least $44,000. The manner of determining whether this requirement has been satisfied is set forth in §1627.17(c).

(2) In determining whether the aggregate annual retirement benefit equals at least $44,000, the only benefits which may be counted are those authorized by and provided under the terms of a pension, profit-sharing, savings, or deferred compensation plan. (Regulations issued pursuant to section 12(c)(2) of the Act, regarding the manner of calculating the amount of qualified retirement benefits for purposes of the exemption, are set forth in § 1627.17 of this chapter.)

(k)(1) The annual retirement benefit must be "nonforfeitable." Accordingly, the exemption may not be applied to any employee subject to plan provisions which could cause the cessation of payments to a retiree or result in the reduction of benefits to less than $44,000 in any one year. For example, where a plan contains a provision under which benefits would be suspended if a retiree engages in litigation against the former employer, or obtains employment with a competitor of the former employer, the retirement benefit will be deemed to be forfeitable. However, retirement benefits will not be deemed forfeitable solely because the benefits are discountinued or suspended for reasons permitted under section 411(a)(3) of the Internal Revenue Code.

* * * * *

Section 1627.17 is amended by revising paragraphs (a), (c)(1), (c)(2), (c)(3), (c)(5), (c)(6), and (d) to read as follows:

§ 1627.17 Calculating the amount of qualified retirement benefits for purposes of the exemption for bona fide executives or high policymaking employees.

(a) Section 12(c)(1) of the Act, added by the 1978 amendments and amended in 1984, provides: "Nothing in this Act shall be construed to prohibit compulsory retirement of any employee who has attained 65 years of age but not 70 years of age, and who, for the 2-year period immediately before retirement, is employed in a bona fide executive or a high policymaking position, if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans, of the employer of such employee, which equals, in the aggregate, at least $44,000." The Commission's interpretative statements regarding this exemption are set forth in §1625 of this chapter.

* * * * *

(c)(1) The requirement that an employee be entitled to the equivalent of a $44,000 straight life annuity (with no ancillary benefits) is statisfied in any case where the employee has the option of receiving, during each year of his or her lifetime following retirement, an annual payment of at least $44,000, or

periodic payments on a more frequent basis which, in the aggregate, equal at least $44,000 per year: Provided, however, that the portion of the retirement income figure attributable to Social Security, employee contributions, rollover contributions and contributions of prior employers is excluded in the manner described in paragraph (e) of this section. (A retirement benefit which excludes these amounts is sometimes referred to herein as a "qualified" retirement benefit.)

(2) The requirment is also met where the employee has the option of receiving, upon retirement, a lump sum payment with which it is possible to purchase a single life annuity (with no ancillary benefits) yielding at least $44,000 per year as adjusted.

(3) The requirement is also satisfied where the employee is entitled to receive, upon retirement, benefits whose aggregate value, as of the date of the employee's retirement, with respect to those payments which are scheduled to be made within the period of life expectancy of the employee, is $44,000 per year as adjusted.

* * * * *

(5) The determination of the value of those benefits which may be counted towards the $44,000 requirement must be made on the basis of reasonable actuarial assumptions with respect to mortality and interest. For purposes of excluding from this determination any benefits which are available only after death, it is not necessary to determine the life expectancy of each person on an individual basis. A reasonable actuarial assumption with respect to mortality will suffice.

(6) The benefits computed under paragraphs (c)(1), (2) and (3) of this section shall be aggregated for purposes of determining whether the $44,000 requirement has been met.

(d) The only retirement benefits which may be counted towards the $44,000 annual benefit are those from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans. Such plans include, but are not limited to, stock bonus, thrift and simplified employee pensions. The value of benefits from any other employee benefit plans, such as health or life insurance, may not be counted.

* * * * *

(Sec. 12(c)(1) of the Age Discrimination In Employment Act of 1967, as amended by Sec. 802(c)(1) of the Older Americans Act Amendments of 1984, Pub. L. 98-459, 98 Stat. 1792))

Signed on 11th Day of January, 1985 at Washington, D.C.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 85-1347 Filed 1-16-85; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD3 84-51]

Drawbridge Operation Regulations; Reynolds Channel, NY

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: At the request of Nassau County, New York, the Coast Guard is changing the regulations governing the Long Beach drawbridge between Island Park and Long Beach, New York by revising the hours that the bridge will be required to open on signal. This change is being made because of limited requests for opening of the draw between 7 a.m. and 8 a.m. This action will continue to relieve the bridge owner of the burden of having a person constantly available to open the draw and will still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on February 19, 1985.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Third Coast Guard District (212)668-7994.

SUPPLEMENTARY INFORMATION: On September 13, 1984 the Coast Guard published proposed rules (49 FR 35963) concerning this amendment. The Commander, Third Coast Guard District also published the proposal as a Public Notice dated September 29, 1984. In each notice interested persons were given until October 29, 1984 to submit comments.

On April 24, the Coast Guard published a final rule (49 FR 17450) that reorganized the regulations for drawbridges (Part 117 of Title 33 Code of Federal Regulations) to consolidate common requirement and to organize bridge regulations into a more usable format. This final rule follows the revised numbering and format.

Drafting Information:

The drafters of these regulations are Lucas A. Dlhopolsky, project manager, and Mary Ann Arisman, project attorney.

Discussion of Comments:

Four comments on the proposed rule were received. Three comments were of no objection or interest, while one respondent (by unsigned correspondence) objected to the regulations. This respondent's comments were directed toward the existing as well as proposed regulations. It was stated that bridge openings on signal during the summer boating season (May 15 though September 30) were required for daylight hours prior to 7 a.m. and until midnight each day to avoid creating a safety hazard to sailboats. Bridge logs reveal that openings between midnight and 7 a.m. were provided for only six vessels during the boating season from 1980 through 1982. Each opening was for a single vessel. Additionally, the logs show that an average of only 10 boats required openings between 7 a.m. and 8 a.m. each year. This indicates that it is not reasonable to require an operator to be constantly in attendance at the bridge prior to 8 a.m.

The objecting respondent also suggested that regulations requiring 4 hours notice (midnight to 8 a.m. year round) be revised to provide openings on signal from May 2 through October 31. However, bridge logs show an average of only 13 openings each year (midnight to 8 a.m.) during this period. This also does not warrant having an operator constantly in attendance as suggested. The Coast Guard feels that the objections to the regulations are unsubstantiated, and that these regulations will adequately respond to the needs of the mariner. Based on past openings, the minimal vessels affected by this action will not produce the potential for a hazardous situation as stated by the objecting respondent.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. The bridge is transited almost exclusively by transient, recreational boaters navigating through Reynolds Channel. Since the closed draw has a vertical clearance sufficient to accommodate passage of most of these vessels, only minimal impact will result from these regulations. Of the openings between 7 a.m. and 8 a.m. from

1980–82, only one was for a commercial vessel. This indicates these regulations will have little or no impact on commercial vessels and minimal impact on recreational boating. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations: In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations is amended by revising § 117.799(g) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.799 Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal.

* * * * *

(g) The draw of the Long Beach Bridge across Reynolds Channel, mile 4.7, shall open on signal; except that:

(1) From midnight to 8 a.m. year-round, the draw shall open on signal if at least four hours notice is given; and

(2) From 3 p.m. to 8 p.m. on Saturdays, Sundays, and holidays from May 15 through September 30, the draw need be opened only on the hour and half hour.

* * * * *

(33 U.S.C. 499; 49 CFR 1.46(c)(2); 33 CFR 1.05-1(g)(3))

Dated: January 2, 1985.

P.A. Yost,

Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 85-1418 Filed 1-16-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD7-84-34]

Drawbridge Operation Regulations: Gulf Intracoastal Waterway-Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Florida Dept. of Transportation, the Coast Guard is changing regulations governing the Pinellas Bayway, Structure "C" Drawbridge, mile 114, at St. Petersburg Beach, Florida by permitting the number of openings to be limited during certain periods. This change is being made because periods of peak marine and vehicular traffic have increased. This action will accommodate the needs of vehicular traffic and still provide for the reasonable needs of naviagtion.

EFFECTIVE DATE: These regulations become effective on February 19, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky, Bridge Administration Specialist, telephone (305) 350-4103.

SUPPLEMENTARY INFORMATION: On October 5, 1984, the Coast Guard published proposed rules (49 FR 40900) concerning this amendment. The Commander, Seventh Coast Guard District, also published the proposal as a Public Notice dated October 30, 1984. In each notice interested persons were given until December 3, 1984 to submit comments. The final rule differs from the proposed rule only in designation of paragraphs.

Drafting Information:

The drafters of these regulations are Mr. Walt Paskowsky, Bridge Administration Specialist, project officer, and Lieutenant Commander Ken Gray, project attorney.

Discussion of Comments

No comments were received in response to the **Federal Register** publication.

Sixteen responses to the public notice were received. Six favored the proposed rule, two opposed it and eight favored a more restrictive schedule of 20 or 30 minute draw openings. The two letters of opposition stated that since the drawspan presently opens an average of four times per hour the proposal would simply equalize the time between openings without improving vehicular traffic flow.

The regulations with controlled openings on 15 minute intervals will virtually eliminate multiple drawbridge openings (2 or more within a 15-minute increment) and thus reduce vehicular traffic congestion during peak traffic periods. More restrictive regulations, at this time, would not provide for the reasonable needs of navigation.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because the regulations exempt tugs with tows. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—[AMENDED]

Regulations: In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by redesignating existing paragraphs (e) through (i) of § 117.287 as (f) through (j) and adding a new paragraph (e) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.287 Gulf Intracoastal Waterway, Caloosahatchee River to Perdido River.

* * * * *

(e) The draw of the Pinellas Bayway, Structure "C" bridge, mile 114, at St. Petersburg Beach shall open on signal; except that from 9:00 a.m. to 6:00 p.m. on Saturdays, Sundays, and holidays, the draw need be opened only on the hour, quarter-hour, half-hour, and three-quarter hour.

* * * * *

(33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: January 7, 1985.

R.P. Cueroni,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 85-1419 Filed 1-16-85; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[00000/R715; PH-FRL 2727-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Revocation of a Tolerance for Ethylene Dibromide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule revokes the tolerance in 40 CFR 180.146 for residues of inorganic bromides (calculated as Br) in or on mangoes that have been fumigated after harvest with the insecticide ethylene dibromide (EDB). Elsewhere in this issue of the Federal Register, a tolerance of 30 ppb in the edible pulp of mangoes is established, based on a measurement of EDB *per se*, with an expiration date of September 1, 1985.

EFFECTIVE DATE: Effective on January 17, 1985.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110) 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
By Mail: Richard Johnson, Registration Division (TS-767C), Office of Pesticide Programs, 401 M St., SW., Washington, D.C. 20460.
Office location and telephone number: Rm. 711, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7420).

SUPPLEMENTARY INFORMATION: On August 2, 1984, EPA issued a proposed rule, published in the **Federal Register** of August 10, 1984 (49 FR 32086), which proposed the revocation of the 10 ppm tolerance in 40 CFR 180.146 for residues of inorganic bromides (calculated as Br) in or on mangoes that have been fumigated after harvest with EDB in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S Department of Agriculture (USDA).

No requests for referral to an advisory committee were received in response to the proposed rulemaking.

The comments received on the proposed rule are discussed in the related document, [00000/R717], establishing a tolerance of 30 ppb for residues of EDB *per se* in the edible pulp of mangoes, which appears elsewhere in this issue of the **Federal Register.**

As discussed in the proposal published on August 10, 1984, the Agency previously issued a notice of intent to cancel registrations of EDB for the quarantine fumigation of mangoes, which was published in the **Federal Register** of October 11, 1983 (48 FR 46234). The cancellation became effective for mangoes on September 1, 1984.

For those examining Part 180 of Chapter 40 of the Code of Federal Regulations (CFR), it should be noted that in the **Federal Register** of April 23, 1984 (49 FR 17147), 40 CFR 180.146 was amended by deleting the first paragraph listing tolerances at 50 ppm for various grains calculated as the inorganic bromide molecule.

Based on the information considered by the Agency, and discussed in detail in the August 10 **Federal Register** proposal and the support document which is available from the Agency at the address given in "**FOR FURTHER INFORMATION**" above, and after consideration of the comments submitted to the docket, the Agency is hereby revoking the tolerance in 40 CFR 180.146 for residues of inorganic bromides (calculated as Br) in or on mangoes that have been fumigated after harvest with EDB in accordance with the USDA programs enumerated above.

Elsewhere in this issue of the **Federal Register,** the Agency has issued a final rule establishing a tolerance of 30 ppb (.03 ppm) for residues of EDB *per se* in the edible pulp of mangoes resulting from fumigation after harvest in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S. Department of Agriculture, with a termination date of September 1, 1985. The Agency will shortly be publishing a final rule revoking the tolerances in 40 CFR 180.146 for residues of inorganic bromides in or on the remaining fruits and vegetables listed in the first paragraph of the regulation.

Any person adversely affected by this regulation revoking the tolerances in 40 CFR 180.146 for residues of inorganic bromides (calculated as Br) in or on mangoes that have been fumigated after harvest with EDB in accordance with the USDA programs enumerated above may, within 30 days after the date of publication of this regulation in the **Federal Register,** file written objections with the Hearing Clerk, at the address given above. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

This document has been sent to the Office of Managment and Budget for review as required by section 3 of Executive Order 12291.

In order to satisfy requirements for analysis as specified by Executive Order 12291, the Regulatory Flexibility Act and the Paperwork Reduction Act, the Agency has analyzed the costs and benefits of the revocation of the tolerances in 40 CFR 180.146 for residues of inorganic bromides (calculated as Br) in or on mangoes that have been fumigated with EDB after harvest. Documents containing these analyses are available at the address identified elsewhere in this rule.

As explained in the proposal published on August 10, 1984, pursuant to the requirements of Executive Order 12291, the Agency has determined that this tolerance revocation action is not expected to significantly affect mango prices or overall production levels.

This rulemaking has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354; 94 Stat. 1164, 5 U.S.C. 601 *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 reasons for this conclusion are discussed in detail in the August 10, 1984 proposal and the support document available from the Agency at the address given above.

This 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.*

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

(Sec. 408(m), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)))

Dated: January 10, 1985.

Lee M. Thomas,
Acting Administrator.

§ 180.146 [Amended].

Therefore, 40 CFR 180.146 is amended by removing the commodity mangoes from the 10 parts per million listing in the first paragraph of the section.

[FR Doc. 84-1349 Filed 1-16-85; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 180

[00000/R717; PH-FRL 2727-3]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Final Tolerance Rule for Ethylene Dibromide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance of 30 ppb (.03 ppm) in 40 CFR 180.397 for residues of the insecticide ethylene dibromide (EDB) in the edible pulp of the raw agricultural commodity mangoes resulting from fumigation of this commodity after harvest in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S. Department of Agriculture. This tolerance regulation, which was initiated by EPA, will expire on September 1, 1985.

DATE: Effective on January 17, 1985. Expires September 1, 1985.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm.

M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: Richard Johnson, 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. 711, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA. (703-557-7420).

SUPPLEMENTARY INFORMATION: On August 2, 1984, EPA issued a proposed rule, published in the **Federal Register** of August 10, 1984 (49 FR 32068), which proposed the establishment in 40 CFR 180.397 of a tolerance of 30 ppb (.03 ppm) for residues of EDB *per se* in mangoes (edible pulp). The Agency also proposed that the tolerance for mangoes expire on September 1, 1985.

No requests for referral to an advisory committee were received in response to the proposed rulemaking.

The Agency received comments from the State of Florida Department of Agriculture, nine Florida mango growers, two mango growers' associations, 3 mango importers and one mango importers' association.

The State of Florida Department of Agriculture disagreed with the Agency's conclusion that the tolerance rule would not have a significant economic impact upon businesses in this country. They argued that the proposed rule would exclude mangoes grown in Florida from the domestic markets of California, Arizona, and Texas, or any other area in the U.S. which would exclude Florida-grown fruit unless treated, and claimed that there is no current alternative method of treatment or fumigation. The prohibition of use of EDB on mangoes will, in their view, permit unfair competition from the foreign market and constitute an unfair restriction on Florida's domestic trade.

Eight Florida mango growers also objected that the tolerance rule would discriminate against the domestic mango industry because it allows foreign competition to reach certain domestic markets from which the domestic growers are excluded because of the cancellation of EDB use. A number of these growers questioned why exposure to EDB from imported mangoes should be allowed.

The Florida Mango Forum, Inc., an organization composed of both U.S. and foreign mango growers, commented that many Florida mango growers were going out of business because of their inability to compete with the lower production cost and high dollar exchange, along with unlimited entry to the United States, of the Mexican mangoes. They urged EPA to require that importers "show a restraint regulation on quality and quantity, plus a certification paper indicating the effort by the exporting country to locate a suitable replacement for EDB."

The Florida Fruit and Vegetable Association (FFVA), a state-wide non-profit agricultural association whose members ship a majority of the fresh fruits and vegetables out of the state of Florida, commented that they believe the Agency's decision to permit imported mangoes treated with EDB into the United States is wrong. They argued that the health concerns which dictated the cancellation of EDB use by domestic mango producers should also support a finding that EDB cannot be used on any product consumed in the United States. In fact, they questioned the Agency's assumption that a mango eater consumes no more than 12 mangoes a year, and contended that there is a serious health risk in setting the tolerance at 30 ppb. Moreover, as far as the purported economic burden on foreign producers resulting from the proposed tolerance measures, they pointed to other outlets for the foreign mangoes, including sales within such mango producing countries. Finally, they contended that the Agency's proposed decision unfairly favors foreign producers over domestic producers.

Seald-Sweet Growers, Inc. contended that no viable post harvest treatment for mangoes has been developed to provide the necessary quarantine security with minimum damage to the fruit. They also presented USDA-ARS sampling data, generated during 1984, showing that there is rapid desorbtion of EDB from port-of-entry levels in mangoes by the time the fruit reaches the retail market. Based on this data, they requested that the Agency consider (1) enforcing the residue standard at the retail level rather than at the port-of-entry or (2) establishing a significantly higher tolerance for port-of-entry enforcement by FDA.

The North American Mango Importers' Association (NAMIA) supported the Agency's proposal to establish a tolerance of 30 ppb for EDB residues in imported fresh mangoes and noted that they were encouraged by recent test results indicating that the 30 ppb standard will be achievable. They, however, expressed their concern that the proposed termination date of September 1, 1985, would not allow sufficient time for the identification, development, and deployment of an alternative quarantine treatment for mangoes. In particular, they noted that Haiti, the principal mango export nation of the Caribbean, or Mexico, the main source of imported mangoes in the United States, have not been certified as fruit fly free by USDA. NAMIA pointed out that there are two treatment methods that hold long-term potential, namely, a hot water treatment modeled after the new quarantine treatment for Hawaiian papaya, and irradiation treatment. In their view, the development effort for the hot water treatment will take a minimum of 2 years to accomplish because of the need to survey indigenous fruit fly species in several regions and identify their thermal death points, and to study the viability of the treated fruit. For irradiation treatment, NAMIA believes that the development of treatment techniques that will not interfere with fruit quality will take considerably more than 1 year to accomplish. In light of these concerns, NAMIA requested that the Agency change the termination date for the proposed rule to September 1, 1986.

Lincoln Diversified Systems, Inc., a U.S. corporation engaged in the importation of mangoes from Haiti, submitted comments requesting that serious consideration should be given to the effect of the tolerance proposal on the Haitian economy. Pointing out that mangoes are Haiti's largest fresh agricultural export and second largest overall agricultural crop, they contended that there have been many instances of economic improvement in Haiti attributable to the mango trade and argue that the effect of the tolerance program would be to cancel the fumigation program, with devastating consequences for the Haitian economy.

Lincoln Diversified Systems also argued that there is no evidence that 30 ppb of EDB *per se* is the precise level where the risk of cancer or other adverse mutagenic or reproductive effects appear. In support of their contention that 30 ppb has not been specifically substantiated as the proper line of demarcation, they urge that EPA consider the sheer size of the tolerance level reduction from 10 ppm to 30 ppb.

Noting that testing for alternatives to EDB is taking place in Haiti, as well as in Florida, Lincoln Diversified Systems requests that the interim tolerance should be granted for a 3-year period to allow adequate time to develop alternative fumigation methods and to facilitate a more orderly adjustment by the companies and countries involved.

Finally, Lincoln Diversified Systems advocated that the tolerance levels should be tested as close as possible to the point of consumption rather than at the point of importation. Under this

system, they believe that the Haitian mangoes would more likely be able to meet the proposed tolerance levels.

International Products Exchange, an importer of Brazilian mangoes, commented that, while they fully appreciate the Agency's proposed rule as necessary to insure an adequate standard of health safety for consumers, they are concerned about the viability of the imported mango business. They noted that they are urgently requesting USDA to provide whatever means are necessary to determine an acceptable long-term replacement for EDB as soon as possible. They requested that EPA set the port-of-entry tolerance at a level high enough to allow for the EDB levels to diffuse down to 30 ppb at the point of consumption.

John Grill, an importer of Brazilian mangoes to the U.S., requested that the Agency raise the interim tolerance level slightly to a level that can be met by the South American fumigator. He contended that the entire mango import crop could be missing from the U.S. market unless the levels were increased. Mr. Grill later submitted data to support his assertion that the 30 ppb level could not be met. In his original submission, he also noted that he was uncertain as to whether the 30 ppb tolerance referred to the whole fruit or only the edible portions. Mr. Grill also argued that the available data on the carcinogenicity and mutagenicity of EDB are not so specific to support the selection of 30 ppb as the proper tolerance level. He suggested that the Agency set tolerance levels on mangoes for this interim 1 year period comparable to those on papayas.

Similar comments were raised by the Hanna Mining Company in a meeting with Agency representatives held on October 26, 1984, at the request of the Office of the U.S. Trade Representative. In particular, Hanna Mining requested either an extension of the September 1, 1985 deadline or an exemption from that deadline for Brazilian mangoes while work on alternative treatment methods proceeded. A memorandum summarizing this meeting is available in the public docket established for this proceeding.

To summarize, the comments range from requests that the Agency not grant an interim tolerance for EDB *per se* on mangoes to requests that such an interim tolerance be granted for a longer time period or at higher levels or that enforcement be carried out at the retail level. The Agency has considered these comments carefully in reaching its decision on the final rule, and has determined that the issuance of a 30 ppb tolerance for residues of EDB *per se* on the edible portion of the mango will protect the public health, while allowing ample time for the development of alternative treatment methods.

The Agency believes that the 30 ppb level is consistent with Agency action on other commodities and has concluded that the short-term risk attributable to EDB residues at this level is acceptable. The Agency has never stated or implied that 30 ppb is the precise level at which adverse effects are expected to result. Rather, this number represents a residue level at which the estimated risks to the consumer over the short-term are acceptable. In arriving at such risk estimates, the Agency exercises a prudent approach to risk assessment to assure that the public health will be protected. A detailed discussion of the Agency's risk assessment methodology is found in the EDB Position Document 4, the EDB Decision Document for Grain and Grain Milling Fumigation Uses, Feb. 8, 1984, and the EDB Technical Support Document for Quarantine Fumigation Uses, Mar. 2, 1984, which are available from the Agency at the address given in **"FOR FURTHER INFORMATION"** above.

The development of the risk estimates for the consumption of EDB treated mangoes recognized that for most individuals, mangoes are not a significant part of the diet. The Agency did, however, take into account the fact that some individuals are likely to consume more than the average Agency estimate of 12 mangoes a year. For the short-term exposure during the interim tolerance period, the Agency does not believe that the consumption of imported mangoes by these individuals would be so high as to change the magnitude of the risk.

The period of 1 year was selected for the interim mango tolerance to allow the development of alternative treatment methodologies. Unlike the situation with other commodities which had been fumigated with EDB, there are no viable alternatives currently available. The Agency believes that the hot water dip, which has been found effective for papayas, offers substantial promise as a viable alternative, and expects that this method could be refined within the 1 year time frame. The Agency also understands that USDA is starting a program to determine if areas can achieve a fruit-fly free designation. This effort will involve an audit of the quarantine regulations and require monitoring data from importing countries. In addition, the Agency for International Development (AID) has work underway with Caribbean Basin countries to evaluate and develop alternative treatment methods. AID has been in close cooperation with USDA regarding issues such as quarantine requirements and protocols for development of alternative treatment methods. Finally, the Agency believes that FDA's pending action on approval of its proposal for irradiation is an alternative which holds promise not only with regard to the elimination of flies, but also in terms of enhancing the shelf life of the fruit.

Regarding the request that enforcement be carried out at the retail level, the Agency has determined after consultation with the Food and Drug Administration (FDA) that such an approach is not consistent with the long-standing policies of the Food and Drug Administration. The FDA has determined that the most efficient and practical way of running their enforcement program is to conduct surveillance at the port of entry. Port-of-entry enforcement represents the only way to guarantee that the tolerance level is met by imported foods because of differences in shipping time from the port of entry to the retail level, temperature, and other factors. Any other system would be impractical, expensive, and open to failure to protect the public health because of the difficulty in tracking down food at a multitude of dispersal points.

Likewise, the establishment of a higher tolerance for port-of-entry enforcement would not be effective in assuring that the treated commodities would meet the 30 ppb level at the retail market. Therefore, the Agency declines to take this approach. The Agency also notes that the relief requested by the Florida Mango Forum, Inc. is not within the authority conferred on the Agency by the FFDCA.

The Agency appreciates the concerns about the effect of the tolerance rule on the Haitian economy expressed by Lincoln Diversified Systems, but believes that alternative treatment methodologies can be developed in order to meet the 30 ppb tolerance. The comments did not indicate that alternatives, such as the hot water wash, or different shipping means had been considered. The Agency does not expect that any disruption to the Haitian economy will be of long-term significance as a result of this tolerance rule.

In conclusion, the Agency believes that establishing a 30 ppb tolerance for the residue of EBD *per se* in the edible pulp of mangoes, effective until September 1, 1985, represents a prudent determination to remove EDB from the diet long-term while avoiding significant economic disruptions by allowing a year to develop alternative treatment

methods. The Agency recognizes that there may be short-term localized economic disruptions if there is a delay in developing alternatives, and that the rule may result in the perception of certain inequities; however, there is no data to indicate that any resulting disruptions will be of national concern or of lasting economic significance.

For those examining Part 180 of Chapter 40 of the Code of Federal Regulations (CFR), it should be noted that in the **Federal Register** of April 23, 1984 (49 FR 17144), 40 CFR 180.397 was amended by designating the paragraph previously set forth in that section as paragraph (a) and adding a new paragraph (b) to provide a tolerance for residues of EDB *per se* for various grains.

Based on the information considered by the Agency, and discussed in detail in the August 10, 1984 **Federal Register** notice and the support document which is available from the Agency at the address given above, and after consideration of the comments submitted to the docket, the Agency has concluded that the tolerances established by amending 40 CFR 180.397 will protect the public health. Therefore, 40 CFR 180.397 is amended as set forth below.

Elsewhere in this issue of the **Federal Register**, the Agency has issued a final rule [00000/R715] revoking the 10 ppm tolerance in 40 CFR 180.146 for residues of inorganic bromides (calculated as Br) in or on mangoes that have been fumigated after harvest with EDB in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S. Department of Agriculture. The Agency will be shortly publishing in the **Federal Register** a final rule revoking the tolerance in 40 CFR 180.146 for residues of inorganic bromides in or on the remaining fruits and vegetables listed in the first paragraph of the regulation.

Any person adversely affected by this regulation establishing a tolerance of 30 ppb for residues of EDB *per se* in the edible pulp of mangoes may, within 30 days after the date of publication of this regulation in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

This document has been sent to the Office of Management and Budget for review under Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 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 the effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

Dated: January 10, 1985.

Lee M. Thomas,

Acting Administrator.

Therefore, 40 CFR 180.397 is amended by revising paragraph (c) to read as follows:

§ 180.397 Ethylene dibromide; tolerances for residues.

* * * * *

(c) Tolerances are established for residues of ethylene dibromide *per se* in or on the following raw agricultural commodities resulting from use of ethylene dibromide as a fumigant after harvest in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S. Department of Agriculture.

Commodities	Parts per million	Expiration date
Citrus fruits	.25 ppm (of which no more than .03 ppm is present in the edible pulp).	Sept. 1, 1984.
Mangoes	.03 ppm (in the edible pulp).	Sept. 1, 1985.
Papayas	.25 ppm (of which no more than .03 ppm is present in the edible pulp).	Sept. 1, 1984.

[FR Doc. 85-1348 Filed 1-16-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[SW-4-FRL-2757-8]

Kentucky; Decision on Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on Kentucky's Application for final authorization.

SUMMARY: Kentucky has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Kentucky's application and has reached a final determination that Kentucky's Hazardous Waste Program satisfies all of the requirements necessary for Final Authorization. Thus, EPA is granting Final Authorization to the State to operate its program.

EFFECTIVE DATE: Final Authorization for Kentucky, for purposes of judicial review, shall be effective at 1:00 p.m. Eastern time on January 31, 1985.

FOR FURTHER INFORMATION CONTACT: Allan E. Antley, (404) 881–4727, Chief, Waste Planning Section, Residuals Management Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

SUPPLEMENTARY INFORMATION: Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows the Environmental Protection Agency (EPA) to authorize state hazardous waste management programs to operate in the state in lieu of the Federal program. To qualify for Final Authorization, a state's program must (1) be "equivalent" to the Federal program, (2) be consistent with the Federal program and other state programs, and (3) provide for adequate enforcement (Section 3006 (b) of RCRA, 42 U.S.C. 622(b)).

On July 20, 1984, Kentucky submitted a complete application to obtain Final Authorization to administer a RCRA program. On October 24, 1984, EPA published a tentative decision announcing its intent to grant Kentucky Final Authorization. Further background on the tentative decision appears at 49 FR 42759, October 24, 1984.

Along with the tentative determination, EPA announced the availability of the State's application for public review and comment and the date of a public hearing on the application. The public hearing was not held as scheduled on November 27, 1984, since neither EPA nor the Kentucky Department of Environmental Protection (DEP) received significant interest in holding the hearing.

To date, all RCRA hazardous waste management permits in Kentucky have been issued by the State under the authority granted to the State during interim authorization. Therefore, there will be no change in the status of

permits or permitting authority on the effective date of this rule.

Kentucky is not authorized by the Federal government to operate the RCRA program on Indian lands and this authority will remain with EPA.

Decision

It is my conclusion that Kentucky's application for Final Authorization meets all of the regulatory and statutory requirements established by RCRA.

Accordingly, Kentucky is granted final authorization to operate its hazardous waste management program. Subject to the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984), Kentucky now has responsibility for permitting treatment, storage and disposal facilities within its borders and for carrying out all other aspects of the RCRA program. Kentucky also has primary enforcement responsibility, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA. Prior to the Hazardous and Solid Waste Amendments (HSWA) amending RCRA, a State with final authorization administered its hazardous waste program entirely in lieu of the EPA. EPA's regulations no longer applied in the authorized State, and EPA could not issue permits for any facilities the State was authorized to permit. Now, however, under section 3006(g) of RCRA, 42 U.S.C. 6226(g), the new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time as they take effect in non-authorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of full or partial permits, until the State is granted authorization to do so.

As a result of the HSWA, there will be a dual State/Federal regulatory program in Kentucky. To the extent the authorized State program is unaffected by the HSWA, the State program will operate in lieu of the Federal program. EPA will administer and enforce the prohibitions and requirements of the HSWA in Kentucky until Kentucky receives authorization to do so. Among other things, this will entail the issuance of Federal RCRA permits for those areas in which the State is not yet authorized. Once the State is authorized to implement a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal provision. Until that time the State will assist EPA's implementation of the HSWA under a Cooperative Agreement.

HSWA-related requirements and prohibitions that are more stringent than the State's program apply in Kentucky. Any State requirement that is more stringent than an HSWA provision also remains in effect; thus, the universe of the more stringent provisions in the authorized State program and the HSWA define the applicable requirements in Kentucky. (Kentucky is not being authorized now for any requirement implementing the HSWA.)

EPA will be publishing a **Federal Register** notice that explains in detail the HSWA and its effect on authorized States. That notice should be referred to for further information.

Region IV and Kentucky are currently reviewing the Memorandum of Agreement (MOA) to revise it to address the requirements of the HSWA. The current MOA provides that Kentucky shall administer the RCRA program in lieu of EPA and that EPA shall not issue permits in the State. Thus, it is inconsistent with the HSWA and will be revised to reflect EPA's and Kentucky's respective responsibilities under the new Federal/State regulatory scheme. (Because of the strict statutory time clock for processing final authorization applications, the State and EPA did not have ample time to revise the MOA before EPA's final approval of the State's application.)

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this Final Authorization from the requirements of section 3 of Executive Order 12291.

Certification under the Regulatory Flexibility Act: Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Kentucky's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Authority: This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b), and EPA delegation 8–7.

Dated: December 21, 1984.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 85–1350 Filed 1–16–85; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6582

[M–44296]

Montana; Partial Revocation of National Forest Withdrawal for Administrative Site

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order, as amended, insofar as it withdrew 99 acres for the Forest Service's Olney Administrative Site. This action will restore the land to appropriate forms of surface entry and to mining. The land has been and remains open to mineral leasing.

EFFECTIVE DATE: February 14, 1985.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–657–6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order dated November 14, 1906, as amended, is hereby revoked insofar as it affects the following described land:

Principal Meridian

[Flathead National Forest (Formerly Lewis and Clark Forest Reserve)]

Olney Administrative Site

T. 32 N., R. 24 W.,
Sec. 1, W½ lot 2, N½SW¼NE¼, SE¼ SW¼NE¼, SW¼SE¼NE¼, and NE¼ SE¼.

The area described contains approximately 99 acres in Flathead County.

2. At 8 a.m. on February 14, 1985, the land shall be open to such forms of disposition as may by law be made of national forest land, including location and entry under the United States mining laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United

States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: January 9, 1985.

Robert N. Broadbent,

Assistant Secretary of the Interior.

[FR Doc. 85-1318 Filed 1-16-85; 8:45am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. 1

[CC Docket No. 80-170; FCC 84-633]

Modification of the Commission's Authorized User Policy Concerning Access to the International Satellite Services of the Communications Satellite Corporation

AGENCY: Federal Communications Commission.

ACTION: Second Report and Order (Policy Statement).

SUMMARY: This Second Report and Order modifies the Commission's authorized-user policy governing who may lease space-segment capacity from the Communications Satellite Corporation (Comsat). The order requires Comsat to lease INTELSAT space-segment capacity to carrier, enhanced-service providers and end users at appropriate U.S. earth stations. The order also allows Comsat to offer end-to-end, international communications services through a common-carrier subsidiary. This action was taken to remove an artificial restraint upon Comsat which has since 1966 prevented Comsat from offering service directly to users and which has denied users the benefit of Comsat service.

EFFECTIVE DATE: January 17, 1985.

FOR FURTHER INFORMATION CONTACT: John F. Copes, International Policy Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632-4047.

SUPPLEMENTARY INFORMATION:

Second Report and Order

In the matter of proposed modification of the Commission's Authorized User Policy Concerning Access to the International Satellite Services of the Communications Satellite Corporation; CC Docket No. 80-170.

Adopted: December 19, 1984.

Released: January 11, 1985.

By the Commission. Commissioner Dawson dissenting in part.

1. On January 13, 1984, the United States Court of Appeals for the District of Columbia Circuit[1] vacated and remanded our August 19, 1982, Report and Order in the above-captioned proceeding.[2] The court directed us, prior to implementing our *Authorized User II* policy, to consider issues under examination in two inquiries then pending before the Commission which the court found to be directly related to the issues in *Authorized User II*. These inquiries are the *Direct Access*[3] and *Earth Station Ownership*[4] proceedings. Pursuant to that direction, on April 30, 1984, we released a Further Notice of Proposed Rulemaking in this proceeding,[5] noting that we had subsequently issued a Report and Order in the *Direct Access*[6] proceeding, and a Notice of Proposed Rulemaking in the *Earth Station Ownership*[7] proceeding, and requested comment from interested persons upon the impact those actions might have on our proposed *Authorized User II* policy. As we shall discuss more fully below, we have reviewed the pleadings filed in response to our Further Notice of Proposed Rulemaking and have decided to reaffirm our 1982 *Authorized User II* policy.

2. In response to our Further Notice, we received comments and reply comments from thirteen parties. We received comments and replies from the Communications Satellite Corporation (Comsat), the American Telephone and Telegraph Company (AT&T) and four international record carriers (IRCs): ITT World Communications Inc. (ITTWC), MCI International, Inc. (MCII), RCA Global Communications, Inc. (RCAGC) and TRT Telecommunications Corporation (TRT). We also received comments and replies from two U.S. governmental bodies who are interested in international communications policy matters, the United States Department of Defense (DOD) and the National Telecommunications and Information Administration (NTIA) in the Department of Commerce. In addition we received comments from entities who are users of international communications services who either now take service from Comsat or seek authority to do so: Aeronautical Radio, Inc. (ARINC),[8] Dow-Jones and Company, Inc. (Dow-Jones),[9] Uninet, Inc. (Uninet),[10] and the three major U.S. television networks (filing a joint petition), American Broadcasting Company (ABC), Columbia Broadcasting System (CBS) and National Broadcasting Company (NBC).[11] Finally, we received comments

[1] ITT World Communications Inc. v. FCC, 725 F. 2d 732 (D.C. Cir. 1984).

[2] Proposed Modifications of the Commission's Authorized User Policy Concerning Access to the International Satellite Services of the Communications Satellite Corporation, 90 FCC 2d 1394 (1982) [hereafter cited as Authorized User II], *revised* Authorized Users and Authorized Entities, 4 FCC 2d 421 (1966), *reconsid. grtd. in part* 6 FCC 2d 593 (1967) [hereinafter cited as *Authorized User I*].

[3] Regulatory Policies Concerning Direct Access to INTELSAT Space Segment for the U.S. International Service Carriers, 90 FCC 2d 1446 (1982) (Notice of Inquiry in CC Docket No. 82-548).

[4] Modification of Policy on ownership and operation of U.S. earth stations that operate with the INTELSAT global communications satellite system, 90 FCC 2d 1458 (1982) (Notice of Inquiry in CC Docket No. 82-540).

[5] FCC 84-151, —— FCC 2d ——.

[6] 97 FCC 2d 296 (1984) (Report and Order terminating the proceeding).

[7] 97 FCC 2d 444 (1984) (Notice of Proposed Rulemaking). On December 4, 1984, we made the proposed policy final, FCC 84-605, —— FCC 2d ——, released December 18, 1984.

[8] ARINC is a joint venture of the U.S. air-transport industry organized for the purpose of providing the communications requirements of its member airlines on a not-for-profit basis. Because it is not a common carrier, but a user group, ARINC is not eligible under our 1966 *Authorized User I* policy to take service from Comsat.

[9] Dow-Jones publishes a number of financial publications in the United States, with special regional editions in other parts of the world. Within the United States Dow-Jones uses the U.S. domestic satellite to transmit editorial material from its headquarters to its various printing plants around the country and seeks to make similar use of international satellites.

[10] Uninet provides enhanced services over a "value-added, packet-switched digital communications network" within the Unites States and, through interconnection with the networks of the IRCs, to several overseas points. Uninet seeks authority to take service directly from Comsat. Since Uninet is an enhanced-service provider and, thus, is a non-carrier under our *Computer II* policy, *see Amendment of Section 64.702 of the Commission's Rules and Regulations (Computer II)*, 77 FCC 2d 384 (1980), *reconsideration granted*, 84 FCC 2d 50 (1980), *further reconsideration granted* 88 FCC 2d 512 (1981), *aff'd sub nom.* CCIA v. FCC, 693 F. 2d 198 (D.C. Cir. 1982), *cert. denied* 51 U.S. L.W. 3626 (U.S. May 16, 1983), it is not eligible under *Authorized User I* to take service from Comsat.

[11] In *Spanish International Network*, 70 FCC 2d 2127 (1978) (hereafter *SIN*), decided prior to our 1982 Report and Order in *Authorized User II*, we allowed customers of international satellite television transmission service, a service provided internationally solely via the INTELSAT satellite system, to take end-to-end service directly from Comsat. The *SIN* decision on appeal was consolidated with our 1982 *Authorized User II* decision. The D.C. Circuit Court of Appeals, in the same opinion vacating and remanding *Authorized User II*, upheld our *SIN* policy. *See ITTWC v. FCC*, 725 F. 2d at 752, n. 48. The networks seek assurance that any general authorized-user policy we adopt as a result of this Second Report and Order similarly allows users to deal directly with Comsat's World Systems Division.

from International Relay, Inc. (IRI), an entity which provides certain international end-to-end communications services and whom we have recently licensed to construct and operate earth stations for the provision of INTELSAT Business Service (IBS).[12] The parties' comments are summarized in an appendix attached to this Second Report and Order.[13] Below we summarize: (a) The 1966 *Authorized User I* decision; (b) the 1980 Notice of Proposed Rulemaking; (c) the 1982 Report and Order; (d) the decision of the Court of Appeals; (e) our subsequent orders in the *Direct Access* and *Earth Station Ownership* proceedings; and (f) the Further Notice of Proposed Rulemaking in the *Authorized User II* docket. We thereafter analyze the record and indicate our reasons for readopting the *Authorized User II* policy.

I. Background

A. Authorized User I Decision (1966)

3. In our 1966 *Authorized User I* decision, we had limited Comsat generally to the role of a "common carrier's common carrier" providing satellite circuits to the service carriers for their use in providing service to users. Our 1966 policy had been prompted by Comsat's initiation of international satellite service and requests by a number of entities for designation under the Communications Satellite Act of 1962, as amended, 47 U.S.C. 701–757 (1976) (Satellite Act), as "authorized users" of Comsat's service.[14] In *Authorized User I* we concluded that, although the Satellite Act allows us to designate anyone as a customer of Comsat, we would limit Comsat's operations on policy grounds. We were concerned that the satellite technology was likely to be so much more efficient than cable technology that Comsat's entry into the retail market would threaten the other international carriers' revenues and significant investment in cable facilities. We, thus, acted to protect them from competition. We did decide, however, that under "unique and exceptional circumstances," we would authorize non-carrier users, including departments of the United States government, to lease satellite circuits directly from Comsat.[15]

B. 1980 Notice of Proposed Rulemaking

4. In 1980 we issued a Notice of Proposed Rulemaking, *Aeronautical Radio, Inc.*, 77 FCC 2d 534, looking into the need to modify our 1966 policy. In that Notice we noted that the international communications market had changed greatly since our 1966 decision. The participants in the market had grown larger and their revenues had sharply increased. As a result, we questioned whether the public-interest considerations on which we had based our *Authorized User I* policy remained valid and concluded that the time had come for a far-ranging reexamination of our decision to restrict direct Comsat public operations. *Id.* at 550–2. We then sought public comment upon our tentative analysis and, specifically, upon a proposal to allow Comsat to provide service directly to the public. Upon receipt of voluminous comment from interested carriers, governmental entities and communications users, we issued the subject 1982 Report and Order.

C. 1982 Report and Order

5. In our 1982 Report and Order we reaffirmed our 1966 holding that the Satellite Act gives us broad discretion to determine the scope of Comsat's operations, that Comsat is not statutorily restricted to the role of a carrier's carrier, and that our 1966 decision so to limit Comsat was a policy decision based upon our perception of conditions in the international communications market at that time. We concluded that we are free to modify our 1966 policy should we find that circumstances have changed so that our restrictive policy no longer served the public interest.

6. Our 1982 Report and Order further noted a number of changes which have occurred in the industry since our prior decision. Our analysis of these changes prompted us to conclude that the public interest is now disserved by artificial restraints and market divisions which deny users the benefit of Comsat's satellite expertise. We thus decided to modify our 1966 policy in two respects. First, we decided to allow non-carrier users to lease what we called "basic satellite transmission capacity" directly from Comsat's World System Division at U.S. earth stations.[16] Second, we found that Comsat is eligible, through a separate common-carrier subsidiary, to seek certification under section 214 of the Communications Act of 1934, 47 U.S.C. 214 (1976), to provide switched and other end-to-end services directly to customers. We also granted the international carriers discretion to "decomposite" (deaverage)[17] their leased-channel rates by filing separate satellite-only and cable-only rates or to continue to file one composite rate for both types of service. Finally, we indicated our intention in the future to rely more upon competition to determine the relative use of the cable and satellite mediums and, accordingly, to grant the carriers greater discretion in making circuit activation (loading) decisions.

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[12] We have authorized IRI to construct and operate earth stations, known as "urban gateway" stations, for use with INTELSAT Business Service, in six cities: Chicago and New York, *International Relay, Inc.*, File Nos. CSG–84–001–P/L and CSG–84–004 P/L, Mimeo 34388, released April 11, 1984, Stamford, Connecticut and Detroit, Michigan, File Nos. CSG–84–025–P/L and CSG–84–026 P/L, Mimeo 5194, released July 9, 1984, and Washington, D.C. and Alexandria, Virginia, File Nos. CSG–84–032 P/L and CSG–84–033 P/L, Mimeo 6800, released September 25, 1984.

[13] MCII and TRT filed their comments three days after the date specified for filing. They included with their comments motions to accept their comments. Inasmuch as no one has been prejudiced by the late filing of these pleadings, and because the views of the carriers will assist us in reaching decision, we shall grant the carriers' motions and accept their pleadings.

[14] Section 305(a)(2) of the Satellite Act, 47 U.S.C. 735(a)(2), provides that Comsat shall "furnish for hire, channels of communication to United States communications common carriers and to other authorized entities, foreign and domestic * * *" Section 305(b)(4), 47 U.S.C. 735(b)(4), authorized Comsat to "contract with authorizes users, including the United States Government, for the services of the communications satellite system."

[15] On reconsideration, 6 FCC 2d at 594, we modified our "unique and exceptional circumstances" test with respect to governmental entities to provide that such entities would be authorized to take service directly from Comsat whenever their national-interest requirements could not be met effectively under the carrier's carrier approach.

[16] We used the term "basic satellite transmission capacity" to identify the satellite circuits Comsat then offered to carriers under its Tariff FCC No. 101. Our *Authorized User II* policy required Comsat to provide to users precisely the same satellite circuits that it provided to carriers, neither more nor less, and to charge such users the same rate for the same service. Such basic transmission capacity consists of space segment—the "uplink" between a U.S. earth station and an INTELSAT satellite—plus associated earth-station services. As will be discussed more fully in paras. 20–21, *infra*., for consistency with our recent Report and Order in *Earth Station Ownership*, we believe it necessary to clarify the service Comsat's World Systems Division will be authorized to provide directly to users. Briefly, under the policy we adopt today, the World Systems Division will be limited to provision of the uplink ("space segment"). The user will be required to obtain earth-station services separately from one of the competitive suppliers of such service.

[17] The term "composite" rates arose during the implementation of our 1966 *Authorized User I* decision. In our policy statement we had directed the carriers to review their tariffs and to assure that their rates properly reflected the economies of satellite transmission. The carriers sought to meet this requirement by filing new leased-channel rates where they "composited" or added the costs of cable-based service with those of satellite-based service and taking a simple arithmetic average of the two.

D. The Court Decision

7. In remanding our 1982 Report and Order, the Court of Appeals upheld our authority under the Satellite Act to authorize direct public service by Comsat. The court, however, found that we had abused our discretion by not considering the issues raised in the *Direct Access* and *Earth Station Ownership* proceedings before seeking to implement our *Authorized User II* policy.

8. In assessing the relevance of the *Direct Access* and *Earth Station Ownership* issues to the public-interest impact *Authorized User II*, the court focused its analysis on the effect they might have on "intramodal" competition (that is, competition between Comsat and the IRCs for the provision of satellite-based services) and on "intermodal" competition (competition between cable-based and satellite-based services). The court stated that intramodal competition is not feasible since Comsat's charge for a satellite circuit is so much lower than the IRC charges for leased-channel service. The court also doubted the feasibility of intermodal competition because it believed cable circuits are substantially more costly than satellite circuits and that Comsat could thus underprice any IRC cable-based service. As a result, the court concluded that the IRCs would lose virtually all their leased-channel customers to Comsat. The court was concerned that the loss of the IRCs' leased-channel business would leave them with unused cable circuits which they would shift to their exchange (telex) service. Because of cable's higher cost, the court speculated that the IRCs might increase their telex rates in order to maintain their rates of return and to satisfy their revenue requirements.

9. The court speculated that a grant of *Direct Access* would make successful intramodal competition more likely because it would permit the carriers to obtain space segment capacity at a rate lower than Comsat's tariff and might, therefore, allow them to offer a more competitive satellite-based leased-channel service. Similarly, the court speculated that a policy allowing carriers to own their own earth stations would also enhance the likelihood of intramodal competition because it would give the carriers an ownership interest in the satellite medium and, thus, a greater incentive to use satellites for their services.

10. The court noted, however, that enhancement of intramodal competition might in some respects be inconsistent with enhancement of intermodal competition. That is, the court observed that, theoretically, the way to achieve maximum intermodal competition would be to limit the IRCs to ownership of cable facilities and Comsat to ownership of satellite facilities, so that each entity would have an owner's incentive to develop its respective type of facility. The court noted, however, that direct access and independent earth stations would compromise such a theoretical separation by giving the IRCs an investment interest in both cable and satellite facilities and, thus, an incentive to shift some traffic to satellite facilities. Such an eventuality, the court concluded, might tend to neutralize competition between cable and satellite.

11. The court also speculated that allowing the IRCs to own their own earth stations might alter the cost of earth-station access. Independent earth stations, the court noted, could either reduce the costs of earth-station services (if the carriers can offer service more efficiently than Comsat) or increase such costs (if station capacity increases faster than demand for service). A lowering of earth-station costs would make the satellite medium more attractive to users and, thus, weaken the competitive position of cable, while an increase in costs would make cable more attractive and enhance cable/satellite competition. Finally, the court argued that a grant of *Direct Access* or *Earth Station Ownership* would likely affect Comsat's decision to offer retail exchange services. The court reasoned that a grant of the *Direct Access* and *Earth Station Ownership* policies would free the carriers from the necessity to deal with Comsat and motivate Comsat to enter the exchange-service market to protect its revenues. The court thus concluded that the way we resolve the *Direct Access* and *Earth Station Ownership* proceedings could have a material effect on how our *Authorized User II* policy works in practice. The court did not ordain adoption of either policy, but required us to resolve them before proceeding with our *Authorized User II* policy.

E. Subsequent Action

12. *Direct Access.* Subsequent to the decision of the Court of Appeals, on March 30, 1984, we adopted a Report and Order in the *Direct Access* proceeding, denying the carrier proposals and terminating the proceeding. We concluded that none of the proponents of direct access had shown that it would serve the public interest.[18] We further found that direct access would not reduce any of the fixed costs of the INTELSAT satellite system, but would merely divide the U.S. share of those costs (now borne by Comsat) among several entities. We indicated a reluctance to undertake such a major restructuring of the international satellite market where benefits were not clearly demonstrated.

13. We also found that direct access would not substitute for regulation of Comsat's rates. Implementation of direct access would require us to determine Comsat's costs and to engage in continuing oversight of the ministerial fee. The IRCs had argued that Comsat's charges for circuits are excessive, that direct access would allow the carriers to acquire satellite circuits at lower price, and that they could pass the savings through to their users. We concluded, however, that the concern of the carriers about Comsat's rates would be better addressed directly through rate regulation. In that connection, we noted that the goal of our recent *Comsat Structure* proceeding was to structure Comsat's operations and accounts so as to segregate Comsat's monopoly activities from its competitive activities and, thus, to allow us more easily to regulate Comsat's rates. We also required Comsat in the *Comsat Structure* proceeding to retarget its rates to meet the rate of return we prescribed in the *Comsat Rate Case.*[19] As a result, we decided not to proceed further with the direct access proposals, and terminated the proceeding. We did not, however, find direct access unlawful or foreclose the possibility that we might revisit the direct access question.

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[18] In *Direct Access* we considered a number of proposals by the IRCs for modifying the arrangements under which they acquire the INTELSAT satellite circuits they use in providing their services. Among these was the "capitalized lease" option under which the carriers would include in their rate bases the amounts they pay Comsat for satellite leases. The other capital-acquisition (*i.e.*, included in rate base) option was the indefeasible right of user (IRU) in INTELSAT satellite circuits under which the carriers would invest in INTELSAT directly (by paying Comsat an amount equal to Comsat's per-circuit share of INTELSAT investment) and pay Comsat a "ministerial fee" to recover Comsat's separate costs. The carriers would separately acquire earth-station services and pay their ratable share of INTELSAT operating expenses. The IRCs also included an option varioulsy described as a "non-capitalized lease", "cost-based access" or "direct economic access," under which the carriers would acquire INTELSAT space segment at what they allege to be the price Comsat pays to acquire it: the INTELSAT utilization charge (IUC) (currently $390 per circuit, per month). We used the term "direct access" in a general sense to encompass all the proposals to bypass Comsat.

[19] Communications Satellite Corporation, 56 FCC 2d 1101 (1975), *aff'd in part sub nom.* Comsat v *FCC* 611 F. 2d 883 (D.C. Cir. 1977), *order on remand*, 68 FCC 2d 941 (1978). In that case we allowed Comsat a rate of return of 11.48 per cent.

14. *Earth Station Ownership.* Also on March 30, 1984, we issued a Notice of Proposed Rulemaking in the *Earth Station Ownership* proceeding. On December 4, 1984, we adopted a Report and Order in *Earth Station Ownership*, FCC 84-605, —— FCC 2d ——. We there made final our tentative conclusion that the public interest would be served by permitting individual carriers to construct and operate their own earth stations outside the current ESOC consortium.[20] That is, we shall allow individual carriers to build and operate their own earth stations in competition with the ESOC stations and with other independent stations. We also directed the members of ESOC to negotiate the future of ESOC, giving them discretion either to retain the ESOC arrangements or to terminate the consortium and disperse the assets thereof as they may agree upon and we may approve. To protect against cross-subsidization or other anticompetitive conduct, we required Comsat to move its investment in the ESOC and any future independent earth stations from its World Systems Division to a separate common-carrier subsidiary. We also required Comsat to unbundle its current Tariff FCC No. 101 and directed the World Systems Division to file a separate, cost-justified tariff for space segment and the Comsat earth-station subsidiary to file a tariff for earth-station services.

F. Further Notice of Proposed Rulemaking

15. In our Further Notice we noted the directive of the Court of Appeals that we consider the impact of our resolution of the *Direct Access* and *Earth Station Ownership* issues prior to implementing a modified *Authorized User II* policy. We also noted in our Further Notice the Report and Order in *Direct Access* and the Notice of Proposed Rulemaking in *Earth Station Ownership*. As a result, we requested additional public comment on our proposal to modify our 1966 *Authorized User I* policy. In this connection, we stated our continued, tentative preference for a policy allowing Comsat (through its World Systems Division) to lease satellite circuits directly to users at U.S. earth stations and allowing Comsat (through a separate subsidiary) to become a common carrier providing end-to-end, international communications services.

16. The comments filed in response to our Further Notice fall into three broad categories. First, Comstat, AT&T, the governmental entities, and users support readoption of our *Authorized User II* policy. Opposing them, the IRCs seek rejection of our proposed policy or, if we decide to proceed, seek to condition the policy upon a grant of direct access. Finally, a number of respondents raise issues not addressed by the Further Notice. DOD seeks designation of itself and other governmental users as "statutory" authorized users who may take end-to-end service from the Comsat World Systems Division, irrespective of any separate-subsidiary requirement we might impose on Comsat's provision of service to other classes of users. IRI seeks additional restrictions upon Comsat to prevent it from abusing its position as U.S. Signatory to INTELSAT in competing for the provision of earth-station services. Finally, the television networks seek assurance that the separate-subsidiary proposals in *Authorized User II* and *Earth Station Ownership* will not disturb the right of users under the *SIN* decision, *supra* .n. 11, to take end-to-end television-transmission service directly from the Comsat World Systems Division.

II. Discussion

A. Overview

17. After reviewing the comments of the parties, we have again decided to broaden the category of users authorized to take service from Comsat. We shall allow Comsat, through its World Systems Division, to offer space segment directly to users, including enhanced-service providers, at U.S. earth stations and allow Comsat, through a separate common-carrier subsidiary, to provide end-to-end services.[21] We shall also allow service carriers discretion to "decomposite" their leased-channel rates, so as to charge separate rates for cable-based and for satellite-based service, or to continue to charge a single, composite rate.

18. We find nothing in the comments which suggests that our 1982 decision to allow Comsat to offer service to the public was erroneous.[22] We continue to believe that allowing Comsat to engage in expanded public operations will increase customer choice and, by removing arbitrary restrictions on participants in the international communications market, lead to a freer market with fewer economic distortions. Our policy will give users additional service and carrier options and exert a downward pressure on rates for international services. We do not anticipate any significant public detriments as a result of our revised *Authorized User II* policy. We find no reason to expect the existing service carriers to lose substantial amounts of leased-channel revenue such as would imperil their financial integrity, lead to higher rates for service, or impair the ability of the carriers to serve the public. Most importantly, we believe that any potential detriments to existing carriers will be outweighed by the benefit to users from increased choice in meeting their communications needs.

19. We do not interpret the decision of the Court of Appeals to remand our 1982 Report and Order as rejecting, as a matter of law, our *Authorized User II* policy. We also do not interpret the court's decision as limiting our discretion in fashioning an authorized-user policy which we believe best serves the public interest. Indeed, the court specifically upheld our authority to determine the scope of Comsat's public operations, including the authority to replace the carrier's carrier market structure with one which allows Comsat to compete at the retail (end-to-end) service level. The court further made clear that it was not imposing its judgment on the merits of increasing competition between the cable and satellite mediums. *See* 725 F. 2d at 734, n. 52. Rather, the court merely directed us to resolve the *Direct Access* and *Earth Station Ownership* matters before implementing our *Authorized User II* policy. We have satisfied that condition precedent and have considered those

[20] In *Ownership and Operation of Earth Station*, 5 FCC 812 (1966), we authorized the ownership and operation of U.S. earth stations operating with the INTELSAT system to a consortium known as the Earth Station Ownership Committee Consortium (ESOC), which consists of Comsat and the U.S. service carriers using the station. Under that policy, three consortiums have been created: one for the stations serving the U.S. mainland (the 48 contiguous states plus Alaska), one for Hawaii and one for Guam. In each consortium Comsat owns 50 per cent of the stations and the remaining 50 per cent is held by the using carriers in approximate proportion to their level of usage of the station.

[21] In our 1982 Report and Order, we found that allowing all users to take service directly from Comsat would facilitate implementation of our *Computer II* policy. Amendment of §64.702 of the Commission's Rules and Regulations (Second Computer Inquiry), 77 FCC 2d 384 (1980) (Final Decision), *reconsideration* 84 FCC 2d 50 (1980), *further reconsideration* 88 FCC 512 (1981), *aff'd sub nom. CCIA v. FCC*, 693 F. 2d 198 (D.C. Cir. 1982), *cert. denied* 51 U.S.L.W. 3826 (U.S. May 16, 1983). Allowing non-carriers such as enhanced-service providers to deal with Comsat should assist them in offering their services internationally without the need to become a Title II common carrier.

[22] We have considered all the issues raised by respondents. However, in the discussion which follows, we deal only with the argument we find significant. Issues not specifically addressed herein, we find without merit.

decisions in readopting the *Authorized User II* policy.

B. Clarification of Authorized User II Policy

20. A number of the respondents in this proceeding have noted what they characterize as an inconsistency between our *Authorized User II* policy as we formulated it in 1982 and the policy we subsequently proposed in *Earth Station Ownership*. Our 1982 *Authorized User II* decision allowed Comsat to offer "basic satellite transmission capacity" directly to users at U.S. earth stations. Basic satellite transmission capacity is the monopoly service Comsat provides to carriers under its Tariff FCC No. 101. At the time of our 1982 decision, basic satellite capacity included both space segment and earth-station services. The respondents, however, note that allowing the World Systems Division to provide earth-station services is inconsistent with our requirement in *Earth Station Ownership* that Comsat offer such services only through a separate subsidiary. Our Further Notice was silent on the question, but several of the respondents state that they interpret our action in *Earth Station Ownership* as a modification of our *Authorized User II* policy to limit the Comsat parent to the provision of space segment capacity. We wish to confirm this interpretation.

21. In the policy we adopt today, we shall require Comsat's World Systems Division to offer INTELSAT space segment capacity to all users at any U.S. earth station which operates with the INTELSAT system. In our recent Report and Order in *Earth Station Ownership* we required Comsat to offer earth-station services through a separate common-carrier subsidiary. We also required Comsat to unbundle its current tariff charges into separate charges for space segment and earth-station service. Because of the separate-subsidiary requirement, the earth-station will actually be filed by the Comsat earth-station subsidiary, while Comsat's World Systems Division will file the space segment tariff.[23] Limiting the World Systems Division to the provision of space segment will further isolate Comsat's monopoly activities from its competitive activities and prevent cross-subsidization. The World Systems Divisions's offer of space segment capacity will increase user choice and will yield the competitive benefits we enumerated in our 1982 *Authorized User II* order. Our *Earth Station Ownership* policy will yield additional competitive benefits by allowing users to obtain earth-station services from a variety of providers, including ESOC, the Comsat earth-station subsidiary or an independent carrier supplier.

C. Public-Interest Analysis

22. In carrying out the mandate of the Court of Appeals on remand, we are required to consider anew the likely impact on the public interest of our proposal to broaden the scope of Comsat's public operations. Our inquiry in this Second Report and Order is somewhat simplified, however, by the fact that even in remanding our decision the court affirmed or let stand a number of the legal and policy conclusions in our 1982 Report and Order. Most importantly, the court upheld our legal authority under the Satellite Act to modify our 1966 *Authorized User I* decision. That is, the court held, 725 F. 2d at 742–6, that the plain language of the Satellite Act and its legislative history gives us broad discretion to determine who may be authorized to take service from Comsat and affirmed that our decision in 1966 to restrict Comsat was solely one of policy. More specifically, the court held that we need not maintain the "two-tier" (*i.e.*, carrier's carrier) market structure we adopted in 1966 and that we have the power to authorize non-carriers to lease satellite circuits from Comsat, so long as such designation serves the public interest. The court also specifically held that the Satellite Act empowers us to authorize Comsat to compete with the existing service carriers at the "retail" (*i.e.*, end-to-end) level.[24] For this reason, inasmuch as the question of our legal authority has been resolved, we need not address it further here.

23. Turning to the policy question, we note that the traditional standard we as a regulatory agency must apply in deciding whether to introduce competition into a market is found in *RCA Communications, Inc.* v. *FCC*, 346 U.S. 86 (1953) *See also Telocator Network of America* v. *FCC*, 691 F. 2d 525 (D.C. Cir. 1982), *Hawaiian Telephone Co.* v. *FCC*, 589 F. 2d 647 (D.C. Cir. 1978). In the *RCAC* case, the United States Supreme Court established a two-pronged test wherein we are required to find that the competition is reasonably feasible and then to warrant that increased competition will yield public benefits. 346 U.S. at 96–7. In our 1982 Report and Order we found that allowing Comsat to offer basic satellite transmission capacity directly to users would increase customer choice and would put competitive pressure on the providers of international leased-channel service to keep rates low and service innovative. We also found that allowing a Comsat subsidiary to enter the end-to-end service market would introduce another technologically-sophisticated and well-financed competitor with a particular interest in developing the satellite medium. Our analysis of the expanding international market was that competition was reasonably feasible and we warranted that our policy would likely yield public benefits.

24. Changes in the international communications market since 1966 have given us the opportunity to re-examine the structure of that market. As we indicated in 1982, the pessimism we expressed about the future of the established carriers is no longer warranted and the conservative policy we fashioned based on that pessimism to protect carriers from competition can no longer be justified. The international communications market is growing rapidly, and AT&T and the IRCs are established carriers. We now find that the public interest will be better served by allowing Comsat to offer service directly to users. Such direct dealing will increase customer choice, thus spurring not only Comsat but also the providers of cable-based services to keep their services innovative and to keep the price for service as low as possible. Comsat's World Systems Division's direct provision of space segment will give customers an alternative to traditional leased-channel service and may reduce the charges users now pay. Allowing a Comsat subsidiary to offer end-to-end services will similarly increase carrier and service options for users and act as a check upon the ability of other carriers to raise the rates for substitutable services. Our decision to allow the carriers to decomposite their rates will permit providers of cable-

[23] To the extent that Comsat wishes to compete with the IRCs in the provision of leased-channel and other end-to-end service, it would do so through a separate subsidiary. That subsidiary would be free to lease space segment from the World Systems Division, at normal tariff rates. The end-to-end subsidiary would then be free to take earth-station services from any supplier of earth-station services or to construct its own earth stations.

[24] A variety of terms have been used in this proceeding to characterize the two levels of the international market such as "retail" versus "wholesale" and "basic transmission capacity" versus "end-to-end" services. The Court of Appeals used the wholesale/retail dichotomy, apparently having accepted the IRCs argument that Comsat acts as a wholesaler of satellite circuits which they resell at "retail." In our 1982 Report and Order, and in the discussion which follows, we use the term "end-to-end" services to refer to the bundle of services the IRCs now provide. This term appears to be synonymous with the way the court uses the term "retail" in confirming our authority to allow Comsat to deal with end users.

based services similarly to develop any service or cost advantages of cable facilities and act as a check upon Comsat's rates. Our revised *Authorized User II* policy, thus, will advance the goals of the Communications Act to promote rapid, efficient, international communications services at reasonable charges. It will also better advance the twin goals of the Satellite Act: "the reflection of the benefit of [satellite] technology in both quality of services and charges for such services * * *," 47 U.S.C. § 701(b), and "to maintain and strengthen competition in the provision of communications services to the public," 47 U.S.C. 701(c).

25. The court agreed with our analysis of the benefits of the *Authorized User II* policy. The court, however, disagreed, with our conclusion that our policy was unlikely to have any significant public detriment. We concluded in 1982 that the IRCs would be able successfully to compete under our policy and would not suffer any significant loss of leased-channel or exchange-service revenues. The court, however, concluded that a substantial revenue loss was likely. In our analysis of possible public detriments we assumed a worst-case scenario. We hypothesized that all of the carriers' leased-channel customers would elect to lease space segment capacity from Comsat and that the IRCs would lose all their leased-channel revenues. We emphasized that such a loss is a private detriment and relevant to the question of the public interest only to the extent that it adversely affects the type, quality or price of service available to the public—that is, if it appears likely that the loss of revenues "will so severely impair the economic base of existing carriers that the industry will experience an incidence of failure so high as to impair provision of service to the public." *Telocator* v. *FCC*, 691 F. 2d at 544. Based on that standard, we concluded that public detriments are unlikely to result from adoption of our *Authorized User II* policy. We noted that the IRCs' leased-channel revenues represent only about 20 per cent of their total revenues, and contribute very little to their overall profitability. 90 FCC 2d at 1413. We thus concluded that the loss of all leased-channel revenues would be unlikely to threaten any of the IRCs. The court assumed the same worst-case scenario and agreed that the loss of leased-channel revenues would not destroy any of the IRCs. The court, however, found some detriment likely in another area: the court speculated that a loss of leased-channel revenues could lead to higher rates for "exchange" (*i.e.*, telex) service.[25] *See also* para. 8, *supra*.

26. The court, however, also stated that its disagreement on the possibility of public detriments was not sufficient, alone, to overturn our policy, since the detriments may be outweighed by the benefits. Rather, the precise grounds on which the court based its remand were procedural: the court found that we had failed to consider some points it found relevant to the determination of the impact of our proposed policy, and that we had, therefore not properly discharged our duty under the Communications Act. The court noted that the carrier proposals under consideration in the *Direct Access* and *Earth Station Ownership* proceedings appeared in some ways to be consistent and in other ways inconsistent with our goal of increasing intermodal competition. However, said the court, until we had resolved those related proceedings, and considered their impact on *Authorized User II*, neither it nor we would be in a position to make a reasoned cost/benefit analysis of our *Authorized User II* policy. The court therefore remanded the matter to us for further proceedings.

27. On the public-interest question the IRCs offer in their comments little that is new. They largely repeat the arguments against our proposed policy that we rejected in the earlier phase of this proceeding. The IRCs' main argument against our policy is their assertion that they will not be able to compete with Comsat if it is allowed to offer satellite capacity directly to end users. While they argue this as an absolute, their chief purpose appears to be to reargue the *Direct Access* proceeding. That is, the IRCs state that they will be able to compete with Comsat under our *Authorized User II* policy only if we grant them direct access to INTELSAT and the right to own their own earth stations. The carriers further argue that the Court of Appeals has held competition with Comsat not to be feasible unless the Commission also grants them direct access to INTELSAT. ITIWC, in fact, suggests that this holding may, as a matter of law, be binding upon us. The carriers addressed their comments to our original proposal which would have concerned "basic satellite transmission capacity" (*i.e.*, space segment plus earth-station services), but made it clear that restricting the World Systems Division solely to offering space segment would not alter their need for direct access.

28. The IRCs also argue that their leased-channel service adds nothing to the satellite circuits Comsat now provides under its Tariff F.C.C. No. 101. As a result, the carriers argue, if customers can lease satellite capacity directly from Comsat at the same tariff rate the carriers pay, most of those customers will shift to Comsat for service. Thus, since the carriers equate themselves to "retailers" of "wholesale" Comsat satellite circuits, allowing customers access to Comsat will put them in a "wholesale/retail price squeeze" where they can offer satellite-based leased-channel service only at a loss. The IRCs estimate that they will lose a substantial number (about 75 per cent) of their current leased-channel customers to Comsat. Further, the carriers claim that they will not be able to compensate for those losses by offering cable-based service, arguing that we have held cable circuits to be too costly for successful competition with Comsat satellite circuits.

29. We should first like to comment upon ITTWC's suggestion that the Court of Appeals has determined that competition under our policy is not feasible as a matter of law. We agree with ITTWC that the court was not sanguine about the ability of the IRCs to offer their traditional leased-channel service if customers are able to lease space-segment capacity directly from Comsat. *See* 725 F. 2d at 748. However, we do not interpret the court's language as a clear holding that competition is not feasible or, more importantly, that we are barred from readopting our *Authorized User II* policy. The court stated it was not expressing any opinion on the merits of increasing competition between the cable and satellite mediums. *Id.* at 752. The court also stated that it was not mandating either direct access or a policy allowing independent ownership of earth stations. *Id.* at 754. The court speculated that such policies might reduce the IRCs' cost of using satellite circuits and thereby improve their chances of continuing to offer satellite-based leased-channel service. *Id.* at 752–5. The court, however, made clear that even the loss of all the IRC leased-channel revenues would not be enough, in itself, to reject our policy. The court also made clear that it was not substituting its judgment for ours in formulating an authorized-user policy which we find best serves the public interest. *Id.*, n. 52. Rather, the court merely directed us to consider the *Direct Access* and *Earth Station Ownership* issues and to

[25] The court did not define the term "exchange" or otherwise specify the services where it expected increased costs. The court appears to have picked up the term from our 1968 *Authorized User I* decision, where we used it to mean telex service.

determine whether our resolution of those proceedings would affect our determination to proceed with the *Authorized User II* policy.

30. We have now acted in both related proceedings. We have decided to deny direct access, but to allow the carriers to own their own earth stations. To show the effect of these actions on our *Authorized User II* policy, we shall follow the same two-part analysis used by the court. We shall look separately at the questions of intramodal (within the satellite medium) and intermodal (between cable and satellite) competition. The court believed that direct access and the right to own earth stations might reduce the IRCs' cost of using satellite facilities and thus might help them successfully to compete with Comsat. In our *Direct Access* decision, we concluded that direct access would not reduce satellite costs or assist intramodal competition. In *Earth Station Ownership*, we concluded that IRC ownership of earth stations could reduce IRC costs and might help them offer low-cost, efficient satellite-based services.

31. *Intramodal Competition.* Looking first at direct access, we note that our March 30 Report and Order in the *Direct Access* proceeding included an extensive analysis of the economic effects of the IRC direct-access proposals. *See* 97 FCC 2d at 310–19. We then discussed why direct access would not significantly affect the feasibility of intramodal competition under *Authorized User II*. *Id.* at 319–26. We shall not repeat that analysis here, but adopt it by reference. For present purposes, we note that direct access would not introduce competition into the provision of INTELSAT space segment, but would merely spread Comsat's investment among multiple U.S. entities. Direct access would not increase the supply of INTELSAT circuits. Dividing the U.S. share of INTELSAT investment and operating expenses, now borne by Comsat, among multiple U.S. entities would not reduce any element of that investment or those operating costs. Direct access, thus, would hold little promise of reducing IRC satellite costs.

32. To see why direct access would not affect intramodal competition, it may be helpful to describe the nature of that competition. In the first place, the IRCs would not compete with Comsat for satellite-based leased-channel service. The IRCs do not alter the circuit they acquire from Comsat, but add connecting circuits and a variety of ancillary services such as conditioning, testing, quality control and handling their customers' payments to foreign administrations. The World Systems Division is forbidden under *Authorized User II* to add to space segment any services it does not now provide to carriers. A customer wishing to lease space segment from Comsat must make its own arrangements for these services. The competition then will be between the IRCs and their customers for who can make these arrangements most efficiently. In either case, Comsat will receive the same tariff charges. Any diminution of IRC leased-channel revenues is a measure of customer savings, not "diversion" or unfair advantage to Comsat.

33. The court concluded that there is essentially no difference between Comsat space segment and IRC leased-channel service or at least that the services the IRCs provide are not valuable enough to attract customers.[26] We agree that there may be a question as to the value of IRC service. We emphasize that a Comsat satellite circuit is of no value to users without the ancillary services now provided by the IRCs. As the court noted, however, there is a large gap between the rate Comsat charges for a satellite circuit ($1125 at the time of the court's decision and $1060 now) and the IRCs composite leased-channel rates (which range from about $3000 for a circuit to the United Kingdom to about $5000 for a circuit to the Pacific basin).

34. One of the IRCs (RCAGC) argues that the packaging services the IRCs provide save their customers time and effort and have value.[27] DOD, the largest U.S. user of leased-channel service, and the type of sophisticated user the court thought would elect to deal with Comsat, has confirmed RCAGC's assertion and indicated that it will continue generally to deal with the IRCs.[28] We are not able on the evidence before us to decide the value of IRC services. We note that in their eagerness to preserve their protection from competition the IRCs have chosen to cast doubt on the value of their contribution. If the IRCs are correct that they add nothing to leased-channel service, it is likely that their customers will prefer to deal directly with Comsat. If, on the other hand, RCAGC and DOD are correct, the IRCs do add value and should be able to attract and hold customers.[29] Our policy merely lets customers choose between Comsat and IRC service and gives them information as to alternative costs on which to base their choice.

35. If the court and the IRCs are correct about the price sensitivity of leased-channel service, direct access will not help the IRCs retain their customers. As we explained in our *Direct Access* decision, direct access would not allow the IRCs to acquire space segment at a price significantly lower than Comsat's current tariff charges. The court was concerned that, so long as Comsat can offer space segment at a rate appreciably lower than the IRC composite rates, it would attract the IRCs' customers, irrespective of direct access. The IRCs could compete with the World Systems Division rates if they were to decomposite their rates and charge a satellite-only rate which allows them to lease a Comsat circuit, add their extra services and sell the package at an attractive rate. The IRCs can do this without direct access.

36. By contrast, our decision in *Earth Station Ownership* to allow IRC ownership of earth stations can reduce the IRC's cost of using satellite facilities and might help them in intramodal competition. Comsat indicates that approximately 40 per cent of its current tariff charge for a voice-grade circuit ($424) is attributable to the cost of the earth-station services Comsat acquires from ESOC.[30] Allowing the IRCs to own earth stations will allow them to realize any cost savings available from efficient operation. If they can provide earth-station services more efficiently than Comsat or ESOC, they can apply that advantage to the marketing of lower-cost end-to-end services. Our revised

[26] 725 F. 2d at 748, n. 40. The court concluded that the connecting links and "quality-control" service the IRCs add are not enough to allow the IRCs to compete, since "[p]resumably, Comsat * * * is capable of providing an equally efficient quality control system." *Id.* The court, however, overlooks the fact that our policy allowed Comsat to provide only bare satellite circuits. Comsat does not now provide connecting links or end-to-end quality-control service to carriers and will not do so under our revised policy.

[27] *See* Affidavit of Kenneth H. Lassig, Vice President-Finance and Treasurer, RCA Global Communications, Inc., at paras. 4–9, attached as Appendix A to RCAGC's Emergency Petition to stay the *Authorized User II* decision.

[28] *See* Affidavit of Lieutenant General William J. Hilsman, Director, Defense Communications Agency, DOD, attached to Opposition of Federal Communications Commission to Emergency Motion for Stay, *ITT World Communications Inc.* v. *FCC*, *supra* note 1. General Hilsman stated that DOD would seek to take service directly from Comsat only in those unique instances where national security requires earth stations to be located on government premises.

[29] Another service the IRCs add is the fact that they have operating agreements with overseas administrations. It remains to be seen how easy it will be for end users to persuade those administrations to deal directly with them. We do not anticipate that obtaining such agreements will be impossible, but do think that the fact that the IRCs already have operating agreements will help the IRCs compete with their customers.

[30] Comsat owns no earth stations of its own. It owns 50 per cent of ESOC and operates the ESOC stations on behalf of its partners.

earth-station policy will not reduce the cost of space segment, which they will continue to lease from the World Systems Division, but it could assist them in competing with a Comsat end-to-end subsidiary which must also lease space segment from the World Systems Division at the same rate.

37. In conclusion, while there is likely a rate at which the IRCs can offer satellite-based leased-channel service and retain their customers, we cannot guarantee this will occur. Predictions of future events are necessarily imprecise and not susceptible of concrete proof. The Supreme Court in *RCAC* v. *FCC* recognized this fact and did not require such proof. IRC ownership of earth stations will assist them in intramodal competition. Direct access would not. The important point is that there is no reason to preserve the IRCs as middlemen in leased-channel service unless they perform a useful function. If the IRCs cannot offer leased-channel service at competitive rates and elect to abandon the market, service will be available from Comsat. We see justification to protect the IRCs from their customers or to deprive users of choice. The legitimate interest of the IRCs underlying their direct-access proposals—the possibility that Comsat rates are too high—are better addressed through traditional rate regulation. We wish to assure the IRCs that we shall scrutinize Comsat's rates.[31]

38. *Intermodal Competition.* Turning now to intermodal competition, we conclude that neither direct access nor expanded earth-station ownership would affect the ability of the IRCs to offer cable-based leased-channel or other services in competition with Comsat. Our policy will introduce intermodal competition for the first time. We will thereby give Comsat the opportunity to promote the satellite medium and to give cable-owning carriers a greater incentive to provide services efficiently or to construct more efficient facilities. Users will benefit from these events if Comsat can offer satellite-based services at a lower price than current IRC rates. To the extent that Comsat does this, it will put pressure on the rates for cable-based services. To retain their customers, the IRCs may be required to reduce the charges for this cable-based service. If, as the IRCs claim, they cannot reduce their cable rates, they may lose their customers. However, so long as Comsat can provide those services, the public will not be deprived of service.

39. We are not able to say whether, in general, cable circuits are more costly than satellite circuits. The IRCs offer no cost data to support their claim. AT&T challenges the assertion but also provides no cost information. It is difficult to make a determination of relative costs in the abstract, since such costs vary from route to route and from facility to facility, depending upon the distance between service points, the technology used in a particular facility and the density of traffic. Moreover, since technology and service patterns are changing so rapidly, any such determination would rapidly become stale.[32] However, we are willing for present purposes to accept the IRCs' argument that cable circuits are more costly. Such an assumption would not justify rejection of the *Authorized User II* policy. Rather, it would merely illustrate that the present market incentives have not resulted in an efficient use of resources and demonstrate why we prefer a competitive policy. If cable circuits were more expensive, that would mean that there was a cheaper alternative, namely satellite circuits, which the IRCs elected not to use. The IRCs' preference for cable circuits, under their argument, increased the users' cost of service. *Authorized User I*, by neutralizing competition, prevented Comsat from offering satellite-based service to users and allowed the IRCs to invest in less efficient facilities. We see no reason why users should be required to pay a higher cost for cable-based service, if they can get cheaper satellite-based service. Our policy will give users a choice between cable-based and satellite-based service. The possibility that users will choose satellite-based service and that the owners of cable facilities could lose revenues is, however, a private impact which bears upon the public interest only if it threatens the availability to users of reasonably-priced, good quality service (*i.e.*, if it causes the carriers to go out of business or so weakens them that they cannot provide good quality service).

40. We are also unpersuaded by the IRC's argument that they need protection from competition because they do not have cable facilities on all routes. Although there are some routes on which only satellite facilities are in use, the service carriers have extensive cable networks in the North Atlantic, Caribbean and Pacific basins and use both facilities to serve those countries which account for more than 70 per cent of their revenues. The IRCs make substantial use of cable facilities for leased-channel service. For example, more than 50 per cent of the carriers' voice-grade leased circuits are on cable. In any event, the geographic distribution of cable and satellite facilities does not represent a basis on which to justify withholding the benefits to users of our *Authorized User II* policy.

41. *Impact upon Exchange Services.* More fundamentally, the court was clear that it was not concerned about the possible loss of IRC leased-channel revenues *per se*. Rather, the court stated that its concern was a possible adverse effect of our policy on users. Thus, the court found the IRCs' potential loss of revenues relevant only because it feared that the IRCs would shift cable circuits idled by a loss of leased-channel customers to the provision of their exchange (telex) services and, because of the higher cost of those facilities, would raise the charges therefor to an unreasonable level.

42. The court, however, did not regard a rise in telex rates as inevitable. While the court did conclude that our policy would increase the costs of cable-based exchange services, it noted two ways an increase in exchange-service rates might be avoided: either the IRCs might use satellite circuits to provide their exchange services or Comsat might offer retail exchange services in competition with the IRCs. The court, however, found neither eventuality likely. The court noted that the IRCs have a strong economic incentive to use their cable circuits, since their investment in cable circuits constitutes the largest portion of their rate base investment for ratemaking purposes. Since regulated

[31] We particularly reject the arguments of the IRCs concerning our ability successfully to regulate Comsat. The structural separation we order here and in *Earth Station Ownership* will assist us in the discharge of our duty. We note, in this connection, that the Court of Appeals has recognized our ability to regulate. *See* 725 F. 2d at 746, f.n. 32. Our decision in *Comsat Structure* to require Comsat to recast its accounts and cost allocations to separate competitive from monopoly activities was similarly intended to assist us in regulating Comsat's rates.

[32] We feel it is necessary, however, to comment upon the cost analysis the court included in its decision. In concluding that satellite circuits are cheaper than cable circuits, the court compared the projected half-circuit capital-acquisition cost (purchase price) for the TAT-8 cable, $15–19,000 per half circuit, with what the court called the "present cost" of a satellite circuit, which it estimated at $13,500. *See* 725 F. 2d at 749. The court thus compared a cable circuit's purchase/construction price with a satellite circuit's revenue requirement. This is not a proper comparison. Comparisons can only be made between different facilities when similar factors such as construction costs per circuit or revenue requirements are appropriately employed. The purchase price of a facility reflects only the bare cost of building or acquiring it. It does not include overhead expenses, a return on capital, or the number of circuits utilized at any one time. A revenue requirement includes a fraction of all overhead (taxes, salaries, administrative, etc.) expenses plus a return on the capital invested in the facility. A revenue requirement is also spread only over the circuits actually utilized.

entities are allowed to earn a return (profit) on their investment, but not on satellite leases (which are expenses), the court found it unlikely that the IRCs would use satellite circuits. Rather the court concluded that the IRCs would elect to use their cable circuits and would raise the charges for their services therefor.[33] With respect to the possibility of Comsat entry, the court noted Comsat's "steadfast" determination not to offer retail services. The court also speculated that it would be costly and difficult for Comsat to provide exchange services, even if it wished to do so, and concluded that Comsat entry is "highly unlikely." 725 F.2d at 751.

43. We find it unlikely that adoption of *Authorized User II* will lead to an unreasonable increase in the rates for exchange services. The IRCs do not argue that they would raise telex rates or show why *Authorized User II* would cause such an increase. It is not clear how much freedom the IRCs have to raise their exchange-service rates. The international exchange-service business is becoming increasingly competitive. In a competitive business service providers are "price takers"—that is, the price will be set by the market rather than by individual suppliers. As a result, even if our policy should leave the IRCs with excess cable capacity, competitive pressures will keep rates down. In more concrete terms, we note that the telex service, which accounts for over 60 per cent of total IRC revenues, is offered by six carriers. Any attempt by an IRC to raise its telex rates unilaterally would cause it to lose customers to its competitors. Telex service is also increasingly subject to competitive pressure from a variety of substitutable, non-telex services offered by other entities. Some IRCs have argued that such services are making noticeable inroads into their telex business. *See, e.g.*, Application of FTC Communications, Inc., for Waiver of Uniform Settlements Policy, File No. I-S-P-84-004, at pp. 5-10, filed March 1, 1984.[34] The IRCs are unlikely further to weaken their competitive position by a substantial increase in telex rates.[35]

44. The court's speculation that exchange-service rates would rise was premised upon its assumption that the IRCs' cable circuits are substantially more costly than satellite circuits on all routes. However, we are not here concerned with the acquisition of new cable circuits, or whether such new circuits would be more expensive than satellite circuits. Rather, the court's analysis addressed the carriers' existing cable circuits. The carriers' investment in these existing cable circuits is sunk. They already have the circuits whether they use them or not. Thus, while a shift of cable circuits to telex service might increase the cost of that service on a fully-distributed-cost basis, there would be no out-of-pocket expenditure to acquire cable circuits. Their only out-of-pocket expenses would be their maintenance and operating expenses. Because the IRCs would not be required to make any out-of-pocket payments as a result of shifting cable circuits to telex service, if the IRCs were to make such a shift, they would be able to price their cable-based telex service at a level competitive with a Comsat satellite-based telex rate. Moreover, as we noted above in connection with leased-channel service, our *Earth Station Ownership* policy will reduce the IRCs' cost of using satellite facilities. As a result, to the extent that the IRCs use satellite circuits, our policy should help them compete for satellite-based exchange services as well.

45. The court is correct that a decision by Comsat to offer exchange services would help keep exchange rates at reasonable levels. We do not know, however, whether Comsat will in fact enter. In the earlier phase of this proceeding Comsat indicated a reluctance to do so.[36] It should be clear to Comsat that its status as sole supplier of space segment and earth-station services is no longer secure and that it may have to enter to protect its share of traffic.[37] It should also be clear to Comsat that the *status quo* has been altered and that it may no longer count on a guaranteed market share. Comsat's decision to enter would be facilitated if, as the court posits, the IRCs were to raise their exchange-service rates if Comsat thought it could provide service at lower cost. We do not know, however, whether Comsat will in fact enter the market. However, we wish to emphasize that Comsat's entry is not essential to the successful operation of our policy.[38] As AT&T noted in its comments, Comsat is a highly credible potential entrant whose mere presence "in the wings" will exercise a salutary effect on international exchange services. For this, and the reasons set forth above, we conclude that the rates to users for telex and other exchange services will not rise as a result of our *Authorized User II* policy.

D. Ancillary Issues Bearing on Adoption of the Authorized User II Policy

46. *Changed Circumstances.* We are also unpersuaded by ITTWC's argument that changes in the international

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[33] We note that decisions to route traffic via cable or satellite circuits are made jointly by U.S. carriers and their overseas correspondents. As a result, the IRCs would probably not be able to shift large amounts of telex traffic to cable circuits without the concurrence of their correspondents.

[34] That pleading cites three major forms of diversion of IRC telex business: direct refile, resale companies, and new services such as teletex, packet-switched data service and Datel. FTCC estimates that the IRCs are losing about 10-12 per cent of their telex revenues to refilers each year, or currently about $17 million, net of payouts. FTCC estimates the loss of revenues to resale companies at 18-20 per cent of outbound traffic, or currently $32 million, net of payouts. Other IRCs have challenged FTCC's specific estimates of diversion, but FTCC estimates the loss of revenues to resale companies at 18-20 per cent of outbound traffic, or currently $32 million, net of payouts. Other IRCs have challenged FTCC's specific estimates of diversion, but do not deny that telex is under increased competitive pressure.

[35] We recognize that the court reached its conclusion on this point in part because we had reached a similar conclusion in our 1966 *Authorized User I* decision and did not repudiate it in *Authorized User II*. In view of the current, lower costs of overseas facilities, and the fact that we follow a policy of open entry, any attempt by the IRCs to raise their telex rates unjustifiably would be likely to provoke the entry of a new supplier. As a result, it is no longer reasonable to assume that the IRCs can raise their telex rates with impunity.

[36] We are, however, unpersuaded by MCII's argument that the failure of Comsat in the past to compete with AT&T for MTS service is evidence of "an accommodation" between the two. The more likely reason is that for the last 18 years the *Authorized User I* policy has prevented it from entering the MTS market.

[37] In our 1982 Report and Order, 90 FCC at 1425-6, we indicated our desire ultimately to remove ourselves from facilities-loading decisions. We continue to believe that no carrier should be guaranteed a specific share of traffic, and that cable/satellite loading decisions should be dictated by efficiency rather than manufacturing or rate-base considerations. Our Report and Order, however, recognized that AT&T and the IRCs have a rate-base bias in favor of cable facilities and that for nearly 20 years Comsat has been prevented from developing its own customer base. We therefore stated that, under our *Authorized User II* policy, we would allow the carriers greater discretion in circuit-activation decisions but that in the near term we would "monitor" the situation to assure that both mediums are "reasonably used." *Id.* at 1426. This language does not indicate, as the court assumed, that we shall continue prescribed-use formulas indefinitely. We are, in fact, examining the question of loading principles in a separate proceeding. *See* Overseas Communications, FCC 84-351, —— FCC 2d ——, released August 3, 1984 [Third Notice of Inquiry]. In that proceeding we are exploring a number of proposals by the carriers for greater latitude in circuit-activation decisions.

[38] We also believe that the court has overstated the cost or difficulty a Comsat subsidiary would face in seeking to enter the exchange-services market. Comsat is in a particularly good position to obtain the necessary agreements from overseas administrations. In carrying out its INTELSAT functions Comsat has been engaged for nearly 20 years in close working relationships with the same overseas entities who would grant the operating agreements in question. Indeed it would likely be easier for the Comsat subsidiary to get such agreements than it would be for IRC leased-channel customers who would elect to lease space segment from Comsat.

communications industry since we released our Report and Order in 1982 have invalidated our public-interest finding. ITTWC cites four such allegedly changed circumstances: changing earth-station technology; declining IRC rates of return; declining telex growth rates; and increased competition in the international market. With respect to the first issue, ITTWC notes that improvements in earth-station technology have allowed for smaller, less costly, but relatively efficient antennas. ITTWC argues that the development of such low-cost antennas has permitted the location of earth stations on customer premises, and reduced significantly the need for domestic connecting links in leased-channel service. ITTWC states that in the future the provision of space segment and earth-station services may become the whole of leased-channel service and, thus, further limit the role of the IRCs in such service.

47. We are aware that in some INTELSAT services (principally, IBS) there is a trend toward smaller earth stations located near major markets, but it is not clear that such a trend exists with respect to the provision of standard voice-grade circuits which constitute the vast bulk of leased-channel service. However, even accepting for the moment that there is such a trend, we do not see how that would invalidate our *Authorized User II* policy. The ability to locate earth stations on or near customer premises and the consequent reduction in connecting facilities, will benefit users through improved service quality and lower costs. Surely ITTWC is not arguing that we should deny users such benefits because it may reduce their profit margin. In any event, the trend toward customer-premises stations need not necessarily harm the IRCs. Our December 4 *Earth Station Ownership* decision limits ownership of earth stations, even those on customer premises, to the carriers and to Comsat.[39] The IRCs will have the same chance to offer customer-premises stations as will Comsat. If the IRCs can provide such service at a lower cost, they will be able to attract and hold customers. Further, any attempt by Comsat to gain an unfair competitive benefit in the earth station market will be subject to our scrutiny. We have ample tools to detect and redress such actions.

48. Second, ITTWC asserts that we based our decision to adopt the *Authorized User II* policy upon a finding that the overall returns of the IRCs were excessive and that they could use those returns to cushion them against the loss of their leased-channel revenues. ITTWC contends that even if that may have been the case in prior years, IRC rates of return are now low and cannot provide such a cushion. For example, ITTWC states that the rates of return for the three largest IRCs (ITTWC, MCII, and RCAGC) during the first half of 1983 ranged between 6.3 and 9.0 percent. ITTWC also states that its own rate of return declined from 14.5 percent in 1980 to 10.4 percent in 1981 and further declined to 10.2 percent in 1982. We cannot here make any judgment on the return figures ITTWC offers, since we have no information as to how they were derived. Moreover, references to overall rates of return do not shed any light on the earnings for specific services. ITTWC, however, has missed the point of our 1982 Report and Order. We were not motivated in that order by putatively excessive IRC profits, but by the fact that our *Authorized User I* decision arbitrarily restricted the freedom of customer choice and that it had caused distortions in the market for international service. We thus concluded that the public interest would be better served by a policy which allows customers to choose the type of service which best serves its needs.

49. Third, ITTWC argues that our 1982 Report and Order relied upon a finding that telex service is growing rapidly and that those increased revenues would compensate the IRCs for the loss of their leased-channel business. ITTWC states that telex is no longer growing rapidly. For example, ITTWC states that from April 1, 1982, to March 31, 1983, IRC telex revenues grew by only eight-tenths of one percent (from $360 to $363 million) and that for the six-month period from October 1, 1982, to March 31, 1983, there was actually a decrease in telex revenues as compared both to the immediately preceding six-month period (April 1, 1982 to September 30, 1982) and to the same period the preceding year (October 1, 1981 to March 31, 1982). Again, it is difficult to assess the significance of such gross analysis. However, we again note that our 1982 Report and Order did not rely upon the existence of excess IRC telex profits to make up for leased-channel losses. In our Report and Order, we cited the IRC rates of return and telex growth rates only to show that the pessimism about the viability of the IRCs which runs through our 1966 *Authorized User I* order was unwarranted. The changed circumstances ITTWC asserts merely show that conditions in the international market are changing and that participants in the market must change with it. They do not demonstrate a public-interest justification for preserving the arbitrary restrictions on Comsat as a way to protect the IRCs from competition.

50. Finally, ITTWC notes that since we issued our 1982 Report and Order we have introduced three major new competitors into the overseas market: AT&T, The Western Union Telegraph Company, and Satellite Business Systems. ITTWC argues that, as a result, there is no need for additional entrants, particularly Comsat. We believe that decision is better left to potential entrants. We have already found that the international communications is growing rapidly and that it will support additional entry. If a potential entrant believes the market is too competitive, it will conclude that it will not be able to earn an adequate return and will elect not to enter. Users can benefit even if the entity decides not to enter, just from the fact that it is ready and able to enter. Our *Authorized User II* policy merely gives Comsat the chance to make that decision.

51. *Separate-Subsidiary Requirement.* Having concluded that the public interest would be served by allowing Comsat to offer end-to-end international communications services, we must now determine the proper structural framework for such an offering. In our 1982 Report and Order in this proceeding we required Comsat to provide end-to-end services through a separate subsidiary. *See* 90 FCC 2d at 1406. We must, here, decide whether we should again require such a subsidiary. Comsat does not challenge our 1982 decision to require a subsidiary for end-to-end services. It is concerned, however, by the apparent requirement that it form two such subsidiaries, one for earth-station services and a separate one for end-to-end services. Comsat argues that the requirement of two subsidiaries is inefficient and unnecessary. Comsat asserts that the earth-station subsidiary required in *Earth Station Ownership* will provide all the separation necessary to prevent anticompetitive conduct. Comsat notes that none of the other carriers who would be allowed to provide earth-station services are required to separate those operations from their end-to-end services and sees no reason why it should be treated differently. Rather, Comsat argues that in order to assure vigorous competition its earth-station subsidiary should not only be allowed

[39] The Satellite Act limits the ownership of earth stations to the carriers and Comsat. *See* 47 U.S.C. 721(c)(7).

but encouraged to provide end-to-end services.

52. We again conclude that we must require Comsat to separate its competitive end-to-end services from its monopoly INTELSAT and INMARSAT activities. Such separation will minimize any chance for improper cost allocations or cross subsidization of competitive activities and so will facilitate the implementation of our *Authorized User II* policy. We do agree with Comsat, however, that there is no need for two separate subsidiaries. The important point is to separate Comsat's monopoly from its competitive activities. There is no need to separate its competitive activities from each other. The existence of competition will assure that Comsat cannot charge too much for earth-station or end-to-end services and separation from the World Systems Division will assure there are no monopoly revenues to subsidize any competitive offering. We thus have no objection to Comsat's providing both earth-station and end-to-end services through the same subsidiary. However, we require Comsat, within any multi-purpose subsidiary, to maintain separate accounts for each line of business.[40]

53. *Delay of Implementation of our Authorized User II policy.* MCII and RCAGC have sought a delay in the implementation of our revised authorized-user policy. MCII argues that the Court of Appeals has required us to delay *Authorized User II, Direct Access* and *Earth Station Ownership* and to consolidate them into one rulemaking. RCAGC, on the other hand, asks us to delay *Authorized User II* until such time as Comsat has formed its earth-station subsidiary and the carriers have brought their earth stations into service. RCAGC argues that introduction of those stations is likely to take several years and that to allow Comsat to move ahead with its offer of satellite circuits immediately will give Comsat an unfair competitive advantage and largely undo the benefits of allowing independent stations. In this connection, RCAGC notes that it took four years for ESOC to get authorization and to construct the ESOC Roaring Creek, Pennsylvania, earth station—even though that application was unopposed—and argues that there is no reason to expect authorization of independent stations to take less time, since they undoubtedly will be contested.

54. We find no reason to delay the *Authorized User II* policy. We do not agree with MCII that the court required a consolidated rulemaking. The court held only that we must consider the *Direct Access* and *Earth Station Ownership* issues before implementing *Authorized User II* and to consider the impact of our decisions in those matters upon our analysis of the public-interest impact of *Authorized User II*. In *Direct Access* and *Earth Station Ownership* we considered the merits of those proposals. In our decision today we have considered the impact or decisions in those proceedings will have on *Authorized User II*. There is no need for yet another proceeding to reexamine the impact. With respect to RCAGC's argument concerning delay in authorizing earth stations, we find that Comsat will derive no unfair advantage from being able to offer earth-station service immediately. RCAGC's claim was premised on an assumption that our order in *Earth Station Ownership*, would dissolve ESOC and that Comsat would wind up as the sole owner of one or more of the existing ESOC stations. Since that is not the case, RCAGC's argument is moot. However, we should like to note that the only way Comsat could entrench itself as a supplier of earth station services would be if it were to engage in predatory pricing or other anticompetitive conduct. The Comsat earth station subsidiary will be subject to regulation. We have ample authority to correct any abuses. *Earth Station Ownership* directed the ESOC members to negotiate its future, but recognized that those negotiations may be lengthy and that the carriers may in the end decide to retain the ESOC consortium. To hold up the *Authorized User II* policy for such an uncertain period would unduly deny users the benefits of that policy. Rather, we believe the public interest requires us to move ahead on implementation of *Authorized User II* as rapidly as possible.

III. Other Issues

55. *A. Status of U.S. government as an authorized user.* We turn now to the additional issues raised by the respondents. In the first of those issues DOD argues that the U.S. government is a statutorily designated authorized user who may take both space segment and earth-station services directly from Comsat's World Systems Division. Therefore, according to DOD, we lack authority to require it to deal with a Comsat retail subsidiary for earth-station or any other service. DOD notes that it has previously "extensively" briefed its legal position in earlier stages of this proceeding and incorporates those arguments by reference.[41] DOD argues that the Court of Appeals may have affirmed the right of the Commission to determine which non-carrier entities may deal directly with Comsat, but it was silent on the issue of our power to restrict the U.S. government. DOD, therefore, requests us, irrespective of the policy we may adopt in *Direct Access, Earth Station Ownership* or *Authorized User II*, to make clear that the U.S. government is free to take either basic satellite transmission capacity or end-to-end services directly from the Comsat World Systems Division and that it is not limited to dealing with a Comsat subsidiary.

56. We note that the policy we have adopted today will give governmental and other non-carrier users broad access to Comsat service, either to the World Systems Division (for space-segment capacity) or to a Comsat subsidiary (for end-to-end and earth-station services). Due to the separate-subsidiary requirement, Comsat's World Systems Division will not own any earth stations and will therefore be unable to provide the package service that DOD now can obtain upon a "national interest" showing. The separate-subsidiary requirement is a limit upon Comsat and necessary to the implementation or our *Earth Station Ownership* and *Authorized User II* policy. We cannot waive the requirement, even for governmental users, without seriously compromising the competitive program we have created. Since the same potential for competitive abuse exists whether dealing with governmental or private users, we believe that the public interest will be served by an evenhanded application or our policy.[42] We will

[40] Comsat may also elect to place both its earth-station and end-to-end service activities in an existing subsidiary.

[41] Petition of Department of Defense on behalf of the Federal Executive Agencies for Declaratory Ruling, filed December 4, 1979. Reply Comments of Federal Executive Agencies, in RM-3536, filed February 12, 1980; Comments of Federal Executive Agencies, CC Docket No. 80-170/RM-3536, filed August 12, 1980; and Reply Comments of Federal Executive Agencies, CC Docket No. 80-170/RM-3536.

[42] DOD does not indicate any circumstances when dealing with a Comsat subsidiary would not satisfy U.S. governmental interests. However, we continue to recognize, as we did in 1966, that the U.S. government has unique national-defense and other national-interest concerns and that situations could arise where nothing but direct dealing with the World Systems Divisions would suffice. In such exceptional cases, where the government demonstrates a national-interest requirement, we would waive the separation requirement to allow the World Systems Division to construct an earth station especially for government use.

therefore deny DOD's request. We do not see, however, why the government would be harmed by our separate-subsidiary requirement. The need to take earth-station service from an entity other than the World Systems Division should not introduce any significant inconvenience. Any inconvenience that does result should be more than offset by the fact that our policy will introduce competition (and presumably lower rates) into the provision of earth-station services. We anticipate that the sum of the charges for Comsat space segment and those for competitive earth-station services should be less than Comsat's current bundled charges.

57. With respect to DOD's statutory argument, we note that the Satellite Act does not distinguish between the Comsat World Systems Division and a Comsat competitive subsidiary. It merely states that all users, whether carriers, non-carriers or governmental, must have non-discriminatory access to the services of the corporation. *See* 47 U.S.C. 721(c)(2). Our policy provides such non-discriminatory access. In our 1966 *Authorized User I* decision we established that the Satellite Act gives us the discretion to determine the scope of Comsat's public operations and to decide under what terms users may deal directly with Comsat. The Court of Appeals in *ITTWC* v. *FCC* affirmed that determination.

58. *B. Television-transmission Service.* We turn now to the request of the television networks for clarification of how television-transmission service fits into the general *Authorized User II* policy. The networks request continued authority to take space segment, earth-station and certain incidental services directly from the World Systems Division which our *SIN* decision now allows them to do. The networks note that our *SIN* decision was a waiver of our 1966 *Authorized User I* decision and that the Court of Appeals expressly upheld it. The networks further note that the court based its action on differences between television-transmission and other services (*i.e.*, the unique benefits to users of dealing directly with the World Systems Division and the small potential for harm). The networks seek a finding that the separate-subsidiary requirements in *Earth Station Ownership* and *Authorized User II* do not affect our independent decision in *SIN* to allow users to obtain television-transmission service and other incidental services directly from Comsat's World Systems Division.

59. Under the policies we have adopted it is clear that space segment and earth-station/incidental services will be provided by different entities. The separate-subsidiary requirement in *Earth Station Ownership* forbids Comsat's World Systems Division to own or operate INTELSAT earth stations. A grant of the networks request would require us to abandon our *Authorized User II* and *Earth Station Ownership* policies. The separate-subsidiary requirements are integral parts of our policies and vital to their implementation and will not be waived without a substantial showing by the advocates of such a waiver. We thus conclude that we must retain the separation requirement for all end-to-end services, including television service.

60. As we indicated in the previous section concerning DOD, we see no reason why users of television-transmission service would be harmed by our separation requirement. Those users will be able to take space segment from the World Systems Division and earth-station services from the Comsat earth-station subsidiary or from another supplier of earth-station services. There is no reason to assume that the sum of the charges for end-to-end television service under our new policy will exceed Comsat's current bundled charges. Indeed, our introduction of competition into the provision of earth-station services will increase customer choice and, we anticipate, lead to lower overall charges. Of course, to the extent that network users were receiving incidental services at no charge, the subsidization will end.

61. *C. Additional Restrictions on Comsat.* The third additional issue is the request by IRI for additional restrictions on Comsat. IRI states that it generally supports our efforts to introduce greater competition into the international communications market and does not, in principle, oppose our policy to allow Comsat to enter the end-user market. However, IRI is concerned about the power Comsat enjoys as an "entrenched," dominant monopolist and argues that our pro-competitive policies can succeed only if Comsat is prevented from deriving any competitive benefit from its role as U.S. Signatory to INTELSAT. To this end, IRI suggests three specific restraints on Comsat to prevent competitive abuses: structural separation of Comsat's monopoly and competitive activities to prevent cross subsidization; direct control of Comsat's role as INTELSAT Signatory through provision for public input into INTELSAT deliberations; and improved control over Comsat's rates.

62. We generally agree with the thrust of IRI's arguments and have taken actions in the *Comsat Structure* and *Earth Station Ownership* proceedings, as well as in this proceeding, which we believe will satisfy most of IRI's concerns. We have required the structural separation (separate subsidiary) of Comsat's monopoly and competitive activities. We have also modified our information-flow procedures to assure timely availability of INTELSAT AND INMARSAT documents and to provide for significant public input into INTELSAT and INMARSAT decisions. Finally, we recognize that the filing of unbundled, cost-based space-segment and earth-station rates is an important part of a revised, competitive earth-station policy. We shall scrutinize Comsat's rates and take whatever actions are needed to assure that they are reasonable. The separation requirement in our *Earth Station Ownership* and *Authorized User II* policy, our recent *Comsat Structure Reconsideration* order,[43] and the requirement that Comsat file unbundled rates, are designed to facilitate that scrutiny.

IV. Conclusion

63. For all the reasons set forth above, we conclude that the public interest will be served by adoption of a policy broadening the class of those authorized to take service directly from Comsat. We continue to believe that allowing Comsat to lease space segment directly to users and enhanced-service providers and to provide earth-station and end-to-end services through a common-carrier subsidiary will benefit users by giving then increased choice and by putting competitive pressure upon the rates for leased-channel and exchange services. Our 1966 *Authorized User I* policy has unduly restricted customers, denied them the benefits of a well-financed and technologically-sophisticated supplier of satellite services, and has led to distortions of the international communications market. The public will be better served by giving users greater flexibility in meeting their communications needs and by giving them accurate cost information on which to base their choice.

64. We also conclude that any detriments likely to arise from adoption of our policy are not significant and that they will be outweighed by the benefits we anticipate. We see no reason to assume that the existing carriers will not be able under our policy to compete in

[43] Changes in the Corporate Structure and Operations of the Communications Satellite Corporation, FCC 84-565,—— FCC 2d——, released December 11, 1984.

the provision of any leased-channel or exchange services, and while it is possible that some of the IRC's current customers may elect to lease space segment from Comsat or take earth-station or end-to-end services from a Comsat subsidiary, we do not anticipate that the IRCs will lose substantial amounts of revenue. Our policy will also allow a Comsat subsidiary and the service carriers to compete on a fair and equitable basis in which no carrier has an opportunity to abuse its position. Our policy may lead to lower rates for leased-channel or leased-channel-type services. We see no reason to assume that the IRCs will not be able to offer leased-channel service at a rate which will allow them to recover their costs and which is economically attractive to users—whether the provide those channels by means of INTELSAT satellite facilities or their own cable facilities.

65. Our companion policy in *Earth Station Ownership* allowing carriers to own their own earth stations, although not essential to the fair and equitable operation of our *Authorized User II* policy, will allow the carriers to realize any cost savings available from efficient operations and, thus, will enhance the ability of the carriers to offer satellite-based services. Allowing Comsat to offer satellite-based services will put pressure on the owners of cable facilities to keep their costs and the rates for cable-based services low.

V. Ordering Clauses

66. Accordingly, it is ordered, pursuant to sections 4(i), 4(j), 201–205, 403, 404 and 410 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201–205, 403, 404 and 410 (1976), and sections 102, 201(c)(ii) and 401 of the Communications Satellite Act of 1962, as amended, 47 U.S.C. 701, 721(c)(ii) and 741 (1976), that the proposed, modified authorized-user policy in CC Docket No. 80–170 is, as provided for above, made final.

67. Pursuant to section 605(b) of the Regulatory Flexibility Act 5 U.S.C. 605, it is certified, that sections 603 and 604 of the Act do not apply because the authorized-user policy, and the instant modification thereof, is a rule of particular applicability to Communications Satellite Corporation and is, hence, not subject to the Regulatory Flexibility Act. *Id.* at § 601(2):

68. It is further ordered, that, international communications common carriers may file revisions to their tariffs to offer rates separately for international communications services provided solely by submarine cable facilities and for services provided solely by INTELSAT satellite facilities, or may file one composite rate for such services which reflects an average of the carriers' cable and satellite facility costs;

69. It is further ordered that the motions of MCI International, Inc. and TRT Telecommunications Corporation filed on July 9, 1984, requesting acceptance of late-filed comments in this proceeding are granted;

70. It is further ordered that the request of MCI International, Inc., for reopening of the Commission's inquiry in CC Docket No. 80–540 (*Direct Access*) and consolidation of that proceeding with the instant proceeding, CC Docket No. 80–170 and with the Commission's rulemaking in CC Docket No. 80–540 (*Earth Station Ownership*) and with the Commission's rulemaking in CC Docket No. 80–634 (*Comsat Structure*) for unified resolution is, for the reasons set forth above, denied;

71. It is further ordered that the request of RCA Global Communications, Inc., to delay implementation of the policies adopted in this proceeding is hereby denied;

72. It is further ordered that the policies adopted herein are effective immediately;

73. It is further ordered that CC Docket No. 80–170 is hereby terminated;

74. It is further ordered that the Secretary of the Commission shall cause this Second Report and Order to be published in the **Federal Register** and shall mail a copy of this decision to the Chief for Advocacy of the Small Business Administration.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Note.—The Appendix of this document, the list of pleadings received, will not be printed herein due to the ongoing effort to minimize publishing costs. However, these pleadings may be reviewed in the FCC Dockets Branch, Rm. 239, and in the FCC Library, Rm 639, both located at 1919 M St., N.W., Washington, D.C. 20554. These pleadings are also filed with the original document at the Office of **Federal Register**, 1100 L St., N.W., Washington, D.C. 20488. A complete copy of this document (Appendix included) may be obtained from the International Transcription Service, also located at 1919 M St., N.W., Washington, D.C. Tel. no.: (202) 296–7322.

[FR Doc. 85–1334 Filed 1–16–85; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Parts 15, 73, and 74

[Gen. Docket No. 83–114; RM–1709; RM–2894]

A Re-Examination of Technical Regulation; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; Correction.

SUMMARY: On December 12, 1984, the Commission published a Report and Order in this proceeding concerning the Re-Examination of Technical Regulations (49 FR 48305). Inadvertently, Commissioner Quello's concurring statement was omitted. It is included here.

FOR FURTHER INFORMATION CONTACT: Michael J. Marcus (202) 632–7040.

William J. Tricarico,

Secretary, Federal Communications Commission.

Concurring Statement of Commissioner James H. Quello

In re: Report and Order in General Docket 83–114 to review the Commission's technical rules and regulations.

This document purports to remove needless regulations from certain technical operations in the broadcast industry. Indeed, time and technological advances have served to improve certain equipment to the point where licensees can meet many of our minimum standards with ease.

Many of the comments in this docket have raised serious questions about the advisability of walking away from certain well established standards simply because burdens, usually very small ones, are incurred. I share thoses concerns because I continue to have pride in the general quality of our broadcasting services and I do not wish to see that quality dimished. I concede that individual licensees have incentives to maintain high quality service. They also have competing incentives to cut costs. Our minimum technical standards tend to order a balancing of these incentives to the benefit of the American public.

Fortunately, the Report and Order does not reflect the full sweep of technical deregulation in the Notice of Proposed Rulemaking. For example, § 73.687 (a)(3) through (a)(8) and (b)(2) are not being deleted because of valid interference and interoperability concerns.

I cannot subscribe to some of the guidelines enunciated in this document. The Commission's desire to delete rules relating to technical quality is, I believe,

a mistake. I also believe the Commission has a legitimate interest in the interoperability of various systems. While I do subscribe to the guideline that says mechanisms to ensure spectrum efficiency are a high regulatory priority, I do not believe that adequate incentives exist to use spectrum efficiency absent regulation.

I bow to the wishes of my colleagues to remove regulations which have proven to be unnecessary and burdensome. There are specific instances in this document where we may have gone too far but I believe they are sufficiently limited so as to permit the Commission to reimpose regulation in a timely fashion should that be necessary.

Therefore, I concur.

[FR Doc. 85-1324 Filed 1-16-85; 8:45 am]
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47 CFR Part 76

[MM Docket No. 84-111; RM-4557; FCC 84-573]

Amendment of the Commission's Rules Regarding Major Television Markets to Include Melbourne and Cocoa, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the table of major television markets by including Melbourne and Cocoa, Florida in the Orlando-Daytona Beach, Florida hyphenated market in response to petitions for rule making filed by Southern Broadcasting Corporation and by Good Life Broadcasting, Inc., respectively.

EFFECTIVE DATE: February 19, 1985.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 76

Cable television.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 76.51, Major Television Markets. (Orlando-Daytona Beach, Melbourne, and Cocoa, FL); MM Docket No. 84-111 RM-4557.

Adopted: November 21, 1984.
Released: January 11, 1985.

By the Commission: Commissioners Quello and Dawson concurring in the result; Commissioner Rivera issuing a separate statement; Commissioner Patrick dissenting and issuing a statement. Both Commissioners issuing statements at a later date.

Introduction

1. The Commission has before it: (1) The *Notice of Proposed Rule Making* (49 FR 7414, published February 29, 1984) issued in response to a petition for rule making filed by Southern Broadcasting Corporation ("Southern") proposing to amend the list of Major Television Markets set forth in Section 76.51 of the Commission's cable television rules by adding Melbourne, Florida to the existing Orlando-Daytona Beach, Florida (#55) designate [1] and (2) the request of Good Life Broadcasting, Inc. ("Good Life") to add Cocoa, Florida to this designation. In response to the *Notice*, Southern submitted comments supporting its Melbourne proposal. American Television and Communications Corporation ("ATC"), Micro-Cable Communications Corp. ("Micro"), and Group W Cable, Inc. ("Group W") submitted opposition comments, to which Southern submitted a consolidated reply. Good Life supported the Melbourne proposal and proposed the addition of Cocoa.[2] Various pleadings were subsequently filed.[3]

[1] The Commission, by delegated authority, previously adopted a *Memorandum Opinion and Order*, released October 27, 1983, denying Southern's petition for rule making. The *Notice* was subsequently adopted in response to a petition for reconsideration filed by Southern.

[2] Good Life's comments in response to the *Notice* were filed subsequent to the comment deadline. Southern and ATC filed motions to strike Good Life's late-filed comments, in response to which Good Life filed a "Consolidated Opposition to Motions to Strike." Southern replied to the "Consolidated Opposition." Good Life submitted a "Motion to Consolidate" and "Petition for Rule Making," to which Southern and Group W submitted opposition comments. Since it appeared that the determination of whether to grant Good Life's proposal to add Cocoa involved similar issues to that of Southern's proposal to add Melbourne to the existing hyphenated market designation, the Commission issued an *Order* (49 FR 25254, published June 20, 1984) extending the time for filing comments and reply comments and inviting comments on Good Life's proposal.

[3] Good Life submitted a petition to file late comments supporting its Cocoa proposal. Micro requested leave to file late supplemental comments "in order to propose a solution to the (copyright) dilemma" should the Commission amend the existing market designation. Southern moved to strike Micro's late-filed comments, urging that Micro's copyright proposal is more appropriately dealt with in another proceeding. Micro submitted a pleading alternately opposing and replying to Southern's motion to strike. In light of the Commission's determination of the substantive issues raised in this proceeding, as set forth below, it is not necessary to consider the matters raised in these pleadings. Thus, we have not accepted these late filed pleadings.

Melbourne

2. Southern, licensee of television Station WMOD(TV), Melbourne, argues that, in establishing the major list, the Commission recognized that certain markets are characterized by more than one population center supporting all stations situated in the market but with different stations licensed to different communities. According to Southern, the major market list, the mandatory carriage provisions of the cable television rules, and the Commission's policy regarding hyphenated market designations are intended to enable all stations in a market to compete by providing them and their audiences with access to each other. Southern asserts that Orlando, Daytona Beach, and Melboune constitute a single market. In this regard, Southern notes that all Orlando and Daytona Beach stations place a Grade B signal over Melbourne and rely on that community for economic support and that WMOD(TV) derives "significant" revenue from communities other than Melbourne. Southern also notes that none of the major television networks have more than one affiliate in the market, that Arbitron has designated these three communities as one market, and that program distributors treat Melbourne as part of the Orlando-Daytona Beach market and charge accordingly. Further, Southern notes that the public, through its Congressmen, recognize these three communities as "an integrally connected social, political, and economic unit." Southern states that, despite covering all of Orlando and Melbourne with a Grade A signal and the bulk of the tri-city market with a Grade B signal, it is, nevertheless, precluded from effective competition with the Orlando and Daytona Beach stations which are entitled to mandatory signal carriage on Orlando and Daytona Beach cable television systems, whereas, in contrast, WMOD(TV) cannot demand such carriage and, accordingly, cannot charge advertising rates comparable to its competition. According to Southern, this is the unequal competitive situation which concerned the Commission when it adopted its hyphenated market policy. Southern also points out that there was no televison station licensed to Melbourne in 1972 when the Commission initially established the major market list and that, therefore, Melbourne could not have been considered for inclusion in the Orlando-Daytona Beach designation.

3. ATC, operator of three cable systems in the Orlando-Daytona Beach market, argues that Southern's proposal

must be considered in light of the functions of the mandatory carriage provisions, citing *Television Muscle Shoals*, 48 R.R. 2d 1191 (1980), *recon. denied*, 87 F.C.C. 2d 507 (1981). According to ATC, those provisions were adopted to ensure that "local" stations were not denied access to their natural over-the-air audiences, citing *Television Muscle Shoals*. ATC claims that there are many viewers situated within the Daytona Beach and Orlando 35-mile zones who do not come within WMOD(TV)'s natural over-the-air audience, and therefore, adoption of Southern's proposal would compel cable systems operating well outside WMOD (TV)'s Grade B contour to add a signal which would otherwise not reach their subscribers. Similarly, ATC refers to a second UHF TV station (WSCT, Channel 56) at Melbourne which would likewise acquire mandatory carriage status although its service area is even more limited in relation to Orlando and Daytona Beach. In this context, ATC questions, without elaboration, the constitutionality of the mandatory carriage provisions insofar as they interfere with a cable operator's editorial discretion concerning signal carriage and deprive a system of use of channels.[4]

4. In addition, ATC argues that there has been no showing that Southern's proposal is in the public interest. According to ATC, it is fallacious to first assume that Melbourne is a part of the Orlando-Daytona Beach market and then assert that the public interest would be served by ensuring access between cable subscribers and WMOD (TV). ATC refers to Arbitron off-air ratings and asserts that, in fact, they evidence a lack of interest in WMOD (TV)'s programming in the Orlando and Daytona Beach areas. According to ATC, in *Television Muscle Shoals* the Commission considered and rejected arguments concerning program costs and inability to charge competitive advertising rates.

5. ATC argues that, as a result of limited existing channel capacity, adoption of Southern's proposal would mean that cable systems would have to drop existing program services. According to ATC, this would impose a substantial burden on cable operators and subscribers, especially in light of the remoteness of Melbourne stations from Orlando and Daytona Beach audiences and the lack of existing presence of those stations in the affected cable communities. Finally, ATC asserts that only once has the Commission added a community to an existing hyphenated market designation citing *Newark, New Jersey*, 47 F.C.C. 2d 752 (1974), and then as a result of a compelling showing on the part of the petitioner. In contrast, ATC asserts that, absent compelling circumstances, the Commission has consistently refused to add to existing designations. In this context, ATC argues that the Arbitron designation including Melbourne is irrelevant, as the Commission has clearly indicated that, although its original major market list was derived largely from Arbitron's 1970 rankings, changes in those rankings would not justify changes in the major market list.

6. Micro's opposition is predicated on alleged copyright ramifications. According to Micro, operator of a Vero Beach, Florida cable system, under the Copyright Law of 1976, adoption of Southern's proposal would subject it to mandatory carriage of Orlando and Daytona Beach stations and potentially require it to pay over $100,000 annually in additional copyright royalty fees. This is so, says Micro, because the Copyright Law defines a local station as one entitled to mandatory carriage under the Commission's Rules in effect in 1976. According to Micro, inclusion of Melbourne in the existing Orlando-Daytona Beach designation will mean that, although the Orlando and Daytona Beach stations will remain distant in relation to Vero Beach for copyright purposes, it will, nevertheless, have to pay those stations additional royalty fees. Micro questions whether Southern needs cable carriage in Orlando and Daytona Beach, pointing out Southern's acknowledgment that rating services include WMOD(TV) in the Orlando-Daytona Beach market and that it presently receives advertising revenue on this basis. Micro claims that many cable systems, such as its own, are located at extremities of the proposed market designation and cannot receive signals of all stations and that this necessitates additional expenditures for microwave facilities. Accordingly, Micro also questions the accuracy of the Regulatory Flexibility Act Initial Analysis set forth in the *Notice*, claiming that, in fact, there will be "substantial" compliance costs to affected parties.

7. Micro suggests that, absent a denial of Southern's proposal, the Commission grant a waiver of its Rules so as to otherwise provide Orlando, Daytona Beach, and Melbourne stations with mandatory carriage rights within their mutual 35-mile zones without creating adverse copyright consequences. Finally, Micro states that it endorses Group W's suggestion (para. 8 *infra*.) that the Commission consult with the Copyright Office and amend § 76.51 only if the Copyright Office agrees not to collect royalty fees for "must carry" stations.

8. Group W describes itself as an operator of "several" cable systems in the Orlando-Daytona Beach market and states that, in the interest of stability, the major market list is not subject to change based on Arbitron ratings and that, to promote stability, the Commission has evaluated proposals to amend the list in light of three criteria which are not present here. First, Group W states that Daytona Beach is over 75 miles from Melbourne and is far outside the Grade B contours of Melbourne facilities. Thus, WMOD(TV) is not being denied access to its natural over-the-air market. In this regard, Group W cites *Television Muscle Shoals*, where the Commission refused a similar request in part because it would have required carriage of a station's signal beyond its Grade B contour and over an inordinate distance. Second, Group W claims that it will incur significant costs if it must carry Melbourne signals, whereas there will be no corresponding proportionate public benefit. In this regard, Group W claims that the Commission has previously rejected similar "unsupported" conclusions that a proposed community is part of an existing market and that the public interest benefits from promotion of intra-market competition, citing *Triangle Publications, Inc.*, 47 F.C.C. 2d 633, 634 (1974) and *Northeast Minnesota Cable TV, Inc.*, 49 F.C.C. 2d 983 (1974). Further, citing *Television Muscle Shoals*, Group W asserts that the Commission has previously rejected hyphenation in the face of significant costs and absent evidence of public benefits. Citing *Coldwater Cablevision, Inc.*, 66 F.C.C. 2d 235 (1977), Group W indicates that a waiver of the mandatory carriage provisions was appropriate where the costs of receiving off-air signals were prohibitive. Third, Group W argues that there is no public need to adopt Southern's proposal. According to Group W, WMOD(TV)'s inability to charge major market advertising rates while paying major market programming costs is shared by all similarly situated UHF stations and is a problem which the Commission need not underwrite and which was rejected in *Televison Muscle Shoals*. Group W asserts that avenues other than mandatory carriage are open

[4] See *Cable Systems Inc.*, 71 F.C.C. 2d 436 (1979), wherein the Commission noted that it previously rejected a contention that its cable television rules were in violation of the First Amendment, citing court decisions in accord. See also *Dublin Associates, Ltd.*, 45 R.R. 2d 1643 (1979).

to Southern to increase its audience. Group W contests Southern's claim that its programming is responsive to public needs and concerns in the three cities involved here, referring to Arbitron data. In this regard, Group W claims that existing programming from other sources is responsive to issues of public concern in the Orlando-Daytona Beach market and that any benefit from importing programming from Melbourne is outweighed by the disruption to existing sources. Finally, Group W agrees with Micro's comments on the adverse copyright consequences.

9. In its consolidated reply, Southern argues that ATC and Group W erroneously contend that the proposed amendment would be inconsistent with the mandatory carriage provisions. Citing *Television Muscle Shoals, supra*, Southern asserts that, for purposes of those provisions, "market" is the area to which stations look for economic support, and neither commenter disputes the "finding" set forth in the *Notice* that WMOD(TV) derives significant revenue from other communities, including Orlando. Southern argues that since the Commission contemplated that portions of hyphenated markets may lie outside the Grade B contours of some stations, ATC and Group W are wrong in asserting that allowing WMOD(TV) to require carriage beyond its Grande B contour would be violative of the Commission's mandatory carriage policy. While agreeing that the Rules should not be changed to reflect changes in Arbitron's rankings, Southern claims that its proposal conforms to the Commission's definition and policies regarding hyphenated markets and is not merely based upon those rankings. In this regard, Southern argues that cases cited as precedent for Commission refusal to amend hyphenated markets are factually distinguishable from this proceeding. Southern states that ATC and Group W ignore the fact that, unlike the *Television Muscle Shoals* situation, WMOD(TV) places a Grade A signal over all of Orlando and a grade B signal over most of the tri-city area and that hyphenation is proper where portions of a market are occasionally beyond the Grade B contours of some market stations, citing *Cable Television Report and Order*, 36 F.C.C. 2d 143 (1972). Southern contends that, although the hyphenation request in *Television Muscle Shoals* was denied, in part, because cable systems would be required to carry duplicative network programming, WMOD(TV) offers independent programming responsive to public needs and concerns. Finally, Southern argues that ATC, Micro, and Group W fail to address the issue of whether Melbourne should be included within the existing hyphenated market designation. Rather, Southern contends that these opponents raise confusing issues of significantly viewed signals waiver, and copyright which are more appropriately dealt with in other proceedings and context.

Cocoa

10. Good Life, licensee of Station WTGL–TV, Cocoa, asserts that all Orlando, Daytona Beach, and Melbourne television stations cover Cocoa with a Grade B signal and that WTGL–TV places a city grade signal over most of Orlando and all of Melbourne as well as a Grade A signal over a "substantial portion" of the Orlando-Daytona Beach market, that WTGL–TV competes with the other television stations in the Orlando-Daytona Beach-Melbourne area, and that bringing WTGL–TV's independent voice to this market is in the public interest. According to Good Life, in light of the "substantial similarities" between the market locations of its station and WMOD(TV) as well as their competitive postures, the public interest also requires that they be placed on an equal footing consistent with the objective of the hyphenated market rule as set forth in *Cable Television Report and Order, supra*.

11. ATC states that it opposes the Cocoa proposal for the same reasons it opposes the Melbourne proposal. Southern contends that Good Life has failed to demonstrate a public interest reason to add Cocoa or to provide evidence of a public desire in the Orlando-Daytona Beach area to receive WTGL–TV's signal. Group W asserts that Good Life's proposal shows that a grant of the Melbourne proposal would lead to similar requests by other UHF stations. Group W maintains that Good Life does no more than make a showing that its Grade B contour extends partly into the Orlando market, where WTGL–TV is not viewed significantly and lacks audience interest. Good Life points out that the Commission's cable rules require carriage as far as a commercial station's Grade B contour only where such a signal extends from one smaller market to another or into areas beyond all markets. Finally, Group W maintains that reliance on Grade B contours alone in determining the extent of hyphenated market designations could change the mandatory carriage landscape and lead to disasterous copyright consequences.

12. Micro suggests that to solve the "dilemma" it would face if § 76.51 were amended, the Commission should simultaneously grant a waiver of § 76.54 of its rules for all cable systems located within 35 miles of any designated community in the hyphenated market by which all present and future television stations licensed to any such designated communities would be deemed significantly viewed. According to Micro, since such action would be a waiver of § 76.51 as of its effective date of April 15, 1976, it would require cable systems to carry all stations in the market as "local" for both Commission and copyright purposes. Micro emphasizes, however, that this suggestion is put forth only in case § 76.51 is amended, an action which would mandate an examination of the overall consequences as well as appropriate relief under the Regulatory Flexibility Act, which requires consideration of the impact of new regulations on affected parties as well as minimization of adverse consequences.

13. Southern claims that it was not served with a copy of Micro's supplemental comments and that they contain no showing of good cause for acceptance. Alternatively, Southern asserts that the instant proceeding is not the appropriate forum to address the copyright issue. According to Southern, because the hyphenated market rules were in effect on April 15, 1976, amendment of those rules here would mean that WMOD(TV)'s signal would be treated as local for Commission purposes. This, states Southern, would require that this signal be treated as local for copyright purposes, just as signals deemed significantly viewed after April 15, 1976 have been treated as local for both FCC and copyright purposes. Only if the Copyright Office rejected such reasoning would Southern have the Commission revisit the coypright question. Good Life submits that Micro's proposal should be addressed in a separate rule making proceeding, because that would allow both a more expeditious consideration of the § 76.51 issue as well as a proper analysis of Micro's waiver proposal.

Discussion

14. The initial issue to be determined is whether the communities of Orlando, Daytona Beach, and Melbourne do, in fact, constitute a single television market. It has been established that the four TV stations currently licensed to Orlando (WFTV, WOFL, WMFE–TV, and WCPX–TV) as well as the station currently licensed to Daytona Beach (WESH–TV) compete within the same television market. An examination of the comments reveals that their Grade B contours all encompass the principal

communities of Orlando, Daytona Beach, and Melbourne and, to a significant extent, otherwise encompass the same geographic area. We believe that television stations actually do or logically can rely on the area within their Grade B contours for economic support. Thus, we believe that the communities do, in fact, comprise a single television market for economic purposes. However, this determination is not totally dispositive for purposes of the Commission's market designations and the question of whether or not hyphenation is appropriate.

15. For purposes of the mandatory carriage provisions, the term market was intended to refer to the areas on which stations in a market actually rely or logically can rely for economic support. See *Television Muscle Shoals, supra*, at 1193. An examination of the comments also reveals that the geographic area within WMOD(TV)'s Grade B contour falls almost entirely within these other contours. Further, the area encompassed by WMOD(TV)'s Grade B contour constitutes a significant portion of the existing hyphenated market designation, centered on and including the largest community, Orlando (population 128,394).[5] Since the area relied on by WMOD(TV) for economic support is embedded within the area relied on by the Orlando and Daytona Beach stations, for purposes of mandatory carriage, all of these stations are competitors in the same market.

16. That Arbitron now designates an "Orlando-Daytona Beach-Melbourne" television market is an additional indication of mutual economic reliance on the same market by stations licensed to all three component communities. Standing alone, Arbitron's designation is not sufficient to persuade the Commission to amend the major television market list as requested by Southern. The Commission initially established that list largely based on Arbitron's 1980 prime-time household ranking and indicated that, to provide stability, it would not revise its list each time Arbitron revised its rankings. *Cable Television Report and Order, supra*, at 171–172. Nevertheless, the Commission has not foreclosed the need to amend the major market list in light of changed circumstances, which evidence good reason to do so. In light of the above, it appears that WMOD(TV) and the Orlando and Daytona Beach stations all compete with each other in the same television market.

[5] Population figures are from the 1980 U.S. Census.

17. The Commission is cognizant of the fact that WMOD(TV)'s Grade B contour does not extend to Daytona Beach and that, therefore, its economic reliance does not extend to that portion of the market. However, the signal carriage rules were adopted in 1972, in part, "to assure that 'local' stations are carried on cable television systems and are not denied access to the audience they are licensed to serve * * *." *Cable Television Report and Order, supra*, at 173. Recognizing that there was no clear division between "local" and "distant" signals, the Commission, nevertheless, determined that a line had to be drawn. Accordingly, it concluded that certain classes of signals should be treated as local, including signals of stations licensed to communities in hyphenated markets. *Id.* Hyphenated markets were characterized as having "more than one major population center supporting all stations in the market but with competing stations licensed to different cities within the market * * *." *Id.* at 176. In light of the structure of such markets, "including terrain and population distribution," the Commission recognized that "portions * * * are occasionally located beyond the Grade B contours of some market stations," and, accordingly, adopted the hyphenated market provision into the mandatory carriage rules "to help equalized competition" between stations in hyphenated markets and "to assure that stations will have access to cable subscribers in the market and that cable subscribers will have access to *all* stations in the market." (emphasis added) *Ibid.* In light of the above, it appears that the communities of Orlando, Daytona Beach, and Melbourne do, in fact, constitute a single television market. In this regard, our determination that these communities constitute a single television market should not be viewed as marking a change in Commission policy, and we believe that, faced with the facts before us here, the Commission would have designated an Orlando-Daytona Beach-Melbourne hyphenated market when it initially established the major market list.

18. As set forth above, comments both supporting and opposing Southern's request contain reference to the *Television Muscle Shoals* case in which the Commission denied a request to amend the major market list by adding Florence, Alabama to the existing Huntsville-Decatur, Alabama hyphenated market designation. A comparison of the facts in that case with those here reveals significant differences. In *Television Muscle Shoals*, the Grade B contour of the television station licensed to Florence did not reach either Huntsville or Decatur. Likewise the Grade B signals of the Huntsville stations[6] did not reach Florence. Thus, the Florence and Huntsville stations, unlike the Melbourne, Orlando, and Daytona Beach stations, did not share a mutual economic reliance on the same market. Whereas the Florence station had very little off-air audience in any part of the 35-mile zones[7] around Huntsville and Decatur in which mandatory cable carriage was sought, the same cannot be said of WMOD(TV), which not only places a Grade B contour over and beyond Orlando, the major population center of the market, but which further places a Grade A signal over that community as well a Grade B signal over a portion of the 35-mile zone around Daytona Beach. In the earlier *Television Muscle Shoals* case, the Commission determined that, in the context of the cable television rules, the lack of cable carriage did not impede the Florence station from reaching its natural over-the-air audience, 48 R.R. 2d at 1194. In contrast, Southern seeks mandatory carriage privileges in areas in which most of tis natural over-the-air audience is located.

19. A determination that Melbourne, Orlando, and Daytona Beach comprise a single television market and, accordingly, that the major market list should reflect this, is consistent with the Commission's decision in *Television Muscle Shoals*. In that case, the Commission emphasized four factors applicable to a request to add a community to an existing television market designation: (1) The distance between the proposed community and existing designated communities; (2) whether most of the area where a station licensed to the proposed community would be afforded expanded

[6] No television stations were then operating from Decatur.

[7] Generally the specified zone (35 miles) around the city of license is the standard for determining the "market" for mandatory carriage purposes. See §§ 76.61(a)(1) and 76.5(f) of the Commission's Rules. That policy was intended, in part, to aid stations whose Grade B contours may not cover a radius of 35 miles. *Cable Television Report and Order, supra* at paragraph 82. However, the Commission recognized in that proceeding that the specified zone does not in all cases reflect the character of a market. Rather, some markets are reflected by a hyphenation because stations licensed to more than one community compete for audiences within a certain area. *Id.* at paragraph 87. In such cases, a station's transmitter is often located closer to a population center outside the specified zone of that station's community of license. The hyphenation technique would be a more accurate characterization of the market area in those cases than would the specified zone.

carriage rights lies beyond its Grade B contours; (3) the presence of a clear showing of particularized need by a station requesting a change of designation; and (4) an indication of benefit to the public from the proposed change. The Commission's denial of the request to add Florence to the existing market designation turned on these four factors. First, there was a significant distance, approximately 75 miles, separating the Florence and Huntsville stations. Second, most of the area in which the Florence station sought expanded carriage rights lay outside its Grade B contour. Third, there was no clear showing of particularized need by the Florence station for such expanded rights. Finally, there would be no public benefit from a grant of the requested change. 48 R.R. at 1194. Here, the distance between WMOD(TV) and its competitors licensed to Orlando and Daytona Beach is appreciably less than in *Television Muscle Shoals*. Significantly, unlike the market situation faced by the Florence station, the geographic area in which WMOD(TV)'s off-air audience is situated is nearly entirely embedded within the areas encompassed by the Grade B contours of the Orlando and Daytona Beach stations. Although WMOD(TV) will gain expanded carriage rights outside its Grade B contour area, it will, nevertheless, largely gain such rights in a significant area within that contour, meeting our test as set out in *Television Muscle Shoals*. Southern's particularized need for expanded carriage rights is demonstrated by its showing that, unlike other stations in its market, it faces a competitive disadvantage, because it is not entitled to demand cable carriage in certain portions of that market. Finally, unlike *Television Muscle Shoals*, additional hyphenation here would not merely provide duplicative network programming or programming which would not serve the needs of Orlando-Daytona Beach audiences. As noted, WMOD(TV) is an independent station, and Southern contends that it has and will program in the interest of viewers in the Orlando and Daytona Beach areas of the market, thereby providing a public benefit.

20. A consequence of amending the major television market list by expanding the existing Orlando-Daytona Beach designation is that a cable television system serving a community situated within 35 miles of any designated community could be required, under the mandatory carriage provision of Section 76.61(a)(4) of the cable television rules, to carry the signal of any station licensed to any designated market community. This is so even though such a signal might not otherwise be available "off-air" in the community served by the system. In the instant situation, a grant of Southern's request would afford WMOD(TV) mandatory carriage rights in communities located as far as 35 miles north of Daytona Beach and clearly beyond that station's over-the-air signal. Similarly, a system serving a community located south of Melbourne might have to carry WESH–TV's signal, even though the audience in that portion of the market could not otherwise receive it. Although, to some extent, this consequence results in certain stations being able to compete for audiences they could not otherwise reach, the mandatory carriage provisions reflect the Commission's policy determination that competition among all market stations be equalized by providing all stations and all cable subscribers access to each other. In making that determination, the Commission was aware that it was aiding stations whose Grade B contours were limited by extending their coverage to areas deemed necessary to their development. See *Cable Television Report and Order, supra*, at 174.

21. As noted by ATC, the Commission has previously granted only one request to amend the major television market list. In that situation, the licensee of a television station licensed to Newark, New Jersey sought inclusion of its community of license in the existing New York, New York-Paterson-Linden, New Jersey hyphenated market designation, pointing out that the 35-mile zones of those designated communities encompassed Newark's 35-mile zone, resulting in an anomalous situation whereby a smaller television market was wholly contained within a major market. Faced with those facts, the Commission concluded that all four cities constituted a single market within which television stations licensed therein must compete and that, therefore, each city should be designated to the same television market. *Newark, New Jersey, supra*, at 753. The factual circumstances in the Newark and Melbourne situations are sufficiently similar so that a similar determination is appropriate. As noted, WMOD(TV)'s Grade B contour is almost entirely enclosed within the areas on which the Orlando and Daytona Beach stations rely for economic support. Such a situation is distinguishable from others where stations are licensed to separate but geographically proximate markets and look to market areas which merely overlap.

22. The factual situations concerning Cocoa are sufficiently similar to those concerning Melbourne to warrant inclusion of the former in the existing major market designation. Specifically, the Grade B contours of the Orlando and Daytona Beach stations totally encompass Cocoa, which is geographically nearer the center of the Orlando-Daytona Beach market than is Melbourne, and WTGL–TV's Grade B contour is nearly identical to WMOD(TV)'s. Further, it is not alleged that WTGL–TV's programming will be duplicative of that already available in the market. Accordingly, our determination regarding Good Life's request is based upon the same policy considerations set forth above regarding Southern's request.

23. The concerns of ATC, Micro and Group W are concentrated on the consequences of an amended hyphenated market designation in conjunction with the mandatory carriage provision of § 76.61. While these concerns are relevant, we can not be guided by matters outside the focus of the issue to be determined here. As indicated above, the findings that Melbourne and Cocoa are part of a single Orlando-Daytona Beach-Melbourne-Cocoa market are based on factors of service, coverage, economics of operation, and other market indicators rather than the impact of these findings on certain cable systems. To the extent this amendment to the existing market designation results in hardships to cable systems, it is appropriate to evaluate such results for relief by seeking a waiver of the mandatory carriage rule. See § 76.7 of the Commission's Cable Television Rules. Consequently, the suggestions put forth by Micro and by Group W concerning alternate Commission action in this regard will not be considered here.

24. The Commission's determination that it is appropriate to amend the major television market list in response to the requests in this proceeding is based on the reasons set forth above. Nevertheless, the Commission appreciates the copyright concerns expressed by Micro and by Group W. As noted by the cable opponents, the Copyright Act obligates operators of cable television systems to pay royalty fees for the carriage of distant, as opposed to local, television stations. For copyright purposes, local signals are defined in section 111(f) of the Copyright Act as those which were subject to mandatory carriage pursuant to the

Commission's Rules in effect on April 15, 1976. As of that date, § 76.61 provided carriage rights to local stations, and for mandatory carriage purposes, stations licensed to designated communities in major hyphenated television markets were considered local. As set forth above, Commission action in the instant proceeding constitutes a recognition that the Melbourne and Cocoa stations compete with the Orlando and Daytona Beach stations and that, accordingly, their communities of license are part of the same market whose designation should reflect that fact. As a consequence, the Melbourne and Cocoa stations are considered local for purposes of mandatory carriage and, thus, should also be considered local for purposes of the Copyright Act.[8] Section 76.61 is unaffected by Commission action here. Although additional stations will henceforth be able to insist on mandatory signal carriage, that is a consequence of the market situation, not of a change in the Commission's Rules in effect on April 15, 1976. This situation is similar to that where, under § 76.54, a television signal is determined to be significantly viewed and thereby falls under the mandatory carriage provisions.[9] A signal determined to be significantly viewed subsequent to April 15, 1976 is considered as local for both mandatory carriage and copyright purposes.

25. Sections 76.51 and 76.61 of the Commission's cable television rules were, as noted, in effect prior to April 15, 1976. Action taken by the Commission in this proceeding does not alter either provision. The major television market list will continue to encompass the same top 100 markets. No markets are hereby added and none deleted. The Orlando-Daytona Beach market is being redesignated Orlando-Daytona Beach-Melbourne-Cocoa to reflect changes in that market since 1972. Although additional stations, such as WMOD–TV and WTGL–TV, will thereby acquire mandatory carriage rights, they will do so pursuant to § 76.61 of the Rules which was, as noted, in effect on April 15, 1976.

26. The Commission recognizes that the Copyright Royalty Tribunal which was established to administer the copyright system, and, which has jurisdiction over copyright matters, is not bound by the Commission's determination of copyright issues. Nevertheless, the Commission finding that the market designation should reflect the addition of local signals is based on matters within its area of expertise and with due regard to the copyright consequences of such action.

27. As for Micro's argument that the Regulatory Flexibility Act Initial Analysis was inaccurate since some small businesses will incur expenses such as those related to operation of microwave equipment necessary to receive the signals of stations licensed to Melbourne and/or Cocoa, the Commission has previously determined in a similar context, that is, amendments to its FM and Television Tables of Assignments,[10] that the provisions of Sections 603 and 604 of the Regulatory Flexibility Act [11] do not apply. See *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981. The Commission certifies here that, as provided by section 605 of the Regulatory Flexibility Act, because there are few entities directly affected in the matter of amendment of § 76.51 of its Rules and these parties have had the opportunity to comment on the proposals here, the provisions of the Act do not require additional analysis beyond what has been specifically addressed in relation to the directly affected parties.

28. Authority for the actions taken herein is contained in sections 4(i) and 303 (g) and (r) of the Communications Act of 1934, as amended.

PART 76—[AMENDED]

29. Accordingly, it is ordered, That effective February 19, 1985, the list of Major Television Markets (§ 76.51 of the Commission's Rules) is amended by revising (b)(55) as follows:

§ 76.51 [Amended]

* * * * *

(b) * * *

(55) Orlando-Daytona Beach-Melbourne-Cocoa, Florida.

* * * * *

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

31. For further information concerning this proceeding, contact Joel Rosenberg, Mass Media Bureau (202) 634–6530.

[Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303]

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85–1335 Filed 1–16–85; 8:45 am]

BILLING CODE 6712-01-M

[8] Our interpretation of the Copyright Act is not a mandatory opinion which binds the Copyright Royalty Tribunal. Should the Tribunal find to the contrary, the Commission could revisit this matter in a future proceeding.

[9] See §§ 76.57(a)(4), 76.59(a)(6), and 76.61(a)(5) of the Commission's Rules.

[10] Sections 73.202(b), 73.504, and 73.606(b).

[11] Pub. L. 96–354, September 19, 1980, 94 Stat 1164, 5 U.S.C. 601 *et seq.*

MARINE MAMMAL COMMISSION

50 CFR Parts 550 and 560

Government in the Sunshine Act

AGENCY: Marine Mammal Commission.

ACTION: Final rule.

SUMMARY: Pursuant to the Government in the Sunshine Act, (Sunshine Act) (5 U.S.C. 552b), the Marine Mammal Commission amends Title 50, Chapter V of the Code of Federal Regulations by adding a new Part 560. The purpose of these regulations is to implement the open meeting requirements of the Sunshine Act (5 U.S.C. 552b, (b)–(f)). Promulgation of these regulations is required by 5 U.S.C. 552b(g).

EFFECTIVE DATE: These regulations shall become effective on January 17, 1985.

FOR FURTHER INFORMATION CONTACT: Donald C. Baur, General Counsel, Marine Mammal Commission, Room 307, 1625 I Street NW., Washington, D.C. 20006, (202) 653–6237.

SUPPLEMENTARY INFORMATION:

Background

Enacted in 1976, the Government in the Sunshine Act advances the policy of Congress that "the public is entitled to the fullest practicable information regarding the decisionmaking processes of the Federal Government" (Pub. L. 94–409, Section 2, 90 Stat. 1241). It is based on the proposition that "the government should conduct the public's business in public" (S. Rep. No. 354, 94th Cong., 1st Sess. 1 (1975)). Through its provisions, Congress has attempted to "increase the public's faith in the integrity of government, enable the public to better understand the decisions reached by the Government, and better acquaint the public with the process by which agency decisions are reached" (*Id*).

The requirements of the Sunshine Act apply to each agency that is headed by a "collegial body composed of two or more members, a majority of whom are appointed to such positions by the President with the advice and consent of the Senate" (5 U.S.C. 552b(a)(1)). Agencies included within this definition are required to hold "every portion of every meeting * * * open to public observation," (5 U.S.C. 552b(b)), unless

the meeting or portions thereof fall within one of the ten exemptions set forth in 5 U.S.C. 552b(c). These exemptions are permissive, not mandatory, and an agency may either open or release information about an otherwise exempted meeting or portion thereof.

The Marine Mammal Commission was established pursuant to statute in 1972, under section 201 of the Marine Mammal Protection Act (16 U.S.C. 1401). Under that section, the Commission is composed of three members who are "knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals" (16 U.S.C. 1401(b)(1)).

On December 29, 1982, the Marine Mammal Protection Act was amended to require that all future members of the Commission be appointed by the President "by and with the advice and consent of the Senate" (Pub. L. No. 97-389, section 202, 96 Stat. 1951). This amendment brought the Commission within the Sunshine Act definition of "agency." As a result, at such time as two members of the Commission have been appointed in accordance with the procedures of the 1982 amendment and are serving concurrently, the Commission will be required to conduct its deliberations in compliance with the open meeting provisions of the Act.

At this time, all three members of the Commission are serving in positions that are covered by the 1982 amendment, and the deliberations of the Commission are now subject to the requirements of the Act. It is the intent of this rulemaking to promulgate Marine Mammal Commission regulations that implement those requirements. Although the decision making processes of the Commission have consistently provided for public observation and participation, these proposed regulations will bring those procedures into technical compliance with the Sunshine Act.

These regulations are required to implement the open meeting, public notice, and other procedural requirements of the Act. All of those requirements are mandatory and are now applicable to the Commission. It is therefore necessary to establish agency procedures that apply the requirements of the Act to the operations of the Commission as soon as possible. For this reason, these regulations shall go into effect immediately upon publication. Such action constitutes good cause under 5 U.S.C. 553(d)(3) for making these regulations effective less than 30 days after publication.

Two noteworthy changes have been made to the regulations that were published as proposed on May 1, 1984, 49 FR 18578. First, the definition of "meeting" has been amended to exclude deliberations on whether or not to take any of the following actions: (1) Hold a meeting with less than 7 days notice, as provided in § 560.4(d); (2) change the determination to either open or close a meeting or portions thereof to public observation; and (3) change either the time or place of an announced meeting. These changes were made to conform the definition of "meeting" in the regulations to the definition of that term as it is set forth in the Sunshine Act.

Second, in § 560.4(e) of the proposed regulations, it was provided that the "determination of the Commission to open or close a meeting or portion thereof to the public" could be changed if a majority of the Commission determined to do so through a recorded vote. The final version of § 560.4(e) has been changed by inserting the word "observation" after "public."

The purpose of this change is to make it clear that a recorded vote of the Commission is not required to close a meeting to "public participation." The open meeting requirements of the Sunshine Act apply to public observation. Whether or not to provide an opportunity to the public to participate in a Commission meeting is a matter of discretion that is governed by § 560.3(b) of these regulations. For this reason, a decision to close a meeting to public participation (as distinguished from public observation) need not follow the procedural requirements of § 560.4(e).

Drafting Information

The primary author of these regulations is Donald C. Baur, General Counsel, Marine Mammal Commission.

Paperwork Reduction Act

This rulemaking adds no information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

The Commission has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193, February 19, 1981).

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission has determined that these regulations will not have a significant economic effect on a substantial number of small entities and that a regulatory analysis is not required. The proposed regulations are procedural requirements affecting the internal processes of the Marine Mammal Commission. As such, they do not impose significant burdens on the public or any class or group of small entities.

These proposed regulations do not affect the environment, and the Commission has not prepared an environmental impact statement.

List of Subjects in 50 CFR Part 560

Sunshine Act.

In consideration of the foregoing, 50 CFR Chapter V is amended by reserving Part 550 and adding a new Part 560, reading as follows:

PART 550—[RESERVED]

PART 560—IMPLEMENTATION OF THE GOVERNMENT IN THE SUNSHINE ACT

Sec.

560.1 Purpose and scope.
560.2 Definitions.
560.3 Open meetings.
560.4 Notice of meetings.
560.5 Closed meetings.
560.6 Procedures for closing meetings.
560.7 Recordkeeping requirements.
560.8 Public availability of records.
560.9 [Reserved].

Authority: 5 U.S.C. 552b(g).

§ 560.1 Purpose and scope.

This part contains the regulations of the Marine Mammal Commission implementing the Government in the Sunshine Act (5 U.S.C. 552b). Consistent with the Act, it is the policy of the Marine Mammal Commission that the public is entitled to the fullest practicable information regarding its decision making processes. The provisions of this part set forth the basic responsibilities of the Commission with regard to this policy and offer guidance to members of the public who wish to exercise the rights established by the Act. These regulations also fulfill the requirement of 5 U.S.C. 552b(g) that each agency subject to the Act promulgate regulations to implement the open meeting requirements of subsections (b) through (f) of section 552b.

§ 560.2 Definitions.

For purposes of this part, the term—

"Administrative Officer" means the Administrative Officer of the Marine Mammal Commission.

"Commission" means the Marine Mammal Commission, a collegial body established under 16 U.S.C. 1401 that functions as a unit and is composed of three individual members, each of whom is appointed by the President, by and with the advice and consent of the Senate.

"Commissioner" means an individual who is a member of the Marine Mammal Commission.

"Executive Director" means the Executive Director of the Marine Mammal Commission.

"General Counsel" means the General Counsel of the Marine Mammal Commission.

"Meeting" means the deliberations of at least a majority of the members of the Commission where such deliberations determine or result in the joint conduct or disposition of official Commission business, but does not include an individual Commissioner's consideration of official Commission business circulated in writing for disposition either by notation or by separate, sequential consideration, and deliberations on whether to:

(1) Hold a meeting with less than 7 days notice, as provided in § 560.4(d) of this part;

(2) Change the subject matter of a publicly announced meeting or the determination of the Commission to open or close a meeting or portions thereof to public observation, as provided in § 560.4(e) of this part;

(3) Change the time or place of an announced meeting, as provided in § 560.4(f) of this part;

(4) Close a meeting or portions of a meeting, as provided in § 560.5 of this part; or

(5) Withhold from disclosure information pertaining to a meeting or portions of a meeting, as provided in § 560.5 of this part.

"Public observation" means attendance by one or more members of the public at a meeting of the Commission, but does not include participation in the meeting.

"Public participation" means the presentation or discussion of information, raising of questions, or other manner of involvement in a meeting of the Commission by one or more members of the public in a manner that contributes to the disposition of Commission business.

§ 560.3 Open meetings.

(a) Except as otherwise provided in this part, every portion of every meeting of the Commission shall be open to public observation.

(b) Meetings of the Commission, or portions thereof, shall be open to public participation only when an announcement to that effect is issued under § 560.4(b)(4) of this part. Public participation shall be conducted in an orderly, nondisruptive manner and in accordance with such procedures as the chairperson of the meeting may establish. Public participation may be terminated at any time for any reason.

(c) When holding open meetings, the Commission shall make a diligent effort to provide ample space, sufficient visibility, and adequate acoustics to accommodate the public attendance anticipated for the meeting.

(d) Members of the public may record open meetings of the Commission by means of any mechanical or electronic device, unless the chairperson of the meeting determines that such recording would disrupt the orderly conduct of the meeting.

§ 560.4 Notice of meetings.

(a) Except as otherwise provided in this section, the Commission shall make a public announcement at least 7 days prior to a meeting.

(b) The public announcement shall include:

(1) The time and place of the meeting;

(2) The subject matter of the meeting;

(3) Whether the meeting is to be open, closed, or portions thereof closed;

(4) Whether public participation will be allowed; and

(5) The name and telephone number of the person who will respond to requests for information about the meeting.

(c) The public announcement requirement shall be implemented by:

(1) Submitting the announcement for publication in the **Federal Register**;

(2) Distributing the announcement to affected governmental entities;

(3) Mailing the announcement to persons and organizations known to have an interest in the subject matter of the meeting; and

(4) Other means that the Executive Director deems appropriate to inform interested parties.

(d) A meeting may be held with less than 7 days notice if a majority of the members of the Commission determine by recorded vote that the business of the Commission so requires. The Commission shall make a public announcement to this effect at the earliest practicable time. The announcement shall include the information required by paragraph (b) of this section and shall be issued in accordance with those procedures set forth in paragraph (c) of this section that are practicable given the available period of time.

(e) The subject matter of an announced meeting, or the determination of the Commission to open or close a meeting or portions thereof to public observation, may be changed if a majority of the members of the Commission determine by recorded vote that Commission business so requires and that no earlier announcement of the change was possible. The Commission shall make a public announcement of the changes made and the vote of each member on each change at the earliest practicable time. The announcement shall be issued in accordance with those procedures set forth in paragraph (c) of this section that are practicable given the available period of time.

(f) The time or place of an announced meeting may be changed only if a public announcement of the change is made at the earliest practicable time. The announcement shall be issued in accordance with those procedures set forth in paragraph (c) of this section that are practicable given the available period of time.

§ 560.5 Closed meetings.

(a) A meeting or portions thereof may be closed, and information pertaining to such meeting or portions thereof may be withheld from the public, only if the Commission determines that such meeting or portions thereof, or the disclosure of such information, is likely to:

(1) Disclose matters that are (i) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (ii) in fact properly classified pursuant to that Executive Order;

(2) Relate solely to the internal personnel rules and practices of the Commission;

(3) Disclose matters specifically exempted from disclosure by statute (other than the Freedom of Information Act, 5 U.S.C. 552), provided that the statute: (i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Disclose the trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Involve either accusing any person of a crime or formally censuring any person;

(6) Disclose information of a personal nature, if disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) Disclose either investigatory records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of the records or information would:

(i) Interfere with enforcement proceedings,

(ii) Deprive a person of a right to either a fair trial or an impartial ajudication,

(iii) Constitute an unwarranted invasion of personal privacy,

(iv) Disclose the identity of a confidential source or sources and, in the case of a record compiled either by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source or sources,

(v) Disclose investigative techniques and procedures, or

(vi) Endanger the life or physical safety of law enforcement personnel;

(8) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed action of the Commission. This exception shall not apply in any instance where the Commission has already disclosed to the public the content or nature of the proposed action or where the Commission is required by law to make such disclosure on its own initiative prior to taking final action on the proposal; or

(10) Specifically concern the issuance of a subpoena by the Commission, or the participation of the Commission in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the Commission of a particular case of formal adjudication pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing.

(b) Before a meeting or portions thereof may be closed to public observation, the Commission shall determine, notwithstanding the exemptions set forth in paragraph (a) of this section, whether or not the public interest requires that the meeting or portions thereof be open. The Commission may open a meeting or portions thereof that could be closed under paragraph (a) of this section if the Commission finds it to be in the public interest to do so.

§ 560.6 Procedures for closing meetings.

(a) A meeting or portions thereof may be closed and information pertaining to such meeting or portions thereof may be withheld under §560.5 of this part only when a majority of the members of the Commission vote to take such action.

(b) A separate vote of the members of the Commission shall be taken with respect to each meeting or portion thereof proposed to be closed and with respect to information which is proposed to be withheld. A single vote may be taken with respect to a series of meetings or portions thereof which are proposed to be closed, so long as each meeting or portion thereof in such series involves the same particular matter and is scheduled to be held no more than thirty days after the initial meeting in such series. The vote of each participating Commission member shall be recorded, and no proxies shall be allowed.

(c) A person whose interests may be directly affected by a portion of a meeting may request in writing that the Commission close that portion of the meeting for any of the reasons referred to in §§ 560.5(a) (5), (6) or (7) of this part. Upon the request of a Commissioner, a recorded vote shall be taken whether to close such meeting or a portion thereof.

(d) Before the Commission may hold a meeting that is closed, in whole or part, a certification shall be obtained from the General Counsel that, in his or her opinion, the meeting may properly be closed. The certification shall be in writing and shall state each applicable exemptive provision from § 560.5(a) of this part.

(e) Within one day of a vote taken pursuant to this section, the Commission shall make publicly available a written copy of such vote reflecting the vote of each Commissioner.

(f) In the case of the closure of a meeting or portions thereof, the Commission shall make publicly available within one day of the vote on such action a full written explanation of the reasons for the closing together with a list of all persons expected to attend the meeting and their affiliation.

§ 560.7 Recordkeeping requirements.

(a) Except as otherwise provided in this section, the Commission shall maintain either a complete transcript or electronic recording of the proceedings of each meeting, whether opened or closed.

(b) In the case of either a meeting or portions of a meeting closed to the public pursuant to §§ 560.5(a) (8) or (10) of this part, the Commission shall maintain a complete transcript, an electronic recording, or a set of minutes of the proceedings. If minutes are maintained, they shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken and the reasons for which such actions were taken, including a description of the views expressed on any item and a record reflecting the vote of each Commissioner. All documents considered in connection with any action shall be identified in the minutes.

(c) The transcript, electronic recording, or copy of the minutes shall disclose the identity of each speaker.

(d) The Commission shall maintain a complete verbatim copy of the transcript, a complete electronic recording, or a complete copy of the minutes of the proceedings of each meeting for at least two years, or for one year after the conclusion of any Commission proceeding with respect to which the meeting was held, whichever occurs later.

§ 560.8 Public availability of records.

(a) The Commission shall make available to the public the transcript, electronic recording, or minutes of a meeting, except for items of discussion or testimony that relate to matters the Commission has determined to contain information which may be withheld under § 560.5 of this part.

(b) The transcript, electronic recordings or minutes of a meeting shall be made available for public review as soon as practicable after each meeting at the Marine Mammal Commission, 1625 I Street NW., Washington, D.C. 20006.

(c) Copies of the transcript, a transcription of the electronic recording, or the minutes of a meeting shall be furnished at cost to any person upon written request. Written requests should be addressed to the Administrative Officer, Marine Mammal Commission, 1625 I Street NW., Washington, D.C. 20006.

§ 560.9 [Reserved]

Dated: January 9, 1985.

Robert J. Hofman,

Acting Executive Director, Marine Mammal Commission.

[FR Doc. 85-1307 Filed 1-16-85; 8:45 am]

BILLING CODE 6820-31-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

[Docket No. 41154-4154]

Tanner Crab Off Alaska

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

ACTION: Notice of season closure.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has

determined that the condition of Tanner crab stocks in certain parts of Registration Area E (Prince William Sound) is not sufficiently strong to support a commercial fishery. The Secretary of Commerce, therefore, finds that a partial area closure for the 1985 season is necessary to prevent further deterioration of these stocks. This closure is intended as a conservation and management measure to allow these stocks to rebuild to levels that will again support a commercial Tanner crab fishery. The previously scheduled closing date for those areas within Registration Area E remaining open is May 31, 1985, unless adjusted subsequent to this action.

DATE: This notice is effective 12:00 noon, Alaska Standard Time (AST), January 15, 1985. Public comments on this notice of closure are invited until January 30, 1985.

ADDRESSES: Comments should be sent to Robert W. McVey, Director, Alaska Regional, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802. During the 15-day comment period, the data on which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m. AST, weekdays) at the NMFS Alaska Regional Office, Federal Building Room 453, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologist, NMFS), 907–586–7230.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP), which governs this fishery in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act), provides for inseason adjustments of seasons and area openings and closures. Implementing rules at 50 CFR 671.27(b) specify that notices of these adjustment will be issued by the Secretary of Commerce under criteria set out in that section.

Section 671.26(d) establishes three districts—the Western, Eastern, and Hinchinbrook Districts—within Registration Area E in order to prevent overfishing of individual Tanner crab stocks by allowing closure or partial closure of a particular district when necessary for conservation and management of Tanner crab. Tanner crab stocks in the following defined areas have shown severely declining populations:

Hinchinbrook District—entire district;

Eastern District—north of 59°20′N. latitude, and west of 146°15′W. longitude;

Western District—north of 59°20′N. latitude.

Abundance surveys conducted by the Alaska Department of Fish and Game in the Hinchinbrook District have shown Tanner crab populations to have declined from a catch per unit of effort (CPUE) of 34.8 legal male crabs per pot in 1977 to about 8 crabs per pot in 1982. In 1983 and 1984, the CPUE increased to 12.2 and 16.6 crabs per pot, respectively, because no commercial fishery was conducted in those years. The CPUE of pre-recruit males declined from about 6.2 crabs per pot in 1977 to a low of 0.1 crabs per pot in 1983. In 1984, 2.7 crabs per pot was observed.

Abundance surveys in the above defined parts of the Eastern and Western Districts, which are continguous, have shown Tanner crab populations to have declined from a CPUE of about 49.5 legal male crabs per pot in 1979 to 3.1 legal male crabs per pot in 1983. No commercial fishing was conducted during 1984 in the Western District or the part of the Eastern District defined above, due to the extremely low abundance of female and legal-size male crabs and pre-recruit males. The 1984 abundance survey indicates a slight improvement in abundance in these districts, with an increase in CPUE to about 4.5 crabs per pot. Female and pre-recruit male crabs have also increased in abundance; the CPUE of pre-recruit males has risen from less than one crab per pot in 1983 to over seven crabs per pot in 1984.

Although the Federal and State of Alaska seasons were scheduled to open on January 5, 1985, in Registration Area E (49 FR 46549, November 27, 1984), the State of Alaska closed its season by emergency order effective January 5, 1985. A Tanner crab fishery in any of the above areas would subject pre-recruit males, on which the rebuilding of stocks depends, to handling mortality. Legal-size males are still too few to support a viable commercial fishery through the scheduled closure date of May 31, 1985.

The Regional Director, therefore, under § 671.27(b), has determined that (1) the actual condition of Tanner crab stocks in the Hinchinbrook District and parts of the Western and Eastern Districts is substantially different from the condition anticipated at the beginning of the fishing year; and (2) this difference reasonably supports the need to protect those Tanner crab stocks by closing the Hinchinbrook District and those parts of the Western and Eastern Districts defined above to all fishing for Tanner crab from 12:00 noon, AST, [Insert date of filing for public inspection with the Office of the Federal Register] until 12:00 noon, Alaska Daylight Time, May 31, 1985, at which time the closure of these areas prescribed in § 671.26(d)(2) will begin.

This closure will become effective when this notice is filed for public inspection with the Office of the Federal Register and the closure is publicized for 48 hours through procedures of the Alaska Department of Fish and Game. Public comments on this notice of closure may be submitted to the Regional Director at the address above. If comments are received, the necessity of this closure will be reconsidered and a subsequent notice will be published in the **Federal Register**, either confirming this notice's continued effect, modifying it, or rescinding it.

Other Matters

Tanner crab stocks in the above-named sections will be subject to damage by overfishing unless this order takes effect promptly. The Agency therefore finds for good cause that advance opportunity for public comment on this notice is contrary to the public interest and that no delay should occur in its effective date.

This action is taken under the authority of regulations specified at 50 CFR 671.27 and complies with Executive Order 12291. It is not subject to the requirements of the Regulatory Flexibility Act. It does not contain any collection of information request, as defined in the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 671

Fisheries.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 14, 1985.

Carmen J. Blondin,

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

[FR Doc. 85–1407 Filed 1–15–85; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 50, No. 12
Thursday, January 17, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 831

Retirement

Correction

In FR Doc. 85-174, beginning on page 473 in the issue of Friday, January 4, 1985, make the following corrections:

1. On page 475, in the third column, in § 831.1805, the third line of paragraph (b)(3) should read "or excepted by paragraph (b)(4) of this".

2. On page 476, in the first column, in § 831.1805, the fifth line of paragraph (b)(3)(ii)(F) should read "must be made in installments; and".

3. Also on page 476, in the third column, in § 831.1806, the second line of paragraph (e)(1) should read "decision with regard to reconsideration.".

4. On page 477, in the first column, in § 831.1808, the first line of paragraph (b)(2) should read "(2) Within 180 days of the date of".

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

Cotton Research and Promotion; Regulatory Review

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; regulation review.

SUMMARY: The Agricultural Marketing Service (AMS) in compliance with the requirements for the periodic review of existing regulations, has reviewed the regulations regarding the cotton research and promotion program. As a result of the review, certain changes in the regulations are being proposed. The most significant change would eliminate the requirement that the Cotton Board return to the producer the collecting handler's receipt submitted with the producer's refund application indicating payment of the assessment for research and promotion. Other changes would update terms and definitions and delete one obsolete section regarding the fiscal period.

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

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

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

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*) because: (i) No new costs or additional requirements would be imposed on the affected industry or others; (ii) costs of compliance would not be increased; (iii) recordkeeping burdens would not be increased; (iv) the proposed changes in the regulations would not affect the competitive position or market access of small entities in the cotton industry.

Collection of Information Requirements

In compliance with the Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implement the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and section 3504(h) of that Act, the previously approved information collection and recordkeeping contained in this proposed rule have been submitted to OMB for review. Comments concerning these requirements should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Department of Agriculture, Room 3201, NEOB, Washington, D.C. 20503.

Background: The Cotton Research and Promotion Act of 1966 (7 U.S.C. 2101 *et. seq.*) and the implementing Order subsequently approved in a referendum of cotton producers provide the basic procedures for carrying out the producer financed cotton research and promotion program designed to maintain and expand markets for U.S. cotton. The Act and Order (7 CFR 1205.301-1205.342) provide for establishment of a Cotton Board to administer the program. The 20-member Board is appointed by the Secretary from nominations made by producer associations in each state of the Cotton Belt. The Board annually reviews the proposed research and promotion projects and related budgets developed by a contracting organization set up to carry out such projects. Following this annual review, the Board submits recommendations to the Secretary. Other major functions of the Board as set forth in the Cotton Board Rules and Regulations (7 CFR 1205.500-1205.540) are: To collect assessments from producers; to make refunds of assessments upon request; and to safeguard and invest the funds in accordance with governmental regulations.

Sections 1205.1 through 1205.19 established the procedures for formulating Orders under the Cotton Research and Promotion Act. These sections were superseded on October 6, 1982, by 7 CFR Part 1200, Rules of Practice and Procedure Governing Proceedings to Formulate and Amend An Order (47 FR 44684) and will be subsequently deleted by a separate rulemaking document.

Other subparts of Part 1205 set forth rules to be followed in modifying Orders under the Cotton Research and Promotion Act and in conducting referenda in connection with such orders (7 CFR 1205.50-1205.210).

Regulation Review

The Cotton Division of AMS has undertaken a general review of the existing regulations under the Cotton Research and Promotion Act. These regulations were listed as scheduled for review in the Department's Semi-Annual Regulatory Agenda published in the **Federal Register** on October 28, 1982 (47 FR 48307). Sections 1205.301 through 1205.342 are governed by the provisions of 5 U.S.C. 556 and 557 and are exempted from the necessary requirements of Executive Order 12291. Those sections therefore, will not be affected by the following proposed changes.

The regulations of Part 1205 have been examined for their need, currentness

and effectiveness. Since these regulations were first promulgated in 1966, the procedures have proven to be useful and efficient in administering the Act and Order. The requirements for collecting and handling the per bale assessment are not burdensome on producers or purchasers of cotton.

Proposed Changes

The proposed changes in Part 1205 would not affect the administration of the Cotton Research and Promotion Order. Specifically, AMS proposes to amend §§ 1205.51, 1205.201, 1205.202, 1205.203, 1205.204, 1205.205, 1205.403, 1205.500, 1205.510, 1205.511, 1205.512, 1205.513, 1205.514, and 1205.520 by eliminating masculine references in favor of gender neutral language.

It is proposed to delete the table in paragraph (a) of § 1205.402, which is used to determine whether a cotton-producing state is entitled to be represented by more than one member on the Cotton Board by averaging cotton production for certain designated marketing years. Due to the passage of time, the table is now outdated. Additional membership on the Cotton Board will be determined by the average annual upland cotton production for the five most recent marketing years. The language of paragraphs (a), (b), and (c) of § 1205.402 would also be revised to reflect this deletion.

It is proposed to amend paragraph (c) of § 1205.520 to remove the requirement that the Cotton Board return the assessment receipt with the refund to the refund applicant. This proposal would implement a recommendation by the Office of the Inspector General that the Cotton Board retain these receipts or copies of them in its files. As a result of this proposed change, producers applying for a refund of their assessment would be responsible for making their own copies of receipts from collecting handlers.

It is further proposed to delete § 1205.600, Establishment of new fiscal period, from the regulations. This section is pursuant to § 1205.305 which established the fiscal period as the calendar year, but allowed a variance from the calendar year to some other 12-month budgetary period with approval from the Secretary. Section 1205.600 established the fiscal period as beginning on July 1. This budgetary period was selected to comport with the federal fiscal period which, prior to 1976, began July 1. Section 1205.600 became obsolete when the Cottom Board, upon approval by the Secretary, elected to revert to the calendar year as the 12-month fiscal period for administrative convenience on January 1, 1977.

List of Subjects in 7 CFR Part 1205

Cotton, Administrative practice and procedure, Research and promotion, Cotton board, Producer assessments, Producer refunds.

Accordingly, it is proposed to amend Part 1205 of Chapter II, title 7 of the Code of Federal Regulations as shown. The Tables Contents would be amended accordingly.

1. The authority citation for Part 1205 reads as follows:

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

2. Section 1205.51 would be amended by revising paragraphs (c) and (e) to read as follows:

§ 1205.51 Definitions.

* * * * *

(c) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hearafter be delegated, to act in the Secretary's stead;

* * * * *

(e) The term "Administrator" means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in the Administrator's stead;

* * * * *

3. Section 1205.201 would be amended by revising paragraphs (b)(e) to read as follows:

§ 1205.201 Definitions.

* * * * *

(b) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead and "Department" means the U.S. Department of Agriculture.

* * * * *

(e) "Administrator" means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in the Administrator's stead.

* * * * *

4. Section 1205.202 would be amended by revising paragraphs (a)(2) and (a)(4)(ii) and (iii) to read as follows:

§ 1205.202 Agencies through which a referendum shall be conducted.

(a) * * *

(2) Give reasonable advance notice of the referendum (i) by utilizing without advertising expense available media of public information (including, but not being limited to, press and radio facilities) serving the upland cotton producing areas, announcing the state, place, or methods of voting, and other pertinent information, and (ii) by such other means as the Administrator may deem advisable.

* * * * *

(4) * * *

(ii) On farms in which more than one eligible voter is engaged in production, the vote casts by each voter shall represent only the amount of upland cotton that is the voter's share of the crop, or proceeds thereof.

(iii) If an eligible voter is engaged in production of upland cotton on more than one farm, such voter is entitled to only one vote but any vote cast by such voter shall represent the total amount of upland cotton that is that voter's share of the crop, or proceeds thereof, on all such farms: *Provided*, That only farms for which records are maintained by the ASCS county office designated as the voter's polling place shall be considered unless the voter, prior to the expiration of the referendum period, establishes to the satisfaction of such county office the voter's share of the crop, or proceeds thereof, on any additional farm or farms.

* * * * * *

5. Section 1205.203 would be amended by revising paragraph (b) (1) and (2) to read as follows:

§ 1205.203 Voting eligibility.

* * * * *

(b) *General eligibility requirements.* (1) A person may qualify as an eligible voter by meeting the eligibility requirements, but no such person shall be entitled to more than one vote regardless of the number of upland cotton farms in which the person is interested or the number of communities, counties, or States in which are located farms in which such person is interested: *Provided, however*, That the individual members of a qualified partnership shall each have one vote, but the partnership as such shall not have a vote and an individual who qualifies as an eligible voter by reason of that individual's separate farming operations will be entitled to one vote even though that person is interested in an organization such as (but not limited to) a corporation which is also eligible as a voter and entitled to one vote. A person who, as a guardian,

administrator, executor, or trustee engages in the production of upland cotton will be eligible to vote in such fiduciary capacity if, in such capacity, that person qualifies as an eligible voter.

In such cases the person for whom he or she is acting in a fiduciary capacity will not be eligible to vote. An individual may, if otherwise eligible, cast a ballot in his or her individual capacity although that person may also cast a ballot as a guardian, administrator, executor, or trustee. An individual who holds more than one fiduciary position may vote as a fiduciary in each case in which that person is otherwise eligible, as for example, if an individual is administrator of estate X, he or she may cast a ballot as administrator of estate X, and if the same individual is also administrator of estate Y, he or she may cast another ballot as administrator of estate Y.

(2) Where a group of several persons, such as husband, wife, and children, or unrelated individuals, are engaged in the production odf upland cotton under the same lease or cropping agreement only the person or persons who signed or entered into the lease or cropping agreement shall be eligible to vote. In the event two or more persons are engaged in the production of upland cotton as joint tenants, tenants in common, or owners of community property, each such person shall be entitled to one vote if otherwise qualified. For example, a husband or a wife is eligible to vote if he or she shares with his or her spouse in the proceeds of the required crop as an owner, cash tenant, share tenant, sharecropper or landlord of a fixed rent, standing rent or share tenant. Thus, if a husband and wife are tenants or sharecroppers on a farm, jointly responsible under the rental or sharecropping agreement, both are eligible to vote. This is true whether the rental or sharecropping agreement is written, signed by both parties, or oral, provided both husband and wife made the oral agreement. A minor is not disqualified from voting solely because of minority if otherwise eligible and the minor is not less than 18 years of age.

* * * * *

6. Section 1205.204 would be amended by revising paragraphs (c) and (d) to read as follows:

§ 1205.204 Voting.

* * * * *

(c) *Mailing of ballot to eligible voters.* The county committee shall furnish each eligible voter a ballot suitable for mailing back to the office of the county committee. If an eligible voter does not receive a ballot, one may be obtained during the referendum period from the office of the county committee for the county in which the voter is eligible.

(d) *Returning ballot to office of the county committee.* Each person to whom a ballot is issued by mail or in person may vote in the referendum by completing and signing the ballot, placing it in an envelope, and delivering or mailing it to the office of the county committee for the county in which the voter is eligible to vote. In order to be eligible for tabulation by the county committee, voted ballots must be received by the county committee of the county in which the voter is eligible to vote during the period established for holding the referendum. A ballot shall be considered to have been received during the referendum period if (1) in the case of a ballot delivered to the county committee, it was received in the office prior to the close of the work day on the final day of the referendum period, or (2) in the case of a mailed ballot, it was postmarked not later then midnight of the final day of the referendum period and was received in the county office prior to the start of canvassing the ballots.

* * * * *

7. Section 1205.205 would be amended by revising paragraph (b) to read as follows:

§ 1205.205 Canvas of ballots.

* * * * *

(b) *Spoiled ballots.* A ballot shall be considered as a spoiled ballot if (1) it is multilated or marked in such a way that it is not possible to determine with certainty how the ballow was intended to be counted, or (2) it does not contain the signature of the voter, or the voter's properly witnessed mark.

* * * * *

8. Section 1205.402 would be amended by revising it to read as follows:

§ 1205.402 Determination of Cotton Board membership.

(a) In determining whether any cotton-producing State is entitled to be represented by more than one member on the Cotton Board pursuant to section 1205.318, average annual production of upland cotton in terms of 480-pound net weight bales for the five most recent marketing years shall be used as the criteria for determination of such additional members.

(b) All members appointed from a State shall be entitled to serve a full 3-year term even though it is determined in a subsequent year that a State should have fewer additional members by using the average production of the five most recent marketing years as specified in paragraph (a) of this section.

(c) Each year the Director shall, based on the average annual production upland cotton in terms of 480-pound net weight bales for the five most recent marketing years, notify all certified cotton-producer organizations in each cotton-producing State of the number of vacancies to be filled on the Cotton Board.

9. Section 1205.403(a) would be revised to read as follows:

§ 1205.403 Nomination procedure.

(a) The Director shall notify all certified producer organizations within each cotton-producing State of the location, date, and time of the caucus of such organizations pursuant to § 1205.320 for the purpose of making nominations for members and alternate members of the Cotton Board. The Director will designate a representative from the Cotton Division to attend the caucus meeting in each State. Each eligible cotton-producer organization within each cotton-producing State shall be entitled to only one representative at the caucus for the purpose of nominating two qualified persons for each member and for each alternate member to be selected. Such representative shall be (1) a cotton producer and resident of such State, (2) an officer or member of the Board of Directors of such association, and (3) duly and unqualifiedly authorized in writing by such association to make nominations on its behalf. The representative of the Director designated to attend the caucus meeting in each State shall ascertain the qualifications and eligibility of each representative of a cotton-producer organization to participate in said meeting and to make nominations.

* * * * *

10. Section 1205.500 would be amended by revising paragraph (m) to read as follows:

§ 1205.500 Terms defined.

* * * * *

(m) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

* * * * *

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

§ 1205.510 Levy of assessment.

* * * * *

(c) Each marketing year the collecting handler must select one of the two

options of collecting the supplemental assessment as provided in paragraph (b) of this section. The handler shall notify the Cotton Board as to the method selected at the time the handler files the first handler report each marketing year.

12. Section 1205.511 would be amended by revising paragraphs (c) and (d) to read as follows:

§ 1205.511 Payment and collection.

* * * * *

(c) If more than one producer shares in the proceeds received from a bale, each such producer is obligated to pay that portion of the assessments which are equivalent to their proportionate share of the proceeds.

(d) Failure of the handler to collect the assessments on each bale shall not relieve the handler of the handler's obligation to remit the assessments to the Cotton Board as required in § 1205.512, 1205.513 and 1205.514.

13. Section 1205.512 would be amended by revising paragraphs (f) and (g) to read as follows:

§ 1205.512 Collecting handlers and time of collection of $1 per bale assessment.

* * * * *

(f) Any person who consumes domestically or exports cotton of that person's own production shall be the collecting handler for such cotton. Such handler shall pay the assessment to the Cotton Board at the time the cotton is consumed or exported.

(g) Any person who obtains ownership of a bale of cotton from the producer of the cotton by transfer of any kind or by any means, under conditions other than those described in paragraph (a), (b), (c), (d), or (e) of this section shall be the collecting handler for such cotton. Such handler shall collect the assessment at the time such handler takes owership of the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

* * * * *

14. Section 1205.513 would be amended by revising paragraphs (g), (h), (i) and (j) to read as follows:

§ 1205.513 Collecting handlers and time of collection of the supplemental assessment.

* * * * *

(g) Any person who consumes domestically cotton of that person's own production shall be the collecting handler for such cotton. The handler shall pay the supplemental assessment at the time of consumption on the basis of a market value determined in consultation with the Cotton Board.

(h) Any person who exports cotton of that person's own production shall be the collecting handler for such cotton. Such handler shall pay the supplemental assessment on the basis of the current value of cotton as reflected on the export settlement document.

(i) Any person who obtains ownership of a bale of cotton from the producer of the cotton by transfer of any kind or by any means, under conditions other than those described in paragraph (a), (b), (c), (d), (e), or (f) of this section shall be the collecting handler for such cotton. Such handler shall collect the supplemental assessment at the time the handler takes ownership of the cotton. The handler shall give the producer a receipt indicating payment of the supplemental assessment.

(j) In the event of a producer's death, bankruptcy, receivership, or incapacity to act, the representative of the producer, or the producer's estate, or the person acting on behalf of creditors, shall be considered the producer of the cotton for the purposes of this section and § 1205.520.

15. Section 1205.514 would be amended by revising paragraph (b) introductory text to read as follows:

§ 1205.514 Remittance to Cotton Board.

* * * * *

(b) *Reports.* Each collecting handler shall make reports on forms made available or approved by the Cotton Board. Each collecting handler shall prepare a separate report, each reporting period, for each gin from which such handler handles cotton on which the handler is required to collect the assessments during the reporting period. Each report shall be mailed in duplicate to the Cotton Board within 10 days after the close of the reporting period and shall contain the following information:

* * * * *

16. Section 1205.520 would be amended by revising paragraphs (a) and (c) to read as follows:

§ 1205.520 Procedure for obtaining refund.

* * * * *

(a) *Application form.* A producer shall obtain a refund application form from the Cotton Board. Such form may be obtained by written request to the Cotton Board and the request shall bear the producer's signature or the producer's properly-witnessed mark.

* * * * *

(c) *Proof of payment of assessment.* The receipt given to the producer by the collecting handler, or a copy thereof, or such other evidence satisfactory to the Cotton Board, shall accompany the producer's refund application. Within 60 days from the date the properly-executed application for refund is received by the Cotton Board, the Cotton Board shall make remittance to the producer. For joint applications, the remittance shall be made payable jointly to all eligible producers signing the refund application form. Receipts submitted with refund applications shall not be returned to the producer.

§ 1205.600 [Removed]

17. Part 1205 would be amended by removing § 1205.600.

Dated: January 14, 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85-1413 Filed 1-16-85; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1407

Suspension and Debarment

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this rule is to propose revisions to the regulations of the Commodity Credit Corporation (CCC), which are found at 7 CFR Part 1407, with regard to the debarment and suspension of individuals and firms from contracting with CCC. Under the provisions of this proposed rule, CCC would adopt, with limited reservations, the suspension and debarment regulations issued by the Department of Agriculture.

DATE: Comments must be received on or before February 19, 1985 in order to be assured of consideration.

ADDRESS: Send comments to the Director, Fiscal Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Claims Specialist, Fiscal Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447-3809.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed in conformance with Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major." It has been determined that the provisions of this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects

on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

This program/activity is not subject to the provisions of Executive Order 12342 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Section 4(d) of the CCC Charter Act, as amended (15 U.S.C. 714b(d)), authorizes CCC to adopt, amend, and repeal rules and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised. In accordance with this authority, the regulations at 7 CFR Part 1407 set forth the procedures under which CCC may debar or suspend individuals and firms from contracting with CCC and from otherwise participating in programs administered or financed by CCC. In order to conform CCC's suspension and debarment regulations with those of the Department of Agirculture, CCC proposes to revise Part 1407 to adopt the Department's suspension and debarment regulations found at 41 CFR 4–1.600 *et seq.* and to provide that: (1) CCC suspension and debarment proceedings shall not be applicable to contracts entered into by CCC under its price support operations and other CCC programs with persons in their capacity as producers and (2) the autority to suspend or debar is revised to the Executive Vice President, CCC, or his designee.

In order to expedite the review of the provisions of this proposed rule in light of potential CCC suspension and debarment proceedings, it has been determined that the comment period should be limited to a period of 30 days. Accordingly, comments must be received on or before February 19, 1985 in order to be assured of consideration.

List of Subjects in 7 CFR Part 1407

Administrative practice and procedure, Government contracts, Penalities.

Accordingly, it is proposed that 7 CFR Part 1407 be revised to read as follows:

PART 1407—SUSPENSION AND DEBARMENT

Sec.
1407.1 Purpose.
1407.2 Suspension and debarment.
1407.3 Scope.

Authority: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b).

§ 1407.1 Purpose.

This part prescribes the terms and conditions under which persons (i.e., an individual or any form of business entity, such as proprietorship, partnership, corporation, association, or cooperative) may be suspended and debarred from contracting with the Commodity Credit Corporation (CCC) and from otherwise participating in programs administered or financed by CCC.

§ 1407.2 Suspension and debarment.

The provisions of 41 CFR 4–1.600 *et seq.* shall be applicable to all CCC suspension and debarment proceedings, except that the authority to suspend or debar is reserved to the Executive Vice President, CCC, or his designee.

§ 1407.3 Scope.

CCC suspension and debarment proceedings, shall not be applicable to contracts entered into by CCC under its price support operations and other CCC programs with persons in their capacity as producers.

Signed At Washington, D.C. on January 11, 1985.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 85–1339 Filed 1–16–85; 8:45 am]

BILLING CODE 3410-05-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Criteria for Reopening Records in Formal Licensing Proceedings

Correction

In FR Doc. 84–33644 beginning on page 50189 in the issue of Thursday, December 27, 1984, the word "Reports" appeared in the heading. The word "Records" should have appeared in its place. The heading is corrected to read as set forth above.

BILLING CODE 1505-01-M

10 CFR Part 60

Disposal of High-Level Radioactive Waste in Geologic Repositories; Amendments to Licensing Procedures

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing revisions to procedures with respect to NRC reviews of license applications for disposal of high-level radioactive waste in geologic repositories. For the most part, the revisions reflect the provisions of the Nuclear Waste Policy Act of 1982, particularly as they relate to site characterization and the participation of States and Indian tribes in the process of siting, licensing, and development of disposal facilities.

DATES: Comment period expires March 18, 1985. Comments received after March 18, 1985 will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed on or before that date.

ADDRESSES: Submit written comments and suggestions to: Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Clark Prichard, Division of Radiation Programs and Earth Sciences, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 427–4586.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission (Commission or NRC) in 1981 promulgated procedures for licensing Department of Energy (DOE) facilities for disposal of high-level radioactive wastes in geologic repositories (46 FR 13971, February 25, 1981). More recently, Congress has established a definite Federal policy for such disposal. Nuclear Waste Policy Act of 1982, Pub. L. 97–425, 42 U.S.C. 10101 (Waste Policy Act). Section 121 of the Waste Policy Act directs the Commission, not later than January 1, 1984, to promulgate technical requirements and criteria that it will apply in approving or disapproving license applications with respect to geologic repositories. The Commission has complied with this requirement by publishing final technical criteria (48 FR 28914, June 21, 1983). The Commission is now turning to

a review of its previously adopted procedures. One objective is to reflect the provisions of the Waste Policy Act. In addition, however, the Commission is taking this opportunity to clarify its procedures in the light of experience gained over the past three years in consultations on the SCA reviews of DOE siting projects and in light of the extensive prelicensing interaction process now underway between NRC, the states, and DOE.

The principal aspects of the licensing procedures that the Commission has under review concern (1) the role of NRC during site screening and site characterization activities, (2) State, tribal, and public participation in NRC activities with respect to geologic repositories, (3) NRC responsibilities under the National Environmental Policy Act (NEPA), (4) procedures and standards for identifying categories of material as high-level radioactive wastes, and (5) changes, especially with respect to content of the license application, needed to conform the licensing procedures to the technical criteria.[1] The present rulemaking proposal deals with the first two of these topics; because the two are so intertwined they will be treated together.

Background

In 1974, when the Atomic Energy Commission's functions were divided between the Energy Research and Development Administration (ERDA) and the Nuclear Regulatory Commission, Congress provided generally that ERDA high-level waste disposal facilities were to the subject to NRC's regulatory and licensing authority (42 U.S.C. 5842). NRC's role with respect to such facilities remained unchanged when the functions of ERDA were transferred in 1977 to the new Department of Energy (DOE) (42 U.S.C. 7151).

Although the Atomic Energy Act recognizes the interest of the States in the peaceful uses of atomic energy and the need for cooperation with the States with respect to the control of radiation hazards, the Federal government was authorized to regulate the disposal of high-level radioactive waste to protect public health and safety (42 U.S.C. 2021(c), 10 CFR 150.15). Nevertheless, the Act recognizes the need for cooperation with the States, 42 U.S.C. 2021(a), and it is Commission practice to consult with State and local governments on matters of common interest.[2]

Recognizing that further legislative guidance would help to define appropriate forms of consultation and cooperation, Congress in 1978 directed the Commission to prepare a report on means for improving the opportunities for State participation in the process for siting, licensing, and developing nuclear waste storage or disposal facilities. NRC Authorization Act for Fiscal Year 1979, Pub. L. 95–601, Sec. 14(b). After consultation with the States, the Commission submitted its report to Congress in 1979. *Means for Improving State Participation in the Siting, Licensing and Development of Federal Nuclear Waste Facilities*, NUREG–0539, reprinted in *Nuclear Waste Isolation Pilot Plant (WIPP): Oversight Hearings Before the Subcommittee on Oversight and Investigations of the House Comm. on Interior and Insular Affairs*, 96th Cong., 1st Sess. 514–601 (1979) (the NRC Report). The NRC Report, "Based on the premise that State involvement in any national nuclear waste management program is a critical element in making the program work," included several procedural and substantive recommendations.

The value of such State involvement—for the Commission as well as for the States—was emphasized as the NRC developed a framework for licensing geologic repositories for high-level radioactive waste (10 CFR Part 60). The first step in this process was the Commission's publication of a Proposed General Statement of Policy (43 FR 53869, November 17, 1978). This document contemplated that the Commission would make licensing determinations before DOE commenced construction of a repository shaft. DOE would be encouraged, however, to consult informally in advance with NRC staff. At this early stage, NRC would point out aspects of a location selected by DOE which might require special attention or present special problems and NRC would help to define the kinds of information needed for licensing decisions. As noted, repository construction (including sinking of the main repository shaft) would require licensing action. Site characterization would continue during repository construction, with the data to be reviewed before issuance of a license authorizing receipt of radioactive material. Upon commencement of NRC's informal review, NRC would publish a notice in the **Federal Register**, send copies of information submitted by DOE to State and local officials, and offer to meet with those officials to provide information and explore possibilities of their participation in the licensing process.

After soliciting and considering views, the Comission next proceeded to issue a proposed rule. One significant difference from the policy statement was that DOE would be permited to sink shafts and engage in site characterization activities at depth before formal licensing proceedings were commenced. DOE's site characterization plans would nevertheless be reviewed in considerable detail in advance, with opportunity for public comment on an NRC draft site characterization analysis. The proposed rule incorporated detailed provisions to ensure extensive opportunities for State and public participation. These procedures were "designed to allow affected States to participate to the fullest extent possible within the limits of the Commission's authority and the State's own desires and capabilities." The Commission observed, however, that "provisions for State participation would be reviewed in the light of any pertinent statutory changes that may be enacted." Moreover, it noted that the extent of State participation may be affected by legislative action on the matters discussed in the NRC Report (44 FR 70408, December 6, 1979.

The final rule added provisions with respect to notice to and participation by Indian tribes. However, inasmuch as public comments on the proposed rule pointed out no serious deficiencies in the opportunities for State and public participation, the provisions that had been proposed were adopted without material change (46 FR 13971, February 25, 1981).

Both the proposed rule and final rule contemplated that DOE would characterize several sites at depth.

[1] Issues pertaining to NEPA will require modifications to 10 CFR Part 51. Amendments to 10 CFR Part 51 to reflect the Waste Policy Act will be the subject of a subsequent rulemaking. However, actions which the Commission may take relative to environmental assessements required by the Waste Policy Act are discussed later in this statement. Consideration of the definition of HLW is reserved, and the Commission anticipates publication of an advance notice of proposed rulemaking on this topic in coming months. The content of application section will be reviewed after issuance of DOE siting guidelines under the Waste Policy Act to take such guidelines into account if and as appropriate. The Commission would welcome suggestions from interested persons with respect to other changes that may be needed to reflect provisions of the Waste Policy Act.

[2] 42 U.S.C. 2021 is a codification of a 1959 statute which added a new Section 274 to the Atomic Energy Act of 1954. Section 274 established procedures and criteria for discontinuance of Federal regulatory responsibilities with respect to byproduct, source, and special nuclear materials and the assumption thereof by the States. However, under Section 274, the regulation of high-level waste disposal for safety reasons remained a Federal responsibility. *See Pacific Gas & Electric Co. v. Energy Commission, 461* U.S. *190*, 75 L.Ed.2d 752, 774 (1983).

primarily so as to enable the Commission to discharge its NEPA responsibilities with respect to evaluation of alternatives. With this in mind, DOE would have been required, as discussed below, to include information concerning its site selection process in its site characterization report to NRC.

The Existing Regulations

The principal aspects of the existing licensing procedures that are of present interest relate to (1) submission of DOE's site characterization report, (2) public notice of receipt of the site characterization report, (3) the preparation of a site characterization analysis by NRC, (4) consultation between NRC and States and Indian tribes, (5) participation in NRC reviews, and (6) procedures for the formal hearing process. It will be useful to review the present language of 10 CFR Part 60 with respect to these items before turning to the changes that we propose to adopt.

1. Site Characterization Report (§ 60.11)

NRC requires that DOE submit a site characterization report "as early as possible after commencement of planning for a particular geologic repository operations area, and prior to site characterization." Both the timing and required content of this report reflect the statutory directive in section 14(a) of the NRC Authorization Act for 1980, Pub. L. 95-601, which provides:

> Sec. 14(a) Any person, agency, or other entity proposing to develop a storage or disposal facility, including a test disposal facility, for high-level radioactive wastes, or irradiated nuclear reactor fuel, shall notify the Commission as early as possible after the commencement of planning for a particular proposed facility. The Commission shall in turn notify the Governor and the State legislature of the State of proposed situs whenever the Commission has knowledge of such proposal.

The Commission, in proposing its licensing procedures, made specific reference to this statute and explained that its rule would "ensure that the notice from the Department will, in fact, initiate a meaningful, substantive review" (44 FR 70409). The site characterization report, together with the NRC staff assessment thereof and meetings between NRC staff and State officials and other interested persons, "assures an early opportunity for other Federal and State agencies and the public to become involved in the decision making process" with respect to DOE's site characterization and site selection programs. *Ibid.* The review process would provide NRC an opportunity to identify and consider a broad range of public concerns; this would assist NRC in the preparation of a comprehensive and reasoned analysis.

The site characterization report would include more than a description of the site and the program to be undertaken to characterize the ability of the site to achieve waste isolation. It would also discuss "the method by which the site was selected for site characterization . . . and . . . a description of the decision process by which the site was selected for characterization, including the means used to obtain public, Indian tribal and States views during selection." Alternative media and sites at which DOE intends to carry out site characterization would be identified. DOE's report on these topics would enable the Commission to consider whether additional information might be needed by the Commission in discharging its NEPA responsibilities (46 FR 13972).

2. Notice and Publication (§ 60.11)

As directed by section 14(a) of the 1980 NRC Authorization Act, NRC rules provide for notice to the Governor and the State legislature of the State of proposed situs whenever a site characterization report is received. Although not required to do so by law, NRC would also (1) transmit copies of the site characterization report to these addressees, (2) provide similar notice to local officials, tribal organizations, and Governors of contiguous States, and (3) publish in the **Federal Register** notice of receipt of the site characterization report which, among other things, will advise that governmental and Tribal officials may request consultation with NRC staff.

3. Site Characterization Analysis (§ 60.11)

The rules provide that NRC will review the site characterization report and prepare a draft site characterization analysis which discusses the information submitted by DOE, and that a request for public comment on the draft site characterization analysis is to be published in the **Federal Register**; copies are to be transmitted to the State and local officials and Tribal organizations who had previously received notice under the rule. It was anticipated that NRC would hold local public meetings in the immediate area of the site to be characterized, both to disseminate information and to obtain public input, but this is not an explicit requirement under the rule. After a comment period of at least 90 days, NRC would transmit a final site characterization analysis to DOE. As noted above, these procedures were designed to solicit comments that would assist NRC to prepare a comprehensive and reasoned analysis.

4. Consultation (§ 60.61, § 60.64(a))

Under Part 60, NRC staff would consult with State government and Tribal officials, on written request, to keep them informed of NRC views on the progress of site characterization and to notify them of NRC meetings and consultations with DOE. NRC would respond to written question or comments from these officials and transmit such responses to DOE. Consultation would not be limited to site characterization, but could include a review of NRC licensing procedures and the type and scope of State and Tribal activities in the license review permitted by law as well.

5. Proposals for State Participation (§§ 60.62-64)

The NRC Report (at 18-24, 27-28) distinguished between improvement of State participation in the NRC review process on the one hand and, on the other, the carrying out of an "independent State review" of a proposal to store or dispose of nuclear waste. The Report identified several avenues for State participation in NRC reviews that could be implemented under existing law. These included support from NRC in the form of educational or information services, exchange of personnel under the Intergovernmental Personnel Act, and contracts for technical services needed by the Commission. Besides the activities that could be carried out under existing law, the Report (at 28) recommended that the Congress "establish a grant program to allow the States to participate more fully in the Federal waste management program."

Part 60 provides for State participation in the review of a site characterization report and/or license application. A proposal initiated by the State would describe how the State wishes to participate in the review and how it plans to facilitate local government and citizen participation, and it would include funding estimates of work to be done under contract with the NRC. Subject to the availability of funds and legal constraints, NRC would approve State proposals that it finds will enhance communications with the State and contribute productively to NRC's license review.

Under the State participation provisions, proposals can be submitted by any State "potentially affected" by

the siting of a repository, even if the prospective repository site is in a different State. By the same token, Indian tribes "potentially affected" by the siting of a repository may submit proposals for participation in the same manner as the States.

6. Formal Licensing Procedures

The NRC rules provide that notice of specified events (docketing, hearing, proposed issuance of license, issuance of license) will be published in the **Federal Register**; there are additional specific requirements for notice to State and local officials (and to Tribal organizations if a repository is to be located within an Indian reservation). 10 CFR 2.101–2.106. Affected States and Indian tribes desiring to participate as a party to a licensing proceeding may petition for leave to intervene; and they may also participate in a more limited capacity as provided by the regulation. 10 CFR 2.714, 2.715.

The Needed Revisions

One of the purposes of the Waste Policy Act is to define the relationship between the Federal government and the State governments, and between the respective Federal agencies, with respect to the disposal of high-level radioactive waste. The Act prescribes in great detail procedures for DOE to consult and cooperate with the States (and affected Indian tribes) with respect to determining the suitability of an area for a repository and with respect to other issues arising in connection with the planning, siting, development, construction, operation, or closure of such a facility (Sec. 117, 42 U.S.C. 10137). DOE is directed to make initial grants to States with potentially acceptable sites for a repository and, subsequently, to provide further grants to any State in which there is a site approved for characterization (Sec. 116(c), 42 U.S.C. 10136). The latter grants are to enable the States, among other things, to review potential impacts of the repository upon the State and its residents and to provide information to such residents regarding the activities of DOE or the Commission with respect to the site. DOE is also directed to provide financial and technical assistance to a State in which a repository is to be located, after NRC has issued a construction authorization, in order to mitigate the impacts of development of the repository. *Ibid.* The Waste Policy Act also contains requirements that DOE hold public hearings at several stages of site selection and characterization [Sec. 112(b)(2), 42 U.S.C. 10132 (nomination); Sec. 113(b)(2), 42 U.S.C. 10133 (characterization); Sec. 114(a)(1), 42 U.S.C. 10134 (recommendation for development)]. The designation of a site as suitable for application for a construction authorization will not be effective over State objections except pursuant to a Congressional resolution which thereafter becomes law (Sec. 115, 42 U.S.C. 10135).

The Waste Policy Act reconfirms the authority and responsibility of the Commission to review a specific repository proposal, pursuant to the Atomic Energy Act, in order to protect the public health and safety. The Waste Policy Act provides for Commission review prior to site characterization, as well as in a formal licensing proceeding, and for a Commission determination as to whether a repository of a particular design at a specified site will provide adequate isolation of radioactive waste. The Waste Policy Act makes no specific provision for the Commission to engage in, or independently review, the processes of site screening and selection. The Commission's only prescribed participation in this selection process comes in NRC's review and concurrence in guidelines for the recommendation of sites for repositories (Sec. 112(a), 42 U.S.C. 10132). However, the Commission will review DOE's draft environmental assessments as it would review any other information on site investigation and site characterization, in order to allow early identification of potential licensing issues for timely resolution. Reviews will be carried out in accord with the procedural agreement between NRC and DOE for interface during site investigation and site characterization.[3]

While the Waste Policy Act establishes new procedures for the high-level waste management program, the Commission remains entirely free to consult with the States and Indian tribes, at its own initiative or theirs, with respect to any matter pertaining to NRC's regulatory role. Although specific channels are established for States and Indian tribes to engage in consultation and cooperation with DOE, these cannot substitute for direct interaction with NRC with respect to this agency's functions. Nevertheless, an examination of the details of the Waste Policy Act highlights differences from Part 60 which need to be taken into account. In addition, there are some changes—particularly with respect to funding of State participation—that would have been desirable even in the absence of the new legislation. The need for revisions can be analyzed using the same heading as before.

1. Site Characterization Report

As is the case under the existing regulations, it is appropriate that the submission of information about a site and plans for characterization of the site should be the occasion for commencing NRC's initial substantive review. However, the Waste Policy Act specifies a number of actions DOE must take before such information is required to be submitted to NRC. Further, the Waste Policy Act calls for NRC to review information of narrower scope than that which, under 10 CFR Part 60, was to be included in the DOE site characterization report.

Under § 60.11, the site characterization report was to be furnished to NRC "as early as possible after commencement of planning" for a particular repository. In contrast, the Waste Policy Act requires that DOE first nominate several sites (after holding public hearings and consulting with the governors of affected States) and that particular locations would then be recommended as candidate sites which, if approved by the President, would be eligible for site characterization.

The new law marks this time—before DOE proceeds to sink shafts—as the point when the site characterization plan is submitted. When the Commission reviews this plan, the site to be characterized will already have been the subject of extensive scrutiny. It will have been described in an environmental assessment in which the siting guidelines are applied and will have been discussed at public meetings at which public comments will have been solicited and received. It also will have been reviewed by both DOE and the President in the course of the nomination approval process. Extensive data gathering programs may have been carried out in conjunction with these activities.

DOE may very well need to make choices and commitments in the course of such data gathering that could have a significant bearing upon the safety and licensability of a repository. The drilling of boreholes for testing purposes, for example, could affect the integrity of a

[3] Procedural Agreement between the U.S. Nuclear Regulatory Commission and the U.S. Department of Energy identifying guiding principles for interface during site investigation and site characterization. 48 FR 38701, August 25, 1983. The Procedural Agreement is designed to assure that an information flow is maintained to facilitate each agency's accomplishment of its responsibilities relative to site investigation and characterization. The Procedural Agreement also provides that DOE is to notify potential host States and affected Indian tribes of technical meetings between DOE and NRC technical staff and that DOE is to invite those States and tribes to attend. These technical meetings will be open meetings, with members of the public being permitted to attend as observers.

repository that might be constructed at the site. Close coordination between DOE and NRC is therefore needed prior to submission of the site characterization report so as to facilitate the early identification of issues of potential safety significance and so as to afford an opportunity for NRC to provide DOE with timely views.

Under the Waste Policy Act, the information which is to be submitted to the Commission for review and comment prior to site characterization is similar to existing § 60.11. Both Part 60 and the statute call for DOE to describe the site, the proposed site characterization activities, a conceptual repository design, and certain information with respect to waste form or packaging. However, several categories of information which were previously listed in § 60.11 are omitted under the Waste Policy Act from the required submission to NRC—notably, the method by which the site was selected for site characterization, the identification and location of alternative media and sites at which DOE intends to conduct site characterization, and a description of the decision process by which the site was selected for characterization (including the means used to obtain public, Indian tribal and State views during selection).

The Waste Policy Act still requires a discussion of the omitted items, but in a separate document called an environmental assessment (Sec. 112(b)(1), 42 U.S.C. 10132). The preparation of an environmental assessment is to be preceded by public hearings held by DOE and consultation by DOE with governors of affected States. *Ibid.* Although not required to do so by the Waste Policy Act, DOE intends to make environmental assessments in draft form available for public comment. All this occurs in connection with the nomination of a site prior to Presidential review and approval of a candidate site for site characterization.

The Waste Policy Act makes no provision for the Commission to comment to DOE on its environmental assessments or otherwise to participate in the nomination process. It is nevertheless the intention of the Commission to review and comment on the environmental assessments, as well as other technical documents being prepared by DOE, in order to assess on a continuing basis the information collected to date and the program for the development of additional information for a potential license application. However, the NRC staff would not comment upon the methodology used by DOE to compare sites or upon the relative merits of one site against another. Such a review by NRC is not necessary to fulfill any of its statutory responsibilities. Moreover DOE will be selecting sites using guidelines in which the NRC will have already concurred. We regard it as appropriate, however, and fully consistent with the objectives of the Waste Policy Act, for the NRC staff to provide to DOE current expressions of its views on the quality of the data available and the potential licensing issues that may be anticipated and that may need to be addressed in DOE's site investigation and site characterization activities.

In view of the foregoing considerations, § 60.11 needs to be revised to change both the timing and content of the DOE site characterization report to conform to the Waste Policy Act. Despite these changes, however, the Commission plans to be involved at earlier stages in reviewing data collected by DOE as well as its programs for gathering additional data. The instrument for accomplishing this—namely, the Procedural Agreement referred to above—is already in place and is being implemented routinely.

2. Notice and Publication

The Waste Policy Act provides that: "Before nominating a site, the Secretary [of Energy] shall notify the Governor and legislature of the State in which such site is located, or the governing body of the affected Indian tribe where such site is located, as the case may be, of such nomination and the basis for such nomination" (Sec. 112(b)(1)(H), 42 U.S.C. 10132). Later, after public hearings and a prescribed review process involving Presidential approval, DOE must submit site characterization plans to those same officials, for review and comment; concurrently, DOE is required to submit such plans to NRC (Sec. 113(b)(1), 42 U.S.C. 10133). Although publication of notice in the **Federal Register** is not required expressly, DOE must make both the environmental assessment and the site characterization plan "available to the public" [Secs. 112(b)(1)(G), 113(b)(2)(A), 42 U.S.C. 10132–33]. The Commission anticipates that DOE will give notice in the **Federal Register** as the means for assuring adequate public availability of these documents.

Since DOE is required to make its site characterization plan available to State and tribal officials and to the public, duplicative provisions may be removed from Part 60. Even so, however, it makes sense for the Commission to publicly acknowledge receipt of DOE's submission so as to provide notice of the opportunity for consultation thereon with the NRC staff.

3. Site Characterization Analysis.

The Waste Policy Act requires, before DOE proceeds to sink shafts at a candidate site, that DOE submit its site characterization plans to NRC (as well as State and tribal officials) for review and comment (Sec. 113(b), 42 U.S.C. 10133). The Commission believes that Congress intended that DOE should provide the plans sufficiently far in advance so that comments may be developed and submitted back to DOE early enough to be considered when shaft sinking occurs, and at all time thereafter. As explained above, this implies an ongoing working relationship with DOE to assure that its data and assessments are made available to NRC as they are developed. As already mentioned, NRC and DOE have, in fact, developed a Procedural Agreement under which NRC is to have access to information as it is generated and, equally important, NRC is to comment regularly to DOE with respect to this information.

Thus, the Commission expects that the principal means of evaluation will be the interagency process that begins early in DOE's consideration of a site. When investigations have progressed far enough to warrant sinking of shafts, it is our expectation that NRC will already be adquately informed with respect to data generated to date and that NRC's concerns would already have been focused and brought to the attention of DOE. Assuming this to be the case, NRC should be in a position to complete its review and provide comments to DOE, as required by the Waste Policy Act, in a prompt fashion. The site characterization analysis would be a continuing dynamic process, better suited for ongoing public input and NRC review, rather than "freezing" the comment and review process at one arbitrary point in time.

An ongoing public review process would also facilitate DOE's ability to obtain comments on its site characterization plan from the States and Indian tribes as well. The Waste Policy Act affords an opportunity for these entities to enter into written agreements with DOE specifying procedures for consultation and cooperation that could include early review. Moreover, the NRC/DOE Procedural Agreement assures that States and Indian tribes will have an opportunity to be informed routinely concerning the information made available to NRC and NRC's comments

thereon and to attend NRC/DOE technical meetings.

Under existing 10 CFR Part 60, DOE's submission of site characterization plans was to occur, as already noted, "as early as possible after commencement of planning" for a particular repository. There was no assurance that either NRC or other interested parties would have had prior information about the site or any opportunity to make conerns known to DOE. It was in this context that the Commission determined that NRC would prepare a draft site characterization analysis for public review and comment before developing a statement of the agency's views for consideration by DOE.

Under the Waste Policy Act, however, DOE's submission comes after an extensive period of interaction between DOE and the States, affected Indian tribes, and the public, and after Presidential review and approval of the sites recommended for characterization. By the time a site characterization plan is to be submitted for review and comment, there should have been ample opportunity for NRC to have become acquainted with both DOE's programs and the public's concerns. Since technical meetings under the Procedural Agreement will be open, interested parties will have an opportunity to follow the course of NRC activities and to bring their concerns to the attention of NRC. Further opportunities for public involvement are provided by law, since DOE must also seek the comments of the States and tribes, and hold public hearings in the vicinity of the site. For these reasons, together with the scheduling mandates of the Waste Policy Act, the Commission believes it is no longer necessary to prepare a draft site characterization analysis on which public comment is sought. The Commission particularly asks for views on this proposed change.

It should be emphasized, however, that NRC will have been engaged in an ongoing review of DOE's activities even before submission of a site characterization plan and that the comments of interested parties may be submitted at any time for consideration as a part of that review process.

4. Consultation

Under the Waste Policy Act, the Commission is directed to provide "timely and complete information regarding determinations or plans made with respect to site characterization, siting, development, design, licensing, construction, operation, regulation, or decommissioning" of a repository, Sec. 117, 42 U.S.C. 10137, but this affords no rights to States and Indian tribes beyond those already provided in law. H.R. Rep. 97-785, Part I at 74. The proposed amendments contain conforming language implementing this requirement. The Waste Policy Act charges DOE with the responsibility to "consult and cooperate" with the States and Indian tribes in an effort to resolve their concerns about the safety, environmental, and economic impacts of a repository. States may make comments and recommendations to DOE regarding any activities taken under this subtitle," and this may be funded by grants from DOE (Sec. 116(c)(1)(B)(v), 42 U.S.C. 10136). DOE is directed to take State and Indian concerns into account "to the maximum extent feasible" (Sec. 117(b), 42 U.S.C. 10137). Accordingly, in expectation that States and tribes will communicate directly with DOE with respect to its site characterization plans, the provision that the Director will respond to questions and comments of the States and tribes on DOE's plans has been deleted.

However, the Commission has consistently expressed its intention to maintain a dialogue with the States, Indian tribes, and members of the public. This intention is unchanged. The scope of such dialogue may appropriately extend to any issue which must be considered and resolved by NRC in the discharge of its licensing responsibilities.

5. Proposals for State Participation

Subpart C of 10 CFR Part 60 provides for the filing of proposals by States and Indian tribes for participation in reviews of site characterization reports and license applications. In response to such proposals, NRC would consider providing certain educational or information services and funding work that the State proposes to perform for the Commission, under contract, in support of the review.

With enactment of the Waste Policy Act, authority to fund a broad variety of State activities, including grants to enable a State "to review activities . . . for purposes of determining any potential economic, social, public health and safety, and environmental impacts" of a repository has been vested in DOE." Sec. 116(c)(1)(B)(i), 42 U.S.C. 10136; see also Sec. 118(b)(2)(A)(i) (pertaining to affected Indian tribes). The scope of NRC assistance available may be limited by this statutory direction. However, other elements of Commission support would not be affected as explained in greater detail in the section-by-section analysis below.

6. Formal Licensing Procedures

The Waste Policy Act incorporates the basic licensing structure which had been described in the Commission's regulations. It expressly provides for consideration of a DOE application, subject to certain deadlines, "in accordance with the laws applicable to such applications" (Sec. 114(d), 42 U.S.C. 10134). Affected States and Indian tribes will be entitled to participate in the licensing proceedings.

The new requirement that DOE and NRC provide timely and complete information to the States and tribes, Sec. 117(a), 42 U.S.C. 10137, would apply to significant milestones in the formal adjudicatory process. The rule presently reflects this, and the Commission finds no need to modify the formal regulatory structure for licensing activities at geologic repositories.

Section-by-Section Analysis

In light of the foregoing considerations, the Commission is proposing to revise its licensing procedures with respect to disposal of high-level waste in geologic repositories. The following section-by-section analysis provides additional explanatory information. All references are to Title 10, Chapter I, Code of Federal Regulations. Other revisions, including changes that may be needed to conform with the Waste Policy Act's provisions for environmental reviews, will be the subject of separate rulemaking.

10 CFR Part 60, Subpart A

Section 60.2 Definitions.

The terms "Indian Tribe" and "Tribal organization" would no longer appear in Part 60 and the definitions of the terms have therefore been deleted. The term "affected Indian tribe," as defined in the Waste Policy Act, is the proper designation for those entities that are entitled to notice and other recognition under the rule. The proposed rule incorporates the statutory definition of "affected Indian tribe."

10 CFR Part 60, Subpart B

The sections in this subpart have been renumbered so as to allow for insertion of additional general provisions, if needed, at a future date.

Section 60.15 [formerly § 60.10] Site characterization.

No change.

Section 60.16–18 [formerly § 60.11].

The former section § 60.11, captioned "Site characterization report," has been

revised to conform to the Waste Policy Act. It has been divided into three sections in order to provide a clearer editorial structure.

The "site characterization report" has been changed to a "site characterization plan." Note that this includes more than DOE's "general plan for site characterization activities;" conforming to Sec. 113(b), 42 U.S.C. 10133, it must also incorporate information on waste form and packaging as well as a conceptual repository design. The change from "report" to "plan" better conveys to sense that DOE is describing a program to obtain information which can be used later to evaluate a site, as opposed to a presentation of data which would allow a preliminary judgment as to site acceptability. The NRC review process at this stage is not directed to advising DOE whether or not the site is or is not satisfactory, but rather whether or not the characterization program (1) will generate data needed for arriving at subsequent licensing determinations and (2) will adversely and significantly affect the ability of the geologic repository to achieve the prescribed performance objectives.

Section 60.16 Site characterization plan required.

The requirement for DOE to submit a site characterization report appeared in § 60.11(a). As before, the document (now a "plan") is to be submitted to the Director of NRC's Office of Nuclear Material Safety and Safeguards. The purpose of the submission ("for review and comment") is derived from the Waste Policy Act. Similarly, the timing of the submission ("before proceeding to sink shafts") reflects the new statutory direction.

The regulation refers to characterization at any area which has been approved by the President for site characterization. Such an area would be a "candidate site" as defined in the Waste Policy Act. The regulation avoids that term, however, because it already defines "site" in a different way.

Section 60.17 Contents of site characterization plan.

This section restates, with minor changes, the information which the Waste Policy Act requires to be submitted to the Commission for review and comment.

Because Part 60 defines high-level radioactive waste to include spent nuclear fuel, the latter category of material is not referred to in § 60.17.

Consistent with other provisions of Part 60, the term "geologic repository operations area" (rather than "geologic repository" or "repository") is employed when the context pertains to the area in which waste handling activities are conducted.

Part 60 defines "host rock" as "the geologic medium in which the waste is emplaced." Accordingly, the rule refers to the waste-host rock relationship instead of the relationship of the waste form or packaging and the geologic medium. The statute's reference to the "packaging" for the waste corresponds to Part 60's "waste package," and the proposed rule retains the latter term for purposes of consistency.

The Waste Policy Act requires DOE to include in its general plan for site characterization activities "any other information required by the Commission." The Commission has so far identified only one such item—namely information with respect to quality assurance. Other information may hereafter be found to be needed to enable the Commission to determine whether the proposed site characterization activities are appropriate; if so, the Commission would establish its requirement either by rule (particularly if the information would be valuable on a generic basis) or by order in a particular case. Although the Commission's obligations to observe the statutory schedule must be heeded, there is no reason in principle why the submission of other information could not be ordered even after the site characterization plan had been filed, if required for the Commission to discharge its review and comment responsibilities effectively.

The Waste Policy Act's reference to plans to control any adverse, "safety-related" impacts from site characterization activities can be traced to former § 60.11(a)(6)(iii). The Commission's concern originally was that DOE address those aspects of site characterization that (1) could be significant with respect to radiological safety prior to permanent closure or (2) could affect the ability of the repository to satisfy the performance objectives pertaining to waste isolation. The proposed rule contains language that reflects this construction of the statute.

The Commission recognizes that the requested level of detail is not spelled out precisely. Such items as "a description of the area" and "a conceptual design for the geologic repository operations area that takes into account likely site-specific requirements" must not be read in isolation. They must be understood to require sufficient detail for the Commission and other statutory reviewers to be able to comment in an informed manner. So construed, the Commission believes that they are sufficiently clear; should additional information be needed, the Commission would retain the option, by order, to require further submissions.

As noted, the Commission has included an explicit statement that the site characterization plans should spell out DOE's quality assurance programs. Existing § 60.11 includes such language, but it was not included in the counterpart provision of the Waste Policy Act. However, since a principal aim of site characterization is to develop data that have been obtained and documented in a fashion which will support licensing findings, the NRC review should be concerned with the approach which DOE is taking to data collection, recording, and retention as well as to the content of the information which DOE seeks to assemble. Because of the importance it attaches to this item the Commission considers an explicit requirement for submission of information on quality assurance programs to be necessary.

We have also incorporated the statutory requirement that DOE is to include in its general plan a statement of the criteria to be used to determine suitability of the site for the location of a repository. Because site characterization will be a prerequisite for application of some guidelines, see Sec. 112(b)(1)(E)(ii), 42 U.S.C. 10132, we anticipate that the site characterization plan will also include a description of how DOE will use the information gathered during site characterization to determine if the site suitability guidelines are met.

The Waste Policy Act applies only with respect to geologic repositories that are used, at least in part, for the disposal of wastes from civilian nuclear activities. Sec. 8, 42 U.S.C. 10108. If DOE were to develop a facility exclusively for wastes from atomic energy defense activities, it would nevertheless be subject to licensing by NRC under the Energy Reorganization Act. The Commission has considered whether the changes proposed herein, which are largely responsive to the Waste Policy Act, would be appropriate with respect to such defense facilities. It appears that the Commission, acting under amended Part 60, could still effectively discharge its health and safety responsibilities for such defense waste facilities. But, in this section, the provisions that prescribe the contents of the site characterization plan need to recognize that defense-only facilities would not have any applicable siting criteria "developed pursuant to Section 112(a) of the Nuclear Waste Policy Act"; instead, in that case, the rule requires that the site

characterization plan set out the siting criteria actually used by DOE.

On environmental matters, the situation is more complex. The Waste Policy Act limitations with respect to the scope of the Commission's environmental responsibilities under NEPA—which we would implement in the modified procedures at the site characterization stage—would not apply to a repository used solely for defense wastes. Accordingly, the Commission would expect to require that DOE submit, with its site characterization plan for a defense facility, those items of information with respect to site screening and selection that appear in existing § 60.11(a) but which are not included in this proposed rule. Because the information relates to implementation of NEPA, it would be incorporated in revised 10 CFR Part 51 rather than Part 60.

Section 60.18 Review of site characterization activities.

As under existing § 60.11(b), the Commission will publish notice of receipt of DOE's site characterization plan. Although this may duplicate information published by DOE, it will serve to identify, to anyone interested, appropriate points of contact within the NRC staff. Since alternative areas are not required to be identified in the site characterization plan, the proposed rule omits any reference to such areas. Language pertaining to consultation has been revised to conform with proposed Subpart C.

Similarly, notwithstanding duplication of notice by DOE, the Commission will give direct notice to State and tribal officials concerning receipt of DOE's site characterization plan. Under the proposed rules, this information would be furnished to the officials entitled to timely and complete information under the Waste Policy Act. Because such officials would already have received copies of the site characterization plans from DOE, the notice from the Commission would not be accompanied by additional copies thereof. However, a copy of the site characterization plan would be placed in the pubic Document Room. (Existing § 60.11 would require local officials, and also the governors of contiguous States, to be afforded notice from NRC. This requirement has been deleted in the light of the new statutory provisions.)

For the reasons set out in the discussion above, the proposed rule omits the mandatory draft site characteeization analysis described in existing § 60.11. However, the proposed rule does provide that the Director may invite and consider comments on DOE's site characterization plan and that he may also review and consider the comments made in connection with the public hearings which Doe's is required to hold. Moreover, the Director will publish a notice of availability of a site characterization analysis and will invite host States, affected Indian tribes and all other interested persons to review and comment thereon. Comments received in respone to such invitation will be reviewed by the Director; and where the Director determines that there are substantial new grounds for making recommendation or stating objections to DOE's site characterization program, these concerns will be expressed to DOE.

The Director's review of the site characterization plan is substantially equivalent to the final site characterization analysis prescribe by existing § 60.11. The reference to the Director's "comments" reflects the Waste Policy Act provision that the information is submitted to the Commission for "review and comment." The proposed rule refers to a "statement" of objections by the Director, instead of a Director's "opinion" of objections by the Director, instead of a Director's "opinion"; the later term was unnecessarily equivocal. It is intended that the objections would be directed at the nature of the site characterization activities being proposed and not to the suitability of the site as such; of course, if it appeared that a particular site exhibited such a profound deficiency that it could not be compensated for adequately in the light of data from any site characterization program, the Director could object to the program in its entirety, but the Commission regards this as highly improbable given the procedures prior to submission of a site characterization plan to NRC specified in the Waste Policy Act.

The inclusion of a finding with respect to the necessity of using radioactive material implements the specific direction in Section 113(c)(2)(A), 42, U.S.C. 10133; the Commission has previously concluded that the use of source, special nuclear, and byproduct material for purposes of site characterization does not require a license, 10 CFR § 60.7, and there is no reason to believe that the Waste Policy Act was intended to change this view.

Since DOE is not required to prepare an environmental impact statement with respect to site characterization, see Sec. 113(d), 42 U.S.C. 10133, the references in references in existing § 60.11 to such statement have been omitted. A footnote to the text of the rule points out, however, that DOE's environmental assessments will be reviewed—as other DOE documents will be—for the purpose of early identification of potential licensing issues for timely resolution.

The Waste Policy Act requires the DOE report to the Commission (and to State and tribal authorities) at least semiannually on the nature and extent of site characterization activities and the information developed from such activities. The same concerns were addressed in existing § 60.11(g). The Commission believes the two formulations are essentially the same, but that the more detailed version in the NRC regulation provides a clearer statement of the information that is needed. Accordingly, the proposed rule conforms closely to the Commission's earlier rule. The most significant change, reflecting the adption of a statutory directive to DOE, is that the provisions are now expressed in mandatory ("shall") terms. Also, the existing rule includes a provision for submission of additional reports on any topic, if requested by the Director; as modified, such other topics must still be covered as requested by the Director, but the information may be included in the semiannual reports instead of "additional" ones. The Director will review the semiannual reports and, where appropriate on the basis of new information contained therein, the Director will make recommendations or state objections with respect to DOE's site characterization program.

The proposed rule provides for the Director to transmit to State and tribal officials copies of all comments made to DOE under § 60.18. This includes not only the site characterization analysis and comments on the site characterization plan, but also any other comments which the Director chooses to make by way of "expressing current views." Other correspondence between NRC and DOE will be placed in the Public Document Room, but will not routinely be distributed to the designated officials. The omission of the requirement that the Director consider comments received from States in accordance with § 60.61 conforms to the changes in Subpart C. Such comments may, however, be solicited and reviewed as appropriate in individual cases and, as noted, comments on the site characterization analysis will be invited and will be reviewed, and such review may be the basis for the director to express to DOE additional recommendations or objections.

Except for some editorial changes, othe provisions of §60.18 are the same as existing regulations.

10 CFR Part 60, Subpart C

This subpart deals with participation by State governments and Indian tribes in the Commission's licensing and pre-licensing activities. The role of the States and tribes in repository siting and development is addressed in great detail by several provisions in the Nuclear Waste policy Act. While the Commission finds that some changes in Subpart C are needed in light of those provisions, it remains our intention to encourage close working relations with the States and tribes. The revisions and designed to clarify the means by which this can be accomplished in a manner conforming to the new law.

Section 60.61 Provision of information.

This section implements the requirement in the Waste Policy Act, Sec. 117(a), 42 U.S.C. 10137, that NRC furnish timely and complete information to host States and affected Indian tribes regarding its determinations or plans. It applies, insofar as Commission responsibilities are concerned, from the time a site characterization proposal is submitted throughout the entire life of the repository through "decommissioning." Consistent with other usage in Part 60, the phrase "permanent closure, or decontamination and dismantlement of surface facilities" is used instead of the statutory term "decommissioning."

Some of the most significant communications may consist of determinations made in the course of licensing proceedings. Under our rules of practice, parties on the service list in such proceedings are required to be served with notice of all relevant pleadings, decisions, order, etc. Accordingly, the Commission will use this established procedure as the means for providing information regarding licensing actions.

Section 60.62 Site review.

The Waste Policy Act establishes a structure for the involvement of States and affected Indian tribes. The proposed rule therefore provides explicitly for consultation with States and affected Indian tribes but omits mention of local governments. (However, the Commission anticipates, in light of the Waste Policy Act, see Sec. 116(c)(1)(B)(iv), 42 U.S.C. 10136, that the States would establish appropriate procedures to address local government and citizen concerns.)

Since the concerns of the States and affected Indian tribes will be dealt with primarily under the statutory consultation and cooperation procedures, the Commission has eliminated reference to any consultation activities by NRC that are more appropriately and directly carried out by DOE under those procedures. Thus, consistent with the Waste Policy Act, questions concerning DOE's site characterization submissions should be directed to DOE for its consideration and response, and notification concerning NRC meetings or consultations with DOE should be provided by DOE. Notwithstanding these changes, however, it remains the policy of the Commission that consultation with interested parties with respect to site characterization should be encouraged. As now, information would be available routinely with respect to NRC's views on the progress of site characterization, on NRC procedures, and on the development of proposals for participation in license reviews.

Although the Waste Policy Act does not provide formally for NRC activity prior to Presidential approval of an area for site characterization, and this is noted in revised § 60.62, there will be coordination during the earlier stages of site screening and site characterization in accordance with the Procedural Agreement between NRC and DOE; special provisions has been made in that agreement for States and Indian tribes to receive notice and to attend NRC/DOE meetings so as to enable them to engage knowledgeably, on an early and ongoing basis, in site characterization reviews.

The opportunity to request that the Director consult with respect to the NRC review of site characterization activities is not limited to prospective host States. The extent to which a State may be affected by the prospective location would, of course, be a factor for the Director to consider in determining the staff resources that would be made available for purposes of such consultation.

Section 60.63 Participation in license reviews.

This section is a substitute for the earlier §§ 60.62–60.65.

Section 60.63 acknowledges, first of all, that State and local governments and affected Indian tribes may participate in license reviews as provided in the Commission's rules of practice. Local governments are mentioned in this context because they may have standing, apart from the State in which they are located, to participate in a licensing proceeding as a party or participate in a more limited capacity. See 10 CFR 2.714, 2.715(c).

The regulation retains a provision for a State or affected Indian tribe to submit a proposal to facilitate its participation in the review of a site characterization plan and/or license application. The existing requirement that proposals be submitted no later than 120 days after docketing of a license application has been eliminated; although early submissions are desirable, we can readily conceive of cases in which proposals submitted after review of a license application could be implemented in the mutual interests of the proposing entity and the Commission. The types of services or activities that NRC might consider providing would include those educational or information services and related actions that are set out in existing § 60.62(d).

The Commission has omitted those portions of existing § 60.62(c) that contemplate Commission funding of State work in support of the license review. In light of the Waste Policy Act, funding of such work to improve the State's capacity to review a license application is a responsibility of DOE and it is to be financed out of the Nuclear Waste Fund. We do not rule out the possibility that the NRC may contract with State governments on occasion for particular services that we may require in order to be able to discharge our statutory responsibilities effectively. The execution of such contracts would be carried out under established procurement procedures and would be subject to applicable limitations with respect to competitive bidding and avoidance of conflicts of interest. See 41 CFR Chapter I (Federal Procurement Regulations). A further reason for handling such contracts under the general procurement regulations rather than Part 60 is that the criteria for approval of proposals (existing § 60.63, proposed § 60.63(d)) would be inappropriate when the Commission's purpose is to acquire services which it needs in discharging its own reviewing functions.

Considering this limitation of the scope of NRC activities under Subpart C, the requirement for gubernatorial approval of a State proposal has been eliminated as being unnecessary. The information required to be included in the proposal has also been modified to conform to the limitation of scope. The Waste Policy Act may have further limited the opportunities for states to receive funding from the NRC, the Commission is of the view that Congress intended that DOE should assume the Federal responsibility for activities of the types described in Sections 116 and 118 and that such activities should be

financed out of the Nuclear Waste Fund rather than out of NRC appropriations.

Existing § 60.64, pertaining to participation of Indian tribes, has been incorporated in the substantive provisions applicable to States. The change has been made for editorial reasons and is not intended to affect the right of affected Indian tribes to participate like the States in the activities described in Subpart C.

Existing § 60.65, dealing with coordination of multiple proposals, has been deleted. The Commission deems it unlikely that multiple proposals of the kinds considered eligible for acceptance under Subpart C would present any undue administrative difficulties; the criteria for approval of proposals (especially the finding of "productive contribution" to the license review) would afford the Director adequate discretion to take into account the desirability of avoiding duplication.

Section 60.64 Notice to States.

The Commission encourages the Governor and legislature of a State to jointly designate a single point of contact to receive notice and information from the Commission. This section provides for notice to such jointly designated nominees.

Section 60.65 Representation.

Under the present rule, the signature of the Governor would serve to document the authority pursuant to which proposals were being submitted to the Commission. Submissions by Indian tribes were to be accompanied by documentation of the eligibility of the tribe and the authority of its representatives. This section is designed to retain the principle of assuring that representatives are properly identified. With respect to States, a change is needed to reflect the fact that proposals will no longer need to be signed by the Governor. In the case of Indian tribes, the determination by the Secretary of the Interior that it is "affected" eliminates the need for the Commission to be concerned with its eligibility.

Commissioner Asselstine's Additional Views

Commissioner Asselstine would retain the present requirement in 10 CFR 60.11 for NRC review of the site screening and selection process which DOE must now include in the environmental assessments. He would cite as the Commission's authority to review the draft environmental assessments the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the National Environmental Policy Act of 1969, as amended, and the Nuclear Waste Policy Act of 1982, and not just the NRC/DOE Procedural Agreement.

Commissioner Asselstine would also retain the present requirement in 10 CFR 60.11 for NRC issuance of the draft site characterization analyses for public comment.

Commissioner Asselstine would appreciate comment on whether these two elements should be retained in the Commission's regulations.

Environmental Impact

Pursuant to section 121(c) of the Nuclear Waste Policy Act, this proposed rule does not require the preparation of an environmental impact statement under section 102(2)(c) of the National Environmental Policy Act of 1969 or any environmental review under subparagraph (E) or (F) of section 102(2) of such act.

Paperwork Reduction Act Statement

This proposed rule contains information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et. seq.). This rule has been submitted to the Office of Management and Budget for review and approval of the paperwork requirements.

Regulatory Flexibility Act Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule relates to the licensing of only one entity, the U.S. Department of Energy, which does not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act.

List of Subjects in 10 CFR Part 60

High-level waste, Nuclear power plants and reactors, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Waste treatment and disposal.

Issuance

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the Nuclear Waste Policy Act of 1982, and 5 U.S.C. 553, the Nuclear Regulatory Commission proposes to adopt the following amendment to 10 CFR Part 60.

PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

1. The authority citation for Part 60 continues to read as follows:

Authority—Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95-601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); sec. 121, Pub. L. 97-425, 96 Stat. 2228 (42 U.S.C. 10141).

For the purposes of Sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 60.71 to 60.75 are issued under Sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201o)).

2. Section 60.2 is revised by removing the definitions of "Indian tribe" and "Tribal organization" and inserting, in the appropriate alphabetical location, a definition of the term "affected Indian tribe" to read as follows:

§ 60.2 Definitions.

As used in this part—

* * * * *

"Affected Indian tribe" means an affected Indian tribe as defined in the Nuclear Waste Policy Act of 1982.

* * * * *

§ 60.10 [Redesignated as § 60.15]

3. Section 60.10 is Redesignated § 60.15.

§ 60.11 [Removed]

4. Section 60.11 is Removed.

5. Sections 60.16 through 60.18 are added to read as follows:

§ 60.16 Site characterization plan required.

Before proceeding to sink shafts at any area which has been approved by the President for site characterization, DOE shall submit to the Director, for review and comment, a site characterization plan for such area.

§ 60.17 Contents of site characterization plan.

The site characterization plan shall contain—

(a) A general plan for site characterization activities to be conducted at the area to be characterized, which general plan shall include—

(1) A description of such area, including information on quality assurance programs that have been applied to the collection, recording, and retention of information used in preparing such description.

(2) A description of such site characterization activities, including the following—

(i) The extent of planned excavations;

(ii) Plans for any onsite testing with radioactive or nonradioactive material;

(iii) Plans for any investigation activities that may affect the capability of such area to isolate high-level radioactive waste;

(iv) Plans to control any adverse impacts from such site characterization activities that are important to safety or that are important to waste isolation; and

(v) Plans to apply quality assurance to data collection, recording, and retention.

(3) Plans for the decontamination and decommissioning of such area, and for the mitigation of any significant adverse environmental impacts caused by site characterization activities, if such area is determined unsuitable for application for a construction authorization for a geologic repository operations area;

(4) Criteria, developed pursuant to section 112(a) of the Nuclear Waste Policy Act of 1982 (or in the case of a geologic repository that is not subject to the Waste Policy Act, such other siting criteria as may have been used by DOE), to be used to determine the suitability of such area for the location of a geologic repository; and

(5) Any other information which the Commission, by rule or order, requires.

(b) A description of the possible waste form or waste package for the high-level radioactive waste to be emplaced in such geologic repository, a description (to the extent practicable) of the relationship between such waste form or wasfe package and the host rock at such area, and a description of the activities being conducted by DOE with respect to such possible waste form or waste package or their relationship; and

(c) A conceptual design for the geologic repository operations area that takes into account likely site-specific requirements.

§ 60.18 Review of site characterization activities.[1]

(a) The Director shall cause to be published in the **Federal Register** a notice that a site characterization plan has been received from DOE and that a staff review of such plan has begun. The notice shall identify the area to be characterized and the NRC staff members to be consulted for further information.

(b) The Director shall make a copy of the site characterization plan available at the Public Document Room. The Director shall also transmit copies of the published notice of receipt to the Governor and legislature of the State in which the area to be characterized is located and to the governing body of any affected Indian tribe. In addition, the Director shall make NRC staff available to consult with States and affected Indian tribes as provided in Subpart C of this part.

(c) The Director shall review the site characterization plan and prepare a site characterization analysis with respect to such plan. In the preparation of such site characterization analysis, the Directior may invite and consider the views of interested persons on DOE's site characterization plan and may review and consider comments made in connection with public hearings held by DOE.

(d) The Director shall provide to DOE the site characterization analysis together with such additional comments as may be warranted. These comments shall include either a statement that the Director has no objection to the DOE's site characterization program, if such a statement is appropriate, or specific objections with respet to DOE's program for characterization of the area concerned. In addition, the Director may make specific recommendations pertinent to DOE's site characterization program.

(e) If DOE's planned site characterization activities include onsite testing with radioactive material, the Director's comments shall include a determination regarding whether or not the Commission concurs that the proposed use of such radioactive material is necessary to provide data for the preparation of the environmental reports required by law and for an application to be submitted under § 60.22 of this part.

(f) The Director shall publish in the **Federal Register** a notice of availability of the site characterization analysis and a request for public comment. A reasonable period, not less than 90 days, shall be allowed for comment. Copies of the site characterization analyses and of the comments received shall be made available at the Public Document Room.

(g) During the conduct of site characterization activities, DOE shall report not less than once every six months to the Commission on the nature and extent of such activities and the information that has been developed and on the progress of waste form and waste package research and development. The semiannual reports shall include the results of site characterization studies, the identification of new issues, plans for additional studies to resolve new issues, elimination of planned studies no longer necessary, identification of decision points reached and modifications to schedules where appropriate. DOE shall also report its progress in developing the design of a geologic repository operations area appropriate for the area being characterized, noting when key design parameters or features which depend upon the results of site characterization will be established. Other topics related to site characterization shall also be covered if requested by the Director.

(h) During the conduct of site characterization activities, NRC staff shall be permitted to visit and inspect the locations at which such activities are carried out and to observe excavations, borings, and in site tests as they are done.

(i) The Director may comment at any time in writing to DOE, expressing current views on any aspect of site characterization. In particular, such comments shall be made whenever the Director, upon review of comments invited on the site characterization analysis or upon review of DOE's semiannual reports, determines that there are substantial new grounds for making recommendations or stating objections to DOE's site characterization program.

(j) The Director shall transmit copies of the site characterization analysis and all comments to DOE made by him under this section to the Governor and legislature of the State in which the area to be characterized is located and to the governing body of any affected Indian tribe. When transmitting the site characterization analysis under this paragraph, the Director shall invite the addressees to review and comment thereon.

(k) All correspondence between DOE and the NRC under this section, including the reports described in paragraph (g), shall be placed in the Public Document Room.

(l) The activities described in paragraphs (a) through (k) above constitute informal conference between a prospective applicant and the staff, as described in § 2.101(a)(1) of this chapter, and are not part of a proceeding under the Atomic Energy Act of 1954, as

[1] In addition to the review of site characterization activities specified in this section, the Commission contemplates an ongoing review of other information on site investigation and site characterization, in order to allow early identification of potential licensing issues for timely resolution. This activity will include, for example, a review of the environmental assessments prepared by DOE at the time of site nomination. A procedural agreement covering NRC–DOE interface during site investigation and site characterization has been published in the **Federal Register**, 48 FR 38701, August 25, 1983.

amended. Accordingly, neither the issuance of a site characterization analysis nor any other comments of the Director made under this section constitute a commitment to issue any authorization or license or in any way affect the authority of the Commission, the Atomic Safety and Licensing Appeal Board, Atomic Safty and Licensing Boards, other presiding officers, or the Director, in any such proceeding.

6. Subpart C is revised to read as follows:

Subpart C—Participation by State Governments and Indian Tribes

§ 60.61 Provision of information.

(a) The Director shall provide to the Governor and legislature of any State in which a geologic repository operations area is or may be located, and to the governing body of any affected Indian tribe, timely and complete information regarding determinations or plans made by the Commission with respect to the site characterization, siting, development, design, licensing, construction, operation, regulation, permanent closure, or decontamination and dismantlemenmt of surface facilities, of such geologic respository operations area.

(b) For purposes of this section, a geologic repository operations area shall be considered to be one which "may be located" in a State if the location thereof in such State has been described in a site characterization plan submitted to the Commission under this part.

(c) Notwithstanding paragraph (a), the Director is not required to distribute any document to any entity if, with respect to such document, that entity or its counsel is included on a service list prepared pursuant to Part 2 of this chapter.

(d) Copies of all communications by the Director under this section shall be placed in the Public Document Room, and copies thereof shall be furnished to DOE.

§ 60.62 Site review.

(a) Whenever an area has been approved by the President for site characterization, and upon request of a State or an affected Indian tribe, the Director shall make NRC staff available to consult with representatives of such States and tribes.

(b) Requests for consultation shall be made in writing to the Director.

(c) Consultation under this section may include:

(1) Keeping the parties informed of the Director' views on the progress of site characterization.

(2) Review of applicable NRC regulations, licensing procedures, schedules, and opportunities for state participation in the Commission's regulatory activities.

(3) Cooperation in development of proposals for State participation in license reviews.

§ 60.63 Participation in license reviews.

(a) State and local governments and affected Indian tribes may participate in license reviews as provided in Subpart G of Part 2 of this chapter.

(b) In addition, whenever an area has been approved by the President for site characterization, a State or an affected Indian tribe may submit to the Director a proposal to facilitate its participation in the review of a site characterization plan and/or license application. The proposal may be submitted at any time and shall contain a description and schedule of how the State or affected Indian tribe wishes to participate in the review, of what services or activities the State or affected Indian tribe wishes NCR to carry out, and how the services or activities proposed to be carried out by NCR would contribute to such participation. The proposal may include educational or information services (seminars, public meetings) or other actions on the part of NCR, such as establishing additional public document rooms or employment or exchange of State personnel under the Intergovernmental Personnel Act.

(c) The Director shall arrange for a meeting between the representatives of the State or affected Indian tribe and the NCR staff to discuss any proposal submitted under paragraph (b) of this section, with a view of identifying any modifications that may contribute to the effective participation by such State or tribe.

(d) Subject to the availability of funds, the Director shall approve all or part of a proposal, as it may be modified through the meeting described above, if it is determined that:

(1) The proposed activities are suitable in light of the type and magnitude of impacts which the State or affected Indian tribe may bear;

(2) The proposed activities (i) will enhance communications between NRC and the State or affected Indian tribe (ii) will make a productive and timely contribution to the review and (iii) are authorized by law.

(e) The Director will advise the State or affected Indian tribe whether its proposal has been accepted or denied, and if all or any part of proposal is denied, the Director shall state the reason for the denial.

(f) Proposals submitted under this section, and responses thereto, shall be made available at the Public Document Room.

§ 60.64 Notice to States.

If the Governor and legislature of a State have jointly designated on their behalf a single person or entity to receive notice and information from the Commission under this part, the Commission will provide such notice and information to the jointly designated person or entity instead of the Governor and legislature separately.

§ 60.65 Representation.

Any person who acts under this subpart as a representative for a State (or for the Governor or legislature thereof) or for an affected Indian tribe shall include in his request or other submission, or at the request of the Commission, a statement of the basis of his authority to act in such representative capacity.

Dated at Washington, D.C. this 10th day of January, 1985.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 85-1401 Filed 01-16-85; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 08-84-08]

Drawbridge Operation Regulations; Sabine River (Old Channel), TX

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Levingston Shipbuilding Company, the Coast Guard is considering a change to the regulation governing the operation of the pontoon bridge on the Old Channel of the Sabine River, mile 9.5 behind Orange Harbor Island, in Orange, Texas to provide that the draw need not open. Presently, the draw is required to open on signal from 7:00 a.m. to 12:00 midnight Monday through Friday except federal holidays, and to open on signal at all other times if at least eight hours notice is given. This proposal is being made because no requests have been made to open the draw since 1970. This action should relieve the bridge owner of the burden of having a person available to open the draw.

DATE: Comments must be received on or before March 4, 1985.

ADDRESS: Comments should be mailed to Commander (obr), Eighth Coast Guard District, 500 Camp Street, New Orleans, Louisiana 70130. The comments and other materials referenced in this notice will be available for inspection and copying in Room 1115 at this address. Normal office hours are between 8:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Perry Haynes, Chief, Bridge Administration Branch, at the address given above, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulation may be changed in the light of comments received.

Drafting Information

The drafters of this notice are Perry Haynes, project officer and Steve Crawford, project attorney.

Discussion of Proposed Regulation

Vertical clearance of the bridge in the closed position is 0.0 feet. Navigation through the bridge consists of the company's vessels in the course of its business. Data submitted by the Levingston Shipbuilding Company shows that no requests have been received to open the draw for marine traffic since the bridge was constructed in 1970.

Considering that no openings for general navigation are involved, the Coast Guard feels that attendance at the bridge is not warranted, and adoption of the exemption to open the draw will provide relief to the bridge owner with no effect on navigation.

Economic Assessment and Certification

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

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that no vessels, other than those that belong to the bridge owner, pass this bridge. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by revising § 117.983 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.983 Sabine River (Old Channel) behind Orange Harbor Island.

The draw of the highway bridge, mile 9.5 at Orange, need not be opened for the passage of vessels.

(33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: January 9, 1985.

W. H. Stewart,

Rear Admiral, U.S. Coast Guard.

[FR Doc. 85–1420 Filed 1–16–85; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

Implementation of Periodic Payments and Cash Down-Payment Requirements on National Forest Timber Sales

AGENCY: Forest Service.

ACTION: Notice of proposed rule.

SUMMARY: This proposed rule is designed to implement the cash down-payment, periodic payment, and bid monitoring requirements of the Federal Timber Contract Payment Modification Act (98 Stat. 2213; 16 U.S.C. 618).

DATES: Comments must be received by February 19, 1985.

ADDRESSES: Send written comments to R. Max Peterson, Chief (2400), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: David M. Spores, Timber Management Staff, (202) 447–4051.

The public may inspect all written submissions made pursuant to this notice during regular business hours in the Office of the Director, Timber Management Staff, Room 3207, South Agriculture Building, 12th and Independence Ave., SW., Washington, DC 20013.

SUPPLEMENTARY INFORMATION: Section 2(d) of the Federal Timber Contract Payment Modification Act (Pub. L. 98–478) requires that "[e]ffective January 1, 1985, in any contract for the sale of timber from the National Forests, the Secretary of Agriculture shall require a cash down-payment at the time the contract is executed and periodic payments to be made over the remaining period of the contract." (16 U.S.C. 618(d)). The down-payment and periodic payments provide incentives for operation of a timber sale early in the contract period. Such payments discourage purchasers from bidding with the intent of holding timber until late in the contract term in anticipation of increases in market prices. They also provide periodic receipts of the Treasury.

Section 2(c) of the Federal Timber Contract Payment Modification Act also requires the Secretary of Agriculture to "monitor bidding patterns on timber sale contracts and take action to discourage bidding at such a rate as would indicate that the bidder, if awarded the contract, would be unable to perform the obligations as required, or that the bid is otherwise for the purpose of speculation." (16 U.S.C. 618(c)).

Forest Service policy currently requires a down-payment equivalent to 10 percent of the bid value of advertised sales. A purchaser may apply this sum toward payments for timber being cut and removed under the contract once 25 percent of the bid value of scaled sales is cut and scaled. Under present policy, the down-payment may be used to authorize cutting on tree measurement (lump sum) sales, but must be replaced until 25 percent of the advertised volume is shown on the timber sale statement of account to have been cut, removed, and paid for.

Sales with contract periods exceeding 3 years currently require a midpoint payment. By the end of the operating season following the midpoint of such a sale, the purchaser must have made payments or deposits equal to 25 percent of the contract value or 50 percent of the amount of contract overbid, whichever is greater. This is the only periodic payment currently

required. Sales of less than 3 years do not now require a midpoint payment. All Forest Service timber sale contracts require that purchasers maintain advance payments, or provide payment guarantees, before timber is cut.

The Forest Service proposes to implement the down-payment, periodic payment, and bid monitoring requirements of the Federal Timber Contract Payment Modification Act with the following rules. In addition, the Forest Service Manual will be amended to provide guidance relative to these requirements.

The Forest Service timber sale contract establishes purchaser credits as the method for purchasers to recover costs incurred in constructing roads specified by the contract. In 1975, Congress further authorized the transfer of unused effective purchaser credit from one timber sale to another timber sale held by the same purchaser on the same National Forest (16 U.S.C. 535). The legislative intent was to permit the unused credit to be applied toward charges for timber in the other sale. Therefore, in conformity with that intent, effective purchaser credit may be used for the down-payment and for the periodic payments.

This rule would make the following changes in current practices relating to the down-payment required of successful bidders on National Forest timber sales:

1. The down-payment will be required at the time the contract is excuted and returned by the purchaser, rather than 30 days after notification of apparent high bid.

2. The down-payment may not be applied toward payment for timber or periodic payment requirements until 25 percent of the advertised volume has been scaled on scaled sales, or is shown on the timber sale statement of account to have been cut, removed, and paid for on tree measurement sales.

3. The amount of the down-payment required will increase from 10 percent of the total bid value to 15 percent of the total bid value when the average bid premium exceeds: (1) $25 per thousand board feet (MBF) (or equivalent) *and* (2) 50 percent of the average advertised rate. The amount of the down-payment required will increase from 15 percent of the total bid value to 20 percent of the total bid value if the average bid premium exceeds: (1) $50/MBF *and* (2) 100 percent of the average advertised rate.

The total bid value is the sum of the products for all species included in the sale obtained by multiplying (a) the rate bid for each species by (b) the estimated volume for that species. The average bid premium is the difference between the average advertised rate and the rate determined from dividing the total bid value by the estimated total volume included in the sale. The average advertised rate is the rate determined by dividing the estimated total volume included in the sale into the sum of the products obtained by multiplying (a) the advertised rate for each species included in the sale by (b) the estimated volume for that species included in the sale.

In some Forest Service timber sales the timber is not measured in board feet, but in units such as cubic feet or cords. On those sales the down payment will be increased when the average bid premium exceeds 50 percent of the advertised rates and the equivalent of $25 per MBF. For example, if 2 cords of pulpwood are equivalent to one thousand board feet, and a particular sale's volume is measured in cords, the down-payment would increase to 15 percent of the total bid value if the average bid premium exceeded 50 percent of the average advertised rate and $12.50 per cord.

4. The prospectus for each Forest Service timber sale will include a notice of the down-payment and periodic payment requirements.

This rule will add the following requirements for periodic payments on National Forest timber contracts. (Contracts bid after implementation of this rule will no longer require a midpoint payment.):

1. If a contract does not include specified road construction,the number of periodic payments will equal the number of whole normal operating seasons in the contract term. The normal operating season for each sale is specified in the contract. The first periodic payment will be due 60 days after the last day of the first whole operating period scheduled in the contract. Subsequent periodic payments will be due on the anniversary date of the due date of the first periodic payment.

2. If the contract involves specified road construction, the number of periodic payments will equal the number of whole normal operating seasons in the contract after the road completion date specified in the contract. The first payment will be due 60 days from the last day of the first scheduled normal operating season following the road completion date. Subsequent periodic payments will be due on the anniversary date of the due date for the first periodic payment.

3. If the due date of the final periodic payment falls after the termination date of the contract, the due date of the final periodic payment will be adjusted to coincide with the termination date for the contract.

4. The sum of all periodic payments will be equal to the total bid value less the amount of the down-payment. There will be no adjustment of scheduled periodic payments as the result of changes in contract values resulting from stumpage rate adjustment provisions of the contract. The Forest Service will not collect more in periodic payments than the value of the contract. If payment of a periodic payment will result in a Purchaser's credit balance exceeding the current contract value as defined in the contract, the Forest Service will reduce the amount of period payment due.

5. If a Purchaser qualifies for a contract term adjustment that equals or exceeds one-third of the normal operating season specified in the contract, the Forest Service will adjust subsequent periodic payment amounts to reflect the changed circumstances.

6. The usual schedule for period payments will be as follows:

PERIODIC PAYMENT SCHEDULE

Number of periodic payments	Percent of total periodic payment required				
	Payment period				
	No. 1	No. 2	No. 3	No. 4	No. 5
1	100				
2	40	60			
3	30	30	40		
4	20	20	30	30	
5	15	20	20	20	25

Here is an example of how the periodic payment system would work:

a. Date of timber sale—February 4, 1985.

b. Termination date—March 31, 1989.

c. Normal Operating Season—May 15–November 15.

d. Road Completion Date—November 15, 1985.

e. Last day of first whole Normal Operating Season after road completion date—November 15, 1986.

f. Number of whole Normal Operating Seasons after road completion date—3 (11/15/86, 11/15/87, 11/15/88).

g. Product of bid rates times advertised volume—$1,000,000.

The periodic payments for the sale would be $1,000,000 less $100,000 down payment to be paid as follows:

	Due date	Amount due
1st payment	Jan. 15, 1987	$270,000
2d payment	Jan. 15, 1988	270,000
3d payment	Jan. 15, 1989	360,000
Total periodic payments		900,000

7. The Chief, Forest Service, may authorize alternative payment schedules for salvage sales or other classes of sales where another payment schedule is needed in order to meet sale objectives. Such schedules will be consistent with the premise of the usual periodic payment schedule.

The proposed changes in the down-payment, periodic payments, and bid monitoring are proposed to be codified in new §§ 223.49 and 223.50.

Regulatory Impact

The Federal Timber Contract Payment Modification Act directs that, effective January 1, 1985, the Secretary of Agriculture require a cash downpayment and periodic payments in Forest Service timber sale contracts. Because of this legislated timeframe, review by the Director of the Office of Management and Budget in advance of publication of this proposed rule is impracticable. This action has been submitted for review pursant to Executive Order 12291, and the Department of Agriculture has determined that this regulation is not a major rule. It implements those requirements of the Federal Timber Contract Payment Modification Act requiring the Secretary of Agriculture to provide for down-payments and periodic payments for Forest Service timber sale contracts, to monitor timber sale bidding patterns, and to take action to discourage speculative bidding.

This rule, exclusive of the statutory requirements, will not have an annual effect on the economy of $100 million or more and will not result in a major increase in costs for consumers, individual industries, Federal, state, or local government agencies, or geographic regions, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, and the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The proposed rule should strengthen the United States forest products industry by deterring speculation on Forest Service timber sales and thereby should help to preserve the structure of industry and the employment generated by it.

This proposed rule has also been reviewed to assess whether there are administrative alternatives which would result in greater overall benefits to society at a reduced cost. There are no alternatives to the issuance of some regulation since it is required by the Federal Timber Contract Payment Modification Act.

After analysis of the alternatives, the Assistant Secretary of Agriculture for Natural Resources and Environment has determined that this proposed rule would not have significant economic impact on a substantial number of small entities. The requirement for a minimum down-payment of 10 percent of the total bid value follows current Forest Service policy (48 FR 48661), and satisfies section 2(d) of the Federal Timber Contract Payment Modification Act. The provisions for additional down-payments will affect only those sales where bidding results in a significant increase over advertised rates. The periodic payment required by statute will not affect those small entities who harvest their National Forest sales in a timely manner.

Based on environmental analysis, this proposed rule would not significantly affect the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969 (42 U.S.C. 4223(2)(c)). Furthermore, the proposed rule will not result in additional procedures or paperwork not already required by law. Therefore, the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507) are not applicable.

List of Subjects in 36 CFR Part 223

Exports, Government contracts, National forests, Reporting and recordkeeping requirements, Timber.

PART 223—[AMENDED]

For reasons set forth above, Part 223 of Chapter II of Title 36 of the Code of Federal Regulations is proposed to be amended as follows:

1. Revise the authority citation for Part 223 to read as follows:

Authority: Sec. 14, Pub. L. 94–588, 90 Stat. 2958, 16 U.S.C. 427a, unless otherwise noted. Secs. 223.49 and 223.50 also issued under Sec. 2, Pub. L. 98–478, 98 Stat. 2213, 16 U.S.C. 618.

2. New §§ 223.49 and 223.50 will be added to read as follows:

§ 223.49 Down-payment.

(a) Definitions used in this section have the following meaning:

"Average Advertised Rate" is the rate determined by dividing the estimated total volume included in the sale into the sum of the products obtained by multiplying the Advertised Rate for each species included in the sale by the estimated volume for that species included in the sale.

"Average Bid Premium" is the difference between the Average Advertised Rate and the rate determined from dividing the Total Bid Value by the estimated total volume included in the sale.

"Total Bid Value" is the sum of the products for all species included in the sale obtained by multiplying the rate bid for each species by the estimated volume for that species.

(b) Timber sale contracts shall require a down-payment in cash or by application of earned effective purchaser credit to be paid or transferred at the time the contract is executed and returned by the purchaser.

(c) The minimum down-payment shall be the equivalent of 10 percent of the Total Bid Value. The amount of down-payment may be increased where the Chief, Forest Service, determines such action is necessary to deter speculation.

(1) If the Average Bid Premium exceeds 50 percent of the Average Advertised Rate and is more than $25 per thousand board feet, the down-payment shall be 15 percent of the Total Bid Value of the contract, unless paragraph (c)(2) of this section is applicable.

(2) If the Average Bid Premium exceeds 100 percent of the Average Advertised Rate and is at least $50 per thousand board feet, the down-payment shall be 20 percent of the Total Bid Value of the contract.

(3) If the timber included in a sale is measured in units other than board feet, such units will be converted to board feet using appropriate converting factors with needed local adjustments in order to determine the amount of the down-payment.

(d) The down-payment shall not be applied to charges for timber or used for periodic payment until 25 percent of the advertised timber volume has been scaled on scaled sales, or until 25 percent of the advertised timber volume is shown on the timber sale statement of account to have been cut, removed, and paid for on tree measurement sales.

§ 223.50 Periodic payments.

(a) Timber sale contracts shall require periodic payments.

(b) Unless specified otherwise by this section or by the Chief, Forest Service, periodic payments will be required annually.

(c) Timber sale contracts which include requirements for construction of specified roads shall require that the first periodic payment be due 60 days after the end of the first scheduled full normal operating season following the completion date specified in the contract

for road construction, with subsequent payments due on the anniversary date of the first payment, except that the final payment shall be due no later than the termination date of the contract.

(d) Timber sale contracts which do not include construction of specified roads shall require that the first periodic payment be due 60 days after the end of the first scheduled full normal operating season after the award date of the contract, with subsequent payments due on the anniversary date of the first payment, except that the final payment shall be due no later than the termination date of the contract.

(e) The usual schedule for periodic payments will be as follows:

PERIODIC PAYMENT SCHEDULE

Number of periodic payments	Percent of total periodic payment required				
	Payment period				
	No. 1	No. 2	No. 3	No. 4	No. 5
1	100				
2	40	60			
3	30	30	40		
4	20	20	30	30	
5	15	20	20	20	25

(f) The Chief, Forest Service, may authorize alternative payment schedules for salvage sales or other classes of sales where another payment schedule is needed to meet sale objectives. Such schedules will be consistent with the premise of the usual periodic payment schedule (paragraph (e) of this section).

(g) The sum of all periodic payments will be equal to the sum of the product of respective bid rates times the advertised volume applicable to such rates less the amount of the down payment. The Forest Service will not collect more in periodic payments than the value of the contract. If payment of a periodic payment will result in a Purchaser's credit balance exceeding the current contract value as defined in the contract, the Forest Service will reduce the amount of periodic payment due.

(h) The Contracting Officer will modify the periodic payment schedule on a contract which has qualified for a contract term adjustment equal to more than one-third of a normal operating season as specified in the contract. The amount of the periodic payment that would otherwise be due shall be reduced by a percentage determined by dividing the length of the contract term adjustment by the length of the normal operating season.

Dated: January 7, 1985.

John B. Crowell, Jr.,

Assistant Secretary for Natural Resources and Environment.

[FR Doc. 85-1226 Filed 1-16-85; 8:45 am]

BILLING CODE 3410-11-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 63, and 76

[MM Docket No. 84-1296]

Amendment of the Commission's Rules to Implement the Provisions of the Cable Communications Policy Act of 1984; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: On December 14, 1984, the Commission published a Notice of Proposed Rule Making in this proceeding concerning the Cable Communications Policy Act of 1984 (49 FR 48765). Inadvertently, Commissioner Rivera's separate statement was omitted. It is included here. In addition, the assigned FCC number for the Proposal is corrected to read: FCC 84-606.

FOR FURTHER INFORMATION CONTACT: Bruce Franca, (202) 632-6302.

William J. Tricarico,

Secretary, Federal Communications Commission.

Separate Statement of Commissioner Henry M. Rivera

Re: Notice of Proposed Rulemaking to Implement the Cable Communications Policy Act of 1984

On the whole, this rulemaking notice reflects congressional intent as expressed in the Cable Communications Policy Act of 1984.[1] I write separately to stress two issues that are of particular interest to me.

First, I will closely review the comments on the "effective competition" standard. *See* NPRM paras. 40-46. Whatever standard the Commission ultimately adopts must be faithful to Congress' intent to require effective competition to basic cable service as a precondition for rate deregulation. Congress did not, in generally precluding rate regulation by local municipalities, intend to give cable systems unfettered pricing discretion in those communities lacking effective alternatives to basic cable service.[2]

I will also be most interested in comments on the issue of whether the FCC should restrict common ownership of cable systems and multipoint distribution systems in the same geographic market, similar to the bans on cable-telephone and cable-broadcast television cross ownership. *See* NPRM para. 28. A number of points counsel in favor of such a ban. The FCC authorized MDS, in part, to provide competition to cable television.[3] It makes little sense to allow cable systems to own their competition. Additionally, since we have found that MDS licensees may exert editorial control over transmission content,[4] banning combined ownership of MDS and other mass media services will directly further media diversity in local markets.[5] For these reasons, I am strongly inclined to favor a cable-MDS local cross ownership ban.[6]

[FR Doc. 85-1325 Filed 1-16-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 67

[CC Docket No. 78-72; CC Docket No. 80-286]

MTS and WATS Market Structure, Amendment of Jurisdictional Separations Provisions, and Establishment of a Joint Board; Invitation for Public Comment

AGENCY: Federal Communications Commission.

ACTION: Invitation for public comment.

SUMMARY: This action invites public comment on the impact of the Commission's access charge decision on small business. The order specifically seeks comment on three studies performed by Bell Communications Research, the U.S. House of Representatives Small Business Committee and the Common Carrier Bureau, with comments due January 29, 1985 and reply comments due February 8, 1985. This action is taken by the

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[1] A notice of proposed rulemaking implementing the equal employment opportunity provisions of the new law will be issued in January 1985. Because the law grants us more time to implement these provisions, bifurcation of the cable EEO issues is acceptable.

[2] It is also abundantly clear that the new effective competition standard ony pertains to the narrow issue of basic cable rate regulation: the standard is not directly relevent to other television regulatory/deregulatory issues, *e.g.* multiple ownership (*Report and Order*, Docket 83-1009, 49 FR 31877 (Aug. 9, 1984), *reconsideration pending*) or television "deregulation" (*Report and Order*, Docket 83-670, 49 FR 33586 (Aug. 23, 1984)).

[3] *Multichannel Multipoint Distribution Service*, 94 FCC 2d 1202, 1228 (1984).

[4] *See MMDS Lottery Report and Order*,——FCC 2d——, adopted November 21, 1984.

[5] Section 613(c) of the Cable Act gives the FCC the discretion to enact cable cross ownership rules beyond those contained in the new law.

[6] *See generally Multichannel Multipoint Distribution Service, supra*, 94 FCC 2d at 1284-88 (Statement of Commissioner Henry M. Rivera Concurring in Part, Dissenting in Part).

Commission's Common Carrier Bureau on its own volition.

DATES: Comments are due by January 29, 1985 and replies by February 8, 1985.

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

FOR FURTHER INFORMATION CONTACT: Steve Goodman, Common Carrier Bureau, (202) 632-0745.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 67

Communications common carriers.

Order Inviting Comments

In the matter of MTS and WATS Market Structure; Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board, CC Docket Nos. 78-72 and 80-286.

Adopted: January 7, 1985
Released: January 9, 1985

By the Chief, Common Carrier Bureau.

I. Introduction

1. After a great deal of public comment, deliberation and debate, the Commission implemented a maximum $6.00 monthly subscriber line charge for multiline business subscribers, effective May 25, 1984.[1] Subsequent to that decision, representatives of small business and the House of Representatives Small Business Committee's Task Force on Telephone Charges expressed concern over the potential impact of subscriber line charges on small businesses with more than one line.[2]

2. The increased attention focused on the impact or the Commission's decision on small business resulted in three major studies and reports. First, Bell Communications Research ("Bellcore") performed a study analyzing the effects of subscriber line charges on small business broken down by number of lines, number of employees and sales revenue.[3] By using data from Dun and Bradstreet as well as Bell System billing data, Bellcore was able to calculate the net effect of subscriber line charges and reduced interstate toll rates on various classes of small business. In general, the Bellcore study concluded that the Commission's access charge plan will benefit all telephone customers, including small business (*i.e.*, firms with fewer than 500 employees) by keeping local and long distance rates at lower and, hence, more affordable levels. Second, after a six month investigation, the Small Business Committee issued a report on the impact of telephone rates and charges upon small business.[4] While the Bellcore study was incorporated into the hearing record of the Small Business Committee's investigation,[5] the Committee's Report did not analyze or review the Bellcore study. The Committee's Report criticized the Commission's failure to analyze and evaluate adequately the impact of its decisions on small business, and concluded that many of the pricing changes in the telecommunications industry are likely to have a detrimental effect on small businesses. Finally, the FCC's Common Carrier Bureau conducted a study of the impact of subscriber line charges on small business as part of its ongoing monitoring of the impact of federal decisions. The Common Carrier Bureau concluded:

> Based on the evidence currently before us, we conclude the provision of transitional relief or assistance to "small business" would incur substantial costs, and is not necessary to preserve service to those businesses at reasonable rates.[6]

The Bureau's Report was adopted by the Commission and published as a Commission Report.

3. In its order adopting a number of recommendations of the Federal-State Joint Board, the Commission again affirmed that subscriber line charges were in the public interest. Nevertheless, the Commission referred the issue of the impact of subscriber line charges on small business to the Federal-State Joint Board to obtain its recommendations.[7] In keeping with its careful transitions and lifeline programs for individuals, the Commission wanted to be completely assured that small businesses too would not suffer severe hardship. The Commission directed the Bureau to obtain comments on the three reports described above on an expedited basis. The Commission has declared its intention to act, if necessary, on issues related to small business in time to allow any changes to become effective with the new access charge tariffs in June 1985.[8]

II. Issues

4. In order for the Joint Board to determine whether small business requires any additional relief, we are seeking comments from all interested parties. Commenters are specifically asked to address the merits, analyses and conclusions of the three reports discussed above. In addition, parties should feel free to submit any new or additional relevant information not previously filed in response to the Bureau's July 1984 Public Notice.

5. Parties are also asked to submit proposals for the type of relief to be provided small business should the record developed in this proceeding demonstrate that any relief is necessary. Any such proposals should address questions such as whether there should be a reduction of local service charges as well as a waiver of subscriber line charges. Should there be any needs test, or should the assistance be provided to all small businesses? What definition of "small business" should be used, *e.g.*, number of lines, number of employees, total revenues, net revenues? What should be the source of funding for the additional assistance, *e.g.*, increased carrier common line charges, increased subscriber line charges for residential and/or non-qualifying business customers, intrastate sources, general federal revenues?

6. So that the Commission can take action in time for changes to become necessary with the new access tariffs in June 1985, it is necessary to obtain comments on an expedited basis. In light of this need to move quickly, we ask interested parties to file comments on the three reports and other issues mentioned above no later than January 29, 1985. Replies should be filed by February 8, 1985.

III. Ordering Clauses

7. Accordingly, interested parties are directed to file comments concerning these issues with the Secretary, Federal Communications Commission no later than January 29, 1985. Reply comments are to be filed with the Secretary by February 8, 1985.[9] All comments and

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[1] MTS and WATS Market Structure, CC Docket No. 78-72 (Second Reconsideration Order), 49 FR 7810 (March 2, 1984).

[2] The FCC's Common Carrier Bureau also issued a public notice to obtain data on the effects of subscriber line charges on small business. Public Notice, "Commission Seeks Information on the Effect of Federal Decisions on Local Rates and Services," Mimeo No. 5346, July 12, 1984.

[3] Bell Communications Research, The Impact of End-User Charges on Small Business, November 21, 1984.

[4] Committee on Small Business, U.S. House of Representatives, Ninety-Eighth Congress, The Impact of Changes in the Telecommunications Industry on Small Business, Report 98-1171, December 10, 1984.

[5] *Id.* at p. 65.

[6] Further Report on the Effects of Federal Decisions on Universal Telephone Service, MTS and WATS Market Structure, CC Docket No. 78-72, Phase IV at page 56, FCC 84-636, released January 4, 1985.

[7] MTS and WATS Market Structure, Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board, CC Docket Nos. 78-72 and 80-286, FCC 84-637, released December 28, 1984.

[8] *Id.* at para. 22.

[9] This action is taken by the Chief, Common Carrier Bureau pursuant to delegated authority. Amendment of Part 67 of the Commission's Rules.

Continued

replies are also to be served on the Joint Board members and staff set forth in Amendment A.

Federal Communications Commission.

Albert Halprin,

Chief, Common Carrier Bureau.

Joint Board Members

Chairman Mark S. Fowler, Federal Communications Commission, Room 814, 1919 M Street, NW., Washington, D.C. 20554

Commissioner Henry M. Rivera, Federal Communications Commission, Room 822, 1919 M Street, NW., Washington, D.C. 20554

Commissioner Mimi Weyforth Dawson, Federal Communications Commission, Room 826, 1919 M Street, NW., Washington, D.C. 20554

Commissioner Marvin R. Weatherly, Alaska Public Utilities Commission, Suite 100 420 L Street, Anchorage, Alaska 99501 (Express Mail or Courier Service)

Chairman Edward F. Burke, Rhode Island Public Utilities Commission, 100 Orange Street, Providence, Rhode Island 02903

Commissioner Edward P. Larkin, New York Public Service Commission, 400 Broome Street, New York, New York 10013

Commissioner Edward B. Hipp, North Carolina Utilities Commission, Box 991, Raleigh, North Carolina 27602

Federal State Joint Board Staff

Kathleen Whiteaker, Chairman, Federal State Joint Board Staff, Alaska Public Utilities Commission, 420 L Street, Suite 100, Anchorage, Alaska 99501 (Express Mail or Courier Service)

Paul Popenoe, Jr., California Public Utilities Commission, 350 McAllister Street, San Francisco, California 94102

Timothy J. Devlin, Deputy Director, Auditing and Financial Analysis Dept., Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32301

Elton Calder, Georgia Public Service Commission, 244 Washington Street, SW., Atlanta, Georgia 30334

Robert E. Osborn, Iowa State Commerce Commission, State Capitol, Des Moines, Iowa 50319

Guy E. Twombly, Main Public Utilities Commission, State House, Station 18, Augusta, Maine

Ronald Choura, Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909

Allan Bausback, New York Public Service Commission, Empire State Plaza, Albany, New York 12223

Hugh L. Gerringer, Public Staff, NCUC, Communications Division, Box 991, Raleigh, North Carolina 27602

Jim Lanni, Rhode Island Public Utilities Commission, 100 Orange Street, Providence, Rhode Island 02903

Garry A. Everson, Director, Communications Bureau, Utility Rates Division, Public Service Commission, P.O. Box 7854, Madison, Wisconsin 53707

Claudia R. Pabo (4 copies), Room 544, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

[FR Doc. 85-1331 Filed 1-16-85; 8:45 am]

BILLING CODE 6712-01-M

CC Docket No. 80-286, FCC 80-692, released December 5, 1980, 45 Fed. Reg. 82281 (December 15, 1980); MTS and WATS Market Structure, Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board, CC Docket Nos. 78-72 and 80-286, FCC 84-637, released December 26, 1984. Due to the extremely short period of time available for resolution of these matters, the Joint Board Staff may make its recommendations directly to the FCC after informal coordination with Joint Board members.

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47 CFR Part 73

[MM Docket No. 85-5; FCC 85-2]

Amendment of the Commission's Rules Concerning the Filing of Network Affiliation and Transcription Contracts

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Since the late 1930's, the Commission has required that contracts or agreements between broadcast licensees and networks be filed with the Commission. The Commission now feels that this requirement is an unnecessary burden on both its staff and licensees. Therefore, the Commission proposes to eliminate this requirement.

DATES: Comments must be filed on or before February 17, 1985, and reply comments on or before March 6, 1985.

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

FOR FURTHER INFORMATION CONTACT: Scott Roberts, Mass Media Bureau (202) 632-6302.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Filing of reports and contracts, Radio broadcasting, Television broadcasting.

Notice of Proposed Rulemaking

In the matter of amendment of Part 73 of the Commission's rules concerning the filing of network affiliation and transcription contracts, MM Docket No. 85-5; FCC 85-2.

Adopted: January 7, 1985.

Released: January 11, 1985.

By the Commission.

1. Notice is hereby given of the institution of a rule making proceeding looking towards eleminating the requirement that network affiliation contracts be filed with the Commission.

Background

2. Section 73.3613 of the Commission's rules requires *inter alia* that each licensee or permittee of a commercial or noncommercial AM, FM, TV or international broadcast station file all network affiliation contracts, agreements or understandings with the Commission.[1] Any cancellation or change in the network affiliation contract also must be filed as must transcription contracts that specify an option time.

3. There are presently about 600 TV stations and over 3400 radio stations affiliated with network organizations and subject to this filing requirement. For television, the major national networks are the American Broadcasting Company (ABC), CBS, Inc. (CBS) and the National Broadcasting Company (NBC). For radio, some of the major networks are the Mutual Broadcasting Company, ABC, CBS, NBC, RKO, Sheridan Broadcasting Network and the National Black Network. United States International and the Associated Press are also covered by this rule. In addition, there are over 98 regional radio networks. In general, for the purposes of this rule a "network organization" is defined as any organization originating program material, with or without commercial messages, and furnishing the same to stations interconnected so as to permit simultaneous broadcast by all or some of them.[2]

Discussion

4. Historically, the Commission has collected information regarding licensee behavior, including affiliation contracts with networks, since the late 1930's. Indeed, the information contained in the network affiliation contracts was used in formulating some of the Commission's distant past broadcasting policies and rules.[3] The Commission, however, has also been concerned about the generation of unnecessary paperwork and the administrative burdens it places on both the licensee and the Commission.

5. We believe that both are Paperwork Reduction Act and the Regulatory Flexibility Act pose substantial obligations on the Commission to ensure that the benefits of continued imposition of governmental burdens outweigh the costs associated with them.[4] As a result,

[1] All network affiliation contracts, agreements and understandings between TV broadcast or low power TV stations and a national, regional or other network are required to be filed. For commercial AM and FM stations, this information need be filed only where the network normally furnishes programming to affiliated stations at least 5 days each week during 8 months or more of the year.

[2] For example, see 47 CFR 73.132 and 73.232.

[3] This information was used by the Commission in the 1940's when it established the Chain Broadcasting Rules and the resulting separation of ownership of the two National Broadcasting Company networks.

[4] 44 U.S.C. 3510 *et seq.* and 50 U.S.C. 601 *et seq.*

the Commission continuously reviews its rules and policies as to their appropriateness and their necessity given the changing technological and competitive telecommunications environment. As a result, many rules and policies have been deemed outmoded including several involving licensee behavior. For example, the Commission has eliminated the annual filing of financial information (Form 324) for all licensees, and the annual programming report (Form 303–A) for TV licensees.[5]

6. We now believe that the costs and burdens of filing the network affiliation and transcription contracts outweight the benefits of having this information at hand. The Commission has not made significant use of this information in its deliberations in recent years. The contracts have become relatively standard in form and such review, as has been undertaken, has not uncovered issues of interest. Accordingly, we believe that the public interest would be better served by conducting special *ad hoc* studies of network affiliation matters, as needed, rather than require the continued filing of this information.

7. While we do not believe that the filing of this information places a significant administrative burden on any one broadcaster, we do believe that filing burden is sizable when viewed from the industry as a whole. Over 3800 network affiliation and transcription contracts are filed with the Commission each year and we estimate that this places a burden of about 2500 workhours on the industry.

8. Finally, the retention of the network affiliation contracts places a substantial burden on Commission resources. As mentioned previously, the Commission would still retain the option of conducting special studies on an as-needed basis. These special studies could be tailored to specific Commission needs and we believe would be a more cost effective and less burdensome method of obtaining needed information.

9. In making this proposal, we have looked primarily at the costs of submitting and filing this information. We do, however, recognize that there may be substantial benefits in having this information available for public inspection. We therefore seek public comment on this general proposal. In particular, comments are sought on whether it would be desirable to continue to provide for public scrutiny of the information and what alternative approaches would permit such access.[6] For example, it is essential that this information be centrally located, or would it be sufficient for the Commission to require that the network affiliation and transcription contracts be available for public inspection at the broadcast station as part of the public file.

10. Accordingly, it is proposed that Part 73 of the Commission's Rules and Regulations be amended by removing paragraph (a) of § 73.3613 concerning the requirement that broadcast station licensees or permittees file network affiliation and transcript agreements with the Commission.

11. As required by section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis (IRFA) of the expected impact of the proposed rule changes on small entities. The IRFA is set forth in the Appendix. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the notice, but they must have a separate and distinct analysis. The Secretary shall cause a copy of the notice, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96–354, 94, Stat. 1164, 50 U.S.C. 601 *et seq.*) (1982).

12. For the purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comment/pleading and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation addressing matters not fully covered in any previously-filed written summary of that presentation; and, on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's Rules, 47 CFR § 1.1231.

13. This notice of proposed rulemaking is issued pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. Interested parties may file comments on or before February 17, 1985 and reply comments on or before March 6, 1985. All relevant and timely comments filed in response to this notice will be considered by the Commission. In accordance with the provisions of § 1.419 of the Commission Rules, an original and five copies of all comments, replies, briefs and other documents filed in this proceeding shall be furnished the Commission. Further, members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying the docket number in the heading. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided the fact of the Commission's reliance on such information is noted in the Report and Order.

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

15. For further information concerning this proceeding, contact Scott Roberts, Mass Media Bureau (202) 632–6302.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Regulatory Flexibility Initial Analysis

I. *Reason for action:* The Commission no longer sees a need for having copies of network affiliation contracts on file at the Commission. Affiliates will still be required to retain the contracts and the Commission

[5] 47 FR 13345, March 30, 1982 and 46 FR 26243, May 11, 1981.

[6] It should be noted that the network affiliation contracts were not traditionally open to public inspection. In fact, the Commission on August 2, 1945 ordered that the "network and transcription contracts" should not be open to public inspection. The Commission reexamined this policy over the next several decades and in 1969 adopted a *Report and Order* allowing the public to inspect the network affiliation contracts. *See Report and Order*, Docket No. 14710 (34 FR 5946), May 1, 1969.

could request copies at any time for special studies or investigations.

II. *The objective:* The option considered will reduce paperwork demands on licensees and eliminate certain administrative costs of the Commission.

III. *Legal basis:* Action as proposed for this rule making is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

IV. *Description, potential impact and number of small entities affected:* There are approximately 600 TV stations and over 3400 radio stations affiliated with major networks that would no longer have to submit copies of their network contracts, nor would they have to apprise the Commission of any changes in regard to the conditions of the contracts.

V. *Recording, record keeping and other compliance requirements:* None.

VI. *Federal rules which overlap, duplicate or conflict with this rule:* None.

VII. *Any significant alternatives minimizing impact on small entities and consistent with stated objectives:* None.

[FR Doc. 85-1330 Filed 1-16-85; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

Northeast Multi-Species Fishery

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

ACTION: Notice of public hearings.

SUMMARY: The New England Fishery Management Council will hold a series of hearings to obtain public comments on the draft Northeast Multi-Species Fishery Management Plan/Environmental Impact Statement.

DATES: All hearings will begin promptly at 7:30 p.m., and adjourn at approximately 11:00 p.m. The hearings may be lengthened or shortened as necessary depending on the extent of the discussion. See **SUPPLEMENTARY INFORMATION** for dates and locations of public hearings.

ADDRESS: All written comments should be addressed to: Chairman, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route 1), Saugus, Massachusetts 01906 and should be received no later than close of business March 21, 1985.

FOR FURTHER INFORMATION CONTACT: Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route 1), Saugus, Massachusetts 01906, telephone 617-231-0422.

SUPPLEMENTARY INFORMATION: The New England Fishery Management Council has prepared a fishery management plan (FMP) for the multi-species finfish fishery that occurs off the northeast coast of the United States. These public hearings address both the draft FMP and the draft Environmental Impact Statement (EIS) which accompanies it. For a broad range of species, the FMP seeks to achieve or maintain adequate spawning potential so that these species will continue to contribute to the fishery. The species of principal concern in the plan are cod, haddock, redfish, pollock, yellowtail and other flounders, which are economically important to the fishery and have been subject to intense fishing. For these species, the Council proposes a management program which is aimed primarily at reducing fishing mortality on juveniles through the use of measures such as minimum fish length, minimum mesh size, and closed spawning areas. In structuring its proposed management program, the Council has taken into consideration the particular character of the fishery in each of the three geographical areas, including the Gulf of Maine, Georges Bank, and Southern New England. The management measures proposed for each area are specifically tailored to the species affected and the manner in which the fishery is conducted.

Individuals or organizations wishing to comment on the FMP/DEIS may do so at the public hearings listed below:

February 6, 1985—Holiday Inn, Route 25, Riverhead, New York

February 7, 1985—Dutch Inn, Great Island Road, Galilee, Rhode Island

February 12, 1985—Skipper Inn, 110 Middle Street, New Bedford, Massachusetts

February 13, 1985—Council Chambers, City Hall, Dale Avenue, Glocester, Massachusetts

February 14, 1985—Holiday Inn, Downtown, 88 Spring Street, Portland, Maine.

Dated: January 14, 1985.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 85-1408 Filed 1-16-85; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 50, No. 12
Thursday, January 17, 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

Forest Service

Inyo National Forest, Mono Basin National Forest Scenic Area Advisory Board; Meeting

The Mono Basin National Forest Scenic Area Advisory Board will meet at 10:00 a.m. on February 28, 1985, at the Lee Vining Ranger Station, Highway #120 towards Tioga Pass, Lee Vining, California. The purpose of this meeting is to review and adopt a Charter.

The meeting will be open to the public. Persons who wish to attend should notify Eugene E. Murphy, Forest Supervisor, Inyo National Forest, 873 No. Main Street, Bishop, California, Telephone: (619) 873-5841. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: None.

Dated: January 9, 1985.

Eugene E. Murphy,
Forest Supervisor.

[FR Doc. 85-1356 Filed 1-16-85; 8:45 am]
BILLING CODE 3410-11-M

Umatilla National Forest Grazing Advisory Board; Meeting

The Umatilla National Forest Grazing Board will meet Wednesday, February 13, 1985, at 1:15 p.m. at the Forest Supervisor's Office Headquarters, 2517 S.W. Hailey Avenue, Pendleton, Oregon 97801. The agenda will be: (1) Discussions and setting of priorities for the 1986 range improvement program and allotment planning schedules; and (2) recommendations to renew or not to renew the Board's charter.

The meeting will be open to the public. Persons who wish to attend should notify Roger E. Baker, Umatilla National Forest, 2517 S.W. Hailey Avenue, Pendleton, Oregon 97801, phone number—1-503-276-3811, Ext. 415. Written statements may be filed with the committee before or after the meeting.

A separate period of time will be set aside during the course of the meeting for receiving comments from the public.

Dated: January 7, 1985.

John E. Lowe,
Forest Supervisor.

[FR Doc. 85-1310 Filed 1-16-85; 8:45 am]
BILLING CODE 3410-11-M

Gila National Forest Grazing Advisory Board; Meeting

The Gila National Forest Grazing Advisory Board will meet at 10:00 A.M., February 11, 1985 in the Conference Room, Federal Building, 2610 North Silver Street, Silver City, New Mexico.

The agenda for the meeting is:

1. Review Program for Range Betterment Funds
2. Review Allotment Management Plans
3. Review of Past Recommendations

The meeting will be open to the public.

Dated: January 10, 1985.

Kenneth C. Scoggin,
Forest Supervisor.

[FR Doc. 85-1357 Filed 1-16-85; 8:45 am]
BILLING CODE 3410-11-M

Black Hills National Forest Grazing Advisory Board; Meeting

The Black Hills National Forest Grazing Advisory Board will meet at 1 p.m. on February 8, 1985 at the Lawrence County Extension Office at 1230 North Avenue in Spearfish, South Dakota. The purpose of this meeting is to announce new Board members, acquaint new members with the Range Betterment Fund Program, review comments on the 1985 Range Betterment Fund Program, review allotment management plans, and obtain views on the Board's functions for the coming year.

The meeting will be open to the public. Persons who wish to attend should notify Gary McCoy, Black Hills National Forest, phone 605/673-2251.

James R. Mathers,
Forest Supervisor.

January 7, 1985.

[FR Doc. 85-1308 Filed 1-16-85; 8:45 am]
BILLING CODE 3410-11-M

Soil Conservation Service

Bear-Caine Creeks Watershed, Alabama; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bear-Caine Creeks Watershed, Dale County, Alabama.

FOR FURTHER INFORMATION CONTACT: Ernest V. Todd, State Conservationist, Soil Conservation Service, 665 Opelika Road, Auburn, Alabama, 36830, telephone (205) 821-8070.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Ernest V. Todd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for reducing excessive erosion on sloping cropland and preventing rapid and serious deterioration of the resource base. The planned works of improvement include land use conversion on 3,300 acres of marginal cropland, and accelerated conservation land treatment on 3,225 acres of cropland.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various

Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Ernest V. Todd.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Executive Order 12372 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: January 9, 1985.

Ernest V. Todd,

State Conservationist.

[FR Doc. 85-1358 Filed 1-16-85; 8:45 am]

BILLING CODE 3410-16-M

Big Sandy Critical Area Treatment RC&D Measures, KY

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact/Environmental Assessment.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Big Sandy Critical Area Treatment RC&D Measures in Floyd, Johnson, Pike, Martin, and Magoffin Counties, Kentucky.

FOR FURTHER INFORMATION CONTACT: Randall W. Gieseler, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Room 305, Lexington, Kentucky 40504, telephone (606/233-2749).

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Randall W. Gieseler, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measures concern a plan for critical area stabilization. The planned works of improvement include grading and shaping, seedbed preparation, application of lime, fertilizer, seed and mulch as needed to establish permanent vegetative cover.

The Finding of No Significant Impact/Environmental Assessment has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI/EA are available to fill single copy requests at the above address. Basic data develeoped during the environmental assessment are on file and may be reviewed by contacting Randall W. Giessler.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Executive Order 12372 rgarding State and local clearinghouse review of Federal and federally assisted programs and projects as applicable.)

Dated: January 8, 1985.

Randall W. Giessler,

Station Conservationist.

[FR Doc. 85-1306 Filed 1-16-85; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

[C-469-058]

Amoxicillin Trihydrate and its Salts From Spain, Revocation of Countervailing Duty Order

AGENCY: International Trade Administrative/Import Administration, Commerce.

ACTION: Notice of Revocation of Countervailing Duty Order.

SUMMARY: As a result of a request by the Government of Spain, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order on amoxicillin trihydrate and its salts from Spain would not cause, or threaten to cause, material injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order. All entries of this merchandise on or after June 21, 1982, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: January 17, 1985.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Patricia Stroup, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION: On July 27, 1979, the Treasury Department published in the **Federal Register** a countervailing duty order on amoxicillin trihydrate and its salts ("amoxicillin") from Spain (44 FR 44154).

On June 21, 1982, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that the Spanish government had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). It was not necessary for the Department, upon notification from the ITC, to suspend liquidation of entries of the merchandise pursuant to that section of the TAA, since previous suspensions remained in effect.

On November 23, 1984, the ITC notified the Department of its determination (49 FR 46814) that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports of Spanish amoxicillin if the order were revoked. As a result, the Department is revoking the countervailing duty order concerning amoxicillin from Spain with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after June 21, 1982, the date the Department received notification of the request for an injury determination.

The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after June 21, 1982, without regard to countervailing duties, and to refund any estimated countervailing duties collected with respect to these entries.

This revocation and notice are in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Dated: January 9, 1985.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 85-1378 Filed 1-16-85; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council will convene a

public meeting, January 16–17, 1985, of its Bering Sea/Aleutian Islands Groundfish Plan Team to review 1985 management proposals and estimate agency work requirements to prepare the proposals for public review. The meeting will begin at 8:30 a.m., January 16, and will be held at the Northwest and Alaska Fisheries Center, National Marine Fisheries Service, 7600 Sand Point Way N.E., Building 4, Room 2079, Seattle, WA. For further information, contact Jeff Povolny, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK; telephone: (907) 274–4563.

Dated: January 11, 1985.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management.

[FR Doc. 85–1342 Filed 1–16–85; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Mycogen Corporation, having an office in San Diego, California, and exclusive right to practice the invention embodied in U.S. Patent Application Serial No. 506,922, "Method for the Preparation of Mycoherbicide—Containing Pellets." The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Office of Federal Patent Licensing, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 85–1355 Filed 1–16–85; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Limits for Certain Cotton and Wool Textile Products Produced or Manufactured in the People's Republic of China

January 14, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 18, 1985. For further information contact Diana Solkoff, International Trade Specialist (202) 377–4212.

Background

On April 6 and July 2, 1984 notices were published in the **Federal Register** (49 FR 13736 and 27192) which established import levels for cotton twill and sateen in Category 317 and woolen and worsted fabrics in Category 410, produced or manufactured in the People's Republic of China and exported during the twelve-month periods which began on March 29, 1984 (Category 317) and June 30, 1984 (Category 410). The Government of the United States has decided to increase the levels previously established for these categories to 7,300,000 square yards for Category 317 and 1,750,000 square yards for Category 410. In the letter published below the Chairman of CITA directs the Commissioner of Customs to adjust these levels accordingly.

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

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

January 14, 1985.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: This directive amends, but does not cancel, the directives of April 3 and June 27, 1984 concerning imports into the United States of certain categories of cotton, wool and man-made fiber textile products, produced or manufactured in the People's Republic of China.

Effective on January 18, 1985, the directives of April 3 and June 27, 1984 are hereby amended to include the following adjusted import restraint levels for cotton and wool textile products in Categories 317 and 410:

Category	Adjusted 12-mo restraint level [1]
317	7,300,000 square yards.
410	1,750,000 square yards.

[1] The levels have not been adjusted to reflect any imports exported after March 28, 1984 (Category 317) or June 29, 1984 (Category 410).

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

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85–1377 Filed 1–16–85; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Advisory Committee Meeting

SUMMARY: The Defense Science Board will meet in closed session on 20–21 February 1985 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Board will discuss interim findings and tentative recommendations resulting from ongoing Task Force activities associated with Strategic, Tactical, Intelligence/Command, Control and Communications, and Technology Issues. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

Dated: January 14, 1985.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

January 14, 1985.

[FR Doc. 85-1337 Filed 1-16-85; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Defense Data Network (Defensive Systems Subgroup); Advisory Committee Meetings

SUMMARY: The Defensive Systems Subgroup of the Defense Science Board Task Force on Defense Data Network will meet in closed session on 13–14 February 1985 in Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At the meeting on 13–14 February 1985 the Subgroup will discuss the application of technology to systems designed to improve future U.S. air defense capabilities.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Dated: January 14, 1985.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85-1338 Filed 1-16-85; 8:45 am]

BILLING CODE 3810-01-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS); Kahana Bay, Oahu, HI.

AGENCY: U.S. Army Corps of Engineers, POD, Honolulu District, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. The US Army Corps of Engineer District, Honolulu is studying the feasibility of providing light-draft navigation improvements and a harbor of refuge for Kahana Bay, Oahu, Hawaii.

2. The study is investigating sites at the existing boat ramp at Kahana, Bay, Puu Mahie Point, and Makaua Beach Park. The project consists mainly of an entrance channel, breakwater and turning basin. Two design harbor configurations are also being considered for the Kahana site.

3. On 27 July 1982, a public meeting was held a Kaaawa Elementary School to discuss the proposed action. Another meeting is planned for February 1985. Local, State and Federal agencies will be contacted as well as local interest groups and private organizations and parties. At this time, the draft EIS will address the impacts of the project on fish and wildlife resources, historic sites, water resources, recreation, cultural resources, social resources and lifestyles. Coordination has been or will be accomplished with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, U.S. Advisory Council on Historic Preservation, U.S. Environmental Protection Agency, State Department of Health, State Department of Land and Natural Resources, State Department of Planning and Economic Development, State Department of Transportation, and other local agencies.

4. A scoping meeting is not planned at this time.

If there are any questions regarding the draft EIS, please contact: Dr. James E. Maragos, Chief, Environmental Resources Section, U.S. Army Engineer District, Honolulu, Building T–1, Fort Shafter, HI 96858–5440. Telephone: (808) 438–2263/2264.

Dated: January 14, 1985.

John O. Rose, II,

DA Liaison Officer with the Federal Register.

[FR Doc. 85-1345 Filed 1-16-85; 8:45 am]

BILLING CODE 3710-NN-M

Department of the Navy

Naval Research Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee Panel on Mid-Depth Sea Floor Technology will meet on February 6–7, 1985, at the Office of Naval Research, 800 North Quincy Street, Arlington, Virginia. The agenda will include technical briefings on the strategic implications of exploring mid-depth ocean topography for naval operations. The first session will commence at 9:30 A. M. and terminate at 3:00 P. M. on February 6, 1985. The second session will commence at 3:00 P.M. and terminate at 5:00 P. M. on February 6, 1985. The third and final session will commence at 8:30 A. M. and terminate at 4:30 P. M. on February 7, 1985. The second session on February 6, 1985 will be open to the public. The remaining two sessions on February 6–7, 1985 will be closed to the public.

The purpose of the meeting is to examine the strategic implications of exploring mid-depth ocean topography for naval operations, and the utility of currently demonstrated technology for utilizing sea floor topography. The open session will consist of briefing on offshore industry technology developments. The remaining sessions of the meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening 1st and 3rd sessions of the meeting. The Secretary of the Navy, therefore, has determined in writing that the public interest requires that the 1st and 3rd sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M.B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number (202) 696–4870.

Dated: January 14, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, U. S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85-1352 Filed 1-16-85; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

National Advisory Council on Adult Education; Meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: February 4–6, 1985, 9:00 a.m. to 5:00 p.m.

ADDRESS: The Hyatt Regency, 300 Reunion Blvd., Dallas, Texas.

FOR FURTHER INFORMATION CONTACT: Helen Banks, National Advisory Council on Adult Education, 425 13th St., NW., Washington, D.C. 20004, 202/376–8892.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under section

313 of the Adult Education Act (20 U.S.C. 1201). The Council is established to advise the Secretary on policy matters concerning the management of the Act, review program and administration effectiveness, and make reports and submit recommendations to the President and Congress relating to Federal adult education activities and services.

The meeting of the Council is open to the public. The proposed agenda includes.

Review of Annual Report
Review of Literacy Report
Standing Committee Reports
ABE Program Visitation

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Adult Education, 425 13th St., NW., Suite 323, Washington, D.C. 20004, from the hours of 8:00 a.m. to 4:30 p.m.

Signed at Washington, D.C. on January 11, 1985.

Rick Ventura,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 85-1283 Filed 1-16-85; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs and Energy Emergencies

International Atomic Energy Agreements; Peaceful Uses; Proposed Subsequent Arrangement; International Atomic Energy Agency

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

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the supply of approximately 4.7 kilograms of uranium, enriched to 19.75% in U-235, for use in the TRIGA Mark I research reactor in Rabat, Morocco.

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

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

Dated: January 11, 1985.

For the Department of Energy.

George J. Bradley, Jr.,

Deputy Assistant Secretary, for International Affairs.

[FR Doc. 85-1320 Filed 1-16-85; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP84-78-003]

Bayou Interstate Pipeline System; Filing

January 10, 1985.

Take notice that on December 28, 1984, Bayou Interstate Pipeline System (Bayou) tendered for filing Third Substitute First Revised Sheet No. 4A to its FERC Gas Tariff, Original Volume No. 1, along with a new motion to make its suspended tariff sheets effective and other materials previously submitted on September 28, 1984. Bayou indicates that Third Substitute First Revised Sheet No. 4A corrects the amount listed in the Cumulative PGA Adjustment Column. Bayou requests waiver of any applicable Commission regulations to the extent necessary to make the tariff sheets filed on April 30, 1984 effective November 1, 1984.

Bayou states that copies of this filing have been served upon its jurisdictional customer, the Public Service Commission of the State of Louisiana and the Department of Natural Resources Office of Conservation of the State of Louisiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 17, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-1288 Filed 1-16-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-57-000]

Colorado Interstate Gas Co.; Filing

January 10, 1985.

Take notice that on December 27, 1984, Colorado Interstate Gas Company (Applicant), tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, Original Sheet Nos. 33E and 33F establish Rate Schedule EUS-1 for transportation for end-use service currently being provided under Rate Schedule AIC-1. An effective date of February 1, 1985, is requested.

Rate Schedule EUS-1 contains a rate of 35.88 cents per Mcf, which is Applicant's systemwide transportation rate as settled in Docket No. RP82-54. The charge shall be increased by 1.25 cents per Mcf, when appropriate, to reflect the Gas Research Institute Funding Fee. Applicant's rate may require change from time to time to reflect changes in related costs or changes in method of computation. In such case, the rate shall change to reflect such cost-of-service methodology as may be approved by Commission Order.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All such petitions or protests should be filed on or before January 17, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-1290 Filed 1-16-85; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. RP85-10-000]

Columbia Gas Transmission Corp.; Proposed Refund Plan

January 10, 1985.

Take notice that Columbia Gas Transmission Corporation (Columbia Gas), on October 25, 1984, submitted to the Federal Energy Regulatory Commission (Commission) a proposed refund report for refunds resulting from

Btu Measurement Adjustments, Docket Nos. RM84-6-000, *et al.*

The subject refund plan was previously noticed by the Commission on November 2, 1984. Due to subsequent developments in Docket Nos. RM84-6-000, *et al.*, the Commission is renoticing the subject plan to allow full opportunity for comment.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such petitions or protests should be filed on or before January 17, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-1289 Filed 1-16-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-61-000]

Natural Gas Pipeline Co. of America; Change in FERC Gas Tariff

January 10, 1985.

Take notice that on January 2, 1985, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, to be effective February 1, 1985:

First Revised Sheet No. 81.

According to § 381.103(b)(2)(iii) of the Commission's regulations (18 CFR 381.103(b)(2)(iii)), the date of filing is the date on which the Commission receives the appropriate filing fee, which in the instant case was not until January 4, 1984.

Natural states that First Revised Sheet No. 81 was submitted to provide for the orderly continuation of Rate Schedule AIC on the assumption that the Commission will extend the term of this service past the present termination date of January 31, 1985.

In the event § 157.209 (f) of the Commission's Regulation is not amended so as to extend the term of the provisions that provide for an Added Incentive Charge (AIC), Natural also submitted, to be effective February 1, 1985, Alternate First Revised Sheet No. 81. In order to continue existing transportation services being provided to end-users under Natural's Blanket Certificate and Rate Schedule AIC, Natural will need a new generally applicable transportation tariff on file if the AIC authorization is not extended.

A copy of this filing was mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regualtory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 385.214 and 385.211. All such petitions or protests must be filed on or before January 17, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-1291 Filed 1-16-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-214-000, *et al.*]

Public Service Co. of New Mexico, et al.; Electric Rate and Corporate Regulation Filings

January 11, 1985.

Comments are due on the following filings on or before January 25, 1985, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission:

1. Public Service Co. of New Mexico

[Docket No. ER85-214-000]

Take notice that on December 31, 1984, Public Service Company of New Mexico (PNM) tendered for filing a Letter of Principles (Agreement) between PNM and Plains Electric Generation and Transmission Cooperative, Inc. (Plains).

Under the Agreement as reduced to definitive contractual arrangements, PNM will provide certain firm and interruptible transmission services related to the January 1, 1985 commercial operation dated of Plains' Escalante Generating Station Unit 1 (PEGS). Further, the Agreement provides for amending the terms of Plains' use of PNM's transmission system between the Mimbres and Hidalgo switching stations, for terminating PNM's reservation for Plains of capacity in Texas-New Mexico Power Company's Hidalgo 345/115 kV transformer; and provides for PNM's use of Plains' transmission system to serve PNM's Clayton, New Mexico Division' and for related matters.

PNM is requesting that the Agreement be accepted for filing as of January 1, 1985, and is requesting waiver of the Commission's notice requirements.

Copies of the filing have been served upon Plains and the New Mexico Public Service Commission.

2. Allegheny Power Service Corp.

[Docket No. ER85-215-000]

Take notice that on December 31, 1984, Allegheny Power Service Corporation (APSC) on behalf of West Penn Power Company, The Potomac Edison Company, and Monongahela Power Company, tendered for filing Notices of Cancellation of the West Penn Power Company (WPP) Rate Schedule FPC No. 6 and Rate Schedule FPC No. 21. In addition, a Notice of Cancellation was tendered for filing for Monongahela Power Company (MP) Rate Schedule FERC No. 34. The Potomac Edison Company (PE) Rate Schedule No. 40, and WPP Rate Schedule FPC No. 34. WPP Rate Schedule No. 6 relates to a company and power station no longer operating; WPP Rate Schedule FPC No. 21 was based on a contract which expires by its own terms on December 31, 1984.

Copies of this filing were served upon Pennsylvania Electric Company (purchaser under WPP No. 21), Ohio Power Company (the other party to WPP No. 6), Public Service Electric & Gas Company (purchaser under MP No. 34, PE No. 40, and WPP No. 34), the Pennsylvania Public Utility Commission, the Public Utilities Commission of Ohio, the Maryland and West Virginia Public Service Commissions, the Virginia State Corporation Commission, and the New Jersey Board of Public Utilities.

3. Florida Power Corp.

[Docket No. ER85-217-000]

Take notice that on January 2, 1985, Florida Power Corporation (Florida Power) tendered for filing a Contract for Interchange Service dated December 26, 1984 providing for interchange service between Florida Power and the City of Lake Worth, Florida. Florida Power states that the Contract for Interchange Service dated December 26, 1984 terminates and supercedes the existing contract for interchange service between Florida Power and the Lake Worth Utilities Authority designated as Florida Power's Rate Schedule FERC No. 83.

Florida Power requests that the Contract for Interchange Service be permitted to become effective January 1, 1985, and therefore, requests waiver of the sixty day notice requirement.

Copies of this filing have been served upon the City of Lake Worth and Florida Public Service Commission.

4. Florida Power Corp.

[Docket No. ER85-216-000]

Take notice that on January 2, 1985, Florida Power Corporation (Florida Power) tendered for filing a Contract for Interchange Service dated December 26, 1984 providing for interchange service between Florida Power and the Fort Pierce Utilities Authority. Florida Power states that the Contract for Interchange Service Utilities Authority. Florida Power states that the Contract for Interchange Service dated December 26, 1984 terminates and supercedes the existing contract for interchange service between Florida Power and the Fort Pierce Utilities Authority designated as Florida Power's Rate Schedule FERC No. 85.

Florida Power requests the Contract for Interchange Service be permitted to become effective January 1, 1985, and therefore, requests waiver of the sixty day notice requirement.

Copies of this filing have been served upon the Fort Pierce Utilities Authority and the Florida Public Service Commission.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-1286 Filed 1-16-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP85-190-000, *et al.*]

Transcontinental Gas Pipe Line Corp., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Transcontinental Gas Pipe Line Co.

[Docket No. CP85-190-000]

January 11, 1985.

Take notice that on December 20, 1984, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP85-190-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Transco to render a firm transportation service for Piedmont Natural Gas Company, Inc. (Piedmont), pursuant to new Rate Schedule FT, that will be generally available to any customer of Transco, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco proposes to transport, on a firm basis, for Piedmont a maximum daily quantity (MDQ) of 10,000 dt equivalent of natural gas under a proposed Rate Schedule FT. Rate Schedule FT provides that Transco has an option to transport gas in excess of the MDQ and also specifies certain circumstances under which the service may be suspended at Transco's option during the period prior to November 1, 1986. Rate schedule FT transportation service requires that the shipper be a CD, G, or OG purchaser from Transco and that the shipper's purchase quantity be reduced by the amount of the MDQ of gas to be transported. The proposed transportation service for Piedmont, therefore, would result in reducing its total Rate Schedule CD-2 service of 205,200 dt per day by the 10,000 dt per day transported under Rate Schedule FT.

The gas proposed to be transported by Transco would be purchased directly by Piedmont from Sanderfer Oil and Gas Company and Barton Oil Gas Company, in the Gibson Field, Terrebonne Parish, Louisiana. Transco's proposed rates for the new FT service are based on its CD charges. Thus, Transco proposes to charge Piedmont a demand charge (exclusive of any gas cost) per dt of CD-2 service of $6.56 plus a commodity charge per dt of CD-2 service, less cost of gas and related surcharges, of 50.8 cents, plus a GRI surcharge of 1.21 cents per dt.

Transco alleges the proposed transportation service under Rate Schedule FT offers a purchaser from Transco the opportunity to undertake a portion of its own gas supply responsibility which does not result in increased costs to Transco or its other customers while Transco is able to husband its overall gas reserves to the benefit of its other customers who do not elect or are unable to contract for gas reserves in the field.

Comment date: January 31, 1985, in accordance with Standard Paragraph F at the end of this notice.

2. Southern Natural Gas Co. Santa Fe Minerals, A Division of Santa Fe International Corp.

[Docket No. CP85-166-000]

January 11, 1985.

Take notice that on December 11, 1984, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, and (Santa Fe), 3131 Turtle Creek Boulevard, Dallas, Texas 75219, filed in Docket No. CP85-166-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an exchange of natural gas between Applicants and authorizing Southern to construct and operate certain facilities to effectuate the exchange service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that Santa Fe has the right to produce certain natural gas reserves underlying Main Pass Block 49, offshore Plaquemines Parish, Louisiana, and that Applicants have entered into an option agreement dated April 26, 1984, pursuant to which Southern has the option to purchase certain of such gas reserves commencing October 1, 1987. In consideration for said option, Applicants state, Southern agreed to enter into a limited-term exchange arrangement with Santa Fe providing for the delivery of Santa Fe's Main Pass Block 49 reserves to a point on Southern's pipeline facilities in Texas pursuant to an exchange agreement between Southern and Santa Fe dated April 26, 1984.

Applicants indicate that Southern would receive up to 6,000 MMBtu equivalent per day of natural gas produced from Santa Fe's interest in Main Pass Block 49, at a proposed point of interconnection between Santa Fe's proposed 4-inch pipeline facility connecting the Main Pass Block 49 platform and a subsea tap on Southern's 12-inch Breton Island pipeline, offshore Plaquemines Parish, Louisiana (Santa Fe exchange point). Southern would redeliver a thermally equivalent quantity of gas to Santa Fe at an

existing point of interconnection between the Matagorda Offshore Pipeline System and the pipeline facilities of Channel Industries Gas Company near Tivoli, Refugio County, Texas.

Applicants propose to exchange gas until October 1, 1987. There would be no charge for the exchange service.

Applicants request that the Commission waive compliance by Santa Fe with the Commission's Uniform System of Accounts and all other reporting requirements required under the Natural Gas Act and the Commission's Regulations thereunder to the extent that they might otherwise be applicable to the proposed authorization, except those requirements pertaining to the specific activities for which authorization is requested.

In order to perform the exchange service, Southern proposes to construct and operate a new tap and valve assembly and appurtenant 12-inch Breton Island lateral line pipeline facilities at an estimated cost of $123,490. Santa Fe would reimburse Southern for the cost of the proposed facilities, but Southern would own and operate the proposed facilities.

Comment date: January 31, 1985, in accordance with Standard paragraph F at the end of this notice.

3. Kentucky West Virginia Gas Co.

[Docket No. CP85-198-000]

January 11, 1985.

Take notice that on December 28, 1984, Kentucky West Virginia Gas Company (Kentucky West), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP85-198-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of a qualified end-user under the certificate issued in Docket No. CP82-496-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

The proposed transportation service would be performed pursuant to a transportation agreement dated October 31, 1984, between Kentucky West and PPG Industries, Inc. (PPG). The agreement between Kentucky West and PPG provides that Kentucky West would receive up to 3,000 dt equivalent of natural gas per day on behalf of PPG and transport it to Columbia Gas Transmission Corporation, which, in turn, would transport the gas to Transcontinental Gas Pipe Line Corporation, which would deliver the gas to the cities of Shelby, North Carolina, and Lexington, North Carolina, for delivery to two PPG fiberglass manufacturing plants, one in Shelby and one in Lexington. The gas would be used in glass melting furnaces.

Kentucky West also requests "flexible authority" to add or delete sources of supply or receipt/delivery points.

Comment date: February 25, 1985, in accordance with Standard Paragraph G at the end of this notice.

4. Columbia Gas Transmission Corp.

[Docket No. CP85-152-000]

January 11, 1985.

Take notice that on December 4, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP85-152-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of DiversiTech General—Division of GenCorp, Inc. (GenCorp), formerly the General Tire and Rubber Company, under the certificate issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to transport up to 500 million Btu equivalent of natural gas per day and 150,000 million Btu equivalent on an annual basis for GenCorp through June 30, 1985, pursuant to an August 22, 1984, gas transportation agreement. Columbia advises that the subject gas has been flowing since August 22, 1984, pursuant to the self-imlpementing provisions of 18 CFR 157.209 (Docket No. ST85-30). The application indicates that the gas to be transported would be produced by and purchased from Victory Development Company (Victory) in Columbia, Clearfield and Indiana Counties, Pennsylvania, under the terms of an August 1, 1983, gas purchase agreement between Victory and the General Tire and Rubber Company and would be used as boiler fuel in GenCorp's Toledo, Ohio, plant.

It is indicated that Columbia has released certain gas supplies back to Victory and that these supplies are subject to the ceiling provisions of sections 102 and 103 of the Natural Gas Policy Act of 1978. It is further indicated that GenCorp has made arrangements to purchase this released gas from Victory. Columbia states that it would receive the gas from Victory and redeliver the gas to Columbia Gas Ohio, Inc., the distribution company serving GenCorp, near Toledo, Ohio. Further, Columbia states that it would charge 29.93 cents per dt equivalent for the transmission service for gas, plus the applicable GRI charge, all as set forth in its Rate Schedule TS-1. Additionally, Columbia states that it would retain 2.43 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas, as set forth in its Rate Schedule TS-1.

Also, Columbia requests flexible authorization to add or delete sources of supply or receipt/delivery points.

Comment date: February 25, 1985, in accordance with Standard Paragraph G at the end of this notice.

5. Columbia Gas Transmission Corp.

[Docket No. CP85-205-000]

January 10, 1985.

Take notice that on January 4, 1985, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP85-205-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of a qualified end-user under the certificate issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

The proposed transportation service would be performed pursuant to a transportation agreement dated November 1, 1984, between Columbia Gas and PPG Industries, Inc. (PPG). The agreement between Columbia Gas and PPG provides that Columbia Gas would receive up to 3 billion Btu equivalent of natural gas per day from Philadelphia Oil Company, the seller of the gas, and would redeliver the gas to the City of Lexington and City of Shelby, the distribution companies serving PPG near Shelby and Lexington, North Carolina, for a period extending through March 31, 1985. It is asserted that Columbia Gas would receive gas for PPG's account from Kentucky West Virginia Gas Company near Maytown, Floyd, Tomahawk, Martin, and Dwale Counties, Kentucky. It is stated that Columbia Gas would charge 29.93 cents per dt equivalent transported, as set forth in its Rate Schedule TS-1. The gas would be used as process gas and boiler fuel.

Columbia Gas also requests "flexible authority" to add or delete sources of supply or receipt/delivery points.

Comment date: February 25, 1985, in accordance with Standard Paragraph G at the end of this notice.

6. Transcontinental Gas Pipe Line Corp.

[Docket No. CP85-204-000]

January 10, 1985.

Take notice that on January 4, 1985, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP85-204-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of a qualified end-user under the certificate issued in Docket No. CP82-426-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

The proposed transportation service would be performed pursuant to a transportation agreement dated November 7, 1984, between Transco and PPG Industries, Inc. (PPG). Transco proposes to transport up to 779 dt equivalent of natural gas per day for use in PPG's plant in Shelby, North Carolina, and dt 1,221 dt equivalent of natural gas per day for use in PPG's plant in Lexington, North Carolina, for a term expiring June 30, 1985. Transco states that it would charge PPG the current applicable transportation rate in accordance with its Rate Schedule T-11, FERC Gas Tariff, Second Revised Volume No. 1. It is stated that the natural gas to be transported would be purchased from Philadelphia Oil Company and would be used as process fuel for glass melting furnaces and related equipment at the Shelby and Lexington Plants. It is indicated that Transco would receive the gas at existing interconnections with Columbia Gas Transmission Corporation at Dranesville, Virginia, and Renova and Easton, Pennsylvania, and would redeliver such gas to the City of Shelby and the City of Lexington. The cities operate gas distribution systems serving PPG at the respective locations.

Transco also requests "flexible authority" to add or delete sources of supply or receipt/delivery points.

Comment date: February 25, 1985, in accordance with Standard Paragraph G at the end of this notice.

7. Trunkline Gas Co.

[Docket No. CP84-760-001]

January 11, 1985.

Take notice that on December 12, 1984, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-760-001 an amendment to its pending application filed in Docket No. CP84-760-000 pursuant to section 7(c) of the Natural Gas Act so as to extend the term of the transportation agreement between Trunkline and Amoco Gas Company (Amoco) to 15 years, provide for biennial contract reductions in the agreement, and recalculate monthly charges on the effective dates of changes in contract quantity based on renominated volumes, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In its application, Trunkline proposed to transport, on a firm basis, up to 5,000 Mcf of gas per day from offshore Louisiana to Waller County, Texas, for Amoco. This agreement was for a primary term of five years with a monthly charge to Amoco of $37,600, it is asserted.

Trunkline states that it entered into an amendment with Amoco on September 20, 1984, which provides for the revisions as stated above. Trunkline, therefore, requests authority to transport natural gas, in accordance with such revisions.

Comment date: January 31, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice. All persons who have heretofore filed need not file again.

8. Texas Eastern Transmission Corp.

[Docket No. CP80-504-003]

January 11, 1985.

Take notice that on December 17, 1984, Texas Eastern Transmission Corporation (TETCO), Post Office Box 2521, Houston, Texas 77252, filed in Docket No. CP80-504-003 a petition to amend the order issued February 24, 1981, in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to authorize an additional delivery point for gas transported for Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

TETCO states that by order issued February 24, 1981, TETCO was authorized to transport up to 1,000 dekatherms per day equivalent of natural gas on a firm basis and up to 2,000 dekatherms per day equivalent of natural gas on an as available capacity basis, for Natural. The gas is transported by TETCO for Natural from Pointe Coupee Parish, Louisiana, to Kenedy or Brazoria Counties, Texas.

The additional delivery point would be at an existing point of interconnection between the facilities of Natural and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), where the gas would be delivered to Natural, for the account of TETCO, by Natural's reducing the quantities of gas currently delivered by Natural to Tennessee, for the account of TETCO, near the city of Hungerford, Wharton County, Texas.

TETCO states that the delivery of gas at the proposed additional delivery point would not increase the previously authorized transportation volume of up to 1,000 dekatherms per day on a firm basis and up to 2,000 dekatherms per day on an as available capacity basis.

Comment date: January 31, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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

believes that a formal hearing is required, further notice of such hearing will be duly given.

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

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-1287 Filed 1-16-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP85-172-000, et al.]

United Gas Pipe Line Co., et al.; Natural Gas Certificate Filings

January 8, 1985.

Comments are due on the following filings on or before February 22, 1985, in accordance with Standard Paragraph G at the end of this notice.

Take notice that the following filings have been made with the Commission:

1. United Gas Pipe Line Co.

[Docket No. CP85-172-000]

Take notice that on December 13, 1984, United Gas Pipe Line Company (United), Post Office Box 1478, Houston, Texas 77001, filed in Docket No. CP85-172-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct a new sales delivery point to the City of Brewton, Alabama (Brewton), an existing customer, under the certificate issued in Docket No. CP82-430-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United States that the proposed sales tap would be located in Escambia County, Alabama. United States that it would supply up to 1 Mcf of natural gas per day and 58 Mfc of natural gas annually to Brewton for residential use and that such sale would not increase Brewton's aggregate base requirements or contractual maximum daily quantity under United's curtailment plan. United asserts that it would be reimbursed by Brewton for all costs resulting from the installation of the proposed tap.

2. Panhandle Eastern Pipe Line Co.

[Docket No. CP85-154-000]

Take notice that on December 6, 1984, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP85-154-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of a qualified end-user under the certificate issued in Docket No. CP83-83-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Applicant requests authority to transport gas on behalf of Georgia Pacific Corporation (end-user) pursuant to a transportation agreement dated October 29, 1984, among Applicant, end-user and Central Illinois Public Service Company (CIPS). It is explained that the agreement provides for Applicant to receive a transportation quantity of up to 1,500 Mcf of natural gas per day, on an interruptible basis, at an existing point of interconnection between Applicant and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern Natural), in Kiowa County, Kansas. Applicant would then transport and redeliver such gas, less a four percent reduction for fuel, to CIPS at an existing point of receipt in Christian County, Illinois, which, in turn, would make ultimate delivery to end-user at its Taylorville, Illinois, plant. CIPS is an existing jurisdictional customer of Applicant and end-user is an existing end-use customer of CIPS, it is stated. Applicant submits that its transportation agreement (among Applicant, end-user and CIPS) dated October 29, 1984, shall remain in effect for a primary term of six months, and successive terms of one month each, until the earlier of either (a) 18 months from the date of the contract (dated October 29, 1984) or (b) the termination of authorizations for service hereunder pursuant to Subpart F of 18 CFR Part 157. As submitted, any party may terminate the contract upon proper notice to the other parties. As further submitted, termination shall be subject to final balancing of quantities.

Applicant, in addition, requests flexible authority to add or delete sources of supply or receipt and delivery points, if such altered service is on behalf of the same end-user, at the same end-user location, within the maximum daily and annual volumes authorized in this docket and under the same terms and conditions authorized for the basic service.

3. Natural Gas Pipeline Co. of America

[Docket No. CP85-175-000]

Take notice that on December 14, 1984, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, P.O. Box 1208, Lombard, Illinois 60148, filed in Docket No. CP85-175-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to add an additional redelivery point in Cameron Parish, Louisiana, for natural gas transported on behalf of Southern Natural Gas Company (Southern) under the certificate issued in Docket No. CP82-402-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

It is stated that Applicant and Southern entered into an agreement dated May 31, 1984, to add an additional point of redelivery to Southern at an existing point of interconnection between the facilities of Applicant and Trunkline Gas Company (Trunkline) located near Lakeside in Cameron Parish, Louisiana. It is further stated that Applicant is currently authorized to redeliver up to 90 billion Btu of gas per day on a firm basis to Southern at a single location in Vermilion Parish, Louisiana, pursuant to authority granted the Applicant in Docket No. CP82-50-000.

Applicant avers that it does not propose any increase in volumes being transported for Southern. It is stated that the gas to be redelivered to Southern at the additional delivery point would be for Southern's system supply. Applicant further avers that it would continue to charge Southern the currently effective rates contained in its Rate Schedule No. X-128, FERC Gas Tariff Second Revised Volume No. 2.

4. Columbia Gas Transmission Corp.

[Docket No. CP84-332-001]

Take notice that on December 13, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP84-332-001 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to continue to transport natural gas on behalf of Yorktown Paper

Mills, Inc. (Yorktown), under the certificate issued in Docket No CP83–76–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to continue transporting up to 900 million Btu equivalent of natural gas to Yorktown's York, Pennsylvania, plant until June 30, 1985, instead of the January 5, 1985, termination date authorization in Docket No. CP84–332–000 under the prior notice procedure by notice issued April 13, 1984. Columbia states that the gas would be purchased from Fox Oil and Gas, Inc., instead of D'Appolonia Petroleum, Inc., the original producer. It is stated that in all other respects the transportation would remain the same as in Docket No. CP84–332–000.

5. Columbia Gas Transmission Corp.

[Docket No. CP85–178–000]

Take notice that on December 14, 1984, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 24325–1273, filed in Docket No. CP85–178–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Corning Glass Works (Corning Glass), under the certificate issued in Docket No. CP83–76–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Columbia proposes to transport through June 30, 1985, up to 2,800 MMBtu equivalent of natural gas per day on behalf of Corning Glass. Columbia would receive gas from Energy Management, Inc. (EMI), and redeliver to Columbia Gas of Pennsylvania, Inc., for ultimate delivery to Corning Glass' plant in Charleroi, Pennsylvania. Columbia states that the gas purchase agreement between EMI and Corning Glass involve certain gas supplies released by Columbia. Columbia states these supplies are subject to the ceiling price provisions of sections 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Columbia states that it would charge 29.93 cents per MMBtu, as set forth in its Rate Schedule TS–1 of Columbia's FERC Gas Tariff. It is further stated that Columbia would retain 2.43 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas.

6. Columbia Gas Transmission Corp.

[Docket No. CP84–443–001]

Take notice that on December 13, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP84–443–001 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to continue to transport natural gas on behalf of Chesapeake Paperboard Company (Chesapeake) under the certificate issued in Docket No. CP83–76–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

By request noticed on June 13, 1984 in Docket No. CP84–443–000, pursuant to the prior notice and protest procedure set forth in 18 CFR 157.205 Columbia was authorized to transport up to 1,700 MMBtu equivalent of natural gas per day through March 31, 1985, to Chesapeake's Baltimore, Maryland, plant.

Columbia proposes to increase the volumes to be transported from 1,700 MMBtu equivalent of natural gas per day to 2,800 MMBtu equivalent of natural gas per day and to continue the transportation through June 30, 1985, on the same terms and conditions as the existing transportation authority. It is said that the gas now to be transported by Columbia has not been released by Columbia.

7. Columbia Gas Transmission Corp.

[Docket No. CP85–177–000]

Take notice that on December 14, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP84–505–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of the Babcock & Wilcox Company (Babcock & Wilcox) under the certificate issued in Docket No. CP83–76–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to transport up to 12,739 MMBtu equivalent of natural gas per day for Babcock & Wilcox through June 30, 1985. Columbia states that the gas to be transported would be purchased from Gas Well Supply and Park Ohio Energy, Inc. (Gas Well Supply and POI), and would be used for boiler fuel and process gas in Babcock & Wilcox's plants in Ambridge, Beaver Falls and Koppel, Pennsylvania.

Columbia states that it has released certain gas supplies which Babcock & Wilcox has purchased from Gas Well Supply and POI and that these supplies are subject to the ceiling price provisions of sections 102, 103, 107 and 108 of the Natural Gas Policy Act of 1978. It is indicated that Columbia would receive up to 12,739 MMBtu equivalent of natural gas per day delivered into its pipeline systems at existing interconnections in Holmes, Trumbul, Washington, Coshocton, Monroe, Medina, Wayne, Knox, Perry, Vinton, Licking, Noble, Mahoning, Columbiana, Muskingum, Meigs, Gallia, Harrison, Athens, Hocking, Tuscarawas, Guernsey and Morgan Counties, Ohio; Raleigh, Cabell, Lincoln, Kanawha, Jackson and Putnam Counties, West Virginia; Indiana County, Pennsylvania; and Pike County, Kentucky, and would redeliver such gas to Columbia Gas of Pennsylvania, Inc., the distribution company serving Babcock & Wilcox.

Columbia states that it would charge 29.93 cents per dt equivalent of gas, as set forth in its Rate Schedule TS–1 of Columbia's FERC Gas Tariff and that it would retain 2.43 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas, as set forth in Columbia's Rate Schedule TS–1. Columbia states that it is charging the Gas Research Institute Funding Unit.

Columbia further requests flexible authority to add and/or delete sources of gas and/or receipt points with respects such flexible authority, Columbia states that it would undertake within 30 days of the addition or deletion of any gas supplies and/or receipt delivery points, to file with the Commission the following information:

(1) A copy of the gas purchase contract between the seller and the end-user;

(2) A statement as to whether the supply is attributable to gas under contract to and released by a pipeline or distribution and if so, identification of the parties, and specification of the current contract price;

(3) A statement of the Natural Gas Policy Act of 1978 (NGPA) pricing categories of the added supply, if released gas, and the volumes attributable to each category;

(4) A statement that the gas is not committed or dedicated within the meaning of NGPA section 2(18);

(5) Location of the receipt/delivery points being added or deleted. For

deletions provide the name of the producer/supplier;

(6) Where an intermediary participates in the transaction between the seller and the end-user, the information required by § 157.209(c)(1)(ix) of the Commission's Regulations; and

(7) Identity of any other pipeline involved in the transportation.

Columbia submits that any changes made pursuant to such flexible authority would be on behalf of the same end-user at the same end-use location and would remain within the daily and annual volume levels proposed herein.

8. Columbia Gas Transmission Corp.

[Docket No. CP85-176-000]

Take notice that on December 14, 1984, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 24325-1273, filed in Docket No. CP85-176-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Glidden Coatings & Resins, Division of SCM Corporation (Glidden), under the certificate issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Columbia proposes to transport through June 30, 1985, up to 500 MMBtu equivalent of natural gas per day on behalf of Glidden. Columbia would receive gas from Park Ohio Industries (POI) at point of receipt in Ohio, West Virginia or Pennsylvania and redeliver to Columbia Gas of Ohio, Inc., for ultimate delivery to Glidden's plant in Huron, Ohio. Columbia states that the gas purchase agreement between POI and Glidden involve certain gas supplies released by Columbia. Columbia states these supplies are subject to the ceiling price provisions of Sections 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Columbia states that it would charge 29.93 cents per MMBtu, as set forth in its Rate Schedule TS-1 of Columbia's FERC Gas Tarriff. It is further stated that Columbia would retain 2.43 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas.

9. Colorado Interstate Gas Co.

[Docket No. CP85-174-000]

Take notice that on December 13, 1984, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP85-174-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to revise the delivery requirements for certain existing customers at various existing delivery points and to establish new delivery points for Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples), and Mountain Fuel Resources, Inc. (MFR), both existing customers, under the certificate issued in Docket No. CP83-21-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

CIG proposes to add the existing Kanda pipeline interconnection with Mountain Fuel as an additional delivery point under CIG's Rate Schedules P-1 and EX-1. CIG indicates that Kanda will be placed into service with a maximum daily volume obligation (MDVO) of 1,500 Mcf.

CIG also requests authority to revise the existing delivery pressures and MDVO's for Public Service Company of Colorado (PSCo), Western Gas Supply Company (Western), and Cheyenne Light, Fuel and Power Company (Cheyenne) as shown below in Mcf and psia:

PSCo

Delivery point	Existing MDVO	Requested MDVO
Cherry Point	130,000	120,000
North Pueblo	31,000	25,000
Devine	920	900
Pueblo West	1,500	1,100

Western

Delivery point	Existing MDVO	Requested MDVO	Existing pressure	Requested pressure
Greeley	70,000	73,000	400	500
Norfolk	10,000	10,400	N/A	N/A
Ault	85,000	88,300	450	535

Cheyenne

Delivery point	Existing MDVO	Requested MDVO
Pine Bluffs	730	800

CIG indicates that in response to a request by Citizens Utilities Company, CIG proposes to make the following pressure and MDVO changes:

Delivery point	Existing MDVO	Requested MDVO	Existing pressure	Requested pressure
White Rock	20,000	19,000	325	300
Huerfano	2,200	4,000	325	310
Lamar	6,000	8,000	400	300

CIG indicates that to comply with a request by the City of Colorado Springs (Colorado Springs), it requests authority to revise the existing MDVO's for Colorado Springs as follows:

Delivery point	Existing MDVO	Requested MDVO
North Station	60,000	65,000
Drennan Road	44,000	45,000

CIG also requests authority to increase the MDVO for the City of Trinidad's, Trinidad Meter Station from 8,599 Mcf to 9,349 Mcf. CIG states that historically the MDVO for the above meter station station has equaled that customer's total daily entitlement. CIG states that in its fiscal year 1982 sales allocation application, CIG increased the City of Trinidad's total daily entitlement by the above amount but failed to increase the MDVO for Trinidad by the same amount.

CIG also proposes to install a new sales tap to effect deliveries to Peoples near the southern boundary of Colorado Springs, Colorado. CIG indicates the new sales delivery point, which would be located on CIG's 20-inch Pueblo-to-Colorado Springs' main line in El Paso County, Colorado, will provide a requested MDVO and annual requirement at the proposed point of 1,400 Mcf and 150,000 Mcf at a requested delivery pressure of 60 psi.

CIG indicates that the gas delivered to CIG's customers at the identified delivery points would be within the certificated volume that CIG is currently authorized to sell and deliver to such customers. No increase in any customer's total daily or annual entitlements is proposed. CIG alleges that it will not experience a significant impact on its peak day or annual sales resulting from the addition of the proposed delivery points, and the anticipated deliveries at such delivery points can be accommodated by CIG's existing transmission system without detriment on disadvantage to CIG's other customers.

10. Arkansas Louisiana Gas Co., a division of Arkla, Inc.

[Docket No. CP85-182-000]

Take notice that on December 17, 1984, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla), P.O.

Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP85-182-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate sales taps and appurtenant facilities under its certificate issued in Docket Nos. CP82-384-000 and CP82-384-001 pursuant to section 7 of the Natural Gas Act, as more fully set forth in the request on file with the Commission an open to public inspection.

Arkla states that it would construct and operate a tap on its Line 8-A-1 in Greer County, Oklahoma, to provide residential service to Thach Cao Truong, M.D. Such tap, it is stated, would cost approximately $1,330 to install.

Arkla further proposes the construction and operation of a tap on its Line OM-1 in Franklin County, Arkansas, in order to provide residential service and for chicken brooders to Loyd E. Gossage. It is asserted that the cost of such tap would be approximately $4,758. It is further asserted that Mr. Gossage would need a total of about 12,130 Mcf of gas per year.

Arkla states that it would also construct and operate a tap on its Line 8-N in Greer County, Oklahoma, in order to provide service to 19 domestic customers initially requesting service. It is submitted that an average residential customer would use about 90 Mcf per year and about 1 Mcf on a peak day. Arkla estimates the cost of this tap to be approximately $3,157.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-1285 Filed 1-16-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER84-571-001 and ER84-572-001]

Utah Power & Light Co.; Electric Rates; Order Accepting for Filing and Suspending Rates, Granting Interventions, Denying Motions To Reject and for Summary Disposition, Ordering Summary Disposition, Consolidating Dockets, and Establishing Hearing and Price Squeeze Procedures

Issued January 11, 1985.

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A. G. Sousa, Oliver G. Richard III and Charles G. Stalon.

On July 30 and July 31, 1984, as amended on August 6, 1984, Utah Power and Light Company (UP&L) submitted for filing a proposed two-step increase in wholesale rates for full and partial requirements service to 19 tariff customers in Docket No. ER84-572-001.[1] UP&L concurrently filed a proposed single step increase in rates for transmission service to the Western Area Power Administration (WAPA), the City of Hurricane, Utah (Hurricane), Deseret Generating and Transmission Cooperative, Inc. (Deseret), the City of Provo, Utah (Provo), and the United States Department of Defense Ogden Supply Depot (Ogden) in Docket No. ER84-571-001.[2] By letter dated September 28, 1984, from the Director of the Commission's Office of Electric Power Regulation, UP&L was informed that its submittals were deficient with respect to certain requirements under Part 35 of the Commission's regulations. On November 13, 1984, UP&L filed revised cost of service support, testimony, and revised proposed rates in response to the deficiency letter.[3]

The proposed transmission rate would increase revenues by about $9.9 million (203%). Approximately $335,000 of the proposed transmission rates are supported by the inclusion of construction work in progress (CWIP) pursuant to § 35.26(c)(3) of the Commission's regulations. UP&L's Rate Schedule Nos. 98, 99, and 131 with WAPA are fixed rate contracts which do not permit unilateral rate changes; however, UP&L maintains that the rates under such contracts are so low as to adversely affect the public interest. UP&L requests that, after hearing, the Commission overturn such contracts and permit its proposed increase to WAPA to become effective prospectively. The transmission contracts with Ogden and Deseret permit prospective rate relief after final Commission approval. Accordingly, UP&L requests that the proposed rates to Ogden and Deseret become effective prospectively upon final Commission approval. UP&L's contract with Provo permits unilateral rate changes. UP&L's original submittal requested an effective date of September 30, 1984, for Provo, 60 days after its initial tender date. In its response to the deficiency letter, UP&L did not alter its requested effective date or request waiver of the notice requirements.

The rate change for Hurricane is tied to UP&L's proposed change to its WAPA agreements. UP&L currently bills WAPA for costs associated with high voltage facilities and bills Hurricane, a WAPA customer, directly for lower voltage facilities. Because UP&L has adopted a rolled-in transmission allocation procedure, as required by Opinion No. 113 (14 FERC ¶ 61,162), WAPA will be billed directly for all costs and will in turn bill Hurricane. UP&L proposes to implement the rate change to Hurricane in tandem with the WAPA contracts, *i.e.*, prospectively upon final Commission approval.

UP&L's proposed Phase I requirements rates would increase revenues by approximately $9.2 million (12.2%), based on a calendar year 1984 test period. The proposed Phase II requirements rates would increase revenues by an additional $4.1 million for a total increase of approximately $13.3 million (17.7%). Approximately $600,000 of the proposed Phase I and II increases is supported by the inclusion of CWIP pursuant to § 35.26(c)(3) of the Commission's regulations. UP&L requests that the proposed Phase I rates for service to all but Manti become effective on January 12, 1985, and that the Phase II rates for service to all but Manti become effective on January 13, 1985. UP&L requests that the rate increase to Manti become effective prospectively upon final Commission order in accordance with Manti's contract.

Notices of UP&L's original and compliance filings were published in the

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[1] UP&L's electric tariff customers are Blanding City, Brigham City, C.P. National Corporation, Colorado-Ute Electric Association, Inc., Deseret Generation and Transmission Cooperative, Helper City (East), Helper City (West), Idaho Falls City, Town of Levan, City of Manti, Mexico Hat Association, Navajo Tribal Utility Authority, Nephi City, Price City, St. George, Sierra Pacific Power Company, Soda Springs City, and Strawberry Water Users Association, Inc.

[2] *See* Attachment for rate schedule designations.

[3] On December 19, 1984, UP&L submitted an errata filing to correct certain data in its deficiency compliance filing in Docket No. ER84-571-001 and to reflect UP&L's decision to cancel Hunter Unit No. 4 in its filing in Docket No. ER84-572-001.

Federal Register,[4] with comments due on or before August 23 and August 31, 1984 and December 13, 1984, respectively. There are many timely interventions in the wheeling docket and several more in the wholesale rate docket. In the wheeling case, a joint motion filed by Brigham City, et al.,[5] asserts that the Commission lacks jurisdiction over the contracts between UP&L and the United States for transmission service to WAPA, citing section 201(f) of the Federal Power Act. Brigham City, *et al.*, request that the jurisdictional issue be set for immediate briefing and disposition before other issues are addressed.

WAPA opposes UP&L's proposed rate increase, stating that its fixed rate contracts with UP&L do not allow for unilateral rate increases. WAPA requests rejection of the proposed transmission rates on the bases that they violate the terms of WAPA's contracts with UP&L and that UP&L has failed to meet its *Mobile-Sierra* burden of proof in order to justify a change in its rates.

Several intervenors (Intervenors)[6] raise the same issues raised by WAPA, contending that UP&L has failed to prove that its rates are so low as to adversely affect the public interest. Futher, the Intervenors contend, as does WAPA, that UP&L's motivation in entering into the contracts with WAPA was to maintain UP&L's monopoly over transmission in Utah by preventing the construction of competing facilities.[7] The Intervenors assert that such a motive places a heavier burden on UP&L to prove its inability as a whole system to render service. The Intervenors contend that UP&L has failed to make a prima facie case and therefore request rejection of the proposed transmission rates.

Tri-State Generation and Transmission Association, Inc. (Tri-State G&T) request rejection of the proposed transmission rates, alleging that UP&L's contracts with WAPA do not allow for a unilateral rate increase. The City of Manti, Utah (Manti) also seeks summary rejection of the transmission increase, raising the same issues which were raised by the other intervenors. Manti and Sierra Pacific Power Company (Sierra Pacific) request consolidation of the two dockets in this proceeding, citing the similarity of cost support data in both dockets. Provo, in support of its request for a five month suspension of the transmission rates, claims that a 56% increase in its transmission rate in unreasonable. Provo also requests that the proceeding be set for hearing, but not under the expedited Rule 717 (18 CFR 385.717) procedural schedule, due to the complexity of the filing. The Secretary of the Army; the Division of Public Utilities, Department of Business Regulation of the State of Utah (Utah DPU); and Bountiful Municipal Corporation (Bountiful) also filed motions to intervene but raise no specific issues.

In Docket No. ER84-572-000, Manti requests a five month suspension of the firm power rates. Sierra Pacific requests a five month suspension, and alleges that UP&L's filing lacks sufficient support and explanation with respect to: crediting revenues from interruptible sales, crediting revenues for firm wheeling services, customer groupings, rate design, classification of Account 544, and allocation of costs. Sierra Pacific further protests the Commission's rate treatment concerning the roll-in of subtransmission facilities. In further support of their requests for a maximum suspension, Sierra Pacific and Manti also allege that UP&L has a history of filing excessively high rates and then settling low.

Tri-State Intervention Group (Tri-State) requests rejection or alternatively, maximum suspension of the Phase I and Phase II rates. Tri-State requests that the Commission summarily order UP&L to refile its cash working capital to reflect the exclusion of certain items which Tri-State contends have been improperly included. Tri-State raises a number of other issues in support of its alternative requests for rejection or maximum suspension, including: (1) Lack of cost support for the Phase I rates and the lack of justification for a phased increase, (2) non-pullution control CWIP, (3) rate of return, (4) Period II production O&M expenses, (5) coincidence charge, (6) use of an eight coincident peaks demand allocation method instead of a 12 coincident peaks demand allocation method, (7) lack of cost support for the proposed RS-RP replacement power rate, and (8) overstatement of coincidence factors. Finally, Tri-State alleges price squeeze and requests that the Commission not phase the price squeeze issue, stating that UP&L's jurisdictional customers have paid rates since August of 1982 that have not been finally approved by the Commission.

The Navajo Tribal Utility Authority (NTUA) and Colorado-Ute Electric Association, Inc. (Colorado-Ute) also filed timely motions to intervene which raise no specific issues, although NTUA does request that the proposed firm power rates be suspended.

Late interventions were filed by the Nevada Attorney General's Office of the Advocate for Customers of Public Utilities (Nevada Attorney General's Office), the Public Service Commission of Nevada (Nevada Commission), Monsanto Company (Monsanto), and AMAX Magnesium (AMAX). These interventions raise no specific issues. However, the Nevada Attorney General's Office requests suspension of the proposed firm power rate increase to Sierra Pacific, and Monsanto and AMAX each state that they move to intervene on the grounds that the proceeding may involve matters regarding their interruptive service.

Several customers filed amendments to their original pleadings, renewing their requests that UP&L's submittal be either rejected or suspended and set for hearing.[8] The customers maintain that UP&L's filing remains deficient and that UP&L has not met the *Mobile-Sierra* burden of proof as to the fixed rate contracts with WAPA. Colorado River Energy Distributions Association (CREDA) makes similar assertions in a motion for partial summary disposition which requests rejection of the proposed rate increases.

UP&L separately filed answers to the pleadings of CREDA, WAPA, Brigham City, *et al.*, Sierra Pacific, Tri-State, and Tri-State G&T. UP&L opposes rejection of its rates or summary disposition as to any issues, stating that such issues are matters which should be resolved at hearing. UP&L also disputes the jurisdictional argument raised by Brigham City, *et al.*, noting that WAPA's rates are subject to Commission jurisdiction pursuant to authority

[4] 49 FR 32454, 33324, 47899 (1984).

[5] The movants are Brigham City, Utah; City of St. George, Utah; Strawberry Water Users Association, Inc.; Intermountain Consumer Power Association; Deseret; and Utah Association of Municipal Power Systems.

[6] Timely protests, motions to intervene, and motions to summarily dismiss were separately filed by each of the following intervenors: (1) City of Colorado Springs; (2) Arizona Power Authority; (3) Platte River Power Authority; (4) Salt River Project Agricultural Improvement and Power District; (5) City of Truth or Consequences; (6) Utah Municipal Power Agency; (7) City of Farmington, New Mexico; (8) Plains Electric Generating and Transmission Cooperative, Inc.; (9) Colorado River Commission of Nevada; (10) Nevada Tribal Utility Authority; (11) Colorado River Energy Distributions Association; (12) Arizona Power Pooling Association; (13) Silver States Power Association, Inc.; (14) Wyoming Municipal Power Agency; (15) the Irrigation and Electrical Districts' Association of Arizona; and (16) Provo.

[7] WAPA states that the United States would have built its own transmission facilities if it had not contracted with UP&L.

[8] Brigham City, *et al.*, make similar assertions for the first time in their amended pleading.

delegated by the Secretary of Energy and that UP&L's transmission rates are subject to Commission jurisdiction. Finally, UP&L opposes Sierra Pacific's motion to consolidate and requests that the price squeeze issue be phased.

Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely motions to intervene serve to make Brigham City, *et al.*, WAPA, the Intervenors, Tri-State G&T, Manti, Sierra Pacific, Provo, the Secretary of the Army, Utah DPU, Bountiful, Tri-State, NTUA, and Colorado-Ute parties to this proceeding. Furthermore, we find that good cause exists to grant the untimely interventions of the Nevada Attorney's General's Office, the Nevada Commission, Monsanto, and AMAX, given the early stage of this proceeding and the apparent absence of any undue prejudice or delay.

With respect to the claim by Brigham City, *et al.*, that the Commission lacks jurisdiction over the fixed rate contracts between UP&L and WAPA because WAPA is a Federal agency, we note that UP&L is a jurisdictional public utility. The transmission service at issue in this proceeding is subject to the Commission's jurisdiction under the Federal Power Act. Although WAPA is a customer of UP&L, the Commission, by properly exercising its jurisdiction over UP&L's transmission rates, is not regulating WAPA, but is regulating UP&L. Accordingly, we shall deny the joint motion of Brigham City, *et al.*, as to the question of jurisdiction.

Nothwithstanding the customers' *Mobile Sierra* challenge as well as their challenge to the sufficiency of the cost support submitted by UP&L, we find that the submittal, as completed on November 13, 1984, substantially complies with the Commission's filing requirements and that no other basis for rejection has been shown. Therefore, we shall deny the motions to reject.

However, our preliminary review of UP&L's revised submittal indicates that UP&L is providing transmission service to the Weber Basin Project under a contract that is not on file with the Commission. UP&L states that it is presently negotiating the rates under the Weber Basin contract. Inasmuch as the transmission service provided under the Weber Basin contract is subject to the Commission's jurisdiction, the contract must be filed with the Commission. We shall, therefore, order UP&L to file, in a separate docket, under Part 35 of the Commission's regulations, its Weber Basin contract, accompanied by appropriate cost support contemporaneous with the effectiveness of the present rates. Similarly, in the instant docket, UP&L has filed, for the first time, its transmission agreement with Ogden. While UP&L has provided cost support relating to its proposed increase to Ogden, it has never supported or requested acceptance of the existing rate. We shall therefore order UP&L to file, in a separate docket, under Part 35, cost support contemporaneous with the effectiveness of the present Ogden rate. Since both of these submittals will require retroactive effective dates, UP&L will also be required to show good cause for being granted waiver of the notice requirements.

With respect to the intervenors' requests to reject the proposed amendments to UP&L's contracts with WAPA, we note that the deficiency letter specifically informed UP&L that its WAPA contracts were fixed rate contracts and that Article 12(a) of those agreements requires that modifications to the contracts only be effected by mutual agreement. In addition, UP&L was informed that, while the Commission is able to determine the proper rate for the WAPA services, UP&L could not implement a change in rate unless the Commission also overturns its fixed rate contracts with WAPA. In *Sierra Pacific Power Company* v. *FPC*, (Sierra) 350 U.S. 348 (1958), the Supreme Court held that a utility could not overturn a fixed rate contract unless it demonstrated that the rates are so low as to adversely affect the public interest. UP&L's original submittal did not request that the contracts be overturned, nor did it include data and testimony addressing the *Sierra* burden of proof. UP&L was advised that, if it was not UP&L's intention to meet the *Sierra* burden of proof, UP&L must withdraw the increase and amend its filing accordingly. Further, UP&L was advised that, if it wished to request a hearing so as to demonstrate that the contracts should be overturned, it must submit data and testimony showing that continuation of the present rates adversely affects the public interest as defined by the *Sierra* standard.

In response to the deficiency letter, UP&L agreed that the WAPA contracts are fixed rate contracts which prohibit unilateral rate changes. UP&L amended its filing to provide testimony and exhibits in support of its position that the WAPA rates are so low as to adversely affect the public interest. UP&L contends that the WAPA rates: (1) Adversely affect its financial integrity and its ability to continue reliable service, (2) cast an excessive burden on other customers, and (3) create undue discrimination. UP&L requests that the fixed rate contracts be set for hearing for prospective relief. We find that the allegations made regarding UP&L's fixed rate contracts with WAPA raise questions of law or fact which should be addressed in an evidentiary proceeding. We shall, therefore, set the question of the fixed rate contracts for hearing subject to prospective relief to UP&L should UP&L prevail in meeting the *Sierra* burden of proof.

In order to reflect its adoption of rolled-in transmission as required by Opinion No. 113, UP&L proposes that WAPA be billed for all costs associated with service to Hurricane and WAPA would in turn bill Hurricane. Accordingly, since the requested change in WAPA's rate is being set for hearing for prospective relief, we shall also set the requested rate change to Hurricane for hearing for prospective relief, to become effective, if at all, upon final Commission order.

We find that the various issues raised by the intervenors present questions of law or fact best addressed in an evidentiary proceeding. Accordingly, we shall deny Tri-State's request for summary disposition as to UP&L's cash working capital calculations and set for hearing the issues raised by the intervenors.

Our review of UP&L's filing and the pleadings indicates that the remaining proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall either accept the rates for filing and suspend them, or, where it is appropriate, we shall set the rates for hearing, to become effective, if at all, upon final Commission order, as ordered below.

In *West Texas Utilities Company*, 18 FERC ¶ 61,189 (1982), we explained that where our preliminary review indicates that proposed rates may be unjust and unreasonable and may yield substantially excessive revenues, as defined in *West Texas*, we will generally suspend the rates for a period of five months. Our preliminary review of the proposed Phase I partial requirements rates indicates that the rates may not produce substantially excessive revenues. Accordingly, we shall suspend the Phase I partial requirements rates for one day, to become effective, subject to refund, on January 14, 1985. However, our review indicates that the Phase I full requirements rates and the Phase II full and partial requirements rates may

result in substantial excess revenues UP&L's proposed effective date for the Phase I rates falls one day short of the required 60-day notice period.[9] Thus, a five month suspension of both the Phase I full requirements rates and the Phase II full requirements rates would result in both rates becoming effective concurrently on June 13, 1985. Consistent with the Commission's treatment of a similar situation in *West Texas Utilities Company*, 25 FERC ¶ 61,114 (1983), we shall suspend the proposed Phase II full and partial requirements rates for five months, to become effective, subject to refund, on June 13, 1985, and deem withdrawn the lower Phase I full requirements rates. Because our preliminary review suggests that the proposed transmission rates to Provo may produce substantially excessive revenues, we shall suspend the rates for five months from 60 days after completion of the filing, to become effective, subject to refund, on June 13, 1985. Since UP&L's contracts with Ogden, Deseret and Manti permit only prospective rate changes, we shall set the proposed rates for those three customers for hearing, to become effective, if at all, prospectively only upon final order of the Commission.

Tri-State requests that the price squeeze issue not be phased, because there have been no Commission-approved rates since August of 1982. However, we note that, since Tri-State filed its intervention, the Commission has accepted settlement rates filed in UP&L's last rate case in Docket Nos. ER83-427-000 and ER83-428-000. Accordingly, we shall dismiss Tri-State's request as moot. In accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, 8 FERC ¶ 61,131 (1979), we shall phase the price squeeze issue raised by the intervenors.

We find that common questions of law or fact may be presented in Docket Nos. ER84-571-001 and ER84-572-001. As a result, we shall consolidate these dockets for purposes of hearing and decision.

With respect to Manti's request that Rule 717 expedited hearing procedures not be applied to this proceeding, we note that large, complex cases may arise in which the numbers of parties, rates, and issues involved may present considerable difficulties in effectively conducting the proceedings on an expedited basis. However, we shall leave the decision as to the appropriate hearing procedures to be applied in this proceeding to the discretion of the Chief Administrative Law Judge who is charged with making such decisions.

The Commission orders:

(A) The untimely interventions filed by the Nevada Attorney General's Office, the Nevada Commission, Monsanto, and AMEX are hereby granted, subject to the Commission's Rules of Practice and Procedure.

(B) The joint motion of Brigham City, *et al.*, to set the issue of the Commission's jurisdiction over UP&L's contracts with WAPA for immediate briefing is hereby denied.

(C) All of the intervenors' motions to reject are hereby denied.

(D) Tri-State's motion for summary disposition is hereby denied.

(E) Summary disposition is hereby ordered, as noted in the body of this order, with respect to filings related to UP&L's transmission rates to the Weber Basin Project and to Ogden. Within sixty (60) days of the date of this order, UP&L shall file, in a separate docket, its Weber Basin contract as well as cost support under Part 35 of the Commission's regulations which is contemporaneous with the present Weber Basin and Ogden rates.

(F) UP&L's proposed wholesale and transmission rates are hereby accepted for filing. The Phase I partial requirements rates are hereby suspended for one day, to become effective, subject to refund, on January 14, 1985. UP&L's Phase II full requirements and partial requirements rates are suspended for five months, to become effective, subject to refund, on June 13, 1985; UP&L's Phase I full requirements rates are deemed to have been withdrawn. UP&L's proposed rates to Manti, WAPA, Deseret, Ogden, and Hurricane shall take effect, if at all, prospectively only following a final Commission order in this proceeding. UP&L's proposed transmission rates for Provo are suspended for five months, to become effective, subject to refund, on June 13, 1985.

(G) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of UP&L's rates.

(H) Docket No. ER84-571-001 is hereby consolidated with Docket No. ER84-572-001 for purposes of hearing and decision.

(I) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(J) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, DC 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(K) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(L) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

ATTACHMENT—UTAH POWER & LIGHT COMPANY DOCKET NOS. ER84-571-001 AND ER84-572-001 RATE SCHEDULE DESIGNATIONS

Designation	Description
(1) FERC Electric Tariff, Fourth Revised Volume No. 1 Original Sheet Nos. 1 through 15.A (Supersedes FERC Electric Tariff, Third Revised Volume No. 1).	Phase I Rates.
(2) FERC Electric Tariff, Fourth Revised Volume No. 1 First Revised Sheet Nos. 1 through 15.A (Supersedes Original Sheet No. 1 through 15.A).	Phase II Rates.

[9] The 60 day notice period required by our regulations starts to run on the first day after the date of filing. The earliest date that a filing may become effective, absent waiver of the notice requirements, is the day *after* the 60 day notice period has expired. Thus, for UP&L's filing, completed on November 13, 1984, the 60th day of the notice period is January 12, 1985, and the earliest permissible effective date, without suspension, is January 13, 1985, rather than January 12, 1985, as proposed by UP&L.

ATTACHMENT—UTAH POWER & LIGHT COMPANY DOCKET NOS. ER84-571-001 AND ER84-572-001 RATE SCHEDULE DESIGNATIONS—Continued

Designation	Description
(3) Exhibit A to FERC Electric Tariff, Fourth Revised Volume No. 1 (Redesignation of Exhibit A to FERC Electric Tariff, Third Revised Volume No. 1).	Operating Agreement with American Coal Company dated Mar. 20, 1972.
(4) Supplement No. 9 to Rate Schedule FPC No. 98.	Transmission Rate Contract No. 2436.
(5) Supplement No. 2 to Rate Schedule FERC No. 131.	Transmission Rate Contract No. 2470.
(6) Supplement No. 3 to Rate Schedule FERC No. 131.	Transmission Rate Contract No. 3963.
(7) Supplement No. 7 to Rate Schedule FPC No. 99.	Transmission Rate Contract No. 3817.
(8) Supplement No. 4 to Rate Schedule FERC No. 125.	Transmission Rate under Special Contract dated June 27, 1980.
(9) Supplement No. 1 to Rate Schedule FERC No. 126.	Transmission Rate under Special Contract dated Oct. 24, 1980.
(10) Supplement No. 2 to Rate Schedule FERC No. 130.	Transmission Rate under Special Contract dated Apr. 27, 1982.
(11) Rate Schedule FERC No. 132.	Contract with Ogden DSA 003-10.
(12) Supplement No. 1 to Rate Schedule FERC No. 132.	Transmission Rate.

[FR Doc. 85-1292 Filed 1-16-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-2746-1]

Fuels and Fuel Additives; Waiver Decision; E.I. Du Pont de Nemours & Co., Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to section 211(f) of the Clean Air Act, the Administrator of EPA is conditionally granting an application for a fuel waiver involving methanol and cosolvent alcohols submitted by E. I. DuPont de Nemours & Company, Inc. (DuPont).

ADDRESSES: Copies of documents relevant to this waiver application, including the Administrator's decision document, are available for inspection in public docket EN-84-06 at the Central Docket Section (LE-131) of the Environmental Protection Agency, Gallery I-West Tower, 401 M Street, SW., Washington, D.C. 20460, (202) 382-7548, between the hours of 8:00 a.m. and 4:00 P.M. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Sylvia I. Correa, Attorney-Advisor, Fuels Branch, Field Operations and Support Division (EN-397F), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 382-2635.

SUPPLEMENTARY INFORMATION: Section 211(f)(1) of the Clean Air Act (Act), 42 U.S.C. 7545(f)(1), generally prohibits the introduction into commerce of certain new automotive fuels and fuel additives. Section 211(f)(4) of the Act provides that the Administrator of the EPA, upon application by a fuel or fuel additive manufacturer, may waive the prohibitions established under section 211(f) if the Administrator determines that the applicant has established that such fuel or fuel additives will not cause any vehicle to fail to meet applicable emissions standards.

DuPont has submitted a waiver application under section 211(f) of the Act requesting that EPA grant a waiver for introduction into commerce of a gasoline-alcohol fuel. The gasoline-alcohol fuel is composed of a maximum of 3.7 weight percent fuel oxygen with a maximum of 5.0 percent by volume methanol and a minimum of 2.5 percent by volume cosolvent alcohol(s) with a proprietary corrosion inhibitor, or its equivalent. The cosolvent(s) is any one or a mixture of ethanol, propanols, or butanols, including gasoline grade tertiary butyl alcohol (GTBA).

The waiver application that the gasoline-alcohol fuel conform to American Society for Testing & Materials (ASTM) D439, including the June 1984 proposed revision and any subsequent revisions. See 49 FR 31845 (August 9, 1984).

For reasons specified in the decision document (available as described above), I have decided to conditionally grant DuPont's waiver application provided the gasoline-alcohol fuel is produced in accordance with an evaporative index (EI) volatility standard and the corrosion inhibitor is restricted to DuPont's DGOI-100. Production of the fuel in accordance with only the ASTM D439 requirement specified by DuPont would require a denial of the application. This decision is based on the determination that DuPont has demonstrated that the gasoline-alcohol fuel, when used as specified in the decision document, will not cause or contribute to a failure of any 1975 or subsequent model year vehicle or engine to comply with the emission standards with respect to which it was certified under section 206 of the Act. Thus, the waiver request is granted provided the following conditions are met:

(1) The final fuel consists of a maximum of 5.0 volume percent methanol, a minimum of 2.5 volume percent cosolvent (ethanol, propanols, GTBA, and/or butanols) in unleaded gasoline;

(2) A maximum concentration of up to 3.7 weight percent oxygen in the final fuel is observed;

(3) DuPont's proprietary corrosion inhibitor formulation, DGOI-100, is blended in the final fuel at 41.3 milligrams per liter (mg/l);

(4) The final fuel meets ASTM D439-83 Standard Specifications for Automotive Gasoline (a copy of which is in the Docket), with the qualification that Test Method D323 for RVP be replaced by the test method attached hereto as Appendix B;

(5) The finished gasoline-alcohol fuel meets the fuel volatility specifications of the Evaporative Index as follows: EI = 0.85 RVP + 0.14 (percent evaporated at 200° F) − 0.32 (percent evaporated at 100° F). EI is not to exceed 12.0 psi in ASTM Class A areas, 12.9 psi in Class B areas, 13.1 psi in Class C areas, 14.6 psi in Class D areas, and 15.0 psi in Class E areas;

(6) The final fuel must meet the maximum temperature for phase separation as specified in Appendix C using the test method for water tolerance contained therein;

(7) The fuel manufacturer takes all reasonable precautions to ensure that the finished fuel is not used as a base gasoline to which other oxygenated materials are added;

(8) Specifications for alcohol purity attached to the decision document as Appendix D are met.

EPA has determined that this action does not meet any of the criteria for classification as a major rule under Executive Order 12291. Therefore, no regulatory impact analysis is required.

This action is not a "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2), because EPA has not published a Notice of Proposed Rulemaking under the Administrative Procedure Act, 5 U.S.C. 553(b), or other law. Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small entities.

This is a final Agency action of national applicability. Jurisdiction to review this action lies exclusively in the U.S. Court of Appeals for the District of Columbia Circuit. Under section 307(b)(1) of the Act, judicial review of this action is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of January 17, 1985. Under section 307(b)(2) of the Act, today's action may not be challenged

later in a separate judicial proceeding brought by the Agency to enforce the statutory prohibitions.

Dated: January 10, 1985.

Lee M. Thomas,

Acting Administrator.

[FR Doc. 85-1351 Filed 1-16-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1493]

Petitions for Reconsideration and Clarification of Actions in Rulemaking Proceedings

The following listings of petitions for reconsideration and clarification filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration and clarification must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Part 76 of the Commission's Rules to Add Frequency Channelling Requirements and Restrictions and to Require Monitoring for Signal Leakage From Cable Television Systems. [Docket No. 21006]

Filed By.

David R. Anderson and Seth A. Davidson, Attorneys for Capital Cities Cable, Inc., on 12-17-84.

Robert E. Levine, Jeffrey L. Sheldon and Eileen E. Huggard, Attorneys for Star CATV Investment Corp., Galaxy Cablevision Investors, & Galaxy Cablevision Partners on 12-17-84.

James E. Landy, General Counsel for Air Transport Association of American and John L. Bartlett & Diane Z. Goldman, Attorneys for Aeronautical Radio, Inc., on 12-17-84.

Joseph R. Reifer for Cole, Raywid and Braverman on behalf of numerous cable television clients on 12-17-84.

Robert E. Levine, Jeffrey L. Sheldon and Eileen E. Huggard, Attorneys for Cable Investments, Inc., on 12-17-84.

Wendell H. Bailey, Vice President Science and Technology and Brenda L. Fox, Carol A. Melton, David L. Nicoll, Robert St. John Roper & Michael S. Schooler, Attorneys for National Cable Television Association on 12-17-84.

Peter H. Feinberg, for Pepper and Corazzini on behalf of its cable television clients.

Subject: Changes in the Rules Relating to Noncommercial, Educational FM Broadcast Stations. [Docket No. 20735, RM's 1974 and 2655]

Ben C. Fisher, Attorney for Channel 6, Inc., on 12-14-85. Jonathan D. Blake and Jonathan L. Wiener, Attorneys for Association of Maximum Service Telecasters, Inc., on 12-17-84.

James P. Riley and Dan J. Alpert, Attorneys for Chronicle Broadcasting of Omaha, Inc., on 12-17-84.

Edgar F. Gzarra, Jr. and Jonathan L. Wiener, Attorneys for KOTV, Inc. (KOTV-TV), on 12-17-84.

Theodore D. Frank and Gerald E. Oberst, Jr., Attorneys for Georgia Public Telecommunications Commission on 12-17-84.

Filed By:

William S. Green, Attorney for KOIN-TV, Inc. (KOIN-TV), on 12-17-84.

Werner K. Hartenberger and Richard D. Marks, Attorneys for Arkansas Educational Television Commission (KEMV-TV), Central California Educational Television (KVIE-TV), Cosmos Broadcasting Corporation (WDSU-TV), and Station KRMA-TV on 12-17-84.

H. Lee Bryant, Vice President and General Manager for KTAL-TV, Inc. (KTAL-TV) on 12-17-84.

Jonathan D. Blake and Jonathan L. Wiener, Attorneys for Association of Maximum Service Telecasters, Inc., Barry D. Umansky, Deputy General Counsel for National Association of Broadcasters, Stephen A. Weiswasser, Attorney for Capital Cities Communications Inc., James P. Riley, Attorney for Chronicle Broadcasting of Omaha, Inc., Warren C. Zwicky, Vice President and Washington Counsel for Storer Communications, Inc., Gerald Scher, Attorney for The Outlet Company and Alan Y. Naftalin, Lisa J. Stevenson and Peter M. Connolly, Attorneys for Taft Broadcasting Company and McGraw Hill Broadcasting Company, Inc., on 12-17-84.

Lawrence Bernstein, Attorney for Station WPSD-TV on 12-17-84.

William J. Potts, Jr., Attorneys for University of Southern California on 12-17-84.

David J. Markey, Assistant Secretary for Communications and Information and Richard M. Firestone, Chief Counsel (Acting) for National Telecommunications and Information Administration on 12-17-84.

Louis Schwartz, Robert A. Woods and Malcolm G. Stevenson, Attorneys for Mississippi Authority for Educational Television on 12-17-84.

Lawrence Bernstein, Attorney for Adams TV of Wichita Falls, Inc (KAUZ-TV), on 12-17-84

Lois J. Schiffer, General Counsel, Barry R. Rubin, Assistant General Counsel and John Kean, Engineer for National Public Radio, Inc., Linda Colvard Dorian, General Counsel and Susan Dillon, Deputy Assistant General Counsel for Corporation for Public Broadcasting and Carol Schatz, President for National Federation of Community Broadcasters on 12-17-84.

Subject: Frequency coordination in the Private Land Mobile Radio Service. [PR Docket No. 83-737]

Filed By:

Richard S. Becker and James S. Finerfrock, Attorneys for National Page, Inc., on 12-3-84.

Michael K. Kurtis and Alexander S. Klein, III, Attorneys for Bob McCreadie d/b/a Page Call on 12-17-84.

Subject: Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers between the Contiguous States and Alaska, Hawaii, Puerto Rico and the Virgin Islands. [CC Docket No. 83-1376, RM-4436]

Filed By: Judith A. Maynes, Robert B. Stechert, Richard F. Hope, Daniel Stark, Benjamin S. Heineman, Jr. and Jonathan S. Hoak, Attorneys for American Telephone and Telegraph Company on 12-21-84.

Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Billings, Montana) [MM Docket No. 84-17, RM-4624]

Filed By: Robert L. Olender, Attorney for Champion Broadcasting on 12-20-84.

William J. Tricarico,

Secretary, Federal Communications Commission.

January 11, 1985.

[FR Doc. 85-1327 Filed 1-16-85; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of the submission are available from Doris Peacock, Agency Clearance Officer, (202) 632-7513. Persons wishing to comment on this information collection should contact Marty Wagner, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503, (202) 395-4814.

OMB Number: 3060-0149

Title: Part 63—Section 214 Application and Supplemental Information Requirements for Domestic Facilities (Secs. 63.01–63.63, 63.65, 63.66, 63.71–63.601)
Action: Revision
Respondents: Businesses (including small businesses)
Estimated Annual Burden: 40 Respondents; 6,800 Hours

William J. Tricarico,

Secretary, Federal Communications Commission.

January 10, 1984.

[FR Doc. 85–1326 Filed 1–16–85; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket Nos. 84–1269 and 84–1270; File Nos. 6775–CM–P–80 and 10492–CM–P–80]

Telecom Engineering, Inc. and Microband Corporation of America; Memorandum Opinion and Order

In the matter of applications of Telecom Engineering, Inc. [CC Docket No. 84–1269 File No. 6775–CM–P–80] for construction permit in the Multipoint Distribution Service for a new station at Florence, AL. and Microband Corporation of America [CC Docket No. 84–1270 File No. 10492–CM–P–80] for construction permit in the Multipoint Distribution Service for a new station at Sheffield, AL.

Adopted: November 26, 1984.
Released: January 11, 1985.

By the Common Carrier Bureau.

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Florence and Sheffield, Alabama. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. There are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Telecom Engineering, Inc., Microband Corporation of America and the Chief of Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

6. This Order is effective on its relese date. Petitions for reconsideration under § 1.106 or applications for review under § 1.115 of the Rules may be filed within the time limits specified in those sections. See also *Rule 1.4(b)(2).*

7. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 85–1333 Filed 1–16–85; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket Nos. 84–1271, 1272, and 1273; File Nos. 10749–CM–P–80, 11022–CM–P–80, and 50048–CM–P–81]

Wilco Vision et al; Memorandum Opinion and Order

In the matter of applications of Wilco Vision [CC Docket No. 84–1271 File No. 10749–CM–P–80] and RRAD Inc. [CC Docket No. 84–1272 File No. 11022–CM–P–80] and Microband Corporation of America [CC Docket No. 84–1273 File No. 50048–CM–P–81] for construction permits in the Multipoint Distribution Service for a new station at Joliet, Illinois.

Adopted: November 26, 1984.
Released: January 11, 1985.

By the Common Carrier Bureau

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Joliet, Illinois. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as result of informal request by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Wilco Vision, RRAD, Inc., Microband Corporation of America and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of

[1] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

[1] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

§ 1.221 of the Commission's Rules, 47 CFR 1.221.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register**.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 85-1332 Filed 1-16-85; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee

Domestic Policy Directive of November 7, 1984

In accordance with § 217.5 of its rules regarding availability of information, there is set forth below the Committee's Policy Directive issued at its meeting held on November 7, 1984.[1]

The following domestic policy directive was issued to the Federal Reserve Bank of New York:

The information reviewed at this meeting indicates a mixed pattern of developments but on balance suggests that economic activity is continuing to expand, though at a considerably more moderate pace than earlier in the year. Nonfarm payroll employment rose substantially outside of manufacturing in October, following a moderate increase in September, and the civilian unemployment rate was unchanged at 7.4 percent. Industrial production fell in September, partly because of strikes, and available information suggests little increase in October. Retail sales and housing starts rebounded in September after two months of decline. Information on outlays and spending plans suggests slower expansion in business fixed investment, following exceptionally rapid growth earlier, and inventory investment, having risen relative to sales in recent months, also appears to be slowing. Since the beginning of the year, broad measures of prices generally have continued to rise at rates close to, or somewhat above, those recorded in 1983, and the index of average hourly earnings has risen somewhat more slowly.

Growth of the monetary aggregates strengthened in September, but data available for October indicated that M1 declined during the month, growth of M2 slowed somewhat, and expansion of M3 picked up further. From the fourth quarter of 1983 through October, M1 grew at a rate in the lower half of the Committee's range for 1984, M2 at a rate somewhat below the midpoint of its longer-run range, and M3 at a rate a bit above the upper limit of its range. Growth in total domestic nonfinancial debt appears to be continuing above the Committee's monitoring range for the year, reflecting large government borrowing; private credit growth, though relatively strong, has moderated in recent months. Interest rates have fallen substantially further since the meeting of the Committee on October 2.

Over the past month, the foreign exchange value of the dollar against a trade-weighted average of major foreign currencies has continued to fluctuate widely, rising to a new high in mid-October but subsequently declining to somewhat below its level at the time of the previous meeting. The merchandise trade deficit in the third quarter was substantially above the first-half rate as a sharp rise in non-oil imports exceeded some further growth in exports.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation further, promote growth in output on a sustainable basis, and contribute to an improved pattern of international transactions. In furtherance of these objectives the Committee agreed at the July meeting to reaffirm the ranges for monetary growth that it had established in January: 4 to 8 percent for M1 and 6 to 9 percent for both M2 and M3 for the period from the fourth quarter of 1983 to the fourth quarter of 1984. The associated range for total domestic nonfinancial debt was also reaffirmed at 8 to 11 percent for the year 1984. It was anticipated that M3 and nonfinancial debt might increase at rates somewhat above the upper limits of their 1984 ranges, given developments in the first half of the year, but the Committee felt that higher target ranges would provide inappropriate benchmarks for evaluating longer-term trends in M3 and credit growth. For 1985 the Committee agreed on tenative ranges of monetary growth, measured from the fourth quarter of 1984 to the fourth quarter of 1985, of 4 to 7 percent for M1, 6 to 8½ percent for M2, and 6 to 9 percent for M3. The associated range for nonfinancial debt was set at 8 to 11 percent.

The Committee understood that policy implementation would require continuing appraisal of the relationships not only among the various measures of money and credit but also between those aggregates and nominal GNP, including evaluations of conditions in domestic credit and foreign exchange markets.

In the implementation of policy in the short run, the Committee seeks to reduce somewhat existing pressures on reserve positions. This action is expected to be consistent with growth of M2 and M3 at annual rates of around 7½ and 9 percent during the period from September to December. M1 is expected to grow over the period at an annual rate of around 3 percent, less than anticipated earlier in view of the decline in October. In light of that decline, more rapid growth of M1 would be acceptable. Lesser restraint on reserve positions would be sought in the event of significantly slower growth in the monetary aggregates, evaluated in relation to the strength of the business expansion and inflationary pressures, domestic and international financial market conditions, and the rate of credit growth. Conversely, greater restraint might be acceptable in the event of substantially more rapid monetary growth and indications of significant strengthening of economic activity and inflationary pressures. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that pursuit of the monetary objectives and related reserve paths during the period before the next meeting is likely to be associated with a federal funds rate persistently outside a range of 7 to 11 percent.

By order of the Federal Open Market Committee, January 9, 1985.

Stephen H. Axilrod,

Secretary.

[FR Doc. 85-1321 Filed 1-16-85; 8:45 am]

BILLING CODE 6210-01-M

[1] The Record of policy actions of the Committee for the meeting of November 7, 1984, is filed as part of the original document. Copies are available upon request to The Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

GENERAL SERVICES ADMINSTRATION

Agency Information Collection Under Review by the Office of Management and Budget; General Services Administration (GSA) Board of Contract Appeals Rules of Procedure

AGENCY: Office of Policy and Management Systems, GSA.

SUMMARY: GSA has requested the Office of Management and Budget (OMB) to review and approve an existing information collection in use without an OMB control number.

DATE: Comments must be received before January 25, 1985.

ADDRESSES: Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to William W. Hiebert, GSA Clearance Officer, General Services Administration (ATRAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: James J. Regan, Chief Counsel, GSA Board of Contract Appeals, Law Division (202-566-0890).

SUPPLEMENTARY INFORMATION: The GSA Board of Contract Appeals uses the information collected to conduct proceedings in contract appeals and petitions and in bid protests. Responedents are persons or entities filing appeals and petitions, filing or intervening in protests, and Government agencies. The estimated annual reporting burden is: Respondents and responses—1,520; hours—342. Copies of this propoosal may be obtained from the Directives and Reports Management Branch (ATRAI), Room 3007, Washington, DC 20405 (202-566-0666).

Dated: January 4, 1985.

William W. Hiebert,

Acting Director, Information Management Division.

[FR Doc. 85-1382 Filed 1-16-85; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Mine Health Research Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control (CDC) announces the following National Institute for Occupational Safety and Health (NIOSH) committee meeting:

Name: Mine Health Research Advisory Committee (MHRAC).

Date: January 29-30, 1985.

Place: Conference Room 800, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Time and Type of Meeting:

Closed 9:00 a.m. to 9:30 a.m.—January 29

Open 9:00 a.m. to 49:30 a.m.—January 29

Open 9:00 a.m. to 12:00 noon—January 30

Contact Person: Roy M. Fleming, Sc.D., Executive Secretary, MHRAC, NIOSH, CDC, Building 1, Room 3053, 1600 Clifton Road, NE, Atlanta, Georgia 30333, Phone: (404) 329-3343

Purpose: The Committee is charged with advising the Secretary of Health and Human Services on matters involving or relating to mine health research, including grants and contracts for such research.

Agenda

Agenda items for the meeting will include announcements; consideration of minutes of previous meeting and future meeting dates; NIOSH Director's report; reports from diesel and x-ray surveillance subgroups; a follow-up discussion of silicosis as a health hazard in mining; and a presentation on the Bureau of Mines activities on mining accidents.

Beginning at 9:00 a.m. through 9:30 a.m., the Committee will be performing the final review of the mine health research grant applications for Federal assistance. This portion of the meeting will not be open to the public in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination of the Director, Centers for Disease Control, pursuant to Pub. L. 92-463.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. Anyone wishing to make an oral presentation should notify the contact person listed above as soon as possible before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the presentation. Oral presentations will be scheduled at the discretion of the Chairperson and as time permits. Anyone wishing to have a question answered by a scheduled speaker during the meeting should submit the question in writing, along with his or her name and affiliation, through the Executive Secretary to the Chairperson. At the discretion of the Chairperson and as time permits, appropriate questions will be asked of the speakers.

The 15-day advance meeting notice requirement was not met due to contacts needing to be made in early January to confirm a quorum.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: January 14, 1985.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 85-1461 Filed 1-16-85; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[Docket No. 84P-0432]

Canned Pacific Salmon Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Ralston Purina Co. to market test canned chunked-style, skinless, and boneless salmon packed in water. The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than April 17, 1985.

FOR FURTHER INFORMATION CONTACT: Johnnie G. Nichols, Center for Food Safety and Applied Nutrition (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0101

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Ralston Purina Co., St. Louis, MO 63164.

The permit covers limited interstate marketing tests of canned chunked-style, skinless, and boneless salmon packed in water. The test product deviates from the standard of identity for canned Pacific salmon (21 CFR 161.170) in three ways: (1) The form of pack is "chucked", i.e., not less than 50 percent of the fill weight of the salmon is retained on a ½-inch screen; (2) the skin and backbone, i.e., the vertebrae and associated bones (neural spines and ventral ribs), will be removed from the product; and (3) the product will be packed in water. The test product meets all requirements of § 161.170 with the exception of these deviations. The permit provides for the temporary marketing of 1 million cases of test product containing forty-eight 3¼=ounce cans each, forty-eight 6½-ounce cans each, or twenty-four 12½-ounce cans each. The test product will be distributed throughout the continental United States.

The test product is to be manufactured at the Ralston Purina Co. plant located in Ponce, Puerto Rico, and the Pan Pacific Fisheries, Inc., plant located in Terminal Island, CA.

Each of the ingredients used in the food is stated on the label as required by the applicable sections of 21 CFR Part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than April 17, 1985.

Dated: January 9, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-1297 Filed 1-16-85; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Report for the following Health Resources and Services Administration

Federal Advisory Committee has been filed with the Library of Congress:

National Advisory Council on the National Health Service Corps

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, S.E., Washington, D.C., or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245-6791. Copies may be obtained from Mr. Jeffrey Human, Executive Secretary, National Advisory Council on National Health Service Corps, Room 6-40, Parklawn Building, 5700 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-2900.

Dated: January 11, 1985.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 85-1299 Filed 1-16-85; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. N-85-1489; FR-2068]

Availability of Funding Under the Fair Housing Assistance Program; Competitive Solicitation

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of fund availability.

SUMMARY: HUD is issuing a notice to solicit applications from eligible State and local fair housing agencies for funding under the Fair Housing Assistance Program (FHAP). Agencies must meet specific eligibility criteria, set forth in this notice and 24 CFR Part 111, in order to qualify for consideration under this program. This notice pertains to Type-II Competitive Funding applications only.

FOR FURTHER INFORMATION CONTACT: Steven J. Sacks, Director, Federal, State and Local Programs Division, Office of Fair Housing Enforcement and Section 3 Compliance, Office of Fair Housing and Equal Opportunity, Room 5214, 451 Seventh Street, S.W., Washington, D.C. 20410-2000. Telephone: (202) 426-3500. (This is not a toll-free number.) Application Kits are available upon written or telephone request. To ensure a prompt response, it is suggested that requests for application kits be made by telephone.

DATE: An application for Type II, competitive FHAP funding must be submitted between [January 17, 1985] and [March 18, 1985], unless it qualifies for a late application exception as specified in the application kit and is received before funds are awarded.

SUPPLEMENTARY INFORMATION: The FHAP was authorized by Congress to provide HUD with the resources to enhance the fair housing capabilities of State and local civil rights agencies. The FHAP has two types of funding: Type I-Non-Competitive Funding and Type II-Competitive Funding. Type I-Non-Competitive Funding includes capacity building, training, complaint monitoring and reporting systems, and contributions. Type II-Competitive Funding includes specialized project proposals developed by State and local agencies to enhance their fair housing programs. Under this announcement, eligible agencies can apply for Type II funding only. Notice of Availability of Type I Non-Competitive Funding will be published at a later date.

Program Background

Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601-19 (the Federal Fair Housing Law), prohibits discrimination in the sale, rental or financing of housing and in the provision of brokerage services. Section 810(c) of that Title provides that wherever a State or local fair housing law provides rights and remedies substantially equivalent to those in the Federal Fair Housing Law, the Secretary is required to notify the appropriate State or local agency of any complaint filed with HUD that appears to constitute a violation of State or local law. Section 816 provides that the Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, may use their services and their employees and may reimburse the agencies for services rendered in carrying out the Federal Fair Housing Law.

Other Matters

This program is described in the Catalog of Federal Domestic Assistance at 14.401, Fair Housing Assistance Program.

The program application requirements have been approved by OMB and assigned approval number 2529-0005.

Executive Order 12372

Applicants are advised that they must follow Department procedures established to implement Executive Order 12372, "Intergovernmental Review of Federal Programs." On June 24, 1983 HUD published regulations in the **Federal Register** (48 FR 29206) to implement E.O. 12372. These procedures replace the intergovernmental consulation system developed under OMB Circular A-95, which expired on September 30, 1983. The Executive Order authorizes States to establish their own process for review and comment on the proposed Federal financial assistance programs. To comply with the Executive Order, all applciants for FHAP must provide an opportunity for review and comment to State and local elected officials if: (1) The applicant's State has established a State process and (2) the FHAP has been specifically identified for review by the State process. A list of State Single Points of Contact will be included with application kits requested under this announcement. If the Order applies, the applicant should submit its proposal to HUD and to the State process simultaneously.

Applicants must provided HUD with a written assurance certifying the date on which a copy of the proposal was furnished to the State process. A 60-day comment period will begin five days from the date identified in the certification.

The single point of contact and other commenting parties must mail their comments to Director, Federal, State and Local Programs Division, Office of Fair Housing and Equal Opportunity, Room 5214, 451 Seventh Street, S.W., Washington, D.C. 20410-2000.

I. Eligibility

To be eligible to apply for funds under the Program, an agency must meet the criteria prescribed in 24 CFR 111.104. Specifically: (1) The State or local fair housing law administered by such agency must have been recognized (and such recognition must continue to be outstanding) as providing substantially equivalent rights and remedies to those provided by Title VIII of the Civil Rights Act of 1968 pursuant to 24 CFR Part 115 and (2) the agency must have executed a written Memorandum of Understanding with HUD that describes the working relationship to be in effect between the agency and the appropriate Regional Office of Fair Housing and Equal Opportunity.

However, notwithstanding the preceding paragraph, under § 111.104(b),

an agency may submit a funding proposal under to the Fair Housing Assistance Program if the Department has determined that the State or local fair housing law administered by such agency provides, on its face, substantially equivalent rights and remedies, but has not yet granted recognition to such law in accordance with 24 CFR Part 115. Evidence of such a determination by the Department shall consist of: (1) Publication of an invitation for written comments as described in 24 CFR 115.6(b), or (2) publication of a proposal under 24 CFR 115.4(b), as in effect before October 8, 1984, to add the jurisdiction to the list of recognized jurisdictions. In either such case, the agency may enter into negotiations with the Regional Office of Fair Housing in order to develop a Memorandum of Understanding and may, at the same time, submit a funding proposal. In the event that an agency that would otherwise qualify for funds has not been recognized by the time obligations to recognized, fundable agencies have been completed, HUD will obligate remaining funds to recognized agencies in accordance with the competitive provisions. No funds will be committed to any agency until it has been formally recognized as substantially equivalent. All proposals for Type II funding must have relevance to matters pertaining to housing discrimination based on an individual's race, color, religion, sex or national origin.

II. Method of Competition

A. *Scope:* Applications are solicited for specialized project proposals as described in 24 CFR 111.103. A total of $1.7 million is available under this Notice.

B. *Classes of Funding:* Prior experience in competitive funding under the program indicates that larger agencies, particularly those State agencies in the more populous States, have a decided advantage over smaller State and local agencies in an open competition for Type II funds. Accordingly, two classes of funding have been established.

1. *Class A:* Large Jurisdictions—All agencies that serve jurisdictions with populations of 3 million on more, *or* that receive an annual housing discrimination complaint workload of 100 or more, will be treated as Class A agencies. For purposes of this determination, the complaint workload is evidenced either by the total number of cases dual-filed with the agency and HUD during the period of July 1, 1983 through June 30, 1984 *or* by the total number of cases received by HUD from the geographical area within the agency's jurisdiction during the same period, whichever is greater. All Class A agencies *must* compete within Class A.

2. *Class* B: Small Jurisdictions—All agencies that serve jurisdictions with populations below 3 million *and* that receive an annual housing discrimination complaint workload of fewer than 100 complaints, as described above, will be treated as Class B agencies. Class B agencies may elect to compete in either Class A or Class B, but not both.

3. *Multiple Agency Proposals:* Eligible agencies may wish to join together in submitting a proposal in Class A or Class B. Multiple agency proposals are acceptable subject to the following conditions:

(a) One agency must be designated as the applicant, submitting on behalf of itself with all others as proposed subcontractors. In the event of an award the applicant will be treated as the recipient.

(b) Agencies electing to participate in a multiple agency proposal, whether as an applicant or as a subcontractor, may NOT submit individual proposals.

(c) Class A agencies submitting a multiple agency proposal as the applicant must compete within Class A. Class B agencies submitting a multiple agency proposal as the applicant may elect to compete in either Class A or Class B, but not both.

(d) A certification of agreement with the proposal from all jurisdictions with which the applicant fair housing agency proposes to subcontract must be included in the application.

C. *Program Totals and Agency Maximums:* A total of $1.0 million is available for award to Class A applicants, with a maximum of $150,000 per applicant for single agency proposals and $200,000 for multiple agency proposals. A total of $0.7 million is available for award to Class B applicants, with a maximum of $75,000 per agency for single applicant proposals and $100,000 for multiple agency proposals.

D. *Applications:* An agency may submit only one Type II proposal. Applicants must submit all information required in the Type II application kit and must include sufficient information to establish that the proposal meets the criteria set forth at 24 CFR 111.106. Proposals must include a clear narrative description of the project and a timetable delineating the points at which the various components of the project will be initiated and completed.

Projects should be no longer than two years in duration. Applicants should note that any research activities must serve to enhance the agency's fair housing programs. Projects that appear to be aimed solely or primarily at research or data gathering unrelated to existing or planned fair housing enforcement or outreach programs will not be approved. Data gathering activities will require OMB approval under the Paperwork Reduction Act before commencement of the activity.

E. Award Procedures: Applications for Type II funding will be evaluated competitively, by Class, and awarded points based on the Factors for Award identified below. The weight to be accorded each factor will be indicated in the application kit.

Factors for Award

1. Substantive Factors.

a. Degree to which project proposal identifies and addresses significant fair housing problems and issues within the jurisdiction.

b. Degree to which the project can be expected to impact successfully upon the problems or issues that the proposal addresses, including the degree to which the project is of continuing use to the agency in dealing with housing discrimination.

c. Usefulness of the concept, methodology or information resulting from the project to other fair housing agencies.

d. Clarity and thoroughness of project description.

2. Planning and Management Factors.

a. Experience and qualifications of existing personnel identified for key project positions or a description of the process and qualifications to be used for selection of key personnel, including subcontractors/consultants. (Where project-related duties will not be the sole responsibility of key personnel, applicant should include percentage of time person will spend on project).

b. Reasonableness of estimated timetable for implementation and completion of project.

c. Adequacy and clarity of proposed procedures to be used by the agency for monitoring progress of project and ensuring timely completion.

3. Cost Factors—An applicant's proposed costs will be considered together with the factors in paragraphs 1 and 2, above, in determining the proposals most advantageous to the Government.

The Assistant Secretary reserves the right to use up to 20 percent of the total funding available under this Notice to make discretionary awards to applicants for proposals submitted in response to this Notice that have been

determined to be responsive, to ensure a more equitable geographic distribution or to achieve program objectives which would not otherwise be met under the above award factors.

III. Applicant Notification and Award Procedures

A. *Notification:* No information will be available to applicants during the period of HUD evaluation except for notification in writing to those applicants that are determined ineligible. Awards for Type II projects are expected to be announced by HUD within four months of the closing date.

B. *Negotiations:* After HUD has ranked the applications and made an initial determination of applicants whose scores fall above the funding threshold (but before the actual award), HUD may require that applicants in this group participate in negotiations and submit application revisions resulting from those negotiations. In cases where it is not possible to conclude the necessary negotiations successfully, awards will not be made. Negotiations will not be used to raise the rankings of proposals that would otherwise fall below the funding threshold. In the event that an award is not made to an applicant whose proposal is above the initial funding threshold because of an inability to complete successful negotiations, and if funds are therefore available to fund any proposals that may have fallen below the initial threshold, HUD will establish a new funding threshold and proceed as described in the preceding paragraph.

C. *Funding Instrument:* It is HUD's normal practice to fund successful applicants under cost-reimbursable Cooperative Agreements. HUD reserves the right to employ the form of agreement determined to be most appropriate after negotiation with the applicant.

Authority: Title VIII, Civil Rights Act of 1968 (42 U.S.C. 3601–19); section 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Dated: January 8, 1985.

Antonio Monroig,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 85–1343 Filed 1–16–85; 8:45 am]

BILLING CODE 4210–28–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Boise District Idaho, Grazing Advisory Board; Meeting

ACTION: Boise District, Idaho, Grazing Advisory Meeting.

SUMMARY: In accordance withe Pub. L. 92–483, the Federal Advisory Committee Act, and Pub. L. 94–579, the Federal Land Policy and Management Act, notice is hereby given that the Boise District Grazing Advisory Board will meet February 26, 1985.

SUPPLEMENTARY INFORMATION: The meeting will take place February 26, 1985 from 8:00 a.m. to 4:30 p.m. It will be held in the main floor conference room at the BLM, Boise District Office. The public is invited and a public comment period is scheduled from 1:00 p.m. to 2:00 p.m. Major topics for discussion are as follows:

—Election of Officers.

—Update on Fiscal Year 1984 and 1985 8100 Project Progress.

—Report of Fiscal Year 1984 7120 Projects and Expenditures.

—Proposed Fiscal Year 1985 7120 Projects.

—Discussion on Future Meetings.

FOR FURTHER INFORMATION CONTACT: Further information is available at the Bureau of Land Management, Boise District Office, 3948 Development Avenue, Boise, Idaho 83705, phone (208) 334–1582. Minutes of the meeting will be available for public inspection at the District Office.

Dated: January 8, 1985

Martin J. Zimmer,

District Manager.

[FR Doc. 85–1311 Filed 1–16–85; 8:45 am]

BILLING CODE 4310–GG–M

Battle Mountain District Grazing Advisory Board Meeting; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of grazing advisory board meeting.

SUMMARY: In accordance with Pub. L. 94–579, a meeting of the Battle Mountain District Grazing Advisory Board will be held.

DATE: February 20, 1985, begin at 9:00 a.m. in the Battle Mountain District Office conference room at North 2nd and Scott Streets, Battle Mountain, Nevada.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Status of District's Range Improvement Program.
2. Status of Allotment Management Plan Development and Implementation.
3. Review of Final Report to Congress—Tonopah Experimental Stewardship Program.
4. A presentation on the management of riparian habitats.
5. Status of Cooperative Management Agreements and Grazing Fee Study, and
6. BLM policy concerning public water reserves.

The meeting is open to the public. Interested persons may make oral statements to the board between 4:00 and 4:30 p.m. on February 20, 1985 or file written statements for the Board's consideration. If you wish to make oral comments, please contact H. James Fox by February 13, 1985.

FOR FURTHER INFORMATION CONTACT: H. James Fox, District Manager, P.O. Box 1420, Battle Mountain, Nevada 89820, or phone (702) 635–5181.

Michael C. Mitchell,

Acting District Manager, Battle Mountain, Nevada.

Dated: January 10, 1985.

[FR Doc. 85–1369 Filed 1–16–85; 8:45 am]

BILLING CODE 4310–HC–M

Grazing Advisory Board Meeting; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Richfield District Grazing Advisory Board Meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94–579 that a meeting of the Richfield District Grazing Advisory Board will be held February 21, 1985 at 9:00 a.m. in the BLM District Office, 150 East 900 North, Richfield, Utah 84701. Agenda for the Board Meeting will be:

1. Final ranking of Districts range projects.
2. Review of East Piute Allotment grazing problems.
3. Winter road maintenance problems.
4. Protests on District Policy for project maintenance.
5. Weed Program—Cove Fort thistle control.
6. Sheep trailing and potential footrot situation.
7. Draft Agreement regarding allotments effected by State In-Lieu Selection.
8. Arrange next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Board between 10:30 a.m. and 12:00 p.m. or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701. Summary minutes of the Board Meeting will be maintained in the District Office and will be available for public inspection and

reproductions during regular business hours within 30 days following the meeting.

Donald L. Pendleton,

District Manager.

January 8, 1985.

[FR Doc. 85-1370 Filed 1-16-85; 8:45 am]

BILLING CODE 4310-DQ-M

[OR-36288, OR-34933]

Realty Action; Sale of Public Land in Coos and Douglas County, OR

AGENCY: Bureau of Land Management, Coos Bay District Office, U.S. Dept. of Interior.

ACTION: Notice of Realty Action, Competitive, Modified Competitive and Noncompetitive Public Land Sales.

SUMMARY: The following described lands have been examined, and through land use planning and public input, have been determined to be suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) at no less than fair market value:

Willamette Meridian, Oregon

Parcel No.	Legal description	Status	Acreage	Value
OR-36288	T. 26 S., R. 12 W.			
A	Sec. 5, Lot 9.	CBWR	1.10	$1,200
OR-34933	T. 22 S., R. 8 W.			
A	Sec. 23, Lot 8.	O&C	2.00	800
B	Sec. 23, Lot 9.	O&C	2.50	1,000
C	Sec. 23, Lot 10.	O&C	3.00	1,200
D	Sec. 23, Lot 11.	O&C	3.50	1,400
E	Sec. 24, Lot 10.	PD	3.74	1,500

Except for the provisions of section 203 of the Federal Land Policy and Management Act of 1976, (90 Stat. 2750; 43 U.S.C. 1713), the above described lands are hereby segregated from appropriation under the public land laws, including mining laws, pending disposition of this action.

The patents, when issued, will be subject to the following reservations to the United States:

1. Ditches and canals
2. All minerals
3. All valid, existing rights and reservations of record.

These tracts are difficult and uneconomical to manage as part of the Federal lands. The O&C and CBWR parcels are not suitable for administration and management of permanent forest production. The parcels are not suited for management by any other Federal agency, and were not acquired for any specific purpose. Disposal of these isolated, unmanageable slivers of land will serve public objectives which outweigh other objectives and values should they be retained. None of the parcels have legal access. Parcel OR-36288 is a narrow sliver of land bound on the east by a slough and on the west by private property. Parcels OR-34933 A through E, from a long narrow (up to 80 feet wide) strip of land located approximately three-quarters of a mile south of the Umpqua River near Elkton, Oregon, and are surrounded by private property.

All parcels are being offered for sale through competitive, modified competitive and noncompetitive bidding procedures as follows:

Serial No. OR-36288
  Parcel A—Competitive
Serial No. OR-34933
  Parcel A—Modified competitive to the following designated bidders:
    (1) Lloyd L. Smith
    (2) International Paper Co.
    (3) Eagles View Management Co.
  Parcel B—Modified competitive to the following designated bidders:
    (1) Lloyd L Smith
    (2) George S. Fenn
    (3) International Paper Co.
  Parcels C, D—Noncompetitive to George S. Fenn
  Parcel E—Modified competitive to the following designated bidders:
    (1) George S. Fenn
    (2) Woolley Logging Co.

Designated bidders are adjacent property owners.

Sale Procedures

1. Sealed bids are being solicited by the principal or his duly qualified agent for each parcel individually and no oral bidding will take place. No parcel will be sold for less than the appraised fair market value.

2. Federal law requires that individuals be 18 years of age or over and a U.S. citizen, and corporations be subject to the laws of any State of the United States.

3. The sale will be held on March 20, 1985 at 2:00 p.m. in the Coos Bay District Office. At that time, all sealed bids will be opened and the apparent high bidders declared.

4. Each bid must be accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the U.S. Department of the Interior, Bureau of Land Management, for not less than 30 percent of the amount bid. Sealed bids will be received at the Coos Bay, District Office, Bureau of Land Management, 333 South Fourth Street, Coos Bay, Oregon 97420, until 10:00 a.m. March 20, 1985. The sealed bid envelope must be marked in the lower left-hand corner as follows:

Public Land Sale Bid, Serial No. _____, Parcel _____ Sale held March 20, 1985

5. For Parcel A, Serial No. OR-36288, being offered under the competitive bidding procedures, all bids must be submitted as outlined above. If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by supplemental biddings. The designated tied high bidders shall be allowed to submit supplemental sealed bids as designated by the authorized officer. The highest qualifying sealed bid shall then be publicly declared.

6. For Parcels A, B, E, Serial No. OR-34933, being offered under the modified competitive bidding procedures, all interested designated bidders must submit a sealed bid of at least fair market value as outlined above. The highest qualifying sealed bid shall be publicly declared the day of the sale. If two or more envelopes containing valid bids of the same amount are received from designated bidders, the determination of which is to be considered the highest bid shall be by supplemental bidding. The designated tied high bidders shall be allowed to submit supplemental sealed bids as designated by the Authorized Officer. The highest qualifying sealed bid shall then be publicly declared.

Sale Continuation

In the event these parcels are not sold at the original designated sale offering, the parcel(s) will then be available for sale on a sealed bid basis for a period of six months after the sale date. All sealed bids for available parcels will be opened at 1:00 p.m. on the first Wednesday of each month and must be received in the Coos Bay Office by 10:00 a.m. on the first Wednesday of each month.

Final Details

Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price within 180 days. Failure to submit the required amount within the 180-day time period, the high bid will be rejected, and will result in forfeiture of the deposit and the lands will be offered for sale to the next qualifying bidder using the same procedures and terms as previously offered. All unsuccessful sealed bids will be returned within 30 days of the sale.

Comment Period

Detailed information concerning the sale, including the planning documents, environmental assessment and the record of public involvement, is available at the Coos Bay District Office, Bureau of Land Management, 333 South Fourth Street, Coos Bay, Oregon 97420. For a period of 45 days after the issuance of this notice, the public and interested parties may submit comments to the District Manager at the above address. Any adverse comments received as a result of the Notice of Realty Action or notification to the congressional committees and delegations pursuant to Pub. L. 97–394, will be evaluated by the District Manager 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 final determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of any changes.

Dated: January 11, 1985.

Thomas W. Roessler,

Associate District Manager.

[FR Doc. 85–1368 Filed 1–16–85; 8:45 am]

BILLING CODE 4310-33-M

Sale of Public Land in El Dorado County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Sale of public land in El Dorado County, CA.

SUMMARY: The following described land has been examined and through the development of land use planning decisions based on public input, resource consideratioins, regulations and Bureau policies, it has been determined that the proposed sale of these parcels is consistent with the Federal Land Policy and Management Act (FLPMA) of October 21, 1976, (90 Stat. 2750; 43 U.S.C. 1713). Sale parcels will be offered for sale March 29, 1985, at no less than the appraised fair market value, using competitive sealed bid procedures.

Serial No.	Legal description	Acres (more or less)	Fair market value
CA 16839	T. 10 N., R. 9 E., M.D.M. sec. 12 lot 7.	16.83	$30,000
CA 16840	T. 10 N., R. 10 E., M.D.M. sec. 4 lot 5.	5.32	5,000
CA 16841	T. 10 N., R. 10 E., M.D.M. sec. 4 lot 7.	32.99	56,000
CA 16842	T. 10 N., R. 10 E., M.D.M. sec. 4 SW¼SW¼.	40	66,000
CA 16843	T. 10 N., R. 12 E., M.D.M. sec. 9 E½SE¼SE¼.	20	13,000
CA 16844	T. 10 N., R. 12 E., M.D.M. sec. 21 N½NE¼.	80	52,000

The BLM solicits and will accept bids on these lands; and may accept or reject any and all bids, or withdraw any land from sale at any time, if in the opinion of the Authorized Officer, consummation of the sale would not be in the best interest of the United States.

Sale terms and conditions are as follows

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. All bidders must be United States citizens; corporations must be authorized to own real property in the State of California; policical subdivisions of the State and State instrumentalities must be authorized to hold property. Proof of meeting these requirements shall accompany bids.

SUPPLEMENTARY INFORMATION: Upon publication of this notice in the **Federal Register** as provided in 43 CFR 2711.1–2 (d) (amended) the above lands will be segregated from appropriation under the mining laws but excepting the mineral leasing laws for a period of not to exceed 270 days, or until the lands are sold, whichever occurs first. The segregation effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the 270 day period. The above described lands, will be separately offered for sale by sealed bids. The bids will be opened at 10:00 a.m. on March 29, 1985, at the Folsom Resource Area Office, Bureau of Land Management, 63 Natoma Street, Folsom, California 95630. Sealed bids shall be considered only if received at the above address prior to 10:00 a.m. on March 29, 1985. Each sealed bid shall be accompanied by certified check, postal money order, bank draft or cashier's check made payable to the Department of the Interior-BLM for 10 percent of the bid.

The sealed bid envelope must be marked on the front lower left corner "Folsom Resource Area, March 1985, Land Sales, Case File Serial #5–00259–GP5–010–014." After opening all sealed bids, if two or more envelopes containing valid high bids of the same amount are received, the determination of which is to be considered the highest bid shall be by supplemental oral bids. The oral bidding, if needed, will be conducted by the authorized officer immediately following the opening of the sealed bids. The person declared to have entered the highest qualifying oral bid shall submit payment of 10 percent as specified above, immediately following the close of the sale.

The successful bidder, whether such bid is a sealed or oral bid, shall submit the remainder of the full purchase price within 180 days of the sale date. Failure to sumit the balance of the full bid within the above specified time limit shall result in cancellation of the sale and the deposit shall be forfeited. The next high bid will then be honored.

If has been determined that the lands are without known mineral values and a successful bid will constitute a simultaneous request for conveyance of the reserved mineral estate. As such, the successful high bidder will be requried to deposit a $50.00 nonreturnable filing fee for conveyance of the mineral estate plus the 10% of the bid as mentioned at the sale.

If any of the lands described do not receive qualifying bids on March 29, 1985 they will be available over the counter at the fair market value until December 31, 1985. Detailed information concerning the sale, inlcuding the land report and environmental assessment report are available for review at the Folsom Resource Area Office, 63 Natoma Street, Folsom, California 95630. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the District Manager, Barkersfield District, Bureau of Land Management, 800 Truxtun Avenue, Room 311, Bakersfield, California 93301; (805) 861–4191. Any adverse comments will be evaluated by the District Manager 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 a final determination.

DATES: Sealed bids must be received by 10:00 a.m. March 29, 1985.

ADDRESSES: Bureau of Land Management, Folsom Resource Area, 63 Natoma Street, Folsom, CA.

Deane K. Swickard,

Area Manager.

[FR Doc. 85–1366 Filed 1–16–85; 8:45 am]

BILLING CODE 4310-40-M

Susanville District, California; Intent To Amend Land Use Plans

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment of land use plans in Susanville District, California, to consider suitability for classification under the Agricultural Land Laws.

SUMMARY: The Susanville District of Land Management, is beginning an amendment of the Land Use Plans for the public lands within the Alturas, Eagle Lake, and Surprise Resource Areas. These lands are located in northeastern California and northwestern Nevada, in the following counties: Lassen, Modoc, Plumas, Sierra, Siskiyou, and Shasta (California); plus Washoe and Humboldt (Nevada). The public lands range from well blocked large areas to isolated small parcels.

The anticipated major issue currently identified to addressed in the amendment process is the suitability of the public land for classification under various agricultural land laws. An Environmental Analysis (EA) will be part of the planning process. Possible alternatives in the EA will be proposed action (amending the plans), and no action. The interdisciplinary team which will prepare the amendment includes representatives from the following disciplines: Soil, water resources, lands and realty, and minerals.

Public participation activities during the amendment process include consultations with State, local, and other federal agencies, and with interested groups and individuals. The ED and plan amendments will be mailed out on request.

Further information, as well as relevant planning documents, will be available from 7:45 a.m. to 4:30 p.m., weekdays, from the Susanville District Office, Bureau of Land Management, P.O. Box 1090, Susanville, California 96130; telephone (916) 257–5381.

C. Rex Cleary,

District Manager.

January 11, 1985.

[FR Doc. 85–1367 Filed 1–16–85; 8:45 am]

BILLING CODE 4310–40–M

[OR 11304]

Termination of Proposed Withdrawal and Reservation of Lands; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Forest Service has cancelled its application to withdraw approximately 15,560 acres of national forest lands for protection of the Illinois Wild and Scenic River. The lands are now a part of the National Wild and Scenic River System and remain closed to surface entry, mining, and mineral leasing.

EFFECTIVE DATE: February 26, 1985.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208 (Telephone 503–231–6905).

SUPPLEMENTARY INFORMATION: 1. On October 1, 1973, the Forest Service, U.S., Department of Agriculture, filed application OR 11304 for withdrawal and reservation of certain lands adjacent to the Illinois River within the Siskiyou National Forest, Curry and Josephine Counties, Oregon, for protection of wild and scenic values. The applicant agency has cancelled its application; therefore, the proposed withdrawal affecting approximately 15,560 acres is hereby terminated in its entirety.

2. A portion of the lands is included within the Kalmiopsis Wilderness Area. With the enactment of Pub. L. 98–494 on October 19, 1984, all the lands are now included within the National Wild and Scenic Rivers System and remain segregated from operation of the public land laws, generally, including the United States mining laws and mineral leasing laws.

Dated: January 11, 1985.

Harold A. Berends,

Chief, Branch of Lands and Mineral Operations.

[FR Doc. 85–1364 Filed 1–16–85; 8:45 am]

BILLING CODE 4310–33–M

[OR 23696 (WASH)]

Termination of Proposed Withdrawal and Reservation of Lands; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Forest Service has cancelled an application to withdraw 406.81 acres of national forest land to facilitate a Land Exchange. This action will open 343.24 acres to mining. The balance of 63.57 acres is within the Mt. St. Helens National Volcanic Monument.

EFFECTIVE DATE: February 26, 1985.

FOR FURTHER INFORMATION CONTACT: Champ Vaughn, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208 (Telephone 503–231–6905).

SUPPLEMENTARY INFORMATION: 1. Notice of Forest Service, U.S. Department of Agriculture, application OR 23696(WASH) for withdrawal and reservation of lands was published as FR Doc. 80–9241 on page 20165 of the issue of March 27, 1980. The purpose of the withdrawal was to facilitate a land exchange, and the following described lands were temporarily segregated from location and entry under the mining laws:

Willamette Meridian

Gifford Pinchot National Forest

T. 10 N., R. 5 E.,
- Sec. 6, that portion of Mineral Survey 888 within said Sec. 6;
- Sec. 7, that portion of Mineral Survey 888 within said Sec. 7;

T. 11 N., R. 5 E.,
- Sec. 28, that portion of Mineral Survey 837 within said Sec. 28;
- Sec. 29, that portion of Mineral Survey 837 within said Sec. 29;
- Sec. 31, that portion of Mineral Survey 859 within said Sec. 31;
- Sec. 32, that portion of Mineral Survey 837 within the N½N½ of said Sec. 32;

The areas described agregate 406.81 acres in Lewis and Skamania Counties, Washington.

2. The Forest Service has cancelled the application in its entirety; therefore, pursuant to the regulations contained in 43 CFR 2310.2–1(c), at 8:30 a.m. on February 26, 1985, the lands described in paragraph 1, except as provided in paragraph 3, will be open to location and entry under the United States mining laws. Appropriation of land under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 36, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

3. The following described land is within the Mt. St. Helens National Volcanic Monument and remains segregated from operation of the mining laws and mineral leasing laws:

Willamette Meridian

Gifford Pinchot National Forest

T. 11 N., R. 5 E.,
- Sec. 32, that portion of Mineral Survey 837 within the N½N½ of said Sec. 32.

The area described contains 63.57 acres in Lewis County, Washington.

4. The lands described in paragraph 1, except as provided in paragraph 3, have been and remain open to operation of the mineral leasing laws.

Dated: January 11, 1985.

Harold A. Berends,

Chief, Branch of Lands, and Minerals Operations.

[FR Doc. 85-1365 Filed 1-16-85; 8:45 am]

BILLING CODE 4310-33-M

[Serial No. I-18849]

Exchange of Public and Private Lands; Issuance of Land Exchange Conveyance Document; Idaho

The United States has issued and exchange conveyance document of Hi Willow Ranch Corporation, Idaho Falls, Idaho 83401, for the following-described lands under Section 206 of the Federal Land Policy and Management Act of 1976:

Boise Meridian, Idaho

T. 1 N., R. 38 E.,
Sec., 12, NE¼SW¼, SE¼SW¼, SW¼SE¼.
T. 1 N., R. 39 E.,
Sec. 18, lots, 2, 4, NW¼NE¼, SE¼NW¼.
T. 1 N., R. 40 E.,
Sec. 32, lot 4.

Comprising 313.1 acres of public land.

In exchange for these lands, the United States acquired the following-described lands:

Boise Meridian, Idaho

T. 1 N., R. 40 E.,
Sec. 28, S½SE¼;
Sec. 29, N½NW¼;
Sec. 33, NE¼NE¼, SW¼NE¼, SE¼NW¼.

Comprising 280.0 acres of private land.

The purpose of this exchange was to acquire non-Federal land which would provide critical winter habitat for a rapidly growing elk and deer herd. The public interest was well served through completion of the exchange.

Dated: December 31, 1984.

Louis B. Bellesi,

Deputy State Director for Operations.

[FR Doc. 85-1305 Filed 1-16-85; 8:45 am]

BILING CODE 4310-GG-M

[M60157]

Modification of Realty Action; Exchange; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Modification of Notice of Realty Action M60157, Exchange of Public and Private Lands in Beaverhead and Madison Counties.

SUMMARY: This Notice modifies the original Notice of Realty Action for M60157 published on December 11, 1984 (49 FR 48226). The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976:

Principal Meridian, Montana

Beaverhead County

Parcel	Legal description	Acreage
5	T. 6 S., R. 9 W., Sec. 30, E½SE¼.	120
30	T. 5 S., R. 14 W., Sec. 29, NE¼NE¼.	40
31	T. 5 S., R. 14 W., Sec. 32, NE¼NE¼.	40
70	T. 11 S., R. 12 W., Sec. 23, SW¼SE¼.	40

The above-mentioned public lands will be added to the public lands identified in the original notice and may be utilized to complete the land exchange. This exchange will proceed as indicated on the original notice; however, title to the public lands listed in this amendment will not be conveyed from Federal ownership until 60 days after notification of the Governor of Montana and county officials. The publication of this amendment segregates the public lands described above from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

Dated: January 3, 1985.

Gerald L. Quinn,

Acting District Manager, Butte District.

[FR Doc. 85-1316 Filed 1-16-85; 8:45 am]

BILLING CODE 4310-DN-M

Completion of Land Use Plan Amendment for the Beckwourth Planning Area;

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of completion of Land Use Plan Amendment for the Beckwourth Planning Area.

SUMMARY: The Susanville District, Eagle Lake Resource Area has completed the land tenure amendment of the Beckwourth Planning Area for 14,459 acres of public land. The area covers portions of Plumas and Sierra Counties in Northeastern California. The Land Use Plan Amendment identifies 326.9 acres of public land for potential disposal. Further site specific clearances will be accomplished prior to any disposal.

DATE: The decision will be implemented 30 days after this date of publication.

ADDRESS: For further information regarding the Land Use Plan decisions contact: Mark T. Morse, Area Manager, Eagle Lake Resource Area, P.O. Box 1090, Susanville, CA 96130.

SUPPLEMENTARY INFORMATION: The amendment process started on April 13, 1982 with the **Federal Register** publication of the Notice of Intent to revise the existing planning decisions. The Availability of Planning Criteria for Land Tenure Adjustment was published in the **Federal Register** on February 9, 1984. Public input in the identification of issues and planning criteria were obtained through questionnaires and two public meetings, one in Vinton on April 27, 1982 and one in Doyle on April 28, 1982. Several meetings transpired among the Plumas, Tahoe and Toiyabe National Forests.

Protests to this plan amendment decision will be accepted up to 30 days after this date of publication.

All parts of this plan amendment may be protested. Protests should be sent to the Director, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240, prior to the end of the 30 day protest period, and should include the following information:

—The name, mailing address, telephone number, and interest of the person filing the protest.

—A statement of the issue or issues being protested.

—A statement of the part or parts being protested.

—A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the records.

—A short concise statement explaining why the BLM State Director's decision is wrong.

Mark T. Morse,

Eagle Lake Area Manager.

[FR Doc. 1315 Filed 1-16-85; 8:45 am]

BILLING CODE 4310-40-M

[061316]

Opening of Public Lands; Glasgow, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Order.

SUMMARY: This order will open lands reconveyed to the United States to the operation of the public land and mineral laws. The reconveyance was made because the lands were no longer needed for school purposes. The land will be administered as public land under the provisions of Federal Land

Policy and Management Act of 1976, 43 U.S.C. 1701 (1982).

EFFECTIVE DATE: February 15, 1985.

FOR FURTHER INFORMATION CONTACT: Edward H. Croteau, Chief, Lands Adjudication Section, BLM, Montana State Office, P.O. Box 36800, Billings, Montana 59107. Phone: (406) 657–6082.

SUPPLEMENTARY INFORMATION: 1. The following described lands were reconveyed to the United States pursuant to the provisions of the Act of October 31, 1919, 43 U.S.C. 570 (1982):

Principal Meridian, Montana

T. 30 N., R. 37 E.,
Sec. 15, block thirteen of Vandalia Townsite in the SW¼SW¼.
Containing 1.51 acres in Valley County.

2. At 9 a.m. on February 15, 1985, the lands will be opened to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 15, 1985, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9 a.m. on February 15, 1985, the lands will be opened to location under the United States mining laws. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

John A. Kwiatkowski,
Deputy State Director, Division of Lands and Renewable Resources.
January 8, 1985.

[FR Doc. 85–1317 Filed 1–16–85; 8:45 am]
BILLING CODE 4310-DN-M

Salt Lake District Grazing Advisory Board; Meeting

January 8, 1985.

AGENCY: Bureau of Land Management, Interior.

ACTION: Grazing Advisory Board Notice.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Salt Lake District Grazing Advisory Board will be held on February 20, 1985. The meeting will begin at 9 a.m. at the Bureau of Land Management Office at 2370 South 2300 West, Salt Lake City, Utah.

The purpose of the meeting will be to:

1. Introduce new Board members;
2. Organize the Board;
3. Status on land-use planning;
4. Update grasshopper situation;
5. Set dates for follow-up meetings; and
6. Other business.

The meeting is open to the public. Persons requesting to make statements to the Board are requested to contact Frank Olsen at 524–4455 prior to February 15 so that adequate time can be included in the agenda.

Frank W. Snell,
Salt Lake District Manager.

[FR Doc. 85–1304 Filed 1–16–85; 8:45 am]
BILLING CODE 4310-DQ-M

Recreation Use Permit Systems; Open Season for Commercial Permit Applications on the Upper Missouri National Wild and Scenic River

SUMMARY: This notice establishes an "open season" for applying for Special Recreation Use Permits on the Upper Missouri National Wild and Scenic River in Montana required of all commercial float boating operations. Other requirements of commercial outfitting and guiding operations remains as outlined in the Federal Register, Vol. 49, No. 29, Friday, February 10, 1984, entitled "Special Recreation Permit Policy".

ADDRESS AND DATES: Applications must be sent to the Lewistown District, Bureau of Land Management, Airport Road, Lewistown, Montana 59457 between February 4 and March 15, 1985.

FOR FURTHER INFORMATION CONTACT: River Manager, Airport Road, Lewistown, Montana 59457.

Dated: January 9, 1985.

Glenn W. Freeman,
District Manager.

[FR Doc. 85–1314 Filed 1–16–85; 8:45 am]
BILLING CODE 4310-DN-M

Pocatello Resource Area, ID; Management Plan and Environmental Impact Statement; Intent To Prepare

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to Prepare a Resource Management Plan and Environmental Impact Statement.

SUMMARY: In accordance with 43 CFR 1601.3(g), the Bureau of Land Management, Idaho Falls District, intends to begin the preparation of a Resource Management Plan (RMP) and Environmental Impact Statement (EIS) for the Pocatello Resource Area located in southeastern Idaho. The area include public lands administered by BLM in all or portions of Bear Lake, Bonneville, Bannock, Bingham, Caribou, Power and Franklin Counties. The resource area includes about 246,756 acres of public land and a mineral estate of about 2,125,968 acres administered by BLM.

The general types of issues anticipated are: Disposal of public lands, mineral and energy exploration and development, timber resources uses, livestock use, wildlife habitat protection and use, recreation uses, ORV use impacts, special area designations, streamside vegetation protection, water quality and fire management. Public participation during the issue identification phase of the planning process has not been finalized but may include a newsletter inviting comment, and one or more public meetings. The public lands in the resource are are included in two previously completed land use plans; (1) The Caribou-Bear Lake Management Framework Plan completed in 1980, and (2) the Pocatello Management Framwork Plan completed in 1976. Both of these land use plans are in need of revision. The agency has chosen to complete a single Resource Management Plan for the entire resource area to maintain consistency in the land use planning effort, update existing planning data and incorporate the latest planning methodology into the planning system.

The disciplines to be represented on the interdisciplinary team include range management, wildlife and fisheries biology, minerals, geology, forestry, archaeology, soils, and watershed, realty, recreation, economic and public relations.

DATES: Issue Identification is planning for completion by June 1, 1985. The Draft Pocatello Resource Management Plan and Environmental Impact Statement is planned for distribution to the public early in 1987 and the selected plan and final EIS completed by September 30, 1987. Opportunities for public participation, review, and comment will be publicized in the Federal Register and local media as the work progresses.

FOR FURTHER INFORMATION CONTACT: O'dell A. Frandsen, Bureau of Land Management, 940 Lincoln Road, Idaho Falls 83401, telephone (202) 529–1020 or Wallace Evans, Bureau of Land Management, Federal Building Suite 172,

250 S. 4th Avenue, Pocatello, Idaho 83201, telephone (208) 236-6860.

Dated: January 9, 1985.

O'dell A. Frandsen,

District Manager.

[FR Doc. 85-1319 Filed 1-16-85; 8:45 am]

BILLING CODE 4310-84-M

[NM-54969 (OK) through NM-54971 (OK)]

Public Land Sale in Texas County, OK

AGENCY: Bureau of Land Management, Interior.

ACTION: Sale of 1,025.00 acres of Public Land in Texas County, Oklahoma.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2750, 43 U.S.C. 1713) at no less than the appraised fair market value:

TEXAS COUNTY (TX)

Tract	Legal description	Acres	Value
TX-3	T. 1 S., R. 11 E., C.M., Sec. 1, lot 5.	0.15	$25.00
HL-1	T. 1 S., R. 16 E., C.M., Sec. 3, townsite of Hitchland, block 11, lots 5 and 6.	0.16	500.00
HL-2	T. 1 S., R. 16 E., C.M., Sec. 3, townsite of Hitchland, block 11, lots 9 and 10.	0.16	500.00
Total			1,025.00

The subject lands are part of the remaining public land holdings in Oklahoma that are scattered throughout 42 counties (approximately 7,000 acres). The lands are being offered for sale since the Bureau of Land Management (BLM) can not economically or feasibly manage the subject lands. No other federal agency or department was interested in managing these lands. Area residents favor the transfer of the lands into private ownership. The sale is consistent with the Bureau planning for the lands involved and has been discussed with governmental units and local officials. The public interest would be served by offering the lands for sale.

The lands, when patented, will be subject to the following reservations and restrictions:

1. A reservation to the United States for ditches and canals.

2. All minerals 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.

3. The sale will be subject to all valid existing rights.

The sale will be conducted by sealed bidding. The minimum acceptable bid is listed above. Bids must be received by the Oklahoma Resource Area Headquarters, 200 NW. Fifth Street, Room 548, Oklahoma City, Oklahoma, 73102, by 10:00 a.m. March 18, 1985. Federal law requires that bidders be United States citizens or, in the case of a corporation, subject to the laws of any state of the United States. Proof of citizenship shall accompany the bid. Bids sent by mail must be in sealed envelopes accompanied by a certified check, postal money order, bank draft, or cashiers check for not less than one-fifth of the bid, made payable to the Bureau of Land Management. A separate written bid must be submitted for each parcel desired. The tract number must also be identified in the lower left hand corner of the sealed envelope (example, Land Sale—TX-3). All sealed bids will be opened at 10:00 a.m. March 18, 1985. The successful high bidder will be required to submit the remainder of the payment by cash, certified check, bank draft, money order, or combination thereof, within 180 days after receipt of the decision accepting the highest bid. Failure to pay the full bid price within 180 days shall result in the cancellation of the sale of the tract, and the deposit shall be forfeited and disposed of as other receipts of sale.

If no acceptable bids are received on or before the date of sale, the lands will be offered for sale at the Oklahoma Resource Area Headquarters on a continuous basis until September 18, 1985.

DATE: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager. Any adverse comments will be evaluated by the District Manager, 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 Interior.

ADDRESS: Comments and suggestions should be sent to: District Manager, Bureau of Land Management, Tulsa District Office, 6136 East 32nd Place, Tulsa, Oklahoma 74135.

FOR FURTHER INFORMATION CONTACT: Barron Bail, (405) 231-5491.

Jim Sims,

District Manager.

[FR Doc. 85-1303 Filed 1-16-85; 8:45 am]

BILLING CODE 4310-FB-M

Filing of Plats of Survey; Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands have been officially filed in the Oregon State Office, Portland, Oregon on the dates hereinafter stated:

Willamette Meridian

Oregon

T. 22 S., R. 5 W.,
T. 22 S., R. 5 W.

Accepted November 21, 1984, and officially filed December 6, 1984.

T. 4 S., R. 6 W.

The above-listed plat was accepted November 30, 1984, and officially filed December 6, 1984.

T. 12 S., R. 8 W.,
T. 21 S., R. 38 E.

The above-listed plats were accepted December 6, 1984, and officially filed December 14, 1984.

T. 11 S., R. 34 E.,
T. 11 S., R. 35 E.

The above-listed plats were accepted and officially filed December 14, 1984.

Washington

T. 26 S., R. 20 E.

The above-listed plat was accepted November 16, 1984, and officially filed December 6, 1984.

The above-listed plats represent dependent resurveys, subdivisions, and a metes and bounds survey.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 825 NE Multnomah Street, P.O. Box 2965, Portland, Oregon 97208.

Dated: January 8, 1985.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 85-1312 Filed 1-16-85; 8:45 am]

BILLING CODE 4310-33-M

Rescinding of Secretarial Order 2962 Which Established the Geothermal Environmental Advisory Panel

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice or Rescinding of Secretarial Order 2962 which

establishes the Geothermal Environmental Advisory Panel.

SUMMARY: In the interest of reducing cumbersome and unnecessary procedures, notice in hereby given of the rescinding of Secretarial Order 2962, terminating all functions of the Geothermal Environmental Advisory Panel. The Department of the Interior and agency heads will call on individual experts as necessary to advise them on geothermal management matters.

EFFECTIVE DATE: Secretarial Order 2962 is rescinded effective January 7, 1985.

Background Information

The Geothermal Environmental Advisory Panel was established by Secretarial Order 2962, February 6, 1974, to advise land managing agencies in environmental matters related to geothermal exploration and development. The Secretarial Order specifically stated that the Panel was to function until such time as the Secretary determined that the officers administering the geothermal resources program no longer needed the assistance of a panel to advise them on the potential environmental impacts of operations in new or other areas.

The Panel was composed of a chairman from the Department of the Interior and one member each from the Bureau of Land Management, Geological Survey, Bureau of Sport Fisheries and Wildlife, Bureau of Mines, Bureau of Reclamation, Bureau of Indian Affairs, Bureau of Outdoor Recreation, National Park Service and Office of the Solicitor. Other Executive Departments and the Environmental Protection Agency each were Authorized to appoint one member to the Panel.

The Panel has provided tangible and helpful assistance, primarily in the review of post-lease operational activities during the early years of development. Over the past nine years, agencies dealing with geothermal activity have acquired experience and an understanding of agency inter-relationships sufficient to manage their geothermal programs without the assistance of the Panel.

FOR FURTHER INFORMATION CONTACT: Karl F. Duscher (202) 653–2187.

Dated: January 7, 1985.

J. Steven Griles,

Deputy Assistant Secretary of the Interior.

[FR Doc. 85–1282 Filed 1–16–85; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

Alaska Offshore; Availability of the Draft Environmental Impact Statement and Locations and Dates of Public Hearings for Proposed Oil and Gas Lease Sale 92 in the North Aleutian Basin Area

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Minerals Management Service (MMS) has prepared a draft environmental impact statement (EIS) for proposed oil and gas lease Sale 92 in the North Aleutian Basin.

Single copies of the draft EIS can be obtained from the Office of the Regional Director, Minerals Mangement Service, Alaska Region, P.O. Box 101159, Anchorage, Alaska 95510, telephone (907) 261–4080.

Copies of the draft EIS will also be available for inspection in the following public libraries: Alaska Federation of Native, Suite 304, 1577 O Street, Anchorage, AK 99501: Anchor Point Public Library, Anchor Point, AK 99556; Department of the Interior Resources Library, Box 36, 701 C Street, Anchorage, AK 99513; Cordova Public Library, Box 472, Cordova, 99574; Kenai Community Library, Box 157, Kenai, AK 99611; Elim Learning Center, Elim, AK 99739; Haines Public Library, P.O. Box 36, Haines, AK 99827; North Star Borough Library, Fairbanks, AK 99701; University of Alaska, Institute of Social and Economic Research Library, Fairbanks, AK 99801; Homer Public Library, Box 356, Homer, AK 99603; Z.J. Loussac Public Library, 427 F Street, Anchorage, AK 99801; Juneau Memorial Library, 114 W. 4th Street, Juneau, AK 99824; Alaska State Library, Documents Librarian, Pouch G, Juneau, AK 99811; Ketchikan Public Library, 629 Dock Street, Ketchikan, AK 99801; Department of Defense, Army Corps of Engineers Library, P.O. Box 7002, Anchorage, AK 99501; Kodiak Public Library, P.O. Box 985, Kodiak, AK 99615; Metlakatla Extension Center, Metlakatla, AK 99926; Department of the Interior, Bureau of Mines Library, AF-F.O. Center, P.O. Box Juneau, AK 99802; Petersburg Extension Center, Box 289 Petersburg, AK 99833; Seldovia Public Library, Drawer D, Seldovia, AK 99663; Seward Community Library, Box 537, Seward, AK 99664; University of Alaska Juneau Library, P.O. Box 1447, Juneau, AK 91447; Sitka Community Library, Box 1090, Sitka, AK 99835; Douglas Public Library, Box 469, Douglas, AK 99824; University of Alaska Anchorage Library, 3211 Providence Drive, Anchorage, AK 99504; University of Alaska Elmer E. Rasmusson Library, Fairbanks, AK 99701; Wrangell Extension Center, Box 651, Wrangell, AK 99929.

In accordance with 30 CFR 256.26, the MMS will hold public hearings to receive comments and suggestions relating to the EIS. The dates and locations of the hearings will be announced at a later date. Comments concerning the draft EIS will be accepted until March 13, 1985, and should be addressed to the Regional Director, Minerals Management Service, Alaska Region, P.O. Box 101159, Anchorage, Alaska 99510.

William D. Bettenberg,

Director, Minerals Management Service.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 85–1354 Filed 1–16–85; 8:45 am]

BILLING CODE 4310–MR

Study Design and Implementation Subcommittee of the Scientific Committee, Outer Continental Shelf (OCS) Advisory Board; Notice and Agenda of Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92–463, 5 U.S.C. App. I and the Office of Management and Budget's Circular A–63 Revised.

The Scientific Committee of the Outer Continental Shelf Advisory Board will convene a meeting of its Study Design and Implementation Subcommittee on February 4, 1985, at the Faculty Club, The Johns Hopkins University, Homewood Campus, 34th and Charles Streets, Baltimore, Maryland. The Subcommittee will meet during the period 9:00 a.m. to 5:00 p.m.

Agenda for the meeting will include the following subjects:

- Subcommittee schedule for Fiscal Year 1985;
- Environmental Studies Program Planning and Procurement Cycle;
- Methods for Quality Assurance in the Environmental Studies Program; and
- Open Discussion of the Present Procedures and Recommendations for Improvements.

The meeting of this committee is open to the public. Approximately 15 visitors can be accommodated on a first-come/first-served basis. All inquiries concerning this meeting should be addressed to: Dr. Don V. Aurand, Chief, Branch of Environmental Studies, Offshore Environmental Assessment Division (644), Minerals Management Service, Department of the Interior, 18th

and C Streets, NW., Washington, D.C. 20240; telephone: (202) 343–7744.

Dated: January 10, 1985.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 85–1360 Filed 1–16–85; 8:45 am]

BILLING CODE 4310–MR–M

Request for Information—Southern California—Sale

The U.S. Department of the Interior, Minerals Management Service, is interested in geologic information and company interest concerning oil and gas prospects in the Southern California Outer Continental Shelf Region. The oil and gas industry is requested to assist by providing up-to-date geological and geophysical data, and other proprietary information that the U.S. Department of the Interior believes is appropriate to the OCS leasing program.

At this time, only geologic information and industry's interest are being examined. The responses will assist the Secretary of the Interior in deciding how to proceed with the next Southern California sale. The presale process, which will follow analysis of this information includes the following steps: Call for information, Area Identification, Environmental Impact Statement (EIS), Public Hearing, Proposed Notice of Sale, Governor's Comments, and Final Notice of Sale.

Oil company representatives or others who have information as described above are requested to contact Mr. William E. Grant, Regional Director, Pacific OCS Region, Minerals Management Service, at (213) 688–2050 to schedule individual meetings at the companies' convenience between January 15, 1985 and February 28, 1985.

Dated: January 10, 1985.

William E. Grant,

Regional Director, Pacific OCS Region, Minerals Management Service.

[FR Doc. 85–1359 Filed 1–16–85; 8:45 am]

BILLING CODE 4310–MR–M

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Alaska Outer Continental Shelf; Availability

ACTION: Notice of availability of environmental documents prepared for Outer Contintental Shelf (OCS) mineral prelease and exploration proposals on the Alaska OCS.

SUMMARY: The Minerals Management Service (MMS), in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EA's) and findings of no significant impact (FONSI's) prepared by the MMS for the following oil and gas prelease and exploration activities proposed on the Alaska OCS. The listing includes all proposals for which environmental documents were prepared by the Alaska OCS Region in the 3-month period preceding this notice.

Activity/Operation

Exploratory Drilling Program for Bering Sea, Navarin Basin (Sale 83 area) Exxon Company, U.S.A. as operator for itself and others.

Location

Exxon is proposing to drill up to 39 exploratory wells. Subsequent wells will depend upon the results of drilling, testing, and evaluation of the initial well. The location of Exxon's leases is described as follows:

LEASE AND BLOCK NUMBERS

Block	Lease
210	Y 0564
211	0565
254	0566
255	0567
505	0568
506	0569
549	0570
558	0572
559	0573
560	0574
592	0576
604	0581
605	0582
606	0583
635	0584
636	0585
647	0589
748	0590
649	0591
650	0592
651	0593
693	0599
694	0600
695	0601
736	0602
738	0604
782	0606
782	0607
55	0611
97	0613
98	0614
140	0617
141	0618
177	0622
178	0623
179	0624
181	0626
183	0628
184	0629
221	0633
224	0636
228	0640
266	0645
661	0657
705	0658
706	0659
650	0685
651	0686
652	0687
696	0688
322	0695
364	0696

LEASE AND BLOCK NUMBERS—Continued

Block	Lease
366	0700
370	0702
661	0713
662	0714
706	0716
707	0717
750	0721
751	0722
752	0723

Environmental Assessment

No. AK 84–10.

FONSI Date

December 27, 1984.

SUPPLEMENTARY INFORMATION: The MMS prepares EA's and FONSI's for proposals which relate to exploration for oil and gas resources on the Alaska OCS.

The EA's examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. The EA's are used as a basis for determining whether or not approval of the proposal constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA section 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis of that finding and includes a summary or copy of the EA.

The FONSI and associated EA for the activities listed above are available for public inspection between the hours of 8 a.m. and 4 p.m., Monday through Friday (excluding lunch hour, 11:45 a.m. to 12:30 p.m.) at:

Minerals Management Service, Alaska OCS Region, Office of the Regional Supervisor, Field Operations, 800 A Street, Suite 205, Anchorage, Alaska 99501. Phone: (907) 261–2255

Office of The Regional Supervisor, Leasing and Environment, 949 E. 36th Ave., Suite 502, Anchorage, Alaska 99508. Phone: (907) 261–4080

Persons interested in reviewing specific environmental documents, or obtaining information about EA's and FONSI's prepared for activities on the Alaska OCS, are encouraged to contact the above listed MMS office.

This notice constitutes the public notice of availability of environmental

documents required under the NEPA regulations.

Irven F. Palmer, Jr.,

Acting Regional Director, Alaska OCS Region.

[FR Doc. 85-1300 Filed 1-16-85; 8:45 am]

BILLING CODE 4310-MR-M

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Availability of Environmental Documents Prepared for OCS Mineral Exploration Proposals on the Gulf of Mexico OCS.

SUMMARY: The Minerals Management Service (MMS), in accordance with Federal Regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related Environmental Assessments (EAs) and Findings of No Significant Impact (FONSIs), prepared by the MMS for the following oil and gas exploration activities proposed on the Gulf of Mexico OCS. This listing includes all proposals for which FONSIs were prepared by the Gulf of Mexico OCS in the three month period preceding this notice.

Activity and operator	Location	Date
CNG Producing Company, four exploratory wells, OCS-G 6259 ; SEA No. N-1730.	High Island, East Addition, South Extension, Block A-383; 140 miles south of Cameron, Louisiana.	Oct. 12, 1984.
Amoco Production Company, geophysical exploration for mineral resources; SEA No. L 84-185.	Ship Shoal Blocks 64, 65, 66, 69, 70, and 71; 3 miles offshore Louisiana.	Oct. 30, 1984.
Marathon Oil Company, geophysical exploration for mineral resources; SEA No. L 84-197.	Main Pass, South and East Addition, Blocks 293, 305, and 306; 80 miles south of Pascagoula, Mississippi.	Do.
Amoco Production Company, eleven exploraton wells, OCS-G 6348; SEA No. N-1845.	Garden Banks Block 135; 125 miles southeast of Freeport, Texas.	Nov. 13, 1984.
Sun Exploration Company, two exploratory wells, OCS-G 6332; SEA No. N-1798.	Garden Banks Block 95; 124 miles southeast of the Texas coast.	Nov. 20, 1984.
Sohio Petroleum Company, three exploratory wells, OCS-G 6391; SEA No. N-1863.	Pensacola Block 948; 55 miles southwest of Panama City, Florida.	Nov. 28, 1984.
Union Oil Company, of California, three exploratory wells, OCS-G 6264; SEA No. N-1683.	High Island, East Addition South Extension, Block A-401 116 miles southeast of Surfside, Texas.	Dec. 14, 1984.

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EAs and FONSIs prepared for activities on the Gulf of Mexico are encouraged to contact the MMS office in the Gulf of Mexico OCS Region.

FOR FURTHER INFORMATION CONTACT: Regional Supervisor (LE), Leasing and Environment, Gulf of Mexico OCS Region, Minerals Management Service, Post Office Box 7944, Metairie, Louisiana 70010, Telephone (504) 838-2755.

SUPPLEMENTARY INFORMATION: The MMS prepares EAs and FONSIs for proposals which relates to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS. The EAs examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. Environmental Assessments are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

Dated: January 8, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-1302 Filed 1-16-85; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Receipt of a Proposed Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that Marathon Oil Company, Unit Operator of the West Delta Block 79 Field Federal Unit Agreement No. 14-08-0001-13841, submitted on December 31, 1984, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the West Delta Block 79 Field Federal unit.

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 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: January 8, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-1301 Filed 1-16-85; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that Tenneco Oil Exploration and Production, Unit Operator of the West Cameron Block 643 Field Federal Unit Agreement No. 14-08-0001-16140, submitted on January 7, 1985, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the West Cameron Block 643 Field Federal unit.

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 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: January 11, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-1361 Filed 1-16-85; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Alaska Region; Subsistence Resource Commission Meeting

SUMMARY: The Alaska Regional Office of the National Park Service announces a forthcoming meeting of the Cape Krusenstern National Monument and Kobuk Valley National Park Subsistence Resource Commissions. The following agenda items will be discussed:

1. Minutes of the last meeting.
2. Discussion of changing quorum requirements.
3. Discuss current Alaska Department of Fish and Game hunting regulations.
4. Discuss species populations, distribution, and health.
5. Discuss hunting pressure on various species.
6. Discussion of resident zones.
7. Review general management plans.
8. Discuss ORV use.
9. Discuss Local Hire program.
10. Discuss proposed joint meeting with Gates of the Arctic National Park Subsistence Resource Commission.

DATE: The meeting will begin at 9:00 a.m. on February 1, 1985.

ADDRESS: The meeting will be held in the NANA Regional Corporation, Conference Room, Drift Inn Building, Kotzebue, Alaska.

FOR FURTHER INFORMATION CONTACT: Mack Shaver, Superintendent, Northwest Alaska Areas, P.O. Box 287, Kotzebue, Alaska 99752.

SUPPLEMENTARY INFORMATION: The Cape Krusenstern National Monument and Kobuk Valley National Park Subsistence Resource Commissions are authorized under Title VIII, section 808, of the Alaska National Interest Lands Conservation Act Pub. L. 96-487.

Dated: January 8, 1985.

Robert L. Peterson,

Acting Regional Director, Alaska Region.

[FR Doc. 85-1374 Filed 1-16-85; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-198]

Certain Portable Electronic Calculators; Initial Determination Terminating Respondents on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has recieved an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a settlement agreement: RJP Electronics Ltd., (RJP); and FLX (HK), Ltd. ("FLX").

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on January 2, 1985.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: January 14, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-1479 Filed 1-16-85; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984; Exxon Production Research Co. and Halliburton Services

Notice is hereby given that pursuant to Section 6(a) of the National Cooperative Research Act of 1984, Pub. L. No. 98-462 ("the Act"), Exxon Production Research Company has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to an agreement effective May 1, 1983 for studying oil and gas well cementing and (2) the nature and objectives of the agreement. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to single damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties to the agreement and its general areas of planned activity are given below.

The parties to the agreement are Exxon Production Research Company and Halliburton Services, a division of Halliburton Company. The parties to the agreement will conduct a series of experimental studies with the objective of collecting data for improving well cementing practices. Cementing is a means of bonding the casing to the well bore in the completion of an oil or gas well. Specific objectives of the agreement include: identifying major

factors affecting straight and/or deviated-well cementing; evaluating current techniques and materials for straight and/or deviated-well cementing; and examining ways to improve straight and/or deviated-well cementing. The agreement is scheduled to terminate December 31, 1985.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 85-1431 Filed 1-16-85; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984; Microelectronics and Computer Technology Corp.

Notice is hereby given that pursuant to Section 6(a) of the National Cooperative Research Act of 1984, Pub. L. No. 98-462 ("the Act"), Microelectronics and Computer Technology Corporation ("MCC") has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to MCC and (2) the nature and objectives of MCC. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties to MCC, and its general areas of planned activities, are given below.

MCC is a joint venture corporation, consisting of the following shareholders:

Advanced Micro Devices, Inc.
Allied Corporation
BMC Industries, Inc.
The Boeing Company
Control Data Corporation
Digital Equipment Corporation
Eastman Kodak Company
Gould Inc.
Harris Corporation
Honeywell, Inc.
Lockheed Corporation
Martin Marietta Corporation
Minnesota Mining and Manufacturing Company
Mostek Corporation
Motorola, Inc.
National Semiconductor Corporation
NCR Corporation
RCA Corporation
Rockwell International Corporation
Sperry Corporation.

MCC's shareholders and each of their subsidiaries, and United Technologies Corporation and each of its subsidiaries, are parties to MCC.

MCC will engage in advanced, long-term research and development activities in the following general areas of microelectronics and computer technology:

a. *Advanced Computer Architectures*: artificial intelligence/knowledge based systems, data base architectures, human interface, and parallel processing;

b. *Packaging/Interconnect*: processes, materials, and equipment for automated high density packaging of semiconductors;

c. *Software Technology*: tools and methodologies regarding software productivity and software quality;

d. *VLSI/CAD (very large scale integration/computer-aided design)*: CAD tools and systems with a focus on VLSI chip designs.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 85-1430 Filed 1-16-85; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984 Software Productivity Consortium

Notice is hereby given that pursuant to Section 6(a) of the National Cooperative Research Act of 1984, Pub. L. No. 98-462 ("the Act"), Software Productivity Consortium has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties to the Software Productivity Consortium and its general areas of planned activities are given below.

Software Productivity Consortium consists of the following firms: The Boeing Company; E-systems, Inc.; Ford Aerospace and Communications Corporation; General Dynamics Corporation; GTE Government Systems Corporation; Lockheed Missiles and Space Company; McDonnell Douglas Corporation; Northrop Corporation; Rockwell International; Science Applications International Corporation; TRW Inc.; United Technologies Corporation; and Vitro Corporation. The purpose of the current effort is jointly to explore the possible nature and structure for a joint venture to conduct research and development in the area of advanced technology relating to computer software tools and techniques. At the conclusion of the organizational phase, a final proposal will be prepared and submitted to the parties and other companies, who will then decide whether or not to participate in the proposed venture. For the present, participation in the exploratory activities creates no obligation on any of the parties to enter into the proposed joint venture, and each of the parties has the discretion to terminate its participation at any time, without further obligation to other parties.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 85-1432 Filed 1-16-85; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities Advisory Committee; Meeting

January 10, 1985.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on February 14-15, 1985.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, N.W., Washington, D.C. A portion of the morning and afternoon sessions on February 14, 1985 will not be open to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

The agenda for the sessions on February 14, 1985 will be as follows:

Committee Meetings

[Open to the Public]

8:30 a.m.–9:30: Coffee for Council Members—Room 502
9:30 a.m.–10:30: Committee Meetings—Policy Discussion
Fellowship Programs—Room 315
General Programs—Room 415
Research Programs—Room 316–2
Education Programs—Room M–14
State Programs—Room M–07
10:30 a.m.–Adjourn: Committee Meetings (Continued)
(Closed to the Public for the reasons stated above)—Consideration of specific applications

The morning session on February 15, 1985 will convene at 8:30 a.m. in the 1st Floor Council Room M–09 and will be open to the public. The agenda for the morning session will be as follows: (Coffee for Staff and Council Attending Meeting will be served from 8:30 a.m.–9:00 a.m.)

Minutes of the Previous Meeting Reports
A. Introductory Remarks
B. Introduction of New Staff
C. Contracts Awarded in the Previous Quarter
D. New York Public Library
E. Application Report and Gifts and Matching Report
F. FY 1986 Congressional Appropriation Request and Reauthorization
G. Committee Reports on Policy and General Matters
a. Fellowship Programs
b. General Programs
c. Research Programs
d. Education Programs
e. State Programs
H. Emergency Grants and Actions Departing from Council Recomendation—Awards

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code 202–786–0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 85–1341 Filed 1–16–85; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Prokaryotic Genetics; Meeting

In accordance with the Federal Advisory Panel Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Prokaryotic Genetics.

Date and time: Saturday and Sunday, February 2–3, 1985; 8:30 AM–5:00 PM.

Place: Conference Room, Colonial Inn; 910 Prospect Street, La Jolla, CA 92037.

Type of meeting: Closed.

Contact person: Dr. Philip D. Harriman, Program Director, Prokaryotic Genetics; (202) 357–9687.

Purpose of advisory panel: To provide advice and recommendations concerning support for research.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: January 14, 1985.

Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85–1414 Filed 1–16–85; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–1113]

General Electric Co. (Wilmington, North Carolina Facility); Request for Action Regarding Activities

Notice is hereby given that, by her Petition of December 13, 1984, Ms. Vera M. English (Petitioner) requests that the Nuclear Regulatory Commission review and withdraw certain Inspection Reports which allegedly improperly dismiss certain alleged violations and/or deviations associated with the activities of the General Electric Company at its Wilmington, North Carolina facility. The Petition requests that new Inspection Reports be issued properly documenting violations and deviations in the activities carried out at the Wilmington facility. The Petition also requests that the Commission issue Notices of Violation and take enforcement action as appropriate including the imposition of civil penalties. Petitioner further requests the institution of proceedings pursuant to 10 CFR 2.206 and the scheduling of hearings on the matters raised in the Petition.

The Petition is being treated pursuant to 10 CFR 2.206 of the Commission's regulations and appropriate action will be taken on the request within a reasonable time. A copy of the Petition is available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 10th day of January 1985.

For the Nuclear Regulatory Commission.

James M. Taylor,

Deputy Director, Office of Inspection and Enforcement.

[FR Doc. 85–1404 Filed 1–16–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 40–2061–SC; ASLBP No. 84–502–01–SC]

Kerr-McGee Chemical Corp. (Kress Creek Decontamination); Prehearing Conference

January 11, 1985.

Please take notice that a prehearing conference in the above captioned proceeding will be held on January 25, 1985,in Courtroom 1614, U.S. District Court, Federal Building, 219 South Dearborn Street, Chicago, Illinois, 60604, Commencing at 8:30 A.M. The purpose of the conference is to hear argument of the parties concerning what must be shown if the Staff's Order to Show Cause issued herein is to be enforced and concerning the burden of going forward and burden of persuasion. Oral limited appearance statements will not be accepted at this time but will be heard at the forthcoming evidentiary hearing. Written limited appearance statements may be filed at any time.

For the Atomic Safety and Licensing Board.

John H. Frye, III,

Chairman, Administrative Judge.

Bethesda, Maryland,

[FR Doc. 85–1402 Filed 1–16–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–275 and 50–323]

Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 & 2); Request for Action under 10 CFR 2.206

Notice is hereby given that by petition dated November 16, 1984, the Government Accountability Project, on behalf of Messrs. James L. McDermott and Timothy J. O'Neill, has requested that the Commission take a number of actions, chiefly appropriate resolution of numerous allegations of quality assurance problems and intimidation of

onsite workers, prior to allowing commercial operation of Diablo Canyon Unit 1 or further licensing decisions on Unit 2. The petition is being handled pursuant to the provisions of 10 CFR 2.206 and, accordingly, the staff will take appropriate action on the request within a reasonable time.

A copy of the petition is available for public inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555 and in the local public document room at California Polytechnic State University, Government Documents and Maps Department, Robert F. Kennedy Library, San Luis Obispo, California 93401.

Dated in Bethesda, Maryland the 11th day of January, 1985.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 85-1405 Filed 1-16-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-281]

Virginia Electric and Power Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. DPR-37, issued to Virginia Electric and Power Company (the licensee), for operation of the Surry Power Station, Unit No. 2 located in Surry County, Virginia.

The amendment would modify the Technical Specification 4.17.A on a one-time basis to extend the snubber (shock suppressors) inspection to the 1985 refueling outage which is scheduled to begin on or about March 22, 1985.

Based on inspection results during the last visual snubber inspection, the next inspection interval was determined to be 62 days ± 25 percent, or no later than February 1, 1985. Since visual and functional testing of the snubbers will be performed during the refueling outage, the licensee states that the inspection now would result in unnecessary personnel exposure.

During the licensee's November 9-17, 1984 surveillance inspection seven snubbers were declared inoperable. The licensee states that this application was not filed earlier because, following this inspection, its focus had been on the detailed examination of the snubbers' failure mechanism and its implications and on alternative methodologies and analyses, rather than on their scheduling implications. Further, these efforts were hampered by the unavailability of key personnel during the holiday season. Once it was realized that an amendment was required, submission of this application proceeded on a priority basis.

This revision to the Technical Specifications would be made in response to the licensee's application for amendment dated January 4, 1985, as supplemented January 9, 1985.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has committed to perform, prior to expiration of the current interval, a visual inspection of the oil reservoir level of a significant number of snubbers which can be inspected practicably (oil loss is the predominant failure mode of these snubbers). Since a large sample of the snubbers will be inspected, the possibility of undiscovered failure is low and the function of the total population of snubbers is reasonably assured. Thus, the reduction in margin of safety is considered to be insignificant.

The Commission has considered licensee's proposed change in light of the above three criteria. First, while there may be some small increase in the probability of snubber failure during the extended surveillance interval, the Commission concludes because of the above compensatory inspection measures, this increase is not significant. The consequences of previously evaluated accidents are unaffected by the proposed extension of the inspection interval. Second, since accidents which might be caused by the possible failure of one or more snubbers during an extended inspection interval are the same as those previously evaluated, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. Third, since all snubbers were examined in November 1984, all failed snubbers were repaired, and the licensee will inspect a significant numbers of snubbers during the current interval, the reduction in safety margin is s considered to be insignifcant.

Therefore, as a result of these considerations the Commission has made a proposed determination that the amendment request involves no significant hazards considerations.

The Commission is seeking public comments on this proposed determination of no significant hazards considerations.

The Commission has determined that failure to act in a timely may would result in the licensee shutting down the plant on February 1, 1985.

Therefore, the Commisssion has insufficient time to issue its usual 30-day notice of the proposed action for public comment.

If the proposed determination becomes final, an opportuntiy for a hearing will be published in the **Federal Register** at a later date and any hearing request will not delay the effective date of the amendment.

If the Commission decides in its final determination that the amendment does involve a significant hazards consideration, a notice of opportunity for a prior hearing will be published in the **Federal Register** and, if a hearing is granted it will be held before any amendment is issued.

The Commission is seeking public comments on this proposed determination of no significant hazards consideration. Comments on the proposed determination may be telephoned to Steven A. Varga, Chief of Operations Reactors Branch No. 1, by collect call to 301-492-8035 or submitted in writing to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch. All comments received by January 31, 1985 will be considered in reaching a final determination. A copy of the application may be examined at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Swen Library, College of William and Mary, Williamsburg, Virginia 23185.

Dated at Bethesda, Maryland, this 11th day of January 1985

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 85-1406 Filed 1-16-85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee for Review of Enforcement Policy; Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Committee on the Enforcement Policy will be meeting on January 30, 1985 from 8:30 a.m.–5:00 p.m., and on January 31, 1985 from 8:30 a.m. until conclusion, in Room P–118 in the Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland. The meeting will be open to the public.

At the meeting, the Committee will receive briefings from various offices of the Nuclear Regulatory Commission on their respective roles in the enforcement process, and their views on the NRC Enforcement Policy and its implementation.

The agenda is as follows:

Wednesday, January 30, 1985

8:30 a.m.–12:00 noon—Regional Administrators

1:00 p.m.–3:00 p.m.—Offices of Nuclear Reactor Regulation and Nuclear Material Safety & Safeguards, former Directors of the Office of Inspection and Enforcement

3:00 until conclusion—Office of Executive Legal Director—Issues and Current Proposals on Material False Statements

Thursday, January 31, 1985

8:30 a.m. until conclusion—Office of State Programs, Office of International Programs, Office of the Analysis and Evaluation of Operational Data, Office of Investigations.

Further information on the meeting may be obtained from Karen Cyr, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301–492–7269.

Dated at Washington, D.C. this 14th day of January 1985.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 85–1400 Filed 1–16–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–352/353]

Availability of Second Partial Initial Decision, Philadelphia Electric Co.; Limerick Generating Station, Units 1 and 2

Notice is hereby given that the Second Partial Initial Decision related to the operation of the Limerick Generating Station, Units 1 and 2, has been issued by the Commission's Atomic Safety and Licensing Board on August 29, 1984. The second Partial Initial Decision concerns, among other things, the NRC staff's Final Environmental Statement (NUREG–0974) published in April 1984. The Limerick Generating Station, Units 1 and 2 are located on the Schuylkill River, Near Pottstown, in Limerick Township, Montgomery County, Pennsylvania.

Copies of the Second Partial Initial Decision are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, DC 20555, and at the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464. The document has also been made avialable at the Pennsylvania State Clearinghouse, Governor's Budget Office, P.O. Box 1323, Harrisburg, Pennsylvania 17120 and at the Delaware Valley Regional Planning Commission, Penn Towers Building, Third Floor, 1819 John F. Kennedy Boulevard, Philadelphia 19103.

Dated at Bethesda, Maryland, this 11th day of January 1985.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 85–1403 Filed 1–16–85; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Extension of Approval

Form S–14
No. 270–65

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for extension of clearance Form S–14, Securities Act of 1933 registration form for securities to be offered in certain transactions under Securities Act Rule 145. The form provides a basis for the Commission to fulfill its statutory responsibility of requiring the filing of a registration statement making publicly available information regarding such securities.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395–7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

January 11, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85–1423 Filed 1–16–85; 8:45 am]

BILLING CODE 8010–01–M

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Extension of Approval

Form S–15
No. 270–66

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for extension of clearance Form S–15, Securities Act of 1933 registration form for registration of securities to be offered in certain business combination transactions. The form provides a basis for the Commission to fulfill its statutory responsibility of requiring the filing of a registration statement making publicly available information regarding such securities.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395–7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

January 11, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85–1424 Filed 1–16–85; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 14312; (812–5936)]

Institutional Liquid Assets, et al.; Filing of Application for an Order Exempting Applicant

In the matter of Institutional Liquid Assets, Institutional Tax-Exempt Assets, Asset Management Portfolios, Exempt Assets Portfolios, Centerland Fund and International Money Market Fund, 111 West Jackson Boulevard, Chicago, Illinois 60604, and Goldman, Sachs & Co., 85 Broad Street, New York, New York 10004.

Notice is hereby given that Institutional Liquid Assets ("ILA"), Institutional Tax-Exempt Assets, Asset Management Portfolios, Exempt Assets Portfolios, Centerland Fund and International Money Market Fund

(sometimes referred to individually as a "Fund" or collectively as the "Funds") and Goldman, Sachs & Co. ("Goldman Sachs") (together with the Funds, sometimes referred to as "Applicants") filed an application on September 13, 1984 for an order of the Commission, pursuant to Rule 17d–1 under the Investment Company Act of 1940 ("Act"), exempting Applicants from the provisions of Section 17(d) of the Act to the extent necessary to permit the Funds to create a joint account, deposit their cash balances into the joint account and use such account funds for the purchase of repurchase agreements under the circumstances set forth below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the relevant provisions.

Applicants state that each Fund is a registered open-end, diversified investment company. Goldman Sachs acts as the investment adviser for each Fund and is a registered investment adviser under the Investment Advisers Act of 1940. Applicants further state that Goldman Sachs may invest the cash balances in a Fund throughout a given day in short-term repurchase agreements with banks, brokers, dealers or other financial institutions.

Applicants state that the custodial charges associated with virtually all repurchase agreement transactions are directly related to the number of pieces of the underlying securities and are regardless of size, and that consequently, the goal of the proposed joint account is to reduce the number of transactions and pieces of the underlying securities. Applicants state that during the six months ended June 30, 1984, there were 125 business days on which the Funds entered into a total of 2,072 separate repurchase agreements involving an average of approximately 1.6 underlying securities for each repurchase agreement with total custodial charges of $66,360, and that during this period, the average amount invested in repurchase agreements by the Funds on a given day was approximately $769 million. Applicants further state if the proposed joint account had been in place and assuming that the number of separate repurchase agreement transactions were reduced by one-third and that there was an average of 1.2 pieces of underlying securities per repurchase agreement, custodial charges would have amounted to $33,160, which represents a savings of $33,200.

Applicants propose to establish a joint account into which each Fund would place its uninvested cash balances. The daily balance in the joint account would be used to enter into one or more large repurchase agreements as set forth in the application. Applicants contend that the joint account would benefit the Funds by enabling them to negotiate a greater rate of return on a large repurchase agreement than the rate of return which can be negotiated for smaller repurchase agreements. In addition, by reducing the number of trade tickets which will have to be written, repurchase transactions will be simplified, with a concomitant reduction in the opportunities for errors.

Applicants assert that the joint account will provide liquidity to meet daily cash needs without the exposure to the market risk that would be involved if a Fund were to purchase a short-term security, rather than investing in a repurchase agreement, and the short-term security had to be sold prior to maturity to cover unexpected cash requirements. Applicants further assert that the joint account will result in a saving of custodial charges to both the Funds and Goldman Sachs.

Applicants also request exemptive relief to permit any and all new funds which may be established in the future for which Goldman Sachs may serve as investment adviser to participate in the joint account. Applicants state that any such new funds would participate in the joint account under terms and conditions substantially identical to those set forth above.

Applicants state that they and the Board of Trustees of each Fund believe that granting this application would be "consistent with the provisions, policies and purposes of the Act" and that participation in the proposed joint account by each Fund would not be "on a basis different from or less advantageous than that of other participants" and that Goldman Sachs' role in adminstering the account would be ministerial only. Applicants state that the proposed method of operating the joint account should not result in any conflicts of interest between any of the Funds or between a Fund and Goldman Sachs.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than February 4, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the addresses stated above. Proof of servie (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85–1422 Filed 1–16–85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14311; (812–5964)]

Security Equity Fund and Security Management Corp.; Application for an Order Granting Certain Exemptions and Permitting Certain Transactions

January 11, 1985.

Notice is Hereby given that Security Equity Fund ("Fund"), 700 Harrison Street, Topeka, KS 66636, a Massachusetts corporation registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end management investment company, and Security Management Corporation ("Adviser," collectively with the Fund, "Applicants"), the Fund's investment adviser, filed an application on October 19, 1984, and an amendment thereto on December 17, 1984, requesting an order of the Commission (i) pursuant to Section 6(c) of the Act exempting the Fund from the provisions of Section 12(d)(1) of the Act to the extent necessary to allow the Fund to form a wholly-owned subsidiary open-end investment company (the "Subsidiary"); (ii) pursuant to Section 17(b) of the Act exempting the Fund and its Subsidiary from the provisions of Section 17(a) of the Act to the extent necessary to permit the Fund to transfer assets to the Subsidiary; and (iii) pursuant to Section 17(d) of the Act and Rule 17d–1 thereafter to permit the Fund, the Adviser, and the Subsidiary to participate in the organization, funding, operation, and spin-off of the Subsidiary. All interested pesons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below, and to the Act and the rules thereunder for the text of their relevant provisions.

According to the application, the Fund is one of seven diversified open-end investment companies managed by the

Adviser, a Kansas corporation. The Fund proposes to organize the Subsidiary which would be initially funded over a six-month period (beginning on the date the Subsidiary commences operations) by the transfer to the Subsidiary of ten percent (10%) of the net assets of the Fund (determined on the date the Subsidiary commences operations). Thereafter, the Subsidiary would receive an additional amount from the Fund on the first business day of each calendar month equal to twenty percent (20%) of the net proceeds, if any, from sales of Fund shares during the preceding calendar month. (Net proceeds would reflect reinvestments of dividends and capital gain distributions, exchanges from other funds managed by the Adviser, and redemptions of Fund shares during that month.)

The application states that the Subsidiary would pursue investment objectives and policies similar to the Fund, except that the Subsidiary would more aggressively seek capital appreciation and may utilize the riskier investment techniques of short-term trading and leverage. The Subsidiary would register under the Act as an open-end investment company prior to its commencing operations.

Applicants state that approximately five years from the date it commences business, or sooner if the net assets of the Subsidiary have exceeded $50,000,000 for six consecutive months, shares of the Subsidiary would be spun off as a stock dividend to those who are then shareholders of the Fund on a pro rata basis in proportion to the number of Fund shares outstanding on the record date of the spin-off. No further stockholder or Commission action is anticipated with respect to that stock dividend. Recipients of shares of the Subsidiary would be able to exchange them for shares of the Fund, if they wish to do so, without incurring any sales charge. Shares of the Fund may be exchanged, without payment of a sales charge, for shares of Security Ultra Fund, which has investment objectives similar to those of the Fund. Thus, shareholders of the Fund who do not want to own shares of the Subsidiary may choose to exchange their shares for shares of a fund that is similar to the Fund, or they similarly may choose to exchange shares of the Subsidiary for shares of the Fund after the spin-off.

Applicants state that the principal reason for the proposed transaction is to give Fund shareholders the opportunity to have a portion of their investment in the Fund, a mutual fund emphasizing primarily long-term capital growth, allocated to a smaller investment company which will more aggressively seek capital appreciation through greater investment in less seasoned and smaller companies and which may utilize short-term trading and leverage. The Fund believes that its shareholders will support the proposal because (i) it will provide them with an indirect investment in a much smaller investment company without their having to liquidate their investments in the Fund and pay resulting federal or state income taxes, (ii) the Subsidiary is likely to remain a relatively small investment company until it is spun off, because direct investment in it will not be permitted. The Fund also asserts that the proposal will generate positive cash flow for the Fund. According to the application, the Fund's directors believe that this positive cash flow will provide the Adviser with added flexibility in identifying and acquiring new portfolio investments for the Fund as well as for the Subsidiary.

Applicants proposes that the assets to be transferred from the Fund to the Subsidiary would consist primarily of securities eligible for investment by the Subsidiary ("Eligible Investments") and owned by the Fund, to the extent there are sufficient Eligible Investments. If necessary or desirable, the Fund also will transfer cash from its existing reserves to the Subsidiary. Because it is consistent with the Fund's existing objectives and policies to invest in Eligible Investments, and the Fund intends to make a number of Eligible Investments whether or not the proposed transactions are consummated, Applicants do not anticipate that any transfer of assets to the Subsidiary will result in any adverse effect on the Fund's liquidity or any material increase in its portfolio turnover rate. The Fund reservers the right to make Eligible Investments for its own account after the organization and funding of the Subsidiary.

Applicants state that at its next annual meeting of stockholders, the Fund plans to present to its shareholders its proposal with respect to the organization and funding of the Subsidiary. Since the Fund believes that the proposed transactions should not be effected without substantial stockholder support, it will condition consummation of the proposed transactions on the affirmative vote of the holders of at least seventy-five percent (75%) of the shares represented in person or by proxy at the Anual Meeting. Consummation of the proposed transactions will also be subject to receipt from the Commission of the exemptions requested in the Application, the effectiveness of a registration statement on Form N-1A covering the Subsidiary and an indefinite number of shares of its Common Stock and an amendment to the Fund's registration statement on Form N-1A with respect to the proposed transactions.

Applicant represents that the Adviser would not receive any additional management fee solely by reason of the organization, funding, operation or spin-off of the Subsidiary. The management contract between the Subsidiary and Adviser would be identical to the management contract between the Fund and the Adviser, except that it would provide for fees to be based on the aggregate assets of the Fund and the Subsidiary, with the Subsidiary paying its pro rata share based on its share of the aggregate assets. The Fund's management contract would be amended to indicate that the Fund's fees will be based on assets excluding those of the Subsidiary, but will be calculated at a rate based on aggregate assets of the Fund and the Subsidiary.

According to the Application, the Subsidiary would register under the Act as an open-end investment company prior to its commencing operations. From that time Until immediately prior to the spin-off of the Subsidiary, the Fund will hold shares of the Subsidiary's Common Stock equal to the number of shares of Fund Common Stock then outstanding. The Subsidiary's directors initially would be the same individuals who are the directors of the Fund. Director's fees for directors who are not "interested persons" of the Fund or the Subsidiary will be paid by the Fund. The Subsidiary will pay all its other expenses. No increase is contemplated in the aggregate directors fees to be paid. The Fund does not, and the Subsidiary would not, pay any remuneration to officers. The Subsidiary would be named on a joint fidelity bond as an insured and maintain separate custody arrangements, all in compliance with the Act and the rules and regulations thereunder. While the subsidiary is wholly-owned by the Fund, all published financial statements of the Fund would include separate audited financial statements for the Subsidiary. The Fund's prospectus would include a schedule of the Subsidiary's investments, audited financial statements for the Subsidiary and other specific disclosures relating to the Subsidiary as required under the Act and the Securities Act of 1933, as amended. The Adviser will pay all expenses of obtaining shareholder and regulatory approval for the proposed transaction. The Subsidiary will bear all

its organizational expenses and the expenses of registering under the Act and of registering its shares with the Commission and the various states. These expenses will be amortized over a five-year period.

Applicants state that the Subsidiary would be an "investment company" as defined in Section 3(a) of the Act. Accordingly, the Fund's ownership of the Subsidiary would violate the proscription against ownership of more than 3% of the capital stock of another investment company in Section 12(d)(1) of the Act. Applicants further state that transfers of securities and cash from the Fund to the Subsidiary may be prohibited by Section 17(a) of the Act and that the Subsidiary's organization, funding, operations and eventual spin-off may be considered to involve the joint participation of the Fund, the Subsidiary, and/or the Adviser in one or more joint transactions prohibited by Section 17(d) of the Act and Rule 17d–1 thereunder.

Applicants assert that Section 12(d)(1) of the Act is designed, *inter alia*, to prevent the pyramiding of management fees which would result from mutual funds investing in other mutual funds. They contend that since the Fund would pay only one management fee, based on the combined net assets of the Fund the Subsidiary, there would not be any pyramiding of management fees. Applicants, in arguing that this proposal meets the standards of Section 17(d) of the Act, further assert that the proposed transfers of assets from the Fund to the Subsidiary would not prejudice the Fund or the Subsidiary in any respect. Securities transferred from the Fund to the Subsidiary will be transferred at fair market value as of the close of business on the preceding business day in accordance with the Fund's procedures for computing its net asset value each day. Since the Subsidiary will be wholly owned until it is spun off, transactions between the Fund and the Subsidiary would neither prejudice any Fund shareholder nor benefit the Adviser or any other affiliated person of any affiliated person.

In arguing that the standards of Rule 17d–1 have been met, Applicants assert that the Fund and the Adviser have taken appropriate steps to assure that the Fund and the Subsidiary will be treated fairly in all respects. The Subsidiary's organizational costs will be paid by the Adviser which, notwithstanding that additional staffing will probably be required to manage the Subsidiary's portfolio, will not receive any additional management fee solely as a result of the organization, funding or spin-off of the Subsidiary. Prior to the spin-off, directors' fees will be allocated between the Fund and the Subsidiary in accordance with their respective net assets. Prior to the spin-off of the Subsidiary, investments will be allocated to Fund and the Subsidiary in accordance with their respective investment policies. If a proposed investment satisfies such policies of both the Fund and the Subsidiary, the Adviser will make the investment for the portfolio for which it is then most desirable.

According to the application, the Fund believes that the proposed transaction would not favor the Adviser over other promoters in connection with the organization of new mutual funds. The Adviser will not receive a higher management fee on the combined assets of the Fund and the Subsidiary than it would receive on the same amount of assets of the Fund. It is not the intention of the Adviser to utilize the proposed transactions for the purpose of proliferating investment companies for it to manage.

Notice is further Given that any interested person wishing to request a hearing on the application may, not later than January 31, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85–1427 Filed 1–16–85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21650; (SR-phly-84-27)]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Granting Accelerated Approval of Proposed Rule Change

January 11, 1985.

The Philadelphia Stock Exchange, Inc. ("Phlx") 1900 Market Street, Philadelphia, PA 19103, submitted on November 5, 1984, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b–4 thereunder, to provide for a modified rotation for options, with the approval of two floor officials, following delayed openings, trading halts or suspensions of an option series, or unusual market conditions, such as heavy influx of orders. Under the proposed modified rotation, each option series would open in the same manner and sequence as a regular opening trading rotation except that free trading would be permitted in a series when all the puts and calls within the same expiration month have been opened.[1] All exercise prices of a given expiration month must be opened before the trading may commence in such options. In addition, the proposed rule change would permit a different sequence to be used in the modified rotation upon the approval of two floor officials for the same reasons stated above. Phlx states that the proposed rule change is intended to improve the quality and efficiency of opening rotations and will facilitate fair and orderly openings.

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by the issuance of a Commission Release (Securities Exchange Act Release No. 34–21534, December 3, 1984) and by publication in the **Federal Register** (49 FR 48851, December 14, 1984). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations, thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of filing thereof, in that insofar as the proposal would alter the existing Phlx rule, it is substantially the same as an existing rule of the American Stock Exchange, Inc. ("Amex").[2] The accelerated

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[1] Under a regular open trading rotation, first the near-term expiration is opened, then the mid-term expiration series and finally the far-term expiration series. Free trading is permitted only after all these series have gone through their opening rotation.

[2] Amex currently permits modified rotations to be employed in the same manner and under the same circumstances as Phlx is proposing in its rule. *See* Amex Rule 918, commentary .01(b).

approval of the proposed rule change will also permit modified rotations to be available for use, if necessary, during Phlx's introduction of its Value Line Average Stock Index Option on January 11, 1985.

It is therefore Ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-1426 Filed 1-16-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21652; (SR-Phlx-84-35)]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

January 11, 1985.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act") and Rule 19b-4 thereunder, notice is hereby given that on December 24, 1984, the Philadelphia Stock Exchange, Inc. ("Phlx") 1900 Market Street, Philadelphia, PA 19103, filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

Phlx's proposed rule change would permit opening rotations for broad-based (market) index options to commence at or as soon as practicable after 10:00 a.m., New York time. Under existing rules, opening rotations for both broad-based and narrow-based (industry) index options can only be held after 50% of the aggregate market value of all the securities underlying the index have opened for trading. Phlx would continue to commence opening rotations for options on narrow-based indices pursuant to this existing rule.[1] In its filing, Phlx noted that the proposed rule change will enable it to compete more fairly with similar products traded on commodity exchanges which open earlier than index options. Currently, for example, the Kansas City Board of Trade opens futures trading on the VLA at 9:45 a.m., New York time. In addition, Phlx notes that the proposed rule change is similar to one recently filed by the Chicago Board Options Exchanges, Inc. ("CBOE").[2]

Interested persons are invited to submit written data, views and arguments concerning the Phlx submission within 21 days from the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-Phlx-84-35.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available at the principal office of Phlx.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in that insofar as the proposal would alter the existing Phlx rule, it is substantially the same as the CBOE and Amex rules recently published for public comment, considered and approved by the Commission. In light of this fact, and to reduce the potential for confusion, accelerated approval is appropriate.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-1421 Filed 1-16-85; 8:45 am]

BILLING CODE 8010-01-M

[1] Phlx currently trades one narrow-based index option—the Gold/Silver Index Option. On January 11, 1985, Phlx is planning to introduce a broad-based index option on the Value Line Average Stock Index ("VLA").

[2] The Commission recently approved CBOE's proposed rule change (File No. SR-CBOE-84-25) that permits opening rotations for index options to begin at 9:00 a.m., Chicago time. At the same time, the Commission also granted accelerated approval to a similar American Stock Exchange, Inc. ("Amex") proposal (File No. SR-Amex-84-38) that permits opening rotations for options on the broad-based Major Market Index to commence at 10:00 a.m., New York time. *See* Securities Exchange Act Release No. 21580, December 16, 1984, 49 FR 50342, December 27, 1984.

SMALL BUSINESS ADMINISTRATION

[Designation of Disaster Loan Area No. 6260]

Arizona; Designation of Federal Action Economic Injury Loan Area

Cochise, Santa Cruz, Pima and Yuma Counties in the State of Arizona constitute and economic injury area as a result of the following Currency Fluctuation pursuant to section 7(b)(4), as amended, of the Small Business Act:

Devaluation of the peso by the government of Mexico. The date of said Currency Fluctuation is February 1982 and August 1982. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 4 Office, Small Business Administration, 77 Cadillac Drive Suite 158, Sacramento, California 95825, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1387 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6263]

California; Designation of Federal Action Economic Injury Loan Area

Butte, Colusa, Fresno, Kern, Kings, San Joaquin, Sutter, Tulare and Yolo Counties in the State of California constitute an economic injury area as a result of the following Federal Action pursuant to section 7(b)(3), as amended, of the Small Business Act:

1983 Payment-in-Kind Land Diversion

The date of said Federal Action is the 1983 crop season. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 11, 1985, at the address listed below: Disaster Area 4 Office, Small Business Administration, 77 Cadillac Drive Suite 158, Sacramento, California 95825, or other locally announced

locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 11, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1384 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6262]

California; Designation of Federal Action Economic Injury Loan Area

Imperial and San Diego Counties in the State of California constitute an economic injury area as a result of the following Currency Fluctuation pursuant to section 7(b)(4), as amended, of the Small Business Act:

Devaluation of the peso by the government of Mexico. The date of said Currency Fluctuation is February 1982 and August 1982. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 4 Office, Small Business Administration, 77 Cadillac Drive, Suite 158, Sacramento, California 95825, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1385 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6259]

Colorado; Designation of Federal Action Economic Injury Loan Area

Baca, Kiowa, Kit Carson, Prowers, Washington, Weld and Yuma Counties in the State of Colorado constitute an economic injury area as a result of the following Federal Action pursuant to section 7(b)(3), as amended, of the Small Business Act:

1983 Payment-in-Kind Land Diversion Program

The date of said Federal Action is the 1983 crop season. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 4 Office, Small Business Administration, 77 Cadillac Drive Suite 158, Sacramento, California 95825, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1388 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6261]

Idaho; Designation of Federal Action Economic Injury Loan Area

Power County in the State of Idaho constitutes an economic injury area as a result of the following Federal Action pursuant to section 7(b)(3), as amended, of the Small Business Act:

1983 Payment-in-Kind Land Diversion Program

The date of said Federal Action is the 1983 crop season. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 4 Office, Small Business Administration, 77 Cadillac Drive, Suite 158, Sacramento, California 95825, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1386 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6256]

Indiana; Designation of Federal Action Economic Injury Loan Area

Daviess, Kosciusko, Gibson, Orange and Vermillion Counties in the State of Indiana constitute an economic injury area as a result of the following Federal Action pursuant to section 7(b)(3), as amended, of the Small Business Act:

1983 Payment-in-Kind Land Diversion Program

The date of said Federal Action is: 1983 crop season. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 2 Office, Small Business Administration, Richard B. Russell Federal Bldg., 75 Spring St., S.W., Suite 822, Atlanta, Georgia 30303, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1391 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6252]

Iowa; Designation of Federal Action Economic Injury Loan Area

Boone, Buchanan, Buena Vista, Butler, Cedar, Cerro Gordo, Clinton, Crawford, Delaware, Fayette, Franklin, Greene, Hamilton, Hancock, Hardin, Harrison, Iowa, Jasper, Kossuth, Lyon, Marshall, Monona, O'Brien, Plymouth, Pocahontas, Shelby, Sioux, Story, Tama, Webster, Winneshiek, Woodbury and Wright Counties in the State of Iowa constitute an economic injury area as a result of the following Federal Action pursuant to section 7(b)(3), as amended, of the Small Business Act:

1983 Payment-in-Kind Land Diversion Program

The date of said Federal Action is: 1983 crop season. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1395 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6245]

Kansas; Designation of Federal Action Economic Injury Loan Area

Finney, Ford, Gray, Hamilton, Harper, Haskell, Meade, Seward, Stanton, Stevens, Sumner, and Thomas Counties in the State of Kansas constitute an

economic injury area as a result of the following Federal Action pursuant to section 7(b)(3), as amended, of the Small Business Act:

1983 Payment-in-Kind Land Diversion Program

The date of said Federal Action is: 1983 crop season. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1379 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6246]

Louisiana; Designation of Federal Action Economic Injury Loan Area

Morehouse and Richland Parishes in the State of Louisiana constitute an economic injury area as a result of the following Federal Action pursuant to section 7(b)(3), as amended, of the Small Business Act:

1983 Payment-in-Kind Land Diversion Program

The date of said Federal Action is: 1983 crop season. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1381 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6249]

Michigan; Designation of Federal Action Economic Injury Loan Area

Allegan, Hillsdale and Oakland Counties in the State of Michigan constitutes an economic injury area as a result of the following Federal Action pursuant to section 7(b)(3), as amended, of the Small Business Act:

1983 Payment-in-Kind Land Diversion Program

The date of said Federal Action is the 1983 crop season. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 2 Office, Small Business Administration, Richard B. Russell Federal Bldg., 75 Spring St., S.W. Suite 822, Atlanta, Georgia 30303, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1398 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6248]

Minnesota; Designation of Federal Action Economic Injury Loan Area

Blue Earth, Chippewa, Clay, Faribault, Fillmore, Freeborn, Jackson, Kandiyohi, Kittson, Lac Qui Parle, Lyon, Marshall, Martin, Mower, Murray, Nobles, Norman, Polk, Redwood, Renville, Roseau, Stearns, Stevens, Swift, Wilkin and Yellow Medicine Counties in the State of Minnesota constitute and economic injury area as a result of the following Federal action pursuant to section 7(b)(3), as amended, of the Small Business Act:

1983 Payment-in-Kind Land Diversion Program

The date of said Federal Action is: 1983 crop season. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 2 Office, Small Business administration, Richard B. Russell Federal Bldg., 75 Spring St., S.W. Suite 822, Atlanta, Georgia 30303, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1399 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6250]

Mississippi; Designation of Federal Action Economic Injury Loan Area

Bolivar, Sunflower, and Washington Counties in the State of Mississippi constitute an economic injury area as a result of the following Federal Action pursuant to section 7(b)(3), as amended, of the Small Business Act:

1983 Payment-in-Kind Land Diversion Program

The date of said Federal Action is: 1983 crop season. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 2 Office, Small Business Administration, Richard B. Russell Federal Bldg., 75 Spring Street, SW., Suite 822, Atlanta, Georgia 30303, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1397 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6247]

Nebraska; Designation of Federal Action Economic Injury Loan Area

Adams, Antelope, Boone, Buffalo, Butler, Cedar, Clay, Custer, Dawson, Fillmore, Franklin, Gage, Gosper, Hall, Hamilton, Holt, Howard, Kearney, Kimball, Lancaster, Lincoln, Madison, Merrick, Phelps, Platte, Polk, Rock, Saunders, Thayer, Wheeler, and York Counties in the State of Nebraska constitute an economic injury area as a result of the following Federal Action pursuant to section 7(b)(3), as amended, of the Small Business Act:

1983 Payment-in-Kind Land Diversion Program

The date of said Federal Action is: 1983 crop season. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 3 Office, Small Business Administrations, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051, or other locally announced locations.The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1382 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6254]

New Mexico; Designation of Federal Action Economic Injury Loan Area

Dona Ana, Grant, Hidalgo, Luna, and Otero Counties in the State of New Mexico constitute an economic injury area as a result of the following Currency Fluctuation pursuant to section 7(b)(4), as amended, of the Small Business Act:

Devaluation of the peso by the government of Mexico. The date of said Currency Fluctuation is February 1982 and August 1982. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59006)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1393 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6251]

New Mexico; Designation of Federal Action Economic Injury Loan Area

Curry, Quay, and Roosevelt Counties in the State of New Mexico constitute an economic injury area as a result of the following Federal Action pursuant to section 7(b)(3), as amended, of the Small Business Act:

1983 Payment-in-Kind Land Diversion Program

The date of said Federal Action is: 1983 crop season. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1396 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6258]

North Dakota; Designation of Federal Action Economic Injury Loan Area

Barnes, Benson, Bottineau, Burleigh, Cass, Cavalier, Dickey, Emmons, Grand Forks, Grant, Hettinger, La Moure, Logan McHenry, McIntosh, McLean, Morton, Mountrail, Nelson, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Sargent, Stark, Stutsman, Tower, Traill, Walsh, Ward, and Wells Counties in the State of North Dakota constitute an economic injury area as a result of the following Federal Action pursuant to section 7(b)(3), as amended, of the Small Business Act:

1983 Payment-in-Kind Land Diversion Program

The date of said Federal Action is: 1983 crop season. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 4 Office, Small Business Administration, 77 Cadillac Drive, Suite 158, Sacramento, California 95825, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1389 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6257]

South Dakota; Designation of Federal Action Economic Injury Loan Area

Beadle, Brookings, Brown, Clark, Day, Hand, Kingsbury, Lyman, Minnehaha, Roberts, Spink, and Sully Counties in the State of South Dakota constitute an economic injury area as a result of the following Federal Action pursuant to section 7(b)(3), as amended, of the Small Business Act:

1983 Payment-in-Kind Land Diversion Program

The date of said Federal Action is: 1983 crop season. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 4 Office, Small Business 77 Cadillac Drive Suite 158, Sacramento, California 95825, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1390 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6255]

Texas; Designation of Federal Action Economic Injury Loan Area

Brewster, Cameron, Culberson, Dimmit, El Paso, Hidalgo, Hudspeth, La Salle, Maverick, Pecos, Real, Starr, Uvalde, Val Verde, Webb, Willacy, Zapata, and Zavala Counties in the State of Texas constitute an economic injury area as a result of the following Currency Fluctuation pursuant to section 7(b)(4), as amended, of the Small Business Act:

Devaluation of the peso by the government of Mexico. The date of said Currency Fluctuation is February 1982 and August 1982. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1392 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6253]

Texas; Designation of Federal Action Economic Injury Loan Area

Andrews, Archer, Armstrong, Bailey, Baylor, Brisco, Calhoun, Cameron, Carson, Castro, Cochran, Crosby, Dallam, Dawson, Deaf Smith, Floyd, Foard, Gaines, Gray, Hale, Hansford, Hardeman, Hartley, Haskell, Hockley, Hutchinson, Jones, Kleberg, Lamb, Lipscomb, Lubbock, Lynn, Moore, Nueces, Ochiltree, Oldham, Parmer, Potter, Randall, Refugio, Roberts, Runnels, San Patricio, Schleicher, Sherman, Swisher, Terry, Wharton, Wichita, Yoakum and Young Counties in the State of Texas constitute an economic injury area as a result of the following Federal Action pursuant to section 7(b)(3), as amended, of the Small Business Act:

1983 Payment-in-Kind Land Diversion Program

The date of said Federal Action is: 1983 crop season. Eligible small businesses without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1394 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 01/01-0336]

Chestnut Capital International II, L.P.; Application for a License To Operate as a Limited Partnership Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing SBIC's [12 CFR 107.102 (1984)] under the name of Chestnut Capital International II, Limited Partnership, 45 Milk Street, Boston, Massachusetts 02109 for a license to operate in the Massachusetts area as a Limited Partnership SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended, (15 U.S.C. 661 *et seq.*).

The partnership will begin operations with private captial of $3,080,992.

The General Partner of the Partnership is TA Associates Company, 45 Milk Street, Boston, Massachusetts, which has the following partners:

Jacqueline C. Morby, 45 Milk Street, Boston, MA 02109

Peter A. Brooke, 45 Milk Street, Boston, MA 02109

Jeffrey T. Chambers, 45 Milk Street, Boston, MA 02109

Michael A. Ruane, 45 Milk Street, Boston, MA 02109

Richard H. Churchill, Jr., 45 Milk Street, Boston, MA 02109

C. Kevin Landry, 45 Milk Street, Boston, MA 02109

David D. Croll, 45 Milk Street, Boston, MA 02109

P. Andrews McLane, 45 Milk Street, Boston, MA 02109

TA Associates V, Limited Partnership and Chestnut International II Debt Company, Limited Partnership are the limited partners of the SBIC applicant.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice if further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 14441 "L" St., NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newpaper of general circulation in Boston, Massachusetts.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 9, 1985.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 85-1296 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6243]

Illinois; Designation of Federal Action Economic Injury Loan Area

Bureau, Champaign, DeKalb, DuPage, Henry, Iroquois, Kankakee, Knox, La Salle, Lawrence, Lee, Livingston, McHenry, McLean, Mercer, Ogle, Stark, Vermilion, Whiteside and Winnebago Counties in the State of Illinois constitute an economic injury area as a result of the following Federal Action pursuant to section 7(b)(3), as amended, of the Small Business Act: 1983 Payment-in-Kind Land Diversion Program.

The date of said Federal Action is: 1983 crop season. Eligible small business without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 2 Office, Small Business Administration, Richard B. Russell Bldg., 75 Spring Street, S.W. Suite 822, Atlanta, Georgia 30303, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1294 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6244]

Oklahoma; Designation of Federal Action Economic Injury Loan Area

Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Comanche, Cotton, Custer, Dewey, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Major, Noble, Texas, Tillman, Washita and Woods Counties in the State of Oklahoma constitute an economic injury area as a result of the following Federal Action pursuant to section 7(b)(3), as amended, of the Small Business Act: 1983 Payment-in-Kind Land Diversion Program.

The date of said Federal Action is the 1983 crop season. Eligible small businesses without credit elsewhere

may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane Suite 110, Grand Prairie, Texas 75051, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1293 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area No. 6242]

Wisconsin; Designation of Federal Action Economic Injury Loan Area

Dane, Iowa and Rock Counties in the State of Wisconsin constitutes an economic injury area as a result of the following Federal Action pursuant to section 7(b)(3), as amended, of the Small Business Act: 1983 Payment-in-Kind Land Diversion Program.

The date of said Federal Action is: 1983 crop season. Eligible small business without credit elsewhere may file applications for economic injury until the close of business on October 10, 1985, at the address listed below: Disaster Area 2 Office, Small Business Administration, Richard B. Russell Bldg., 75 Spring Street, S.W. Suite 822, Atlanta, Georgia 30303, or other locally announced locations. The interest rate for eligible small business applicants is 8%.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 10, 1985.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 85-1295 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Amendment No. 1]

Designation of Disaster Loan Area No. 6245; Kansas

The above numbered Declaration is hereby amended to include the Counties of Pratt and Reno. All other information remains the same, i.e. the termination date for filing applications is the close of business on October 10, 1985.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: January 11, 1985.

Irenemaree Castillo,

Acting Administrator.

[FR Doc. 85-1380 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

[Amendment No. 1]

Designation of Disaster Loan Area No. 6247; Nebraska

The above numbered Declaration is hereby amended to include the County of Webster. All other information remains the same, i.e. the termination date for filing applications is the close of business on October 10, 1985.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 11, 1985.

Irenemarie Castillo,

Acting Administrator.

[FR Doc. 85-1383 Filed 1-16-85; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 927]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 655 (44 FR 17846), March 23, 1979, the Department is submitting its August through December 1984 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article III(c)5 of the guidelines published in the **Federal Register** on March 23, 1979.

Dated: January 9, 1985.

Kevin E. Carroll,

Director, Office of International Conferences.

United States Delegation to the Fourth General Conference of the United Nations Industrial Development Organization (UNIDO), Vienna, August 2–18, 1984

Representative

The Honorable Richard S. Williamson, Ambassador, U.S. Representative to International Organizations in Vienna

Alternate Representative

Michael P. Boerner, Policy Planning Council, Department of State

Advisers

Daniel L. Dolan, U.S. Mission to OECD, Paris

Louis Faoro, Coordinator for UNIDO Affairs, Agency for International Development

Robert W. Filby, U.S. Mission to International Organizations in Vienna

Brewster Hemenway, Deputy Chief of Mission, U.S. Mission to International Organizations in Vienna

Roderick C. Mackler, Office of Technical Specialized Agencies, Bureau of International Organization Affairs, Department of State

Kenneth Quinn, U.S. Mission to International Organizations in Vienna

H. Kirkby Ressler, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State

Daniel Vernon, U.S. Mission to International Organizations in Vienna

Private Sector Adviser

Ronald D. Mann, Director for Government Affairs, Boeing Aircraft Corporation, Seattle, Washington

United States Delegation to the Group of Experts on Explosives (24th Session) Economic and Social Council (ECOSOC), Geneva August 6–10, 1984

Representative

Alan I. Roberts, Associate Director, Office of Hazardous Materials Regulation, Research and Special Programs Administration, Department of Transportation

Alternate Representative

Edward A. Altemos, International Standards Coordinator, Office of Hazardous Materials Regulation, Research and Special Programs, Department of Transportation

Advisors

Raymond B. Sawyer, Explosives Safety Board, Department of Defense

Charles W. Schultz, Office of Hazardous Materials Regulation, Research and Special Programs Regulation, Department of Transportation

Richard W. Watson, Pittsburgh Explosives Laboratory, Bureau of Mines, Department of the Interior, Pittsburgh, Pennsylvania

Private Sector Advisers

Wei Shing Chang, Bureau of Explosives, Association of American Railroads, Edison, New Jersey

Clyde W. Eilo, Institute of Makers of Explosives, New York, New York

A.B. Opperman, Institute of Makers of Explosives, New York, New York

United States Delegation to the Group of Rapporteurs on Pollution and Energy 10th Session, Economic Commission for Europe (ECE), Geneva, September 3–5, 1984

Representative

Merrill Korth, Office of Mobile Sources, Environmental Protection Agency, Ann Arbor, Michigan

Private Sector Advisers

Louis Broering, Engine Manufacturers Association, Chicago, Illinois
Harry Weaver, Motor Vehicles Manufacturers Association, Detroit, Michigan

United States Delegation to the Antarctica, Commission on the Conservation of Antarctic Marine Living Resources, 3rd Session, Hobart, September 3–4, 1984

Representative

R. Tucker Scully, Director, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Advisers

Alan Ryan, Office of International Fisheries Affairs, National Marine Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Advisers

Robert Hofman, Senior Scientific Adviser, Marine Mammal Commission
Bruce Manheim, Environmental Defense Fund, Washington, D.C.

United States Delegation to the Intergovernmental Maritime Organization (IMO) Marine Environmental Protection Committee (MEPC) 20th Session, London, September 3–7, 1984

Representative

John W. Kime, Commodore, Chief, Office of Marine Environment and Systems, U.S. Coast Guard, Department of Transportation

Alternate Representative

Eric J. Williams, Commander, Assistant Chief, Port and Environmental Safety Division, U.S. Coast Guard, Department of Transportation

Advisers

Joseph J. Angelo, Merchant Vessel Inspection, U.S. Coast Guard, Department of Transportation
Nancy Fibish, Shipping Attache, U.S. Embassy London
William Hedeman, Director, Office of Emergency & Remedial Response, Environmental Protection Agency
Timothy W. Josiah, Lieutenant Commander, Chief, Environmental Coordination Branch, U.S. Coast Guard, Department of Transportation
Frits Wybenga, Marine Technical and Hazardous Materials Division, U.S. Coast Guard, Department of Transportation

Private Sector Adviser

Joseph J. Cox, Director of Marine Affairs, American Institute of Merchant Shipping

United States Delegation to the International Civil Aviation Organization (ICAO), All Weather Operation Panel, 10th Meeting, Montreal, September 4–21, 1984

Panel Member

Seymour Everett, Program Engineering and Maintenance Service, Federal Aviation Administration, Department of Transportation

Advisers

Eric Cassell, Electronic Systems Engineer, Federal Aviation Administration, Department of Transportation
Chester Longman, Aviation Safety Operations Inspector, Federal Aviation Administration, Department of Transportation
Carl Peterson, Electronic Engineer, Federal Aviation Administration, Department of Transportation
Lester Prosser, Manager, MLS Program, Federal Aviation Administration, Department of Transportation

Private Sector Advisers

Richard Bowers, Air Transport Association, Washington, D.C.
William Flathers, Mitre Corporation, McLean, VA
Robert Kelly, Bendix Corporation, Towson, MD
Robert Warner, Aircraft Owners and Pilots Association, Frederick, MD
Marvin Zeltzer, System Engineer, Mitre Corporation, McLean, VA

United States Delegation to the Committee on Housing, Building and Planning 45th Session Economic Commission to Europe (ECE), Geneva, September 10–14, 1984

Representative

Warren T. Lindquist, Assistant Secretary for Public and Indian Housing Programs, Department of Housing and Urban Development

Adviser

John M. Geraghty, ECE Program Coordination, Office of International Affairs, Department of Housing and Urban Development

Private Sector Advisers

Felix M. Beck, President and Chairman of the Board, Mortgage Bankers Association of America
Henry W. Morton, Professor and Chairman of the Department of Political Science, Queens College, City University of New York
Mark J. Reidy, Executive Vice President, Mortgage Bankers Association of America

United States Delegation to the 52nd Session of the Legal Committee, Intergovernmental Maritime Organization (IMO), London, September 10–14, 1984

Representative

Frederick F. Burgess, Captain, Office of Chief Counsel, United States Coast Guard, Department of Transportation

Alternate Representatives

Robert Blumberg, Attorney Adviser, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environment and Scientific Affairs, Department of State
Arthur Volkle, Office of General Counsel, United States Coast Guard, Department of Transportation

Adviser

Nancy Fibish, Shipping Attache, United States Embassy, London

Private Sector Advisers

William J. Coffey, Sea-Land Corporation, Iselin, New Jersey
Edward C. Kalaidjian, Maritime Law Association, New York, New York
Sally Lentz, The Oceanic Society, Washington, D.C.

United States Delegation to the 28th Session of the Subcommittee on Radiocommunication, Intergovernmental Maritime Organization (IMO), London, September 17–21, 1984

Representative

Robert E. Fenton, Captain, Chief, Plans and Policy Division, U.S. Coast Guard, Department of Transportation

Alternate Representative

Richard L. Swanson, Marine Radio Policy Branch, United States Coast Guard, Department of Transportation

Advisors

Nancy Fibish, Shipping Attache, United States Embassy, London
Gordon Hempton, Private Radio Bureau, Federal Communications Commission
William Luther, Field Operation Bureau, Federal Communications Commission
Robert C. McIntyre, Engineer, Federal Communications Commission

Private Sector Advisers

Charles Dorian, Washington, D.C.
John Fuechsel, National Ocean Industries Association, Washington, D.C.
George Kinal, COMSAT, Corp.

United States Delegation To the International Coffee Organization (ICO), London, September 17–28, 1984

Representative

Donald M. Phillips, Office of the U.S. Trade Representative, Executive Office of the President

Alternative Representative

Anthony Wallace, U.S. Embassy, London

Advisers

Martin J. Bailey, Economic Adviser to the Undersecretary for Economic Affairs, Department of State
Ralph Ives, International Resources Division, Department of Commerce
Stephen Muller, Tropical Products Division, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

Robert H. Bates, California Institute of Technology, Pasadena, California
George E. Boecklin, President, National Coffee Association, New York, New York
John Buckley, Vice President-Purchasing, The Nestle Company, Inc., White Plains, New York
Vincent J. Diez, President, Machado & Co., Inc., New York, New York
Kenneth R. Dunnivant, Vice President, The Folger Coffee Company, Cincinnati, Ohio
J. Grady Hughes, Chairman of the Board, National Coffee Service Association, Washington, D.C.
Paul J. Keating, Director, General Foods Corporation, New York, New York
Andrew Scholtz, President, Scholtz & Company, New York, New York
Marvin H. Schur, President, J. Aron & Company, Inc., New York, New York
H. Grady Tiller, President of the Coffee Unit, Coca-Cola Company, Houston, Texas

United States Delegation to the Chemical Industry Committee Meetings, Economic Commission for Europe (ECE), Geneva, September 24–28, 1984

Representative

Vincent J. Kamenicky, Director, Chemical and Rubber Division, Bureau of Industrial Economics, Department of Commerce

Advisers

George Dempsey, U.S. Mission, Geneva
James Malcomson, U.S. Mission, Geneva

Private Sector Adviser

Myron Foueaux, Legislative Representative, International Trade, Chemical Manufacturers Association, Washington, D.C.

United States Delegation to the 20th Session of the Working Party on Facilitation of International Trade Procedures, Economic Commission for Europe (ECE), Geneva, September 24–28, 1984

Representative

Harold B. Handerson, International Trade Division, Office of International Policy and Programs, Department of Transportation

Advisers

George Dempsey, U.S. Mission, Geneva
William H. Kenworthey, Jr., Data Systems Manager, Office of the Deputy Assistant Secretary of Defense for Management Systems, Department of Defense
Margaret M. O'Rourke, Office of Trade Operations, U.S. Customs Service, Department of the Treasury

Private Sector Adviser

Eugene A. Hemley, National Council on International Trade Documentation, New York, New York

United States Delegation to the Committee on International Investment and Multinational Enterprises, Working Group on Accounting Standards, Organization for Economic Cooperation and Development (OECD), Paris, September 26–28, 1984

Representative

Clarence Staubs, Deputy Chief Accountant, Securities and Exchange Commission

Alternate Representative

James H. Williamson, Office of Investment Affairs, Bureau of Economic and Business Affairs, Department of State

Adviser

Appropriate USOECD, Mission Officer, Paris

Private Sector Adviser

Ralph Walters, Senior Partner, Touche Ross and Company, New York, New York

United States Delegation to the 7th International Conference on Legal Metrology, International Organization on Legal Metrology (IOLM), Helsinki, October 1–5, 1984

Representative

Stanley Warshaw, Office of Product Standards Policy, National Bureau of Standards, Department of Commerce

Alternate Representatives

David Edgerly, Standards Management Programs, National Bureau of Standards, Department of Commerce
Frank Lancetti, Science and Technology Directorate, Bureau of International Organization Affairs, Department of State

Private Sector Adviser

Ezio Delfino, California Division of Measurement Standards, Sacramento, California

United States Delegation to the Group of Experts on the Transport of Perishable Food Stuffs, Economic Commission for Europe (ECE), Geneva, October 1–5, 1984

Representative

Robert F. Guilfoy, Jr., Chief, Transportation and Packaging Research Branch, Office of Transportation, Department of Agriculture

Advisers

Anthony Cruit, Agricultural Counselor, U.S. Mission, Geneva
George Dempsey, United States Mission, Geneva

Private Sector Adviser

James L. Clark, American Maritime Association, Washington, D.C.

United States Delegation to the Steel Committee, Working Party, Organization for Economic Cooperation and Development (OECD), Paris, October 8–9, 1984

Representative

Ralph F. Thompson, Jr., Acting Director, Office of Basic Industries, Department of Commerce

Advisers

Jorge Perez-Lopez, Deputy Director, Office of International Economic Affairs, Department of Labor
Appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

Frank Fenton, Vice President for Economics and Trade, American Iron and Steel Institute, Washington, D.C.
David Schryver, Assistant to the Chairman, LTV Steel Company, Cleveland, Ohio
John J. Sheehan, Director, Legislative Department, United Steelworkers of America, Pittsburgh, Pennsylvania

United States Delegation to the Timber Committee, 42nd Session, Economic Commission For Europe (ECE), Geneva, October 8–12, 1984

Representative

David Darr, Group Leader for Demand, Price and Trade Analysis, Forest Service Research, Department of Agriculture

Alternate Representative

George Dempsey, U.S. Mission, Geneva

Private Sector Advisers

Peter Jensen, President, Weyerhaeuser Europe, Brussels
John Ward, Vice President, International Trade, National Forest Products Association, Washington, D.C.

United States Delegation to the 72nd Statutory Meeting of International Council for the Exploration of the Seas (ICES), Copenhagen, October 8–17, 1984

Delegates

Robert L. Edwards, Northeast Fisheries Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Woods Hole, Massachusetts
John H. Steele, Director, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts

Advisers

C. Phillip Goodyear, National Fishery Center, United States Fish and Wildlife Service, Kearneysville, West Virginia
Richard C. Hennemuth, Woods Hole Laboratory, Northeast Fisheries Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Woods Hole, Massachusetts
Andrew J. Kemmerer, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, NSTL Station, Mississippi
Arlene Longwell, Milford Laboratory, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Woods Hole, Massachusetts
John B. Pearce, Sandy Hook Laboratory, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Highlands, New Jersey
Kenneth Sherman, Narragansett Laboratory, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Narragansett, Rhode Island

Private Sector Advisers

George D. Grice, Science Operations, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts
Candace Oviatt, Graduate School of Oceanography, University of Rhode Island, Kingston, Rhode Island
W. Brechner Owens, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts
Kathryn Paine, Digital Equipment Corporation, Concord, Massachusetts
G. Carleton Ray, Department of Environmental Sciences, University of Virginia, Charlottesville, Virginia
Brian J. Rothschild, Chesapeake Biological Laboratory, University of Maryland, Solomons, Maryland
John H. Ryther, Center for Marine Biotechnology, Harbor Branch Foundation, Inc., Fort Pierce, Florida

United States Delegation to the Cocoa Conference, United Nations Conference on Trade and Development (UNCTAD), Geneva, October 8–26, 1984

Representative

Joan Plaisted, Office of the U.S. Trade Representative, Geneva

Adviser

Jack G. Ferraro, United States Mission, Geneva

Private Sector Advisers

Harold Gettinger, Vice President, M&M Mars, Hackettstown, New Jersey
Johannes Kilian, Gill & Dufus, Inc., New York, New York
Robert Paulson, Westway Merkuria Corporation, New York, New York
Johann Scheu, Cocoa Merchants of America, New York, New York

United States Delegation to the Intergovernmental Committee for Physical Education and Sport (Fourth Session), UN Education, Scientific, and Cultural Organization (UNESCO), Paris, October 9–16, 1984

Representative

Thomas J. Burns, Director, Interagency Operations, Office of Intergovernmental and Interagency Affairs, Department of Education

Adviser

Bernard Johns, Bureau of International Organization Affairs, Department of State

Private Sector Advisers

Simon McNeely, Legal Counsel, U.S. Olympic Committee, Colorado Springs, Colorado
Carl Troester, Executive Director, American Council on International Sports (ACIS), Washington, D.C.

United States Delegation to the Meetings for the International Institute for Cotton (IIC) and International Cotton Advisory Committee (ICAC), Arusha, October 13–19, 1984

Representative

Everett G. Rank, Administrator, Agricultural Stabilization and Conservation Service, Department of Agriculture

Alternate Representatives

Bonnie M. Lincoln, Chief, Tropical Products Division, Bureau of Economic and Business Affairs, Department of State
Gordon H. Lloyd, Tobacco, Cotton, and Seeds Division, Foreign Agricultural Service, Department of Agriculture

Advisers

Charles V. Cunningham, Agricultural Stabilization and Conservation Service, Department of Agriculture
Harold L. Norton, Agricultural Attache, U.S. Embassy, Nairobi

Private Sector Advisers

Earle Billings, Executive Director American Cotton Shippers Assn., Memphis, Tennessee
Chester L. Boggs, President, Plains Cotton Council International, Lubbock, Texas
Donald B. Conlin, President, World Trade Commodities Associates, New York, New York
Peter F. Diffley, President, American Cotton Shippers Assn., Selma, Alabama
Rudi E. Scheidt, American Cotton Shippers Assn., Memphis, Tennessee
Earle W. Sears, Executive Vice President and Secretary, National Cotton Council, Memphis, Tennessee

United States Delegation to the International Conference on Education (39th Session), Council of the International Bureau of Education (IBE) (25th Session) UN Educational, Scientific and Cultural Organization (UNESCO) Geneva, October 15–26, 1984

Representative

The Honorable A. Wayne Roberts, Deputy Under Secretary, International and Interagency Affairs, Department of Education

Senior Adviser and Representative to IBE Council

Stewart Tinsman, Director, International Affairs Staff, Department of Education

Adviser and Alternate Representative to IBE Council

Raymond Wanner, Education Attache, U.S. Permanent Delegation to UNESCO, Paris

Private Sector Advisers

Calvin M. Frazier, Commissioner of Education, State of Colorado, Denver, Colorado
Bradford B. Moore, President, Smuggler's Notch Foundation for Computer Use, Smuggler's Notch, Vermont
Jay M. Robinson, Superintendent of Schools, Charlotte-Mecklenburg, North Carolina

United States Delegation to the 30th Session of the Consultative Committee, October 16, 1984 and 19th Session of the UPOV Council, October 17–19, 1984, Union for the Protection of New Plant Varieties (UPOV), Geneva

Representative

Stanley Schlosser, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce

Private Sector Adviser

Sidney Williams, Patent Attorney, Upjohn Company, Kalamazoo, Michigan

United States Delegation to the Fourth Session of the Working Party on Elements of an International Banana Agreement, Food and Agriculture Organization (FAO), Rome, October 22–26, 1984

Representative

James E. Ross, United States Mission to the United Nations Agencies for Food and Agriculture, Rome

Private Sector Advisers

Warren G. Breck, Consultant, United Fruit Company, New York, New York
G. Burke Wright, Vice President, United Fruit Company, New York, New York

United States Delegation to the 2d Meeting of the SSR Improvements and Collision Avoidance Systems Panel (SICASP/2), International Civil Aviation Organization (ICAO), Montreal, October 22–November 9, 1984

Panel Member

Clyde A. Miller, Program Manager, Office of Program Engineering and Maintenance Service, Federal Aviation Administration, Department of Transportation

Advisers

Ronnie Jones, Office of Program Engineering and Maintenance Service, Federal Aviation Administration, Department of Transportation
Ernest Lucier, Office of Program Engineering and Maintenance Service, Federal Aviation Administration, Department of Transportation
Ken Peppard, Air Traffic Operations Service, Federal Aviation Administration, Department of Transportation

Private Sector Advisers

Richard Bowers, Air Transport Association of America, Washington, D.C.
Vincent A. Orlando, Lincoln Laboratory, Massachusetts Institute of Technology, Lexington, Massachusetts
Jerry D. Welch, Lincoln Laboratory, Massachusetts Institute of Technology, Lexington, Massachusetts
Andrew D. Zeitlin, The MITRE Corporation, McLean, Virginia

United States Delegation to the Fourth Meeting of the Chemicals Group and Management Committee, Organization for Economic Cooperation and Development (OECD) Paris, October 23–25, 1984

Representative

Marcia E. Williams, Deputy Assistant Administrator for Pesticides and Toxic Chemicals, Environmental Protection Agency

Alternate Representatives

Breck Milroy, Office of Toxic Substances, Environmental Protection Agency
Thomas Wilson, Office of Environment and Health, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Adviser

Appropriate USOECD Mission Officer, Paris

Private Sector Advisers

Jane Bloom, Natural Resources Defense Council, New York, New York
Donald McCollister, Dow Chemical Company, Midland, Michigan

Committee for Coordination of Joint Prospecting for Mineral Resources in South Pacific Offshore Areas (CCOP/SOPAC), Economic and Social Commission for Asia and the Pacific (ESCAP), APIA, October 29–November 7, 1984

Representative

Dr. Robert W. Rowland, Deputy Chief, Office of Energy and Marine Geology, U.S. Geological Survey, Department of Interior

Alternate

William Erb, Director, Office of Marine Science and Technology Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Advisers

Dr. H. Gary Greene, Pacific Marine Geology Branch, U.S. Geological Survey, Department of Interior
Mark J. Platt, Economic Counsellor, United States Embassy, Wellington
Maurice J. Terman, Chief, Asian and Pacific Geology Section, Office of International Geology, U.S. Geological Survey, Department of Interior

Private Sector Adviser

Dr. Charles Helsley, Director, Hawaii Institute of Geophysics, Honolulu, Hawaii

United States Delegation to the International Commission for the Conservation of Atlantic Tunas (ICCAT), Las Palmas, Canary Islands, Spain, October 30–November 14, 1984

Commissioners

The Honorable Carmen J. Blondin, Deputy Assistant Administrator for Fisheries Resource Management, National Oceanic and Atmospheric Administration, Department of Commerce
The Honorable Frank B. Carlton, Savannah, Georgia
The Honorable John McGowan, Astoria, Oregon

Advisers

Brian S. Hallman, Office of Oceans and Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Barry Kefauver, Executive Director, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Barbara Rothschild, Office of International Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce

Gary T. Sakagawa, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Advisers

Gordon C. Broadhead, Living Marine Resources, Inc., San Diego, California
P.J. Putnam, Halfhitch, Inc., Panama City, Florida
John Royal, Fishermen and Allied Workers Union, International Longshoremen and Warehousemen's Union, San Pedro, California

United States Delegation to the International North Pacific Fisheries Commission, 31st Annual Meeting, Vancouver, British Columbia, Canada, November 5–9, 1984

Commissioners

The Honorable (Head of Delegation), Dayton L. Alverson, Managing Partner, Natural Resources Consultants, Inc., Seattle, Washington
The Honorable Robert W. McVey, Regional Director, Alaska Region, National Oceanic and Atmospheric Administration, Department of Commerce, Juneau, Alaska
The Honorable Clement Tillion, Fisherman, Homer, Alaska
The Honorable Robert W. Thorstensen, Chairman, Icicle Seafoods, Seattle, Washington

Advisers

Robert Ford, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C.
Charles Walters, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, D.C.

Private Sector Advisers

George J. Easley, Oregon Trawl Commission, Astoria, Oregon
John Gilbert, Vice President, Bumble Bee seafoods, Seattle, Washington
John Hanson, Fisherman, Alakanuk, Alaska
Charles Meacham, Anchorage, Alaska
Keith Specking, North Pacific Fishery Management Council, Juneau, Alaska

United States Delegation to the Meeting of the International Natural Rubber Organization (INRO), Kuala Lumpur, November 5–16, 1984

Committee on Administration, November 5

Representative

Gordon Jones, Chief, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State

Advisers

Donald M. Phillips, Director of Commodity Policy, Office of the U.S. Trade Representative, Executive Office of the President
James L. Gagnon, United States Embassy, Kuala Lumpur
Seward L. Jones, Office of International Sector Policy, International Resources Division, Department of Commerce

Meeting of the INRO Council, Committee on Buffer Stock Operations, Committee on Statistics, Committee on Other Measures, and Preparatory Committee on Renegotiation of the Agreement, November 6–16

Representative

Donald M. Phillips, Director of Commodity Policy, Office of the U.S. Trade Representative, Executive Office of the President

Alternate Representative

Gordon Jones, Chief, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State

Advisers

James L. Gagnon, United States Embassy, Kuala Lumpur
Seward L. Jones, Office of International Sector Policy, International Resources Division, Department of Commerce

Private Sector Advisers

Howard Capel, Managing Director, Goodyear Orient Private Ltd., Singapore
James F. Hegarty, Firestone Rubber Company, Singapore

United States Delegation to the 14th Session of the Administrative and Legal Committee, International Union for the Protection of New Varieties of Plants (UPOV), Geneva, November 8–9, 1984

Representative

Stanley Schlosser, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce

Private Sector Advisers

Leo Donahue, Administrator, National Association of Plant Patent Owners, Washington, D.C.
William Schapaugh, Executive Vice President, American Seed Trade Association, Washington, D.C.

United States Delegation to the Regional Committee To Implement European Convention on Recognition of Diplomas and Degree (Second Session) U.N. Educational, Scientific and Cultural Organization (UNESCO), Bucharest, November 13–16, 1984

Representative

Richard L. Fructerman, Office of the General Counsel, United States Information Agency

Alternate Representative

Paul Shapiro, Bureau of Educational and Cultural Affairs, United States Information Agency

Adviser

Raymond Wanner, Education Attache, U.S. Mission to UNESCO, Paris

Private Sector Adviser

Stanley Berry, Chairman-Elect, National Association of the Evaluation of Foreign Educational Credentials, Pullman, Washington

United States Delegation to the Obstacle Clearance Panel, 8th Meeting, International Civil Aviation Organization (ICAO), Montreal, November 13–28, 1984

Representative

Thomas Quinlan, Air Transportation Division, Office of Flight Operations, Federal Aviation Administration

Advisers

Walter M. Frucht, Office of Airport Standards, Federal Aviation Administration
Donald K. Funai, Office of Flight Operations, Federal Aviation Administration
Donald P. Pate, Aviation Standards National Field Office, Federal Aviation Administration
Harvey R. Payne, Flight Procedure Specialist, USAF Instrument Flight Center, Randolph Air Force Base
Robert H. Vandel Lieutenant Colonel, Office of Air Traffic Operations, Federal Aviation Administration

Private Sector Advisers

Lawrence E. Gillespie, Manager, Flight Operations, Air Transport Association
Michael L. Moore, Engineering and Air Safety Department, Airline Pilot's Association

United States Delegation to The Committee on the Challenges of Modern Society (CCMS), North Atlantic Treaty Organization (NATO), Brussels, November 19–20, 1984

Representative

Fitzhugh Green, Associate Administrator, Office of International Activities, Environmental Protection Agency

Advisers

James Falco, Director, Exposure Assessment Group, Office of Health and Environmental Assessment, Environmental Protection Agency
Michael Gruber, Chief, Industry Branch, Integrated Environmental Management Division, Office of Policy, Planning, and Evaluation, Environmental Protection Agency
John Hamilton, CCMS Officer, Bureau of European and Canadian Affairs, Department of State
Otto N. Larsen, Senior Associate for Social and Behavioral Sciences, National Science Foundation
Carl Schafer, Director, Environmental Policy, Office of the Assistant Secretary of Defense for Installations, Department of Defense
Alan Sielen, Director, Multilateral Staff and U.S. CCMS Coordinator, Office of International Activities, U.S. Environmental Protection Agency
Robert Windsor, Economic Officer, U.S. Mission to NATO, Brussels

Private Sector Adviser

William Gemma, Director, International Health Affairs, Washington Healthcare Management Corporation, Washington, D.C.

United States Delegation to the Intergovernmental Council of the General Information Program (PGI), Fifth Session, UN Educational Scientific and Cultural Organization (UNESCO) Paris, November 19–23, 1984

Representative

Toni Carbo Bearman, Executive Director, National Commission on Libraries and Information Science

Adviser

Robert Warner, Archivist of the United States, National Archives and Records Service

Private Sector Adviser

Robert Wedgeworth, Executive Director, American Library Association, Chicago, Illinois

United States Delegation to the Permanent Technical Committee III of the Inter-American Telecommunication Committee (Citel) of the Organization of American States (OAS), Buenos Aires, Argentina, November 19–23, 1984

Representative

Harold Kimball, Office of the Coordinator for International Communication and Information Policy, Department of Sate

Alternate Representative

Ronald Lepkowski, Common Carrier Bureau, Federal Communications Commission

Advisers

William Corbin, Office of Spectrum Management, National Telecommunications and Information Administration, Department of Commerce
John Kiebler, Office of Space Science and Applications, National Aeronautics and Space Administration
Steven Selwyn, Office of Science and Technology, Federal Communications Commission
Thomas Walsh, Office of Spectrum Management, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

John Clark, Space Applications and Technology, RCA Corporation

United States Delegation to the Maritime Safety Committee, 50th Session, Intergovernmental Maritime Organization (IMO), London, November 19–30, 1984

Representative

Clyde T. Lusk, Jr., Rear Admiral, Chief, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Alternate Representative

Daniel F. Sheehan, Technical Advisor, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

Nancy Fibish, Shipping Attache, U.S. Embassy, London
Frits Wybenga, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation
Gerard P. Yoest, International Affairs Staff, United States Coast Guard, Department of Transportation

Private Sector Advisers

William Hannan, Vice President, American Bureau of Shipping, New York, New York
Donald C. Hintze, Executive Consultant, National Ocean Industries Association, Washington, D.C.
W.A. Mayberry, Executive Director, Offshore Marine Service Association, New Orleans, Louisiana

United States Delegation to the Permanent Technical Committee I of the Inter-American Telecommunications Conference (CITEL) of the Organization of American States (OAS), Rio de Janeiro, November 26–30, 1984

Representative

Earl S. Barbely, Office of International Communications Policy, Bureau of Economic and Business Affairs, Department of State

Advisers

Wendell Harris, Common Carrier Bureau, Federal Communications Commission
William Moran, Office of International Affairs, National Telecommunications and Information Administration, Department of Commerce

Private Sector Adviser

Cecil Crump, AT&T Communications, Morris Plains, New Jersey

United States Delegation to the 21st Session, Committee for the Coordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas (CCOP), Economic and Social Commission for Asia and the Pacific (ESCAP), Bandung, November 26–December 7, 1984

Representative

William R. Greenwood, Associate Chief, Office of International Geology, U.S. Geological Survey, Department of the Interior

Advisers

Warren O. Addicott, Chairman, Circum Pacific Map Project, U.S. Geological Survey, Menlo Park, California
Maurice J. Terman, Chief, Asian and Pacific Geology, U.S. Geological Survey, Department of the Interior

Private Sector Advisers

Dennis E. Hayes, Lamont-Doherty Geological Observatory, Columbia University, Palisades, New York
George C. Shor, Scripps Institute of Oceanography, La Jolla, California

United States Delegation to the 14th Session of the Subcommittee on Bulk Chemicals, Intergovernmental Maritime Organization (IMO), London, December 3–7, 1984

Representative

Thomas R. Dickey, Commander, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Alternate Representative

Fritz Wybenga, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Advisers

Nancy Fibish, Shipping Attache, United States Embassy, London
Michael D. Morrissette, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation
Emmanuel P. Pfersich, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation
Robert M. Query, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Private Sector Advisers

Frederick R. Adamchak, Senior Petroleum Engineer, Marathon Oil Company, Findlay, Ohio
Robert H. Conn, Jr., Marine Engineer, Shell Oil Company, Houston, Texas

United States Delegation to the Third Meeting of the Route Facility Costs Panel, International Civil Aviation Organization (ICAO), Montreal, December 3–7, 1984

Member

Harvey B. Safeer, Director, Office of Aviation Policy and Plans, Federal Aviation Administration, Department of Transportation

Private Sector Adviser

Robert V. Tompkins, Director, Operational Charges, Pan American World Airways, New York, New York

United States Delegation to the Committee on Commodity Problems, Intergovernmental Group on Hard Fibers, Food and Agriculture Organization (FAO), Rome, December 3–7, 1984

Representative

Clinton R. Shaw, International Commodity Division, Department of Commerce

Private Sector Adviser

Loyal W. Leitgen, Universal Cooperatives, Inc., Minneapolis, Minnesota

United States Delegation to the Eighth Session of the International Coordinating Council of the Man and the Biosphere Program (MAB), UN Educational, Scientific and Cultural Organization (UNESCO) Paris, December 3–8, 1984

Representative

Bill L. Long, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Alternate Representative

Paul T. Baker, Chairman, US National Committee for Man and the Biosphere, University Park, Pennsylvania

Advisers

Manfred Cziesla, US Mission to UNESCO, Paris
William P. Gregg, National Park Service, Department of the Interior
Roger E. Soles, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Private Sector Advisers

Otto T. Solbrig, Harvard University, Cambridge, Massachusetts
Charles W. Slaughter, Institute of Northern Foresty, University of Alaska, Fairbanks, Alaska

United States Delegation to the Third Meeting of the Route Facility Costs Panel, International Civil Aviation Organization (ICAO), Montreal, December 3–7, 1984

Member

Harvey B. Safeer, Director, Office of Aviation Policy and Plans, Federal Aviation Administration, Department of Transportation

Private Sector Advisers

Robert V. Tompkins, Director, Operational Charges, Pan American World Airways, New York, New York

United States Delegation to the Committee of Experts on the Transport of Dangerous Goods, Thirteenth Session, Economic and Social Council (ECOSOC), Geneva, December 3–12, 1984

Representative

Alan I. Roberts, Associate Director for Hazardous Materials Regulation, Research and Special Programs Administration, Department of Transportation

Alternate Representative

Edward A. Altemos, Office of Hazardous Materials Regulation, Research and Special Progams Adminstration, Department of Transportation

Advisers

Charles W. Schultz, Office of Hazardous Materials Regulation, Research and Special Programs Administration, Department of Transportation
Charles H. Ke, Office of Hazardous Materials Regulation, Research and Special Programs Administration, Department of Transportation
Frank K. Thompson, United States Coast Guard, Department of Transportation

Private Sector Advisers

Clyde, W. Eilo, Institute of Makers of Explosives, New York, New York
Lionel Wolpert, Airco Industrial Gases, Murray Hill, New Jersey

United States Delegation to the Insurance Committee and Working Party on Insurance in Developing Countries Meetings Organization for Economic Cooperation and Development (OECD), Paris, December 10–11, 1984

Representative

Brant Free, Director, Office of Service Industries, Department of Commerce

Adviser

Appropriate USOECD, Mission Officer, Paris

Private Sector Adviser

Ronald K. Shelp, Vice President and Director, American International Underwriters Corporation, New York, New York

United States Delegation to the Committee on Tungsten, 16th Session, United Nations Conference on Trade and Development (UNCTAD), Geneva, December, 10–14, 1984

Representative

Frederick W. Siesseger, Director, International Resources Division, Department of Commerce

Alternate Representative

James J. Reilly, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State

Advisers

Jack G. Ferraro, U.S. Mission, Geneva
Joan Plaisted, Office of the Deputy U.S. Trade Representative, Geneva

Philip T. Stafford, Division of Ferrous Metals, Bureau of Mines, Department of the Interior

Private Sector Advisers

Robert B. Carson, Purchasing Agent, Tungsten, G.T.E. Products Corporation, Towanda, Pennsylvania
C. Eric Ho, Senior Vice President, Alloy Division, Amax, Greenwich, Connecticut
William C. Thurber, Vice President and General Manager, Union Carbide Corporation, Danbury, Connecticut

United States Delegation to the 53rd Session of the Legal Committee, Intergovernmental Maritime Organization (IMO), London, December 10–14, 1984

Representative

Frederick F. Burgess, Captain, Office of Chief Counsel, United States Coast Guard, Department of Transportation

Alternate Representatives

Robert Blumberg, Deputy Director, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environment and Scientific Affairs, Department of State
Arthur Volkle, Jr., Lieutenant, Office of General Counsel, United States Coast Guard, Department of Transportation

Advisers

Charles R. Corbett, Captain, USCG, Chief, Environmental Response Division, Office of Marine Environment & Systems, United States Coast Guard, Department of Transportation
Nancy Fibish, Shipping Attache, United States Embassy, London

Private Sector Advisers

Ernest J. Corrado, Vice President, American Institute of Merchant Shipping, Washington, D.C.
Edward C. Kalaidjian, Maritime Law Association, New York, New York
Sally Lentz, The Oceanic Society, Washington, D.C.

[FR Doc. 85–1371 Filed 1–16–85; 8:45 am]
BILLING CODE 4710–19–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Camden County, MO

AGENCY: Federal Highway Administration (FHWA), DOT.
ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in Camden County, Missouri.

FOR FURTHER INFORMATION CONTACT:

Mr. James Mullen, Federal Highway Administration, P.O. Box 1787, Jefferson City, MO, 65102, Telephone No. 314–636–7104
Mr. James F. Roberts, Surveys and Plans Engineer, Missouri Highway and Transportation Department, P.O. Box 270, Jefferson City, MO, 65102, Telephone No. 314–751–2876

SUPPLEMENTARY INFORMATION:

(1) The proposed project begins at the Route 54–42 junction in Osage Beach and extends approximately 2.5 miles to the southwest ending just east of the Grand Glaize Bridge. Two lanes of a future four lane facility are proposed to be constructed at this time with a grade separation over Fish Hatchery Road and a diamond interchange at Lake Road 54–29. The purpose of the proposed project is to remove through traffic from the existing recreational area.

(2) Alternatives: One alternative would be to reconstruct existing Route 54 along the present alignment. There is not sufficient right-of-way available to do this and to construct a freeway type facility would destroy most of the established businesses along the existing route. Another alternate proposes a combination relocation at the east end, and the reconstruction of part of the existing route, however, this alternate would destroy more businesses, add additonal length and require more park land. The third alternative is the "do nothing" alternative. If this alternate is selected traffic congestion on the existing route will become intolerable with an increase in pollution and inconvenience to the people. The fourth alternative proposes to construct the highway on new location east of the existing route.

(3) At this point at least two meetings have been held with the City of Osage Beach and the Chamber of Commerce concerning the proposed project. Both entities agree that there is a need for traffic relief in this area. State and Federal agencies will be contacted for their input. Public hearings will be held with dates set at a future time.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: January 11, 1985.
James M. Mullen,
District Engineer, Jefferson City.
[FR Doc. 85–1363 Filed 1–16–85; 8:45 am]
BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954]. The list is the same as the prior quarterly list published in the **Federal Register.**

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954].

Bahrain
Iraq
Jordan
Kuwait
Lebanon
Libya
Oman
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen, Arab Republic
Yemen, Peoples Democratic Republic of

Ronald A. Pearlman,
Assistant Secretary for Tax Policy.
[FR Doc. 85–1340 Filed 1–16–85; 8:45 am]
BILLING CODE 4810–25–M

Customs Service

[T.D. 85–7]

Recordation of Trade Name; Acme Premium Supply Corp.

AGENCY: Customs Service, Treasury.
ACTION: Notice of Recordation.

SUMMARY: On September 24, 1984, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "Acme Premium Supply Corp." was published in the **Federal Register** (49 FR 37507). The notice

advised before final action is taken on the application, consideration would be given to any relevant data, views, or arguments submitted in opposition to the recordation and received not later than November 23, 1984. No responses were received in opposition to the notice.

Accordingly, as provided in § 133.14, Customs Regulations (19 CFR 133.14), the name "Acme Premium Supply Corp." is recorded as the trade name used by Acme Premium Supply Corp., a corporation organized under the laws of the State of Missouri, located at 4100 Forest Park Boulevard, St. Louis, Missouri 63108. The trade name is used in connection with the following merchandise manufactured in China, Taiwan, Korea and Hong Kong: stuffed toys, inflatable toys, plastic toys, novelty items, hats, caps and figurines.

DATE: January 17, 1985.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5765).

Dated: January 14, 1985.

Donald W. Lewis,

Director, Entry Procedures, and Penalties Division.

[FR Doc. 85–1372 Filed 1–16–85; 8:45 am]

BILLING CODE 4820-02-M

[T.D. 85–6]

Recordation of Trade Name; L.A. Gear California, Inc.

AGENCY: Customs Service, Treasury.

ACTION: Notice of Recordation.

SUMMARY: On September 25, 1984, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "L.A. Gear California, Inc." was published in the **Federal Register** (49 FR 37688). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views, or arguments submitted in opposition to the recordation and received not later than November 26, 1984. No responses were received in opposition to the notice.

Accordingly, as provided in § 133.14, Customs Regulations (19 CFR 133.14), the name "L.A. Gear California, Inc." is recorded as the trade name used by L.A. Gear California, Inc., a corporation organized under the laws of the State of California, located at 122 West 25th Street, Los Angeles, California 90007. The trade name is used in connection with the following merchandise manufactured in Hong Kong, Taiwan, Korea, Brazil and the United States: men's, women's and children's sportswear (specifically shirts, skirts, shorts, pants, dresses, jackets and jumpsuits); footwear, fashion accessories (specifically hosiery, leather and nylon handbags, and carrying bags).

DATE: January 17, 1985.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5765).

Dated: January 14, 1985.

Donald W. Lewis,

Director, Entry Procedures, and Penalties Division.

[FR Doc. 85–1373 Filed 1–16–85; 8:45 am]

BILLING CODE 4820-02-M

UNITED STATES INFORMATION AGENCY

Privacy Act of 1974; Proposed New System of Records

AGENCY: United States Information Agency.

ACTION: Proposed new system of records.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a), the United States Information Agency (USIA) gives notice of the proposed new system of records, USIA–60, USIA Procurement Personnel Information System.

A new system report has been filed with the Office of Management and Budget, the Speaker of the House of Representatives, and the President of the Senate.

DATE: The proposed new system of records shall be effective as proposed without further notice 30 days from the date of this publication, unless comments are received on or before that date which would result in a contrary determination. Any interested parties may submit written comments regarding this proposal.

ADDRESS: Address comments to the United States Information Agency, Attention Agency Clearance Officer, Management Plans and Analysis Staff, Room 818, 301 Fourth Street SW., Washington, D.C. 20547. Comments received will be available for public inspection at the above address during normal working hours.

FOR FURTHER INFORMATION CONTACT: Charles N. Canestro, Management Analyst, at (202) 485–8676.

SUPPLEMENTARY INFORMATION: The USIA Procurement Personnel Information System establishes a register of trained and qualified individuals who may be appointed as USIA Contracting Officers at all grade levels. In accordance with Section 1(g) of Executive Order 12352, clear lines of contracting authority and accountability must be established. The system will be used to organize and monitor the procurement work force.

The system is being created in accordance with Executive Order 12352, which specifies that Procurement Executives are responsible for establishing and maintaining a professional work force.

The system will be used strictly for the evaluation of canidates for assignment to Contracting Officer positions or for consideration of promotion potential within the Office of Contracts and other procurement operations within USIA.

Dated: January 11, 1985.

Philip R. Rogers,

Director, Office of Contracts.

USIA–60

SYSTEM NAME:

USIA Procurement Personnel Information System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Contracts, U.S. Information Agency, Switzer Building, 300 C Street SW., Washington, D.C. 20547.

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

USIA employees involved with procurement activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, office, position title, series and grade, service computation date, position description, education, training, experience, professional recognition, career objectives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for this system is derived from the Federal Records Act, 44 U.S.C. 3101, and Federal Acquisition Regulation, Subpart 1–6.

PURPOSE OF THE SYSTEM:

The U.S. Information Agency has established a register of training and qualified individuals who may be appointed as Contracting Officers at all grade levels. In accordance with Section 1(g) of Executive Order 12352, clear lines

of contracting authority and accountability must be established. The system will be used to establish and monitor the contracting work force.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Identification of employees who have met standards of experience, education, and training for appointment as Contracting Officers and to analyze procurement system performance such as functional placement, system training needs, and workforce size. Information is available to personnel of the U.S. Information Agency as may be required for performance of official duties. Information on individuals will not normally be available outside the U.S. Information Agency as it falls within the excepted guidelines of the Freedom of Information Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information will be maintained in a paper hard copy file which will be automated as soon as possible.

RETRIEVABILITY:

Records are retrieved by name, office, series and grade.

SAFEGUARDS:

Files are kept in the Office of Contracts in bar lock cabinets and may be accessed only by the office staff. As soon as the file is automated, it will be password protected.

RETENTION AND DISPOSAL:

Files will be retained as long as the individual remains an employee of the U.S. Information Agency, and will be destroyed upon the employee's separation.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Contracts, U.S. Information Agency, Switzer Building, 300 C Street SW., Washington, D.C. 20547.

NOTIFICATION PROCEDURES:

Access to Information Officer (M/ASP), U.S. Information Agency, 301 Fourth Street SW., Washington, D.C. 20547.

RECORDS ACCESS PROCEDURE:

Requests from individuals should be addressed to Access to Information Officer (M/ASP), U.S. Information Agency, 301 Fourth Street SW., Washington, D.C. 20547.

CONTESTING RECORD PROCEDURES:

The U.S. Information Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned are published in Part 505, Title 22, U.S. Code of Federal Regulations.

RECORD SOURCE CATEGORY:

Information is provided by the individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 85-1415 Filed 1-16-85; 8:45 am]

BILLING CODE 8230-01-M

Privacy Act of 1974; Proposed New System of Records

AGENCY: United States Information Agency.

ACTION: Proposed new system of records.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a), the United States Information Agency (USIA) gives notice of the proposed new system of records (USIA-61), American Travelers Funded by USIA Private Sector Grants.

A new system report has been filed with the Office of Management and Budget, the Speaker of the House of Representatives, and the President of the Senate.

DATE: The proposed new system of records shall be effective as proposed without further notice 30 days from the date of this publication, unless comments are received on or before that date which would result in a contrary determination. Any interested parties may submit written comments regarding this proposal.

ADDRESS: Address comments to the United States Information Agency's Clearance Officer, Room 818, 301 Fourth Street SW., Washington, D.C. 20547. Comments received will be available for public inspection at the above address during normal working hours.

FOR FURTHER INFORMATION CONTACT: Charles N. Canestro, Management Analyst, at (202) 485-8676.

SUPPLEMENTARY INFORMATION: This system is beng established in compliance with the United States Information Agency Authorization Act, Fiscal years 1984 and 1985 (Pub. L. 98-164).

OMB clearance of the collection of information regarding travel financed under USIA Private Sector (E/P) grants was requested in accordance with the requirements of the Paperwork Reduction Act (Pub. L. 98-511). OMB approved the request and assigned it clearance number 3116-0183.

The United States Information Agency will establish a file on American citizens who have traveled under E/P grants awarded by the Agency's Office of Private Sector Programs. The file is intended to provide names, positions, organizational affiliations, grantee organizations, grant numbers, dates, destinations and purposes of travel.

Under the terms of the Pub. L. 98-164, the U.S. Congress limits the travel of U.S. citizens on USIA Office of Private Sector grants to no more than two USIA supported trips in a five year period. This limitation shall not apply to escort interpreters accompanying exhibitions, to persons engaging in theatrical or musical performances, or to the full-time staff of the grantee organization. Additionally, Pub. L. 98-164 requires the USIA Associate Director of the Bureau of Eductional and Cultural Affairs to submit to the Speaker of the House of Representatives and the Chairman of the Senate Foreign Relations Committee an annual report listing all individuals, with their organizations, who, in the preceding five years made two or more trips financed in whole or in substantial part by grants from the Private Sector Program.

Dated: January 14, 1985.

Albert Ball,

Deputy Director, Office of Private Sector Programs.

USIA-61

SYSTEM NAME:

American Travelers Funded by USIA Private Sector Grants.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

USIA, Office of Private Sector Programs, Room 216, 301 Fourth Street SW., Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

Individuals who have traveled at U.S. Government expense under USIA Private Sector grants in the performance of grant requirements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, position, organizational affiliation, grantee organization, grant number, date, destination and purpose of travel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The United States Information Agency Authorization Act, Fiscal Years 1984 and 1985, Pub. L. 98–164.

PURPOSE OF THE SYSTEM:

To comply with the provisions of Pub. L. 98–164 which require USIA to report to Congress the names of individuals who in the preceding five years made two or more trips involving foreign travel financed in whole or substantial part by grants from the Private Sector Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information in this file will be used to compile an annual report for the Speaker of the House of Representatives and the Chairman of the Senate Foreign Relations Committee as required by Pub. L. 98–164. The file has no other use. Users of the file will be employees of the USIA Office of Private Sector Programs having a need to access the information contained therein.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information will be maintained in a word processor on list processing with limited access.

RETRIEVABILITY:

Records are retrieved by name and organizational affiliation.

SAFEGUARDS:

Records are maintained on a word processor located in the USIA Office of Private Sector Programs, and are password protected, so that the file can only be accessed by employees having a need to obtain information which is available only in the file.

RETENTION AND DISPOSAL:

Files will be retained for a minimum of five years, but not longer than seven years, at which time they will be disposed of in accordance with USIA disposal schedules.

SYSTEM MANAGER AND ADDRESS:

Chief, Private Sector Programs Division (E/PS), U.S. Information Agency, 301 Fourth Street SW., Washington, D.C. 20547.

NOTIFICATION PROCEDURES:

Access to Information Officer (M/ASP), U.S. Information Agency, 301 Fourth Street, SW., Washington, D.C. 20547.

RECORDS ACCESS PROCEDURE:

Requests from individuals should be addressed to Access to Information Officer (M/ASP), U.S. Information Agency, 301 Fourth Street, SW., Washington, D.C. 20547.

CONTESTING RECORD PROCEDURES:

The U.S. Information Agency's rules for access and for contesting contents and appealing initial determination by the individual concerned are published in Part 505, Title 22, U.S. Code of Federal Regulations.

RECORD SOURCE CATEGORY

Information is obtained from grantee organizations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 85–1416 Filed 1–16–85; 8:45 am]

BILLING CODE 8230–01–M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

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 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: January 14, 1985.

By direction of the Administrator:

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Extension

1. Department of Veterans Benefits.
2. Estimated Expenses for Counseling Services.
3. VA Form 28–1989.
4. On occasion.
5. Individuals or households, Businesses or other for—profit, Small businesses or organizations.
6. 13 responses.
7. 28.6 hours.
8. Not applicable.

[FR Doc. 85–1346 Filed 1–16–85; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 12
Thursday, January 17, 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

	Item
Federal Deposit Insurance Corporation	1–3
Federal Reserve System	4, 5

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, January 14, 1985, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 46,159 Reserves for Losses, 230 Open Liquidation Cases

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: January 14, 1985.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 85-1450 Filed 1-15-85; 11:22 am]
BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, January 14, 1985, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Application of Commercial Trust Company, Inc., an operating noninsured trust company located in San Juan (Hato Rey), Puerto Rico, for Federal deposit insurance and for consent to exercise limited trust powers.

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: January 14, 1985.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 85-1451 Filed 1-15-85; 11:22 am]
BILLING CODE 6714-01-M

3

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 9:50 p.m. on Friday, January 11, 1985, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Coast Community Bank, Harbor, Oregon, which was closed by the Superintendent of Banks for the State of Oregon on Friday, January 11, 1985; (2) accept the bid for the transaction submitted by Security Bank of Coos County, Coos Bay, Oregon, an insured State nonmember bank; (3) approve the application of Security Bank of Coos County, Coos Bay, Oregon, for consent to purchase the assets of and to assume the liability to pay deposits made in Coast Community Bank, Harbor, Oregon, and for consent to establish the two offices of Coast Community Bank as branches of Security Bank of Coos County; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in 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)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (C)(9)(B)).

Dated: January 14, 1985.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 85-1452 Filed 1-15-85; 11:22 am]
BILLING CODE 6714-01-M

4

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 50 FR 1161, January 9, 1985.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., Monday, January 14, 1985.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Proposed changes to the Plans administered under the Federal Reserve System's employee benefits program. (This item was previously announced for a closed meeting on January 9, 1985.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: January 14, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-1429 Filed 1-14-85; 5:06 pm]

BILLING CODE 6210-01-M

5

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Tuesday, January 22, 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.

CONTRACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: January 14, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-1428 Filed 1-14-85; 5:06 pm]

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Vol. 50, No. 12

Thursday, January 17, 1985

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FEDERAL REGISTER PAGES AND DATES, JANUARY

1-210 2
211-426 3
427-720 4
721-916 7
917-1038 8
1039-1202 9
1203-1428 10
1429-1812 11
1813-2038 14
2039-2272 15
2273-2538 16
2539-2658 17

CFR PARTS AFFECTED DURING JANUARY

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

Executive Orders:
12291 (See EO 12498) 1036
12456 (Superseded by EO 12496) 211
12462 (Amended by EO 12497) 229
12496 211
12497 229
12498 1036

Proclamations:
5201 (See Proc. 5291) 223
5290 1
5291 223
5292 2536

5 CFR

531 427
536 427
553 2039
734 1203
735 1203
737 1203

Proposed Rules:
831 ..... 473, 2575

7 CFR

Ch. I 1813
Ch. VII 1813
46 428
58 3
354 721
401 1814
408 1205
425 2039
427 1039
434 1814
436 1819
437 1824
800 2273
810 1039
905 231
907 ..... 5, 231, 1039, 1429, 2274
908 ..... 231, 1429
910 ..... 428, 1206, 1829
912 231
913 231
917 231
928 ..... 231, 1438, 1439
932 ..... 231, 2539
959 5
966 5
971 5
979 5
982 2539
987 5
989 1830
1446 2541
1930 1206
1944 1206
1965 1206
3015 1040

Proposed Rules:
53 2055
54 2055
403 2055
800 948
920 835
1030 280
1124 1540
1136 815
1205 2575
1407 2578
1804 815
1924 815

8 CFR

238 1206
292 2040

9 CFR

72 ..... 429, 430
73 430
92 ..... 1040, 1207
97 722
113 ..... 431, 439, 1041
307 723
318 6
350 723
351 723
354 723
355 723
362 723
381 ..... 6, 723

Proposed Rules:
93 1863
101 1230
114 1230
322 1540
381 ..... 280, 1540

10 CFR

440 708

Proposed Rules:
2 2579
40 2293
50 2056
60 2579
903 206

11 CFR

Proposed Rules:
Ch. I 477

12 CFR

5 1439
201 444
304 7
337 2274
346 1209

505d.....7
545.....1043
Proposed Rules:
225.....2057
535.....1863

13 CFR

Ch. I.....917
112.....1441
113.....1442
120.....725
123.....704
305.....725

14 CFR

Ch. II.....451, 1209, 2374
21.....7
39.....10, 445–448, 2040–2045, 2274
71.....726–728, 2275, 2542
97.....449
121.....450
135.....450
241.....10, 232
245.....453
246.....453
291.....453
298.....14
310b.....454
312.....454
370.....455
385.....22
399.....455
Proposed Rules:
33.....1542
39.....280, 478, 479, 2059–2063, 2293
71.....90–93, 1232, 1866, 1867, 2294
91.....949
121.....949
125.....949
135.....949
211.....95
223.....480
241.....101
272.....95
302.....95
323.....481
383.....482

15 CFR

0.....928, 2276
325.....1804
377.....729
399.....2276
Proposed Rules:
377.....835, 2064

16 CFR

13.....2277
Proposed Rules:
13.....2065
456.....598

17 CFR

1.....22, 928
31.....22, 2283
240.....730, 1442
249.....1442
270.....1442
274.....1442
275.....1442, 2542
Proposed Rules:
31.....102
190.....102
239.....1542
274.....1542

18 CFR

154.....2283
271.....931
Proposed Rules:
157.....114
284.....114
501.....956
502.....956
503.....956
504.....956
505.....956
506.....956
507.....956
508.....956

19 CFR

12.....1043
113.....739
141.....1499
177.....1044
Proposed Rules:
4.....1060
6.....1544
18.....1545, 1546
101.....1063
103.....1233
114.....1546
134.....1064

20 CFR

404.....1831
701.....384
702.....384
703.....384

21 CFR

105.....1833
107.....1833
173.....61
175.....1500
176.....1209, 1500
177.....1501, 1841
178.....62–64, 1502, 1842
430.....1503
436.....1503
440.....1503
446.....1503
448.....1503
450.....1503
452.....1503
455.....1503
520.....64, 1045
524.....739
558.....1842
561.....2283
1316.....2046
Proposed Rules
133.....119, 120
193.....120
310.....2160, 2168, 2184, 2200
331.....2160
333.....2172
334.....2124
341.....2160, 2220
357.....2244
442.....253
510.....254
522.....254
558.....254
866.....414

22 CFR

308.....1844

24 CFR

570.....1505
965.....456
Proposed Rules:
200.....1233
203.....1233
220.....1233
228.....1233

26 CFR

1.....740, 747
31.....747
54.....747
Proposed Rules:
1.....836, 837
31.....836
54.....836

27 CFR

4.....758, 759
9.....255
Proposed Rules:
4.....960
5.....960
7.....960

28 CFR

540.....410
550.....410

29 CFR

1625.....2543
1627.....2543
1910.....64, 1046
2622.....1210
Proposed Rules:
1910.....1547
1952.....2440–2491
2510.....961
2550.....961
2610.....1065

30 CFR

701.....257
762.....257
816.....257
817.....257
913.....1507
926.....258
931.....456
934.....260
Proposed Rules:
250.....838, 1549
401.....956
884.....483
886.....483
913.....485
914.....281
917.....283
935.....284
938.....486
950.....1869

31 CFR

129.....262
209.....263
210.....263
240.....263

32 CFR

166.....77
505.....932
706.....1210–1212

33 CFR

110.....1849
117.....1212, 1849, 2545, 2546
Proposed Rules
110.....859, 1869
117.....122, 860, 861, 1069, 2590

34 CFR

690.....1178

36 CFR

2.....1850
223.....458
1155.....1032, 2284
Proposed Rules:
7.....973
223.....488, 2591

37 CFR

211.....263
Proposed Rules:
1.....2294

38 CFR

Proposed Rules:
21.....1549

39 CFR

10.....763
Proposed Rules:
10.....2070
111.....1870
265.....1069

40 CFR

35.....1774
52.....459, 764–769, 3932, 1213
60.....933, 1164, 1851
61.....933
65.....772–775, 935, 1851
81.....935, 1509
130.....1774
136.....690, 695
180.....61, 1050–1054, 2546, 2547
260.....273, 614
261.....614, 1978
264.....614, 1978
265.....614, 1978
266.....614
270.....1978
271.....775, 1513, 1515, 2550
704.....1215, 2046
775.....1978
Proposed Rules:
51.....974
52.....123, 285, 493, 862–865, 975, 1880
61.....1182
80.....718
81.....266
136.....697
153.....1070
180.....125, 1071, 2296, 2533
264.....1238
266.....1684
721.....127

41 CFR

101–11.....81
101–41.....938
101–49.....82

42 CFR

36.....1852

71 1516
122 2008
123 2008
405 1314
417 1314

43 CFR

1880 1304
2880 1308
3110 2048
Public Land Orders:
6581 1055
6582 2551
Proposed Rules:
Subtitle A 1550
2 ..... 286, 1072
3140 1300

44 CFR

64 ..... 84, 1856, 1857

45 CFR

77 776
Proposed Rules:
1601 495
1612 501
1614 509
1620 512
1622 514

46 CFR

170 1524
171 1524
172 1524
173 1524
174 1524
Proposed Rules:
50 1072
56 1072
150 1550
160 1558

47 CFR

Ch. I 1525, 2552
0 85
13 1215
15 2564
31 782
61 1215
67 939
69 939
73 ..... 273, 1223–1228, 1534, 2564
74 2564
76 2565
81 85
83 85
90 783
Proposed Rules:
Ch. I 1570, 1881
1 2594
2 1582
15 1582
18 287
31 1590
32 1590
33 1590
62 976
63 ..... 1890, 2594
67 2594
69 2036
73 ..... 1239, 1241, 2596
76 ..... 1890, 2594
81 132
83 132
90 ..... 865, 1582

48 CFR

Ch. 1 1726
Ch. 2 274
Ch. 5 ..... 945, 1534
Ch. 8 789
Ch. 61 1756
1 2268
12 2268
14 2268
27 2268
33 2268
39 2268
52 2268
501 2284
515 2284
522 2284
552 2284
1803 784
1804 784
1805 784
1812 784
1813 784
1814 784
1815 784
1816 784
1817 784
1825 784
1827 784
1831 784
1832 784
1833 2049
1835 784
1842 784
1844 784
1845 784
1852 784

49 CFR

1 277
171 798
172 798
173 798
174 798
175 798
176 798
177 798
574 2287
661 2289
1051 2289
1135 87
1140 945
1245 946
1312 459
1320 2289
1321 2289
1322 2289
1323 2289
1324 2289
Proposed Rules:
106 288
107 288
171 288
172 288
173 288
174 288
175 288
176 288
177 288
178 288
390 1243
391 1243
392 1243
393 ..... 1243, 1245, 1603
394 1243
395 ..... 1243, 2297
396 ..... 1243, 1245
397 1243
398 1243
399 1243
571 294
1057 517

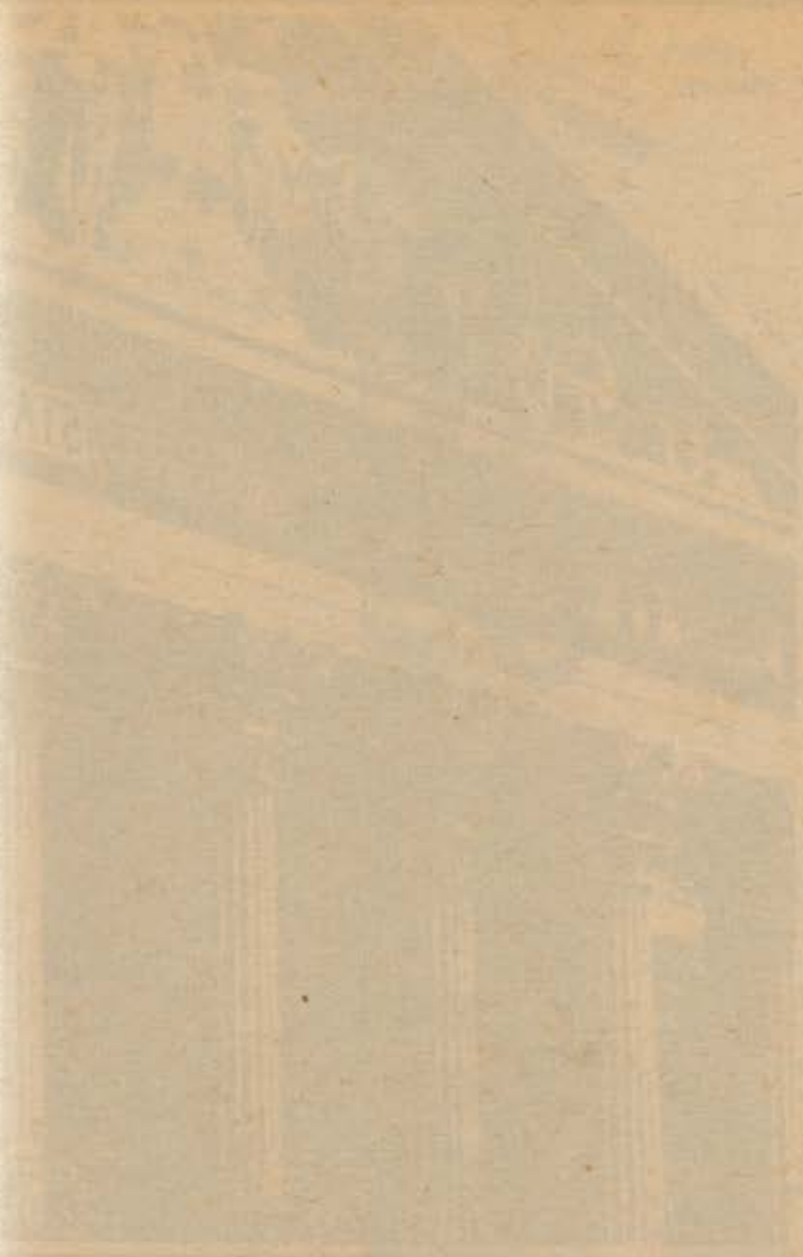
50 CFR

17 1056
23 811
222 1056
227 278
258 1859
550 2570
560 2570
611 ..... 460–468, 1862
645 1229
652 2292
655 2050
661 811
663 ..... 471, 2051
655 947
671 2573
672 467
Proposed Rules:
17 1247
20 2298
21 518
226 1088
227 294
611 ..... 1890, 2302
642 518
651 2598
655 ..... 1890, 2302
661 134

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Last List January 14, 1985



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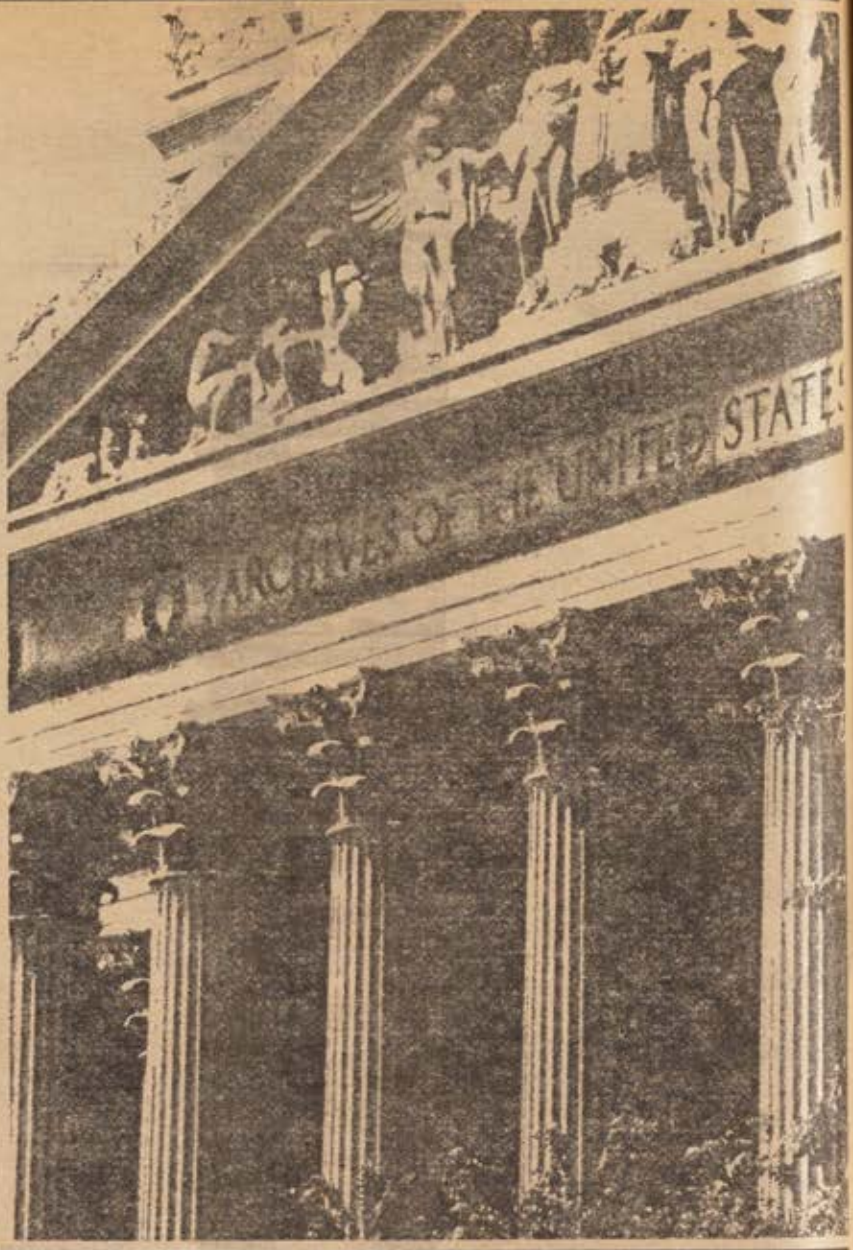
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892