AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

1-25-85
Vol. 50 No. 17
Pages 3497-3730

federal register

Friday
January 25, 1985

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Environmental Protection Agency

Commodity Futures
Commodity Futures Trading Commission

Equal Employment Opportunity
Equal Employment Opportunity Commission

Flood Insurance
Federal Emergency Management Agency

Food Additives
Food and Drug Administration

Food Grades and Standards
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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.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 6, Amdt. 33]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action lowers the minimum grade and size requirements for domestic and export shipments of Florida Honey tangerines from Florida No. 1 to Florida No. 1 Golden and from 2 5/16 inches to 2 1/16 inches minimum diameter. The change in minimum grade and size of such fruit recognizes the grade and size composition of the available fruit supply and is in the interest of growers and consumers.

EFFECTIVE DATE: January 18, 1985.

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

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Acting Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

This amendment is issued under the marketing agreement and Order No. 905 [7 CFR Part 905], regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon recommendations and information submitted by the Citrus Administrative Committee, and upon other available information. It is hereby found that the regulation of Florida Honey tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

The minimum grade and size requirements, specified herein, reflect the committee's and the Department's appraisal of the need to revise the grade and size requirements applicable to fresh shipments of Florida Honey tangerines in recognition of the current and prospective supply and demand for such fruit. The relaxation in grade and size requirements is necessary because of dry conditions in Florida which has caused increased fruit droppage and affected the external quality of the fruit. Specification of these requiements assures that the available supply of marketable fruit reaches the consumer.

It is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared purposes of the act. This amendment relieves restrictions on shipments of Florida Honey tangerines. Handlers have been apprised of such provisions and the effective date.

List of Subjects in 7 CFR Part 905

Marketing agreements and orders, Florida, Grapefruit, Oranges, Tangelos, Tangerines.

PART 905—[AMENDED]

Accordingly, the provisions of § 905.306 are amended by revising the following entry in Table I, paragraph (a), applicable to domestic shipments, and Table II paragraph (b), applicable to export shipments, to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine and Tangelo Regulation 6.

(a) * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (inch)
(1)	(2)	(3)	(4)
* * * * * * *			
Tangerines:			
Honey	Jan. 18, 1985 to Aug. 18, 1985	Florida No. 1 Golden	2 5/16
	On and after Aug. 19, 1985	Florida No. 1	2 1/16
* * * * * * *			

(b) * * *

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (inch)
(1)	(2)	(3)	(4)
* * * * * * *			
Tangerines:			
Honey	Jan. 18, 1985 to Aug. 18, 1985	Florida No. 1 Golden	2 5/16
	On and after Aug. 19, 1985	Florida No. 1	2 1/16
* * * * * * *			

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

Dated: January 18, 1985.

William J. Doyle,

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

[FR Doc. 85-1963 Filed 1-24-85; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 910

[Lemon Reg. 500]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 225,000 cartons during the period January 27–February 2, 1985. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

DATES: Effective for the period January 27–February 2, 1985.

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

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

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on January 22, 1985, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that lemon demand is good on mid sizes and easier on the smaller and larger sizes of fruit.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.800 is added as follows:

§ 910.800 Lemon Regulation 500.

The quantity of lemons grown in California and Arizona which may be handled during the period January 27, 1985, through February 2, 1985, is established at 225,000 cartons.

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

Dated: January 23, 1985.

William J. Doyle,

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

[FR Doc. 85–2089 Filed 1–24–85; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Hydrogen Control Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations to improve hydrogen control capability for boiling water reactors with MARK III containments and for pressurized water reactors with ice condenser containments. The amendments require improved hydrogen control systems that can handle large amounts of hydrogen during and following an accident. For those of the above reactors not relying upon an inerted atmosphere for hydrogen control, the rule requires that certain systems and components be able to function during and following hydrogen burning. The rule also requires affected licensees to submit analyses to the Commission in support of the previous two requirements. The rule is needed to improve the capability of the indicated types of nuclear power reactors to withstand the effects of a large amount of hydrogen generation and release to containment from an accident, as occurred at Three Mile Island. The new requirements will result in greater assurance that nuclear power reactor containments and safety systems and components will continue to function properly so that reactors can be safely shut down following a Three Mile Island-type of accident.

EFFECTIVE DATE: February 25, 1985.

FOR FURTHER INFORMATION CONTACT: Morton R. Fleishman, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 301–443–7616.

SUPPLEMENTARY INFORMATION:

Background

The Commission has taken numerous actions to correct the design and operational limitations that were revealed by the accident at Three Mile Island, Unit 2 (TMI–2), which resulted in a severely damaged or degraded reactor core, in a concomitant release of radioactive material to the primary coolant system, and in a fuel cladding-water reaction causing the generation of a large amount of hydrogen. Included in these actions are several rulemaking proceedings intended to improve the hydrogen control capability of light-water nuclear power reactors.

On December 23, 1981, the Commission published in the Federal Register (46 FR 62281) a notice of proposed rulemaking on "Interim Requirements Related to Hydrogen Control," inviting written comments or suggestions on the proposed rule by February 22, 1982. A notice extending the comment period for an extra 45 days to April 8, 1982, including editorial corrections, was published in the Federal Register on February 25, 1982 (47 FR 8203). The notice concerned proposed amendments to 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," which would have required that:

a. Each boiling water reactor (BWR) with a Mark III type containment and each pressurized water reactor (PWR) with an ice condenser type containment be provided with a hydrogen control system capable of handling an amount of hydrogen equivalent to that which would be generated if there were at least a 75 percent fuel cladding-water reaction without loss of containment integrity;

b. Each boiling water reactor and each pressurized water reactor that does not

rely on an inerted atmosphere for hydrogen control be provided with safety systems needed to establish and maintain safe cold shutdown and maintain containment integrity that can function after the burning of substantial amounts of hydrogen; and

c. Analyses be performed for the reactor categories mentioned above to justify the hydrogen control systems selected and to assure containment structural integrity and survivability of needed safety systems during a hydrogen burn.

It should be noted that the proposed rule was not part of the separate, long-term rulemaking on degraded or melted cores (the "severe accident rulemaking") for which an advance notice of proposed rulemaking was published on October 2, 1980 (45 FR 65474) and which was the subject of the "Proposed Commission Policy Statement on Severe Accidents and Related Views on Nuclear Reactor Regulation," published in the Federal Register on April 23, 1983 (48 FR 16014).

General Comments

Twenty-eight persons submitted comments regarding the proposed amendments. The comments and the SECY paper noted above are part of the public record and may be examined and copied, for a fee, in the Commission's Public Document Room at 1717 H Street, NW., Washington, DC. A summary of the comments and a comment analysis are also available for inspection and copying, for a fee, in the Public Document Room.

The comments received have been carefully reviewed and evaluated during preparation of this final rule. The final rule contains revisions to the proposed rule that reflect consideration of these comments. The commenters generally provided many specific comments on all aspects of the proposed amendments. The following discussion represents a distillation of the more significant comments.

Numerous commenters suggested that the implementation of the Hydrogen Control Rule should be deferred until the severe accident rulemaking (see above) when applicable research and probabilistic risk analyses (PRAs) will be completed. The Commission agrees with these comments relative to PWRs with large, dry containments. Dry containment designs have a greater inherent capability to accommodate large quantities of hydrogen because of their high design pressure and large volume; therefore, for these designs the Commission believes that rulemaking with regard to hydrogen control can be safely deferred pending completion of NRC- and industry-sponsored research which includes studying the effects of hydrogen burning at higher concentration to determine effects on equipment survivability. Furthermore, with regard to systems and components that must be able to function during and following hydrogen burning, the fact that TMI-2 was shut down and maintained in a shutdown condition indicates that such systems and components did generally perform their functions following the burn event. In addition, design improvements that have been implemented as a result of NRC directives have served to reduced the likelihood of a degraded core accident.

With regard to BWRs with Mark III containments and PWRs with ice condenser containments, the Commission believes that these containments can safely accommodate the burning in a single event of the hydrogen from about a 25 percent metal-water reaction.[1] However, since the TMI-2 accident showed that a 45–50 percent metal-water reaction was possible, the Commission believes that it is necessary to enhance the hydrogen control capability for reactors with these types of containments and that new regulations are required to ensure that the proper design features are incorporated. Adoption of the final rule will also formalize Commission regulatory decisions currently being applied on a case-by-case basis in individual licensing proceedings and will provide the needed basis for regulatory actions that cover licensing and continued operation of the affected plants.

Several commenters stated that the 75 percent metal-water reaction required to be assumed for design and analysis is unreasonably high based on evaluation of the TMI-2 accident and analyses of recoverable degraded core accidents.[2] The 75 percent metal-water reaction chosen by the Commission is greater than that which occurred during the TMI-2 accident; however, the primary intent of the rule is to require containment designs that can accommodate accident sequences in which hydrogen combustion poses a significant threat to containment integrity. Consquently, the Commission believes it is prudent to specify a value sufficiently greater than that which was estimated to have occurred at TMI-2 so that there will be an appropriate margin of safety. The Commission feels confident that there will be an appropriate margin of safety. The Commission feels confident that the 75 percent value is representative of a limiting case degraded core accident (beyond which a core melt is expected to occur under all circumstances). Finally, the Commission sees no significant benefit in reducing the metal-water reaction to a level such as 50 percent for those plants having Mark III and ice condenser containments since the basic design of the heretofore chosen igniter system would not change.

A number of commenters recommended that the requirement for a hydrogen control system be revised to permit licensees the option of demonstrating analytically that additional hydrogen control systems are not necessary because of intrinsic design capabilities that reduce the likelihood of hydrogen generation. While it is true that design features to reduce hydrogen generation are necessary and desirable, the Commission still believes that, in order to cope with unexpected events, there should be a solution to the hydrogen issue that involves design features that ensure containment integrity, even if a large amount of hydrogen is generated. Thus, while measures to prevent the generation of large amounts of hydrogen are necessary and desirable, the Commission believes that it is also necessary, depending upon containment design, to provide measures to mitigate the effects of large amounts of hydrogen.

Some commenters indicated that, since the primary function of the containment is to prevent excessive radiation dose to the public, the rule should be modified to preclude the loss of containment function rather than to preclude the loss of containment intergrity. The Commission appreciates the fact that some nuclear plants are designed with a multi-building, multi-barrier concept that is intended to prevent the leakage of radiation by diverse methods such as filtering and scrubbing mechanisms, plate-out

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[1] The basis for this belief is contained in SECY 80-107, "Proposed Interim Hydrogen Control Requirements for Small Containments," February 22, 1980, which is available for inspection and copying for a fee at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

[2] See the following studies, available for inspection at the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C. Also NUREG and NUREG/CR publications may be purchased from the NRC/GPO Sales Program by calling (301) 492-9530.

NUREG/CR2540, "A Method for the Analysis of Hydrogen and Steam Releases to Containment During Degraded Core Cooling Accidents," February 1982

NUREG/CR-1219, "Analysis of the Three Mile Island Accident and Alternative Sequences," January 1980.

"Report on Hydrogen Control Accident Scenarios, Hydrogen Generation Rates and Equipment Requirements," Rev. 1, July 1982—Submitted by the BWR/6 MARK III Hydrogen Control Owners Group.

mechanisms, and containment sprays. However, the Commission's safety philosophy remains the same; namely, the containment should be designed to remain intact following a recoverable degraded core accident in order to provide additional assurance that excessive radiation will not be released. In other words, the Commission reaffirms its policy that the prevention of excessive radiation dose to the public can best be assured by maintaining a leak tight containment and that this, in turn, can be provided by assuring that there is structural integrity with margin.

Some commenters stated that the criterion for containment structural integrity is unnecessarily restrictive. They stated that it should not be limited to the provisions of the ASME Boiler and Pressure Vessel Code, but should permit the use of other methods such as realistic analyses using actual material properties. The Commission agrees with this comment and has modified the rule in this regard. Section 50.44(c)(3)(iv) has been changed to indicate that "containment structural integrity must be demonstrated by use of an analytical technique that has been accepted by the NRC staff." The rule includes two alternative methods as examples but does not preclude other methods that may be shown to be acceptable to the Commission. Finite element analysis would be acceptable for use with the methods considered.

It was suggested by some commenters that the rule should address only non-inerted, small-volume, low-pressure containments since, for these containments, it would provide, at best, insignificant improvements in safety. The Commission agrees for the reasons indicated above; therefore, as indicated previously, it has revised the rule to apply only to Mark III BWRs and ice condenser PWRs.

A number of commenters stated that the rule ignores those post-TMI suggested improvements which have been implemented and which reduce the likelihood of a degraded core accident. In the case of PWRs with large dry containments, as discussed above, the Commission believes that the post-TMI improvements, along with the inherent strength of the containments, have indeed provided sufficient safety to permit the delay of any additional rulemaking until completion of ongoing research programs.

It has been recommended that in view of the small probability of occurrence of local detonations as a result of various design features, the rule should permit licensees the option of demonstrating that local detonations. The Commission agrees and has modified paragraphs 50.44(c)(3)v) and (vi) of the rule appropriately.

Many commenters indicated that they believe the requirement that systems and components that can function after a hydrogen burn be provided for "safe cold shutdown" is unnecessary and is inconsistent with the licensing basis for most operating plants which requires only "safe shutdown". Those commenters felt that the safe shutdown criterion should not be an issue with regard to hydrogen control, but that it should be considered in another forum. Because of the fact that a degraded core accident is less likely than a design basis accident, the Commission agrees that the requirement for cold shutdown may be overly conservative. The licensing basis for most plants is, in fact, just safe shutdown. The reference to cold shutdown has been deleted from the rule; but the Commission notes that the issue of safe shutdown versus safe cold shutdown has not yet been resolved. The issue is expected to be addressed within the context of the resolution of Unresolved Safety Issue (USI) A–45, "Shutdown Decay Heat Removal Requirements," which is the subject of current NRC staff effort.

Several commenters have suggested that the implementation schedules should be made more realistic so that design changes logically follow after the required analyses are completed. The Commission agrees. The greatest relief, of course, has come by defering implementation of the rule for PWRs with large dry containments. However, the rule has also been revised to specify that each applicant and licensee subject to the rule shall propose a schedule, to the Commission, for meeting the requirements. A final schedule for implementing the requirements shall be established by the NRC staff either in accord with a previously approved intergrated scheduling system or by accounting for the relative safety priorities and required licensing actions of each case. For those applicants about to receive an operating license the hydrogen control system must be installed and operational prior to operation of the reactor in excess of 5 percent power; however, a completed final supporting analysis may be delayed provided a preliminary analysis has been provided and found acceptable by the NRC staff. Furthermore, if the NRC staff has previously determined for similar plants referenced in this rulemaking that similar hydrogen control systems are acceptable, they may, until the preliminary analysis is completed, also find the hydrogen control system acceptable.

Some commenters noted that in the Supplementary Information accompanying the proposed rule it was stated that the selection of the hydrogen control system should be supported by comparative analysis of alternative systems to show their relative advantages and disadvantages. They stated that this guidance is inconsistent with Commission practice and is unnecessary. They felt that the only requirements should be a demonstration that the selected system is suitable for its intended application.

The Commission agrees that this guidance was inconsistent with Commission practice in the case of operating reactors and reactors for which operating licenses are about to be issued in the near-term. In the final rule, § 50.44(c)(3)(vi) has been modified to delete the implication that comparative analyses are required and to indicate that the analysis is intended to support the design of the hydrogen control system that is selected. Comparative analyses of alternative systems are not required.

Hydrogen Control Systems [§ 50.44(c)(3)(iv)]

As originally proposed, applicants and licensees with boiling water reactor (BWR) facilities with Mark III type containments and pressurized water reactor (PWR) facilities with ice condenser type containments, for which contruction permits were issued prior to March 28, 1979, are required to install hydrogen control systems capable of accommodating an amount of hydrogen equivalent to that generated from the reaction of 75 percent of the fuel cladding (surrounding the active fuel region), with water, without loss of containment integrity. The particular type of hydrogen control system to be selected is left to the discretion of the applicant or licensee; however, the NRC must find it acceptable based upon suitable programs of experiment and analysis. The design of the selected system must be supported by the analyses which are to be submitted as part of the analyses required under § 50.44(c)(3)(vi). The system that is proposed and approved must safety accommodate large amounts of hydrogen, and operation of the system, either intentionally or inadvertently, must not further aggravate the course of an accident or endanger the plant during normal operations. As discussed previously, the amount of hydrogen to be assumed in the design of the hydrogen control system is that amount generated when 75 percent of the fuel

cladding surrounding the active fuel region reacts with water.

As discussed above, the limited method proposed to demonstrate containment structural integrity has been expanded. Containment structural integrity may now be demonstrated by use of an analytical technique that has been accepted by the NRC staff. For example, finite element analysis is one acceptable technique for use with the methods considered. One of the acceptable methods is the use of the applicable ASME Boiler and Pressure Vessel Code. However, the Commission will accept other methods, provided that convincing evidence is presented regarding their suitability.

Other changes from the proposed rule are the relaxation of the implementation schedule to one that has been mutually agreed upon by the licensee and the NRC staff, and the elimination of the word "cold" in the phrase "safe cold shutdown."

Systems and Components [§ 50.44(c)(3)(v)]

At the time the proposed rule was issued for comment, the Commission indicated that it was considering a two-step approach to address "qualification" (as defined below) of those systems and components that must be able to function during and after a hydrogen burn. For the reasons explained below, the Commission did not choose this two-step approach. As the proposed first step, there would have been a demonstration that these systems and components could "survive" the hydrogen burn and continue to be able to perform their safety function. This step would not have entailed that these systems and components actually be qualified pursuant to NRC's qualification program. The proposed second step would have entailed the actual "qualification" of these systems and components. The conceptual differences between systems and components demonstrated to be "survivable" and systems and components demonstrated to be "qualified" were also described.

The Commission specifically sought comments on the use of the two-step approach for defining standards, on the "survivability" and "qualification" approaches themselves, and on proposals for implementation schedules. There were numerous comments in response to this request. The overwhelming reaction was that the two-step approach to reaching a survivability determination is unwarranted and will unnecessarily escalate the costs to industry. Many commenters felt that a straightforward survivability approach would be appropriate provided reasonable guidelines are specified. In view of the smaller likelihood of a degraded core accident as compared to a design basis accident, which has been reduced further by post-TMI improvements, the Commission has decided to forego the two-step approach previously described. The Commission now believes, in view of the recent issuance of 10 CFR 50.49, "Environmental Qualification of Electrical Equipment Important to Safety," that there is no significant difference between demonstrating survivability and demonstrating qualification. Paragraph (f) of § 50.49 describes several methods, one of which must be used, for qualifying electrical equipment important to safety. For example, for those licensees which have already demonstrated survivability, as described in the Supplementary Information of the notice of proposed rulemaking for this rule on hydrogen control requirements (46 FR 62281, Dec. 23, 1981), the qualification methods described in paragraph (f)(2) and (f)(4) of § 50.49 could be used to show that the systems and components have been qualified. In this regard, the margins considered adequate for a degraded core accident are less than those considered adequate for a design-basis accident due to the lower probability of occurrence of a degraded core accident.

The Commission now views "qualification" as the generation and maintenance of evidence using tests and analyses to assure that systems and components will operate on demand to meet system performance requirements. In the case of a hydrogen burn environment, this means that there must be adequate evidence that systems and components necessary to establish and maintain safe shutdown and to maintain containment integrity are capable of performing their functions during and after exposure to the environmental conditions created by the postulated accident, including the burning of hydrogen. Qualification may be demonstrated in a manner acceptable to the Commission using a combined approach of analysis and testing. Thus, an acceptable thermal analysis would have to be performed for the containment in order to determine the thermal response of the components during a hydrogen burn. This thermal response should then be compared to the thermal response the components had during their qualification testing. The licensee should then demonstrate that the qualification thermal response envelopes the thermal response during a hydrogen burn. Selected tests should also be performed at predicted hydrogen burn conditions (or, other tests previously performed may be referenced if demonstrated to be applicable) to reasonably assure the Commission that the systems and components are qualified to perform their functions during and following a hydrogen burn. The demonstrations of survivability accepted by the staff for Sequoyah and McGuire without more testing, analysis or documentation are equivalent to demonstrations of qualification for a hydrogen burn event, and the staff does not require any other submittal from the licensees except for the previously identified confirmatory items.

Paragraph 50.44(c)(3)(v) applies to those Mark III BWRs and ice condenser PWRs that do not have an inerted containment atmosphere for hydrogen control. At present, this includes all Mark III BWRs and ice condener PWRs, since no applicant or licensee has as yet elected to use the inerting option for these plants. The systems and components that must be qualified for a hydrogen burn are those needed (a) to shut down the reactor and bring it to and maintain it in a safe shutdown condition, and (b) to prevent loss of containment integrity. These systems and components can be further categorized as follows:

a. Systems and components mitigating the consequences of the accident;

b. Systems and components needed for maintaining integrity of the containment pressure boundary;

c. Systems and components needed for maintaining the core in a safe condition; and

d. Systems and components needed for monitoring the course of the accident.

As discussed previously, these systems and components are described as bringing the reactor to "safe shutdown" rather than "safe cold shutdown." Furthermore, the schedule for implementation has been changed to one that has been mutually agreed upon by the licensee and the NRC staff. Finally, the rule has been revised to indicate that the environmental conditions to be assumed for a hydrogen burn do not have to include the effect of local detonations if it is shown to the Commission's satisfaction that local detonations are unlikely to occur.

Analyses [§ 50.44(c)(3)(vi)]

In the proposed rule, the Commission included a description of three different approaches concerning the supplementary guidance to be provided for performing the required analyses for the design of the hydrogen control system. These were (a) analyses of

different accident scenarios, (b) analyses of a single accident scenario with variation of key parameters, and (c) analyses using an "envelope of time histories of hydrogen and steam release rates" to be supplied by the Commission. The Commission requested comments concerning which of the approaches was preferred as well as suggestions regarding improvements or other alternatives.

There was no preponderance of comments leaning toward a particular approach; however, the first two approaches appeared to have greater support. Furthermore, many commenters felt that there should be flexibility in the approach to be used in the selection of the accident scenarios. It was also suggested that the accident scenarios should be considered in order of importance using PRA techniques.

Based on the comments received and in consideration of the improved calculational data base now available, the Commission has decided to adopt the second approach; applicants and licensees need not use the first or third approaches.

In the selected approach, a base sequence will be identified by the licensee or applicant based on the hydrogen threat to containment integrity. Key aspects of this sequence should then be parametrically varied by the licensee or applicant in determining the acceptability of the containment response. This will provide a wider range of parameters than that of the selected base sequence alone. The acceptability of the analyses used in this approach depends on the selection and range of the parameters being varied. A range must be chosen which includes the effects of recovery from the degraded condition. It is expected that each applicant or licensee will review its analytical approach with the NRC staff and arrive at a mutually agreeable method for performing the analyses.

As an example, in the recent Sequoyah case [3], the applicant based its initial analysis on an accident sequence involving a small break LOCA followed by loss of ECCS (S_2D), with a typical average hydrogen release rate of about 20 pounds per minute, which the NRC staff considered to be representative of the accident. However, several concerns remained open. Among these were the possibilities that: (1) Other scenarios might present schedules of steam and hydrogen release not covered by the analysis chosen; (2) steam inerting might occur at some time during the sequence allowing large concentrations of hydrogen to develop; (3) the recovery period might produce an exceptionally large burst of steam or hydrogen; and (4) hydrogen might be released after the loss of the ice heat sink.

In the Sequoyah case, the applicant broadened the studies to include higher rates of steam and hydrogen release and release after the ice melted. The broadened calculations included hydrogen releases rates as high as 6 lb. per second under representative steam conditions, with and without ice. It was shown that a representative selection of scenarios would be bounded by the broadened release rates, including an intermediate break LOCA with loss of ECC (S_1D), a small break LOCA with loss of containment heat removal (S_2G), a transient loss of main feedwater and loss of all AC power (T_BB_2), and a transient loss of main feedwater, loss of auxiliary feedwater and loss of the ECC (T_BLD). The staff concluded that the coverage of these additional scenarios was sufficient to assure that the hydrogen associated with a representative group of degraded core situations could be managed acceptably using the ignition systems.

As another example, in the McGuire case [4], hydrogen release rates up to 4.3 lb. per second under representative steam conditions were considered and the S_2D releases were analyzed with and without ice. The results were considered acceptable by the staff.

The staff has accepted ac-powered igniters without requiring a backup power supply in the two examples cited above. This judgment was based upon the staff's perception that the incremental risk reduction associated with provision of the igniter system backup power supply did not warrant the additional cost at these particular facilities. Provision of a backup power supply is not required by this rule.

It is apparent that applicants and licensees with conceptually different reactors may have to address other scenarios. The appropriate details for Mark III BWRs, for example, are currently being worked out through interaction between the NRC staff and applicants.

Previously approved generic or reference analyses may be employed in lieu of plant specific anlayses where the generic analyses can be shown to be applicable. It is believed that the adoption of the above approach will eliminate the need for repetitive calculation of accident scenarios.

Dissenting Views of Commisssioner Asselstine

I vote to approve publication of the Commission's final hydrogen control rule on December 10, 1984, and I continue to support the version of the rule that was approved unanimously by the Commission on that date. However, I cannot support the Commission's final rule being published today because of a significant sustantive change in the rule that was made by my colleagues at the eleventh hour.

The change adopted by the Commission majority adds the following new sentence to the implementation provisions of § 50.44(c)(3)(vii)(B) of the rule:

> However, the record in this rulemaking shows that such preliminary analyses are not necessary for a staff determination that a plant is safe to operate at full power if the staff has determined for similar plants, referenced in this notice of rulemaking, that similar systems provide a satisfactory basis for a decision to support operation at full power until the preliminary analyses have been completed.

Under this provision, so long as the license applicant's plant is similar to the Sequoyah and McGuire plants (the two ice condenser pressurized water reactor plants referenced in this notice of rulemaking with staff-approved hydrogen control systems) and uses a hydrogen control system similar to the igniter systems used in those two plants, the applicant need not submit, and the NRC staff need not approve, a preliminary analysis of the adequacy of the hydrogen control system prior to the full-power operation of the plant. The practical effect of this new sentence is to deny intervenors in some nuclear powerplant operating license proceedings the opportunity for a hearing on the adequacy of the hydrogen control measures and analyses supporting interim operation of these plants. The immediate purpose of this change is to bolster the Commission's litigation position concerning the handling of hydrogen control issues in one such proceeding—the operating license proceeding for the Catawba plant—the only plant to which this sentence appears to apply.

There are two problems with the Commission's majority's actions that lead me to disapprove the revised rule. First, members of the public were not afforded a fair opportunity to comment

[3] NUREG–0011, Supplement No. 6, "Safety Evaluation Report Related to the Operation of Sequoyah Nuclear Plant, Units 1 and 2," November 1982. Available for inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

[4] NUREG–0422, Supplement No. 7, "Safety Evaluation Report Related to Operation of McGuire Nuclear Station Units 1 and 2," May 1983. Available for inspection at the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C.

on the option of using the Commission's final hydrogen control rule as means to eliminate the opportunity to litigate the adequacy of hydrogen control systems and analyses in individual nuclear powerplant operating license proceedings. The Commission's proposed rule published for comment on December 23, 1981 would not have affected the opportunity of intervenors to obtain a hearing on the adequacy of hydrogen control systems and analyses to support interim plant operation, and neither the Commission's proposed rule nor the accompanying supplementary information made any mention of this possibility. To the contrary, the supplementary information on the proposed rule, although stating the Commission's general conclusion that there is sufficient information available to warrant interim approval of deliberate ignition systems for ice condenser plants, emphasized the need for individual licensees to demonstrate certain plant-specific elements, including the ability of essential equipment to continue to function during and after a hydrogen burn. Moreover, the supplementary information clearly recognized that the adequacy of hydrogen control systems for certain types of plants (those with ice condenser and Mark III containments) is a significant safety issue affecting full-power operation of these plants. Thus, the proposed rule when read together with the Commission's contemporaneous practice of allowing case-by-case adjudication of hydrogen control issues clearly did not put anyone on notice that the Commission might use the rule to prohibit litigation of this issue in proceedings. The Commission, then, effectively denied members of the public the opportunity to comment on this significant aspect of the final rule.

Second, it is inappropriate for the Commission to use this rulemaking in an effort to bolster its litigation position in the *Catawba* operating license proceeding. The Commission's interest in using this rulemaking proceeding to restrict the case-by-case litigation of hydrogen control issues only developed after the Commission became aware of a potential litigation problem in the *Catawba* operating license proceeding caused by the Licensing Board's refusal to allow intervenors to litigate the adequancy of the Catawba hydrogen control system and analyses supporting interim operation of the plant. The Commission is again tailoring a generic rulemakinig to solve a case-specific litigation problem. Further, this last-minute effort to provide another basis for rejecting the intervenor's hydrogen control contentions in the *Catawba* case is inappropriate and unseemly, and represents still another example of the Commission's hostility to public participants in our licensing proceedings. For the foregoing reasons, I cannot support the revised rule being published by the Commission today.

Apart from these concerns, there are two other deficiencies in the final rule that I would have corrected. However, these two further deficiencies would not have led me to disapprove the rule. First, the rule is limited to boiling water reactors with Mark III containments and pressurized water reactors with ice condenser containments, and fails to include pressurized water reactors with large dry containments. For the reasons set forth below, I believe that the portions of the rule dealing with equipment survivability and containment integrity should apply to pressurized water reactors with large dry containments as well.

This rule establishes a 75 percent metal-water reactor level as the prudent standard to be assumed for the design and analysis of hydrogen control systems that are necessary to ensure no undue risk to the public health and safety. A fundamental element in setting the 75 percent metal-water reaction limit is the assumption that sufficient equipment will survive a hydrogen burn or detonation to arrest the course of the accident and thereby prevent a degraded core accident from proceeding to an accident involving melting of the reactor core—an accident that could involve the generation of much more hydrogen than would be associated with a 75 percent metal-water reaction. In addition, the rule adopts as a principal objective maintaining a leak tight containment following a hydrogen burn or detonation.

At the same time, the rule recognizes that a hydrogen burn or detonation in the containment could damage equipment, cables or penetrations in a manner that would impair or eliminate the capability to arrest the accident or that would result in the loss of containment integrity. For this reason, the rule requires in § 50.44(c)(3)(v) that licensees for plants covered by the rule demonstrate that equipment needed to establish and maintain safe shutdown and to maintain containment integrity will survive a hydrogen burn.

These concerns regarding the survivability of equipment, cables and penetrations following a hydrogen burn apply with equal force to pressurized water reactors with large dry containments. The systems and components necessary to establish and maintain safe shutdown capability and containment integrity for reactor designs in large dry containments are essentially the same as those systems and components in the plants with ice condenser containments. Similarly, the potential for the generation of hydrogen from a 75 percent metal-water reaction is essentially the same in plants with large dry and ice condenser containments. In addition, the systems and components in plants with large dry containments are at least as susceptible to damage from a hydrogen burn produced in a 75 percent metal-water reaction as are the systems and components in plants with ice condenser containments. In fact, given that large dry containments will have no required hydrogen control system to cope with large quantities of hydrogen, higher concentrations of hydrogen can be formed in large dry containments before a random event ignites the hydrogen than would be the case for plants with ice condenser containments and a hydrogen control system. Thus, the environmental conditions in large dry containments could be more challenging than those in the plants with ice condenser containments.

For these reasons, I would have applied the equipment survivability and containment integrity provisions of § 50.44(c)(3)(v) to pressurized water reactors with large dry containments as well. Additional research may well be useful in confirming the accuracy of licensees' analyses on equipment survivability and containment penetration performance, but this ongoing research should not serve as an excuse for delaying the imposition of the equipment survivability and containment integrity requirements of the rule for plants with large dry containments.

Second, I would have revised the rule to specify that the hydrogen control systems required by the rule be automatically initiated based upon plant parameters deemed acceptable by the NRC staff. This change would have eliminated the need to rely on operator action to activate the hydrogen control system.

Chairman Palladino's Statement on Hydrogen Control Rulemaking

I have the following comments regarding the dissenting views of Commissioner Asselstine:

Notice of Proposed Rulemaking

One of the purposes of rulemaking is to address and resolve issues so that they are not the subject of litigation in

particular licensing cases unless the final rule provides for that result.

With respect to the hydrogen control rule, the Commission stated in the Notice of Proposed Rulemaking, "The Commission concludes, based on available information, that the issues are sufficiently resolved to warrant interim approval of deliberate ignition systems for ice condenser plants." The rulemaking notice also made reference to the deliberate ignition systems installed at the Sequoyah and McGuire plants.

Regarding the *Catawba* operating license proceeding, the intervenors were placed on actual notice on at least two occasions of the hydrogen control rulemaking. On the first occasion—March 5, 1982—the Licensing Board, in ruling on pending petitions for intervention, declined to admit contentions because the issue they addressed was being considered in the hydrogen control rulemaking. The second occasion came on December 1, 1982 in a second Licensing Board ruling on contentions, where the Board stated that the hydrogen control rulemaking directly addressed the intervenors' hydrogen concerns.

I do not believe that issues which have been addressed in the hydrogen control rulemaking should be the subject of case-specific litigation.

Coverage of the Rule

Two specific technical concerns raised by Commissioner Asselstine were: (1) the rule fails to include pressurized water reactors (PWR's) with large dry containments, and (2) the rule failed to require that hydrogen control systems by automatically initiated. These were specifically addressed during the rulemaking process.

The scope of the rule was limited to include non-inerted boiling water reactors (BWR) III and ice condenser PWR designs and to specifically exclude inerted BWR I and BWR II designs and large containment PWR designs. Regarding inclusion of large dry PWR containment designs, the need for additional regulation is being deferred to the time of the seven accident rulemaking decision since hydrogen control is not considered to be an immediate safety concern.

Regarding the need for automation, the advantages and disadvantages of manual vs automatic actuation of the distributed igniter systems were evaluated as part of the rulemaking, and manual actuation was concluded to be acceptable.

Regulatory Analysis

The Commission has prepared a regulatory analysis for this regulation. The analysis examines the costs and benefits of the rule as considered by the Commission. A copy of the regulatory analysis is available for inspection and copying for a fee at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. Single copies of the analysis may be obtained from Morton R. Fleishman, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 443–7618.

Paperwork Reduction Act

This final rule imposes information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*) These requirements were approved by the Office of Management and Budget. Approval Number 3150–0011.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "Small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. Since these companies are dominant in their service areas, this rule does not fall within the purview of the act.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Incorporation by Reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, and Reporting requirements.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Accordingly, notice is hereby given that, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, the following amendments to 10 CFR Part 50 are published as a document subject to codification.

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C 5841, 5842, 5846) unless otherwise noted.

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Sections 50.57(d), 50.58, 50.91 and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2071, 2073 (42 U.S.C. 2133, 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100–50.102 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10 (a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, 50.73, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 50.44, paragraph (c)(3) is amended by adding new paragraphs (iv), (v), (vi) and (vii) to read as follows:

§ 50.44 Standards for combustible gas control system in light water cooled power reactors.

* * * * *

(c) * * *

(3) * * *

(iv) (A) Each licensee with a boiling light-water nuclear power reactor with a Mark III type of containment and each licensee with a pressurized light-water nuclear power reactor with an ice condenser type of containment issued a construction permit before March 28, 1979, shall provide its nuclear power reactor with a hydrogen control system justified by a suitable program of experiment and analysis. The hydrogen control system must be capable of handling without loss of containment structural integrity an amount of hydrogen equivalent to that generated from a metal-water reaction involving 75% of the fuel cladding surrounding the active fuel region (excluding the cladding surrounding the plenum volume).

(B) Containment structural integrity must be demonstrated by use of an analytical technique that is accepted by the NRC staff. This demonstration must include sufficient supporting justification to show that the technique describes the containment response to the structural loads involved. This method could include the use of actual material properties with suitable margins to account for uncertainties in modeling, in material properties, in construction tolerances, and so on. Another method could include a showing that the following specific

criteria of the ASME Boiler and Pressure Vessel Code are met:

(1) That steel containments meet the requirements of the ASME Boiler and Pressure Vessel Code (Edition and Addenda as incorporated by reference in paragraph 50.55a(b)(1) of this part), specifically in Section III, Division 1, Subsubarticle NE-3220, Service Level C Limits, considering pressure and dead load alone (evaluation of instability is not required); and

(2) That concrete containments meet the requirements of the ASME Boiler and Pressure vessel Code, Section III, Division 2, Subsubarticle CC-3720, Factored Load Category, considering pressure and dead load alone.

(C) Subsubarticle NE-3220, Divisin 1, and Subsubarticle CC-3720, Division 2, of Section III of the ASME Boiler and Pressure Vessel Code, referenced in paragraphs (c)(3)(iv)(B)(1) and (c)(3)(iv)(B)(2) of this section, have been approved for incorporation by reference by the Director of the Office of the Federal Register. A notice of any changes made to the material incorporated by reference will be published in the Federal Register. Copies of the ASME Boiler and Pressure Vessel Code may be purchased from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017. It is also available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street N.W., Washington, D.C.

(D) If the hydrogen control system relies on post-accident inerting, the containment structure must be capable of withstanding the increased pressure:

(1) During the accident, where it is acceptable to show that it does not exceed Service Level C Limits or the Factored load Category (as described in paragraph (c)(3)(iv)(B) of this section; and

(2) Following inadvertent full inerting during normal plant operations, where it is acceptable to show that it does not exceed either the Service Level A Limits of Subsubarticle NE-3220 (for a steel containment) or the Service Load Category of Subsubarticle CC-3720 (for a concrete containment.)

(3) Modest deviations from the criteria in paragraph (c)(3)(iv)(D) of this section will be considered by the Commission if good cause is shown.

(E) If the hydrogen control system relies on post-accident inerting, the systems and components required to establish and maintain safe shutdown and containment integrity must be designed and qualified for the environment caused by such inerting. Furthermore, inadvertent full inerting during normal plant operations must not adversely affect systems and components needed for safe operation of the plant.

(v) (A) Each licensee with a boiling light-water nuclear power reactor with a Mark III type of containment and each licensee with a pressurized light-water nuclear power reactor with an ice condenser type of containment issued a construction permit before March 28, 1979, for a reactor that does not rely upon an inerted atmosphere to control hydrogen inside the containment, shall provide its nuclear power reactor with systems and components necessary to establish and maintian safe shutdown and to maintain containment integrity. These systems and components must be capable of performing their functions during and after exposure to the environmental conditions created by the burning of hydrogen. Environmental conditions caused by local detonations of hydrogen must also be included, unless such detonations can be shown unlikely to occur.

(B) The amount of hydrogen to be considered is equivalent to that generated from a metal-water reaction involving 75% of the fuel cladding surrounding the active fuel region (excluding the cladding surrounding the plenum volume).

(vi) (A) Each applicant for or holder of an operating license for a boiling light-water nuclear power reactor with a Mark III type of containment or for a pressurized light-water nuclear power reactor with an ice condenser type of containment issued a construction permit before March 28, 1979, shall submit an analysis to the Director of the Office of Nuclear Reactor Regulation.

(B) The analysis required by paragraph (c)(3)(vi)(A) of this section must:

(1) Provide an evaluation of the consequences of large amounts of hydrogen generated after the start of an accident (hydrogen resulting from the metalwater reaction of up to and including 75% of the fuel cladding surrounding the active fuel region, excluding the cladding surrounding the plenum volume) and include consideration of hydrogen control measures as appropriate;

(2) Include the period of recovery from the degraded condition;

(3) Use accident scenarios that are accepted by the NRC staff. These scenarios must be accompanied by sufficient supporting justification to show that they describe the behavior of the reactor system during and following an accident resulting in a degraded core.

(4) Support the design of the hydrogen control system selected under paragraph (c)(3)(iv) of this section; and,

(5) Show that for those reactors described in paragraph (c)(3)(iv) of this section that do not rely upon an inerted atmosphere to control hydrogen inside the containment:

(i) The containment structural integrity as described in paragraph (c)(3)(iv) of this Section will be maintained; and

(ii) Systems and components necessary to establish and maintain safe shutdown and to maintain containment integrity will be capable of performing their functions during and after exposure to the environmental conditions created by the burning of hydrogen, including the effect of local detonations, unless such detonations can be shown unlikely to occur.

(vii) (A) By June 25, 1985, each applicant for or holder of an operating license subject to the requirements of paragraphs (c)(3) (iv), (v) and (vi) of this section shall develop and submit to the Director of the Office of Nuclear Reactor Regulation a proposed schedule for meeting these requirements. The schedule may be developed using integrated scheduling systems previously approved for the facility by the NRC.

(B) For each applicant for an operating license as of the effective date of this section, the schedule shall provide for compliance with the requirements of paragraph (c)(3)(iv)(A) of this section prior to operation of the reactor in excess of 5 percent power. Completed final analyses are not necessary for a staff determination that a plant is safe to operate at full power provided that prior to such operation an applicant has provided a preliminary analysis which the staff has determined provides a satisfactory basis for a decision to support interim operation at full power until the final analysis has been completed. However, the record in this rulemaking shows that such preliminary analyses are not necessary for a staff determination that a plant is safe to operate at full power if the staff has determined for similar plants, referenced in this notice of rulemaking, that similar systems provide a satisfactory basis for a decision to support operation at full power until the preliminary analyses have been completed.

(C) For those holders of operating licenses containing license conditions on Hydrogen Control Measures covered by this section, the schedule shall be consistent with those license conditions, or approved amendments thereto.

(D) For those facilities not having an NRC approved integrated scheduling system, a final schedule for meeting the requirements of paragraphs (c)(3) (iv), (v) and (vi) of this section shall be established by the NRC staff within 90 days of receipt of a proposed schedule from the licensee or applicant, taking into account the current status of efforts at the facility to comply with the requirements; analyses that may be provided by applicants or licensees regarding the impacts of these requirements on other scheduled plant modifications, including any NRC-mandated safety modifications, and their relative importance to safety; and the Commission's objective that these requirements be complied with without undue delay.

Dated at Washington, D.C., this 18th day of January 1985.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 85-1965 Filed 1-24-85; 8:45 am]

BILLING CODE 7590-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 3

Registration

AGENCY: Commodity Futures Trading Commission.

ACTION: Final Order.

SUMMARY: The Commodity Futures Trading Commission ("Commission"), by order, is deferring from March 31, 1985 to March 31, 1986 the expiration date of the registration of any floor broker whose initial application for registration is granted on or after January 1, 1985, which expiration date otherwise would be March 31, 1985. The Commission is taking this action to enhance the efficient administration of the Commission's registration program.

EFFECTIVE DATE: January 25, 1985.

FOR FURTHER INFORMATION CONTACT: Kevin M. Foley, Chief Counsel, or Robert P. Shiner, Assistant Director for Registration, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8955 or (202) 254-9703, respectively.

SUPPLEMENTARY INFORMATION: Effective December 3, 1984, the Commission authorized the National Futures Association ("NFA") to process and, where appropriate, grant initial and renewal applications for registration of futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators and the associated persons of such registrants.[1] Thus, the Commission now processes only the initial and renewal applications for registration of floor brokers, leverage transaction merchants and the associated persons of leverage transaction merchants.

In connection with these more limited registration processing functions, the Commission is making certain changes in its procedures in order to enhance the efficiency of its registration program. In particular, the Commission is converting its registration system to a new, more economical computer.

The Commission staff also has initiated a review of the regulations governing the registration of these registrants in order to determine whether any amendments thereto may be appropriate, consistent with the Commission's statutory responsibilities. Although this review is not complete, the staff has indicated its belief that Commission rule 3.2(d), which provides that the registration of each floor broker will expire on the thirty-first day of March following the date which registration was granted, should be amended.

Annual renewal of all floor broker registrations on the same date will place an unnecessary burden on the Commission's remaining registration staff, and alternatives are presently under consideration. The exact nature of any amendments to rule 3.2(d), therefore, has not been determined. In the interim, however, the Commission has concluded that it would be appropriate to defer to March 31, 1986, the expiration date of the registration of any floor broker whose initial registration is granted on or after January 1, 1985, which registration would otherwise expire on March 31, 1985. Deferring the expiration date of the registration of those floor brokers will enhance the Commission's registration program by ensuring the prompt processing of pending applications for initial registration as a floor broker and of renewal applications submitted by registered floor brokers. In this connection therefore, the Commission is issuing the following order, which defers the expiration date of the registration of the above-described floor brokers.[2]

[1] *See* 49 FR 39593 (October 9, 1984) and 49 FR 45418 (November 16, 1984).

[2] A copy of this order is being sent to each futures exchange.

United States of America Before the Commodity Futures Trading Commission—Order Deferring Expiration Date of Registration of Certain Floor Brokers

The Commission, having determined that the efficient administration of its registration program will be enhanced by deferring the expiration date of the registration of certain floor brokers:

It is hereby ordered that, pursuant to section 4f(1) of the Commodity Exchange Act ("Act"), 7 U.S.C. 6f(1) (1982):

The expiration date of the registration of any floor broker whose initial application for registration is granted on or after January 1, 1985, and which otherwise would be March 31, 1985, is deferred to, and any such registration shall instead expire on, March 31, 1986.

Issued in Washington, D.C., on January 18, 1985.

By the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 85-1949 Filed 1-24-85; 8:45 am]

BILLING CODE 6351-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 274

[Release Nos. 33-6555; IC-14193; File No. S7-14-84]

Certain Persons Not Deemed Interested Persons; Definition of Regular Broker or Dealer

Correction

In FR Doc. 84-27501, beginning on page 40569 in the issue of Wednesday, October 17, 1984, make the following change: On page 40573, in the second column, in § 274.14, the fourth line of the Instruction should have read "from the business of a broker, a dealer, an".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 157

[Docket No. RM81-29-000; Order No. 319-B]

Sales and Transportation by Interstate Pipelines and Distributors; Expansion of Categories of Activities Authorized Under Blanket Certificate

Issued: January 18, 1985.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule and notice of intent not to extend the additional incentive charge.

SUMMARY: The Commission is giving notice that the Additional Incentive Charge in 18 CFR 157.209(f) by which transporters are permitted to charge up to 5 cents per MMBtu to end users for transportation of gas will expire at midnight on January 31, 1985. The Commission is also amending 18 CFR 157.209(g)(3) to require certificate holders who have transported gas under § 157.209(f) to file a final report setting forth the details of transportation arrangements engaged in from May 1, 1984 through January 31, 1985.

DATES: (1) The Additional Incentive Charge program will expire at midnight on January 31, 1985. (2) The reporting requirements are effective on February 19, 1985.

FOR FURTHER INFORMATION CONTACT: Thomas P. Gross, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357–8033.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A. G. Sousa, Oliver G. Richard III and Charles G. Stalon.

I. Introduction

On July 20, 1983, in Order No. 319,[1] the Federal Energy Regulatory Commission (Commission) amended the blanket certificate program to provide for, among other things, an experimental Additional Incentive Charge (AIC) by which transporters are permitted to charge up to 5 cents per MMBtu to end users for the transportation of gas.[2] In Order No. 319, the Commission clearly stated that the program was experimental in nature and would only be available for specified blanket certificate transportation arrangements performed before February 1, 1985.[3]

The Commission now gives notice that the AIC program as set forth in § 157.209(f) of its regulations will expire at midnight, January 31, 1985, and will not be extended beyond that date. Our decision not to extend this program beyond the expiration date is without prejudice to further action. The Commission intends to review its experience under this program as part of its Notice of Inquiry on Interstate Transportation of Gas for Others issued on December 24, 1984.[4] Based on its review, it will determine whether any further action with regard to the AIC program is appropriate.

In order to have complete information for its review, the Commission is amending § 157.209(g)(3) to require certificate holders who have transported gas under the AIC program to file a final report indicating the volumes transported under that program on a transaction by transaction basis. Since an interim report has already been required for transportation arrangements extending through April 31, 1984, the final report only covers transportation arrangements from May 1, 1984, through January 31, 1985. This report must be filed on or before March 4, 1985.

II. Paperwork Reduction Act

The information collection provisions in this final rule are being submitted to the Office of Management and Budget (OMB) for its approval under the Paperwork Reduction Act, 44 U.S.C. 3501–3520 (1982), and OMB's regulations, 5 CFR Part 1320 (1984). The OMB clearance number for the present filing requirements is 19020060. If OMB's approval and control number have not been received by February 12, 1985, the Commission will issue a notice temporarily suspending the effective date of this rule.

Inquiries relating to the information collection provisions in this rule can be made by contacting Thomas P. Gross, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8033. Comments on these information collection provisions should be sent to the Office of Information and Regulatory Affairs of OMB (Attention: Desk Officer for the Federal Energy Regulatory Commission).

III. Effective Date

Pursuant to section 553(b)(3)(B) of the Administrative Procedure Act, the Commission believes good cause exists to waive notice and comment of the filing requirement, because it is both unnecessary and contrary to the public interest. The Commission is currently in the process of soliciting comments and reviewing suggestions on innovative interstate transportation arrangements.[5] As part of its review process, it will need a final report on the AIC program in order to evaluate and compare it against the comments and suggestions received in response to its Notice of Inquiry. Moreover, since the Commission may decide at a future date to reinstitute the AIC program or some modification of it, it is necessary to complete a prompt evaluation of the program. Finally, because the final report is a one time reporting requirement and is required only from certificate holders who have used the AIC, only a limited number of companies are affected by the reporting requirement. Since virtually all certificate holders are large interstate pipelines, the information should be readily available to them and not impose any significant burden. The effective date for these regulations is February 19, 1985.

List of Subjects in 18 CFR Part 157

Natural gas.

In consideration of the foregoing, the Commission amends Part 157, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 157—[AMENDED]

1. The authority citation for Part 157 continues to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717–717w; Department of Energy Organization Act, 42 U.S.C. 7101–7352; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Executive Order 12,009, 3 CFR Part 142 (1978).

2. In § 157.209, paragraph (g)(3) is revised to read as follows:

§ 157.209 Transportation.

* * * * *

(g) *Reporting requirements.* * * *

(3) *Final report.* On or before March 4, 1985, a certificate holder who has transported gas under paragraph (f) of this section for the period extending from May 1, 1984, through January 31, 1985, shall file a final report, under oath, signed by a senior official of the company, which states for the period from May 1, 1984 through January 31, 1985:

(i) Actual volumes of natural gas transported pursuant to paragraphs (a), (b)(1) and (b)(2) of this section for each transaction to which the AIC tariff authorized by paragraph (f) of this section is applicable:

(ii) The average AIC per MMBtu paid by the end user to the certificate holder for each transaction; and

---

[1] Sales and Transportation by Interstate Pipelines and Distributors; Expansion of Categories of Activities Authorized Under Blanket Certificate, 48 FR 34875 (Aug. 1, 1983); Order Granting in Part and Denying in Part Applications for Rehearing, 48 FR 51436 (Nov. 9, 1983).

[2] See 18 CFR 157.209(a), (b)(1) and (b)(2) (1984).

[3] 48 FR 34875, 34881 (Aug. 1, 1983).

[4] Interstate Transportation of Gas for Others, 50 FR 114 (Jan. 2, 1985).

[5] *Id.*

(iii) The average AIC per MMBtu paid by the end user for each transaction.

[FR Doc. 85-1925 Filed 1-24-85; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 177

[T.D. 85-4]

Tariff Classification of Television Camera Lens Systems

AGENCY: Customs Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error in a document which advised the public of Customs decision to continue an established and uniform practice of classifying certain television camera lens systems as parts of television cameras in the Tariff Schedules of the United States. The document was published in the **Federal Register** on Wednesday, January 9, 1985 (50 FR 1044).

FOR FURTHER INFORMATION CONTACT: Bruce N. Shulman, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-2938).

SUPPLEMENTARY INFORMATION:

Background

In FR Doc. 85-609, appearing at page 1044 in the issue of Wednesday, January 9, 1985, it is stated that Customs will continue to classify certain television camera lens systems as parts of television cameras under item 685.10, Tariff Schedules of the United States (TSUS). At the time that this document was drafted, this TSUS designation was correct. However, section 124, Trade and Tariff Act of 1984 (Pub. L. 98-573, signed October 30, 1984) redesignated item 685.10, TSUS, as item 684.90, TSUS.

Accordingly, the following parenthetical phrase should be added at the conclusion of the paragraph entitled "Continuation of Practice" appearing on page 1045 of the document.

"(Item 685.10, TSUS, redesignated as item 684.90, TSUS, by section 124, Trade and Tariff Act of 1984, Pub. L. 98-573)."

Dated: January 18, 1985.

B. James Fritz,

Director, Regulations Control and Disclosure Law Division.

[FR Doc. 85-1928 Filed 1-24-85; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 83F-0287]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Acetylated Monoglycerides

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use in or on foods of acetylated monoglycerides that have a higher Reichert-Meissl (R-M) value than those that are currently approved by the agency. This action responds to a food additive petition filed by Riken Vitamin Co., Ltd.

DATES: Effective January 25, 1985; objections by February 25, 1985.

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

FOR FURTHER INFORMATION CONTACT: Blondell Anderson, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of October 31, 1983 (48 FR 50170), FDA announced that a food additive petition (FAP 3A3746) had been filed by Riken Vitamin Co., Ltd., 8-10, 3-Chome, Nishikanda, Chiyoda-Ku, Tokyo, Japan, proposing to amend § 172.828 (21 CFR 172.828) to provide for the safe use in or on foods of acetylated monoglycerides that have a higher Reichert-Meissl (R-M) value than those that are currently approved.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe, and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives, Food preservatives, Spices and flavorings.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Food Safety and Applied Nutrition (21 CFR 5.61), Part 172 is amended in § 172.828 by revising paragraph (b) to read as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

§ 172.828 Acetylated monoglycerides.

* * * * *

(b) The food additive has a Reichert-Meissl value of 75-200 and an acid value of less than 6.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 25, 1985 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the

objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation is effective January 25, 1985.

(Secs. 201(s), 409, 72 Stat. 1784–1788 amended (21 U.S.C. 321(s), 348))

Dated: January 11, 1985.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85–1887 Filed 1–24–85; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 176

[Docket No. 83F–0398]

Indirect Food Additives; Paper and Paperboard Components

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of glyoxal-urea polymer as a starch insolubilizer in the manufacture of coatings for paper and paperboard in contact with dry food. This action responds to a petition filed by Diamond Shamrock Chemicals Co.

DATES: Effective (January 25, 1985); objections by (February 25, 1985).

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

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C Street, SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of January 26, 1984 (49 FR 3270), FDA announced that a petition (FAP 4B3762) had been filed by Diamond Chemicals Co. (now Diamond Shamrock Chemicals Co.), P.O. Box 2386R, Morristown, NJ 07960, proposing that § 176.180 (21 CFR 176.180) be amended to provide for the safe use of glyoxal-urea polymer (CAS Reg. No. 53037–34–6) as a starch insolubilizer in the manufacture of coatings for paper and paperboard in contact with dry food.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe, and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging, Paper and paperboard.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Food Safety and Applied Nutrition (21 CFR 5.61), Part 176 is amended in § 176.180(b)(2) by alphabetically inserting a new item in the list of substances, to read as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

§ 176.180 Components of paper and paperboard in contact with dry food.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * * *	
Glyoxal-urea polymer (CAS Reg. No. 53037–34–6).	For use as an insolubilizer for starch.
* * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 25, 1985 submit to the Docket Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation is effective January 25, 1985.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: January 11, 1985.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85–1886 Filed 1–24–85; 8:45 am]

BILLING CODE 4160-10-M

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21 CFR Part 178

[Docket No. 82F–0346]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]-methane as an antioxidant in olefin copolymers for use in contact with food. This action responds to a petition filed by Ciba-Geigy Corp.

DATES: Effective January 25, 1985; objections by February 25, 1985.

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

FOR FURTHER INFORMATION CONTACT: Vir Anand, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of December 14, 1982 (47 FR 56051), FDA announced that a petition (FAP 3B3676) had been filed by Ciba-Geigy Corp., Three Skyline Drive, Hawthorne, NY 10532, proposing that the food additive regulations be amended to provide for the safe use of tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]-methane as an antioxidant in olefin polymers complying with items 3.4 and 3.5 in § 177.1520(c) (21 CFR 177.1520(c)) intended for use in contact with food. The petition was subsequently amended to restrict the use of the additive to item 3.4 of § 177.1520(c).

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director of the Center for Food Safety and Applied Nutrition (21 CFR 5.61), Part 178 is amended in § 178.2010(b) by adding new limitation 9 for "Tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)] methane," to read as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * *	* * *
Tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane (CAS Reg. No. 6683-19-8).	For use only: * * * 9. At levels not exceeding 0.1 percent by weight of olefin copolymers complying with item 3.4 in § 177.1520(c) of this chapter, provided that such copolymers are not modified with 5-ethylidine-2-norbornene, and/or 5-methylene-2-norbornene.
* * *	* * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 25, 1985, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation is effective January 25, 1985.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: January 11, 1985.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-1885 Filed 1-24-85; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 178

[Docket No. 84F-0254]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

Correction

In FR Doc 84-33936 beginning on page 62 in the issue of Wednesday, January 2, 1985, make the following corrections:

On page 62, first column, in "**SUPPLEMENTARY INFORMATION**", eleventh line, "(*n*-octyld)" should have read "(*n*-octyl)".

§ 178.2650 [Corrected]

On page 62, third column, in § 178.2650(a)(4), fifth line from the bottom, "tricholoride" should have read "trichloride".

BILLING CODE 1505-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies; Handling of Employment Discrimination Charges

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations designating certain State and local fair employment practices agencies (706 Agencies) so that they may handle employment discrimination charges, within their jurisdictions, filed with the Commission. Publication of this amendment effectuates the designation of the Pinellas County, Florida Affirmative Action Office as a 706 Agency.

EFFECTIVE DATE: January 25, 1985.

FOR FURTHER INFORMATION CONTACT: Hollis Larkins, Equal Employment Opportunity Commission, Office of Program Operations, Special Services Staff, 2401 E Street, NW., Washington, D.C. 20507, telephone 202/634-6806.

SUPPLEMENTARY INFORMATION:

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

PART 1601—PROCEDURAL REGULATIONS

Accordingly, Title 29, Chapter XIV of the Code of Federal Regulations, 29 CFR

1601.74(a) is amended by adding in alphabetical order the following agency:

§ 1601.74 Designated and notice agencies.

(a) * * *

Pinellas County, Florida Affirmative Action Office

* * * * *

(Sec. 713(a) 78 Stat. 265 (42 U.S.C. 2000e 12(a))

Signed at Washington, D.C. this 17th day of January, 1985.

For the Commission.

James H. Troy,

Director, Office of Program Operations.

[FR Doc. 85-1877 Filed 1-24-85; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 2

Resource Protection Public Use and Recreation Wildlife Protection—Hunting and Trapping

AGENCY: National Park Service, Department of the Interior.

ACTION: Interim Rule with Request for Comments—Correction.

SUMMARY: On January 14, 1985, in (FR Doc. 85-983) Vol. 50 No. 9, page 1851, under § 2.2 Wildlife protection in column, two, line three following Buffalo National River, "AK", should read "AR" and in the same column on line six following Saint Croix National Scenic Riverway, "WIS/MN" should read "WI/MN".

FOR FURTHER INFORMATION CONTACT: Tom Ritter, National Park Service, Washington, D.C. 20240 (202) 343-3227.

Russell K. Olsen,

Federal Register Liaison Officer.

[FR Doc. 85-1621 Filed 1-24-85; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[SW-3-FRL-2763-6]

Maryland; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on Maryland's application for final authorization.

SUMMARY: The State of Maryland has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Maryland's application and has made the final decision that Maryland's hazardous waste management program satisfies all the requirements necessary to qualify for Final Authorization. Thus, EPA is granting Final Authorization to the State to operate its program.

EFFECTIVE DATE: Final Authorization for Maryland shall be effective at 1:00 p.m. on February 11, 1985.

FOR FURTHER INFORMATION CONTACT: John J. Humphries, Program Manager, State Programs Section (3HW31), U.S. EPA Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597-2863.

SUPPLEMENTARY INFORMATION:

Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize State hazardous waste programs to operate in lieu of the Federal hazardous waste program. To qualify for Final Authorization, a State's program must (1) be "equivalent" to the Federal program, (2) be consistent with the Federal and other State programs, and (3) provide for adequate enforcement (Section 3006(b), 42 U.S.C. 6926(b)).

On June 29, 1984, Maryland submitted a complete application to obtain Final Authorization to administer the RCRA program. On October 26, 1984, EPA published a tentative decision announcing that Maryland's hazardous waste program would satisfy all of the requirements necessary for Final Authorization if some clarifying language was added to the State's Program Description and several regulatory discrepancies were addressed. Further background information appeared in EPA's tentative determination notice (49 FR 43072, October 26, 1984). The State of Maryland responded to EPA's concerns on the State's Program Description in a letter from Mr. Ronald Nelson to Mr. Robert Allen, dated October 15, 1984. A permit application form for permit applicants has not been provided by the State and regulatory references to it will be removed. A model permit was inserted into the Program Description to replace a specific facility permit. Maryland has assured that personnel described in the application are devoted to implementing only the RCRA aspects of the State's hazardous waste program. More detail was also added to the State's discussion on calling-in permit applications for processing, and two regulatory issues were clarified by statements presented in the Program Description. All regulatory discrepancies identified by EPA, except two, were corrected in an errata published by the State in the November 23, 1984 *Maryland Register*.

The State corrected one regulatory discrepancy in a recent codification of its regulations. The remaining regulatory issue was clarified using the comment section of an amended regulatory checklist page.

The State of Maryland has satisfactorily responded to EPA's comments. Therefore, EPA has determined that the State's hazardous waste program satisfies all the necessary requirements for Final Authorization.

Along with the tentative determination, EPA announced the availability of Maryland's application for public comment and a public hearing was scheduled. On November 28, 1984 EPA held its public hearing in Baltimore, Maryland. Fifteen people attended the hearing. Ten people provided testimony, with two people following up with written comments. One additional letter was received during the comment period. One person favored granting Final Authorization, one person favored authorization but had certain reservations, three people neither supported nor opposed authorization and six people opposed or suggested postponing Final Authorization to the State of Maryland.

Four commenters were principally concerned about the State not regulating asbestos. Because asbestos has not been listed by EPA as a hazardous waste under RCRA, the Agency cannot deny authorization of the State's hazardous waste program because the State fails to list asbestos as a hazardous waste. Consequently, comments related to the State's past performance in regulating the handling of asbestos are not relevant to EPA's decision to grant Final Authorization to Maryland, under RCRA.

One commenter suggested additional regulation in some specific areas and encouraged a strong EPA oversight role after Final Authorization was granted. EPA believes Maryland's program meets the minimum regulatory and statutory requirements for Final Authorization established under RCRA. As the Federal program expands the State will be required to modify its program to maintain equivalency with EPA's program. It is clearly stated in the Memorandum of Agreement (MOA) between EPA and Maryland that program evaluations will be conducted regularly so EPA can assess States

program implementation. In addition, although the State's program will operate in lieu of the Federal program and the State has primary enforcement authority, EPA, in no way, relinquishes its ultimate enforcement authority to ensure a consistent and effective national hazardous waste management program under RCRA.

One commenter was concerned that Maryland allows out-of-State wastes to come into the State for disposal without restriction. At 40 CFR 271.4(a) EPA requires States to allow wastes to move freely across their borders in order for their programs to be deemed consistent with the Federal program and other State programs, thereby being eligible to obtain Final Authorization.

Two commenters were concerned about the State's apparent inadequate track record of effectively dealing with polluters. EPA has conducted a capability assessment of Maryland's implementation of its interim authorized RCRA hazardous waste program. In this assessment EPA evaluated the State's performance and concluded the State has generally performed satisfactorily. Secondly, both EPA and the State have agreed in the MOA that changes to Maryland's program may be necessary over time to improve program quality. EPA is also confident that oversight of the State's program will ensure that timely and appropriate enforcement actions are taken against violators. In fact, EPA is currently monitoring State enforcement actions at the particular facilities mentioned at the public hearing because of questions raised during a recent program evaluation. Since State enforcement authorities are considered adequate and EPA is monitoring State program implementation, these specific enforcement cases are not believed to be grounds to deny Final Authorization to the State. If EPA determines that the State is regularly neglecting its responsibilities to take timely and adequate enforcement actions against violators, EPA can begin procedures to withdraw approval of Maryland's program in accordance with 40 CFR 271.22 and 271.23.

Contrary to the previous commenters, one person believed that the Maryland Department of Health and Mental Hygiene has overregulated industry, forcing them out of business and directing waste to a State-operated facility. This commentor was also concerned about the potential problems associated with one State agency regulating another. One consequence of stricter regulation of hazardous wastes may be forcing same companies out of business if costs to comply with regulations become too high. Also, it is doubtful that wastes were actually directed to the State-operated facility instead of private firms because the State facility eventually had to close down due to lack of business. Secondly, EPA has recognized the potential conflict of interest where the Department of Health and Mental Hygiene is regulating a facility operated by the Maryland Environmental Service. This particular facility has been identified as a "major" facility which by its very nature receives special attention by EPA in the overview of Maryland's program implementation, including regular compliance and enforcement activities and all permitting actions.

The public comment period was extended one week, as requested, to December 5, 1984, to allow submittal of additional written comments. Because the State has satisfied the basic requirements for Final Authorization and EPA's assessment of State capability was satisfactory, comments received on the State's application were not deemed to be relevant or significant enough to be the basis for denying Final Authorization. However, the comments received may well be discussed during EPA's regular evaluation and assessment of State program implementation.

One of Maryland's regulations requires Federal facilities to comply with the financial responsibility requirements for owners and operators of treatment, storage and disposal facilities. Federal facilities are exempted from this requirement in the Federal program (40 CF 264.140(c), 265.140(c)). EPA has determined that these additional requirements are not inconsistent with the Federal program or other State programs and that they are beyond the scope of the Federal program. State programs are allowed to operate with a greater scope of coverage than that required under 40 CFR Part 271, Subpart A. However, such coverage is not part of the Federally approved program (40 CFR 271.1(i)(2)).

Decision

After reviewing the public comments and the changes the State has made to its application/program since the tentative decision, I conclude that Maryland's application for Final Authorization meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Maryland is granted final authorization to operate its hazardous waste program subject to the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984). Maryland now has the responsibility for permitting treatment, storage and disposal facilities within its borders and carrying out the other aspects of the RCRA program. Maryland 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. 6926(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 Maryland. 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 portions of the HSWA in Maryland until Maryland 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 that are more stringent than the State's program apply in Maryland. Any State requirement that is more stringent than an HSWA provision also remains effect; thus, the universe of the more stringent provisions in the authorized State program and today's approval defines the applicable requirements in Maryland. (Maryland 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 III and Maryland are currently reviewing the Memorandum of Agreement (MOA) to revise it to address the requirements of the HSWA. The current MOA provides that Maryland 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 Maryland'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 (OMB) has exempted this rule 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 small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Maryland's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any 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 record keeping 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 by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: January 9, 1985.

Stanley L. Laskowski,

Acting Regional Administrator.

[FR Doc. 85-1915 Filed 1-24-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3100

[Circular No. 2559]

Oil and Gas Leasing; Amendment Changing the Collection Process for Mineral Leases

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will amend the existing regulations covering the procedures for collection of rental payments in connection with certain oil and gas leases issued by the Bureau of Land Management. The final rulemaking will extend the time when improperly submitted remittances will be forwarded to the appropriate office from March 31, 1985, to December 31, 1985.

EFFECTIVE DATE: February 25, 1985.

ADDRESS: Any suggestions or inquiries should be sent to: Director (620), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Donna M. Webb, (202) 653-2190.

SUPPLEMENTARY INFORMATION: This final rulemaking will extend the time period when remittances for second-year and subsequent rentals improperly submitted to the Bureau of Land Management will be forwarded to the designated Minerals Management Service office from March 31, 1985, to December 31, 1985.

The changes authorized by the provisions of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701-1757) and a Memorandum of Understanding between the Bureau of Land Management and the Minerals Management Service concerning remittances for mineral leases, as implemented through a series of changes in the Code of Federal Regulations, have resulted in some public confusion as to the proper agency office where onshore lease rental payments must be timely submitted. In order to assure the public sufficient time to acquaint themselves with the changed remittance procedure, this final rulemaking will extend the time period during which payments made to the wrong agency office will be forwarded to the proper office from March 31, 1985, to December 31, 1985. This change is needed because of a change in the remittance requirement for six special categories of lands that was made in the **Federal Register** of October 5, 1984 (49 FR 39329). As a result of that change all second and subsequent year rental and bonus payments for onshore leases are to be made to the appropriate office of the Minerals Management Service, with none being made to the Bureau of Land Management. The change made by this final rulemaking will permit a Bureau of Land Management office that receives a missent remittance anytime up until December 31, 1985, to forward it to the proper Minerals Management Service office, and, all other things being proper, the lease will continue in effect.

This change is being issued as a final rulemaking because it is an administrative change that imposes no additional burden on the public. All lessees will continue to have to pay an annual rental, the only thing that is changing is that a missent rental will be forwarded to the proper office until December 31, 1985, instead of only March 31, 1985. In fact, this change will lessen the chance that a lease will be cancelled only because the rental payment was sent to the wrong agency.

The principal author of this final rulemaking is Donna M. Webb, Division of Fluid Mineral Leasing, assisted by the staff of the Office of Legislation and Regulatory Management, all of the Bureau of Land Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The change made by this final rulemaking will effect equally all entities, large or small. The impact will be slightly beneficial because it will allow the Bureau of Land Management to send missent remittances to the appropriate office of the Minerals Management Service, without their having to be returned to the lessee.

This final rulemaking contains no information collection requirements requiring approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

List of Subjects in 43 CFR Part 3100

Administrative practice and procedure, Environmental protection, Mineral royalties, Public lands—classification, Public lands—mineral resources, Surety bonds.

Under the authority of the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351–359), the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.), the Geothermal Steam Act of 1970 (30 U.S.C. 1001–1025), the Federal Coal Leasing Amendments Act of 1976, as amended (90 Stat. 1083–1092), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), Part 3100, Group 3100, Subchapter C, Chapter II of the Code of Federal Regulations is amended as set forth below.

Dated: January 18, 1985.

J. Steven Griles,

Deputy Assistant Secretary of the Interior.

PART 3100—[AMENDED]

§ 3103.2–2 [Amended]

1. Section 3103.2–2 is amended by removing from the last sentence of the introductory paragraph the date "March 31, 1985" and replacing it with the date "December 31, 1985".

[FR Doc. 85–2006 Filed 1–24–85; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84–231; FCC 84–640]

Implementation of BC Docket No. 80–90 To Increase the Availability of FM Broadcast Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the FM Table of Assignments, §73.202(b) of the Commission's Rules, by adding new FM channels to 689 communities throughout the country. These channels can provide a first or additional FM service to the communities.

EFFECTIVE DATE: February 20, 1985.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

First Report and Order

In the matter of Implementation of BC Docket No. 80–90 to increase the availability of FM broadcast assignments; MM Docket No. 84–231.

Adopted: December 19, 1984.

Released: January 14, 1985.

By the Commission.

Introduction

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 49 FR 11214, published March 28, 1984, listing 684 communities as proposed locations for new FM channel allotments. In addition, 224 counterproposals for 189 communities were accepted for consideration by *Public Notice* of July 23, 1984.[1] The *Notice* generated a response of over 2,500 comments pertaining to a variety of matters.[2] Most pleadings were filed for the purpose of expressing an interest in applying for a channel at one or more of the listed communities. In this *First Report and Order* we direct our attention to the list of 689 communities (Appendix A) receiving new FM allotments and explain the process and policy determinations used to select among the communities in conflict. We shall, in the very near future, decide the other matters raised in this proceeding: (1) Special treatment for daytime-only AM licensees which apply for FM channels in the same community; (2) the time periods established for filing applications for these newly allotted channels; and (3) lifting the restrictions on filing petitions for new FM allotments.

Background

2. This omnibus proceeding was the first step toward implementing the Commission's action in BC Docket 80–90, *Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments*, 94 FCC 2d 152 (1983), *recons.* 49 FR 10260, published March 20, 1984, wherein, at para. 80 of the *Report and Order*, the Commission determined that a large scale rule making was contemplated in order to respond to requests for new FM allotments and to expedite service in the most prompt fashion. In effectuating the large scale proceeding, the Commission developed a list of 684 communities determined to be in need of service by focusing attention on four factors:[3]

(1) First local service;
(2) First fulltime local service;
(3) Provision of minority service; and
(4) Provision of public radio service.

The allotment of channels for these communities was to be undertaken with the aid of a specially designed computer program which could resolve multiple conflicts by weighing selective criteria. Since it is inevitable that not every community could be allotted a channel, the program was designed to search for channels for the optimum number of communities. For example, wherever a choice could be made between granting new allotments to two cities instead of one, the larger number was to be chosen. In addition, the selection between conflicting proposals on a one-to-one basis was to be made by placing a greater priority on certain factors:[4]

(1) First or second aural service;
(2) First local service;
(3) First fulltime local service;
(4) Minority service; and
(5) Public radio service.

Acceptance of Counterproposals

3. The *Notice* proposed to accept counterproposals based on certain technical and policy considerations. The counterproposal had to meet the distance separation requirements to add existing stations and vacant channels but also conflict with one or more of the original 684 proposals. In addition the counterproposal must state that service would be provided pursuant to one or more of the stated factors. In this regard the Commission believed that no other type of proposal would succeed in a comparative analysis with proposals already meeting the listed criteria. The Commission was also interested in conducting the proceeding in an expeditious fashion. We affirm here the decision to limit the number of counterproposals that could be filed by the technical and policy methods used.

4. The Commission has received forty-four (44) objections styled as petitions for reconsideration pertaining to our

[1] The *Public Notice* established a reply comment period listing the original communities and the counterproposals accepted for consideration. Of the original communities, 82 were removed from the list since we failed to receive a comment expressing an interest in applying for a channel at those communities.

[2] A sustantial number of late comments were also filed. These untimely submissions have not been accepted for consideration.

[3] The status of some communities has changed since the compilation of this list by the addition of an AM or FM station. However, rather than disqualify the community and deny a new service for which interest has been expressed, we have not dropped these communities from consideration. In each case we did change the category to the appropriate priority.

[4] As we stated in the *Notice*, these criteria were recently adopted by the Commission to evaluate conflicting proposals. See *Revision of FM Assignment Policies and Procedures* (BC Docket No. 130), 90 FCC 2d 88 (1982), *recons.* Mimeo No. 34675, FCC 84–282 released June 29, 1984, the companion proceeding to Docket 80–90.

failure to accept certain counterproposals not falling into the above categories. These requests have been considered as comments in the instant docket. Five counterproposals previously determined to be unacceptable are the subject of a *Further Notice of Proposed Rule Making* in this docket. In three of these counterproposals, the petitioner specified the provision of a first or second aural service which was an acceptable category.[5] However these requests also involved the desire of existing Class A stations to upgrade to a higher class of channel and have their licenses modified accordingly. The question of modifying licenses in the rule making context was unsettled during this period as a result of a pending Application for Review to the *Helena, Montana*, case, 50 R.R. 2d 70 (1982), *recons.* 48 FR 59025, published November 30, 1983, and no such requests were being considered. The Commission's policy was recently established in *Modification of FM and TV Station Licenses*, MM Docket 83-1148, 49 FR 34007, published August 28, 1984, enabling us to now consider requests which involve modifying a station's license to a higher class.

Selection Factors

5. In order to provide for the computer application of the allotment criteria established in Docket 80-130, the *Notice* in this proceeding proposed the use of numerical weights for the established criteria. These weights were proposed as follows:

First aural service—4
Second aural service—3
First local service—3
First fulltime local service—2
Minority service—2
Public radio service—2

Where mutually exclusive proposals fit the same category the city with the greater population would be selected. Where a proposal fit into two or more categories an extra fraction of a point would be added to enhance the proposal's value. We received comments on the proposed numerical weighting factors which generally supported the proposed scheme. However, several commentors favored various alternatives.

6. The Daytime Broadcast Association argued that first local service and first fulltime local service should be assigned equal priority to provide service to a larger population that already has daytime service. The National Association of Black Owned Broadcasters contended that minority service and first aural service should receive equal priority in order to give adequate weight to minority service and ownership. The National Black Media Coalition proposed assigning a value of "three" to minority or public radio service and a value of "two" for first local service in order to increase the likelihood of minority service in major population centers as opposed to the higher preference given to first local service.

7. In order to further increase the provision of minority service, one commenter suggested that where the Commission proposes to assign a new FM channel to a community which already has two or more radio stations, any subsequent counterproposal should be required to demonstrate that it will provide service to a minority population of equal or greater number and not merely a first or second aural service. Lastly, the Corporation for Public Broadcasting proposed extending the priorities in the allotment process to the licensing process, particularly in the case where public radio service is to be provided.

8. The preference for first local service has traditionally been given great weight in the allocation process. Thus the Commission's proposal in this docket included a list of cities where first local service was given considerable weight. We believe the use of this priority is particularly appropriate in developing this first list of communities made possible by rule changes promulgated in Docket 80-90. Additionally, and as proposed, other criteria including communities with daytime-only AM stations and those with minority or public radio needs have been singled out for consideration according to their populations. Thus, the weighting system proposed in this proceeding has been used in formulating this list.

9. We note, however, that our primary goal in the allotment process is to provide the greatest possible service to the population as a whole and, thus, once this first set of new allocations is in place we may find it appropriate to give equal or subordinate weight to these factors given priority here. The FM Table, as amended, now lists communities large and small throughout the nation. Service is available, if desired, to virtually all Americans and we would assume that further table expansion will occur primarily in areas where population is sufficient to support additional entrants. Finally, we would note that the application process and not the allocation process appears to offer the greatest potential to solve problems raised by minority, public radio, and daytime-AM interests.

10. In allotting the channels herein we have found it unnecessary to set out in detail the specific issues raised regarding each channel allotment. Rather, we discuss in general terms, the most important matters raised. Basically if interest in operating a station at a proposed location was received, every effort was made to allot a channel. The general reasons that some communities were denied channels can be set forth in a few categories. First, the most favorable arrangement of allotments was attempted by optimizing the number of allotments that could be make. As noted in paragraph 2, *supra*, the optimization process applied to situations where two or more allotments could be made instead of one, regardless of other comparative merits. This optimization process caused some proposals to be denied even though they were not previously identified as being in conflict with another proposal. In many cases channel changes were made in order to resolve conflicts and provide each community with a channel. In other instances, channel changes were necessary in order to lessen or change the direction of a site restriction.

11. Second, the weighting factors discussed above were used to resolve mutually exclusive proposals. In all of those cases, a search for alternate available channels was made. The majority of denials was caused by preferring one community over another based on this process. Third, a small number of proposals were denied for a variety of reasons unrelated to comparative criteria or optimization arrangements. The causes consisted of such things as (1) the failure to establish community status for a counterproposal; [6] (2) the failure to demonstrate city grade service due to distant site restrictions; [7] (3) the failure to show that for communities over 300,000 population, a Class A channel could provide adequate coverage to the entire community, or (4) the grant of an

[5] Three counterproposals involve channel substitutions at (1) LaCrosse, Wisconsin; (2) Corbin, Kentucky; and (3) Vergennes, Vermont. We have also accepted two other counterproposals for consideration—(1) South Pittsburg, Tennessee; and (2) Kinston, North Carolina—based on showings that resolved technical problems with these proposals.

[6] In general, if the community was listed in the U.S. Census, community status was presumed. If no listing was found, then additional indicia were needed.

[7] For those cities listed in Appendix C which are too large to receive predicted city grade coverage from a Class A channel, the Commission would reconsider upon a showing that the proposal would not eliminated an allotment made herein to a higher weighted community.

application specifying a conflicting site during the pendency of this proceeding.[8] A list of the communities denied channels and a brief reason for the denial is set forth in Appendix C.

Miscellaneous

12. Commentors raised several other matters worthy of discussion. In view of the Commission's determination that some communities could benefit from the addition of a public radio service, supporters requested that some commercial allotments should be reserved exclusively for noncommercial educational use. However, such a practice is rarely approved in allotment proceedings. In fact, the Table of Allotments lists only four examples. In the instances the reservation was premised on the impact of a nearby TV Channel 6 station or the preclusive constraints of Canadian and Mexican allocations. With the recent action taken in Docket 20735 concerning TV Channel 6—FM Noncommercial Educational interference standards (adopted October 26, 1984),[9] the content of such showings is now settled and can be considered in future contexts. The allotments granted herein are available for application as noncommercial educational stations in all cases. The comparative need for this type of programming versus commercial programming is more appropriately determined in the hearing context. For the above reasons we have not reserved any channels in this proceeding.

13. Similarly no channels have been specifically reserved for minority service as requested by some commentors. The priority to be given to such service is a matter more appropriately considered in the hearing process where the relative priorities could be evaluated. On the other hand, the absence of an expressed interest in providing minority service did not disqualify a community previously identified to receive an additional allotment for that reason. The opportunity to obtain a minority service was the applicable consideration and the availability of a channel for this purpose was the intent behind the proposal.

14. The majority of unacceptable counterproposals were returned because they involved a Class A station desiring to upgrade. The Commission generally favors such increases in service.[10] However, an increase in coverage for an existing station is usually not of the same import as the provision of new local service. We have nevertheless treated such proposals as comments and attempted to allot alternate channels than those proposed in order to accommodate the desire of those stations to upgrade in the future. Finally, where commentors requested the allotment of a higher class of channel than that proposed in the *Notice*, we attempted to do so with due regard to the comparative weighting system and the optimization process.

15. Regulatory Flexibility Final Analysis.

I. Reason for Action

This action derives from BC Docket 80-90 which greatly increased the availability of channels. In this proceeding we have evaluated comments supporting and opposing proposals for FM channel allotments throughout the United States and have determined which communities have the greater need for the available frequencies.

II. Objective

To provide FM frequencies throughout the United States to meet the demand for new FM stations, particularly in those communities lacking aural service.

III. Legal Basis

Sections 303(r) and 4(i) of the Communications Act of 1934, as amended.

IV. Description, Potential Impact and Number of Small Entities Affected

Small entities may be affected in two ways. The increased availability of FM frequencies may benefit small entities, interested in applying for new stations. Many small entities have expressed this desire. On the other hand, increased competition from these new stations may adversely affect small entities already holding licenses. The comments submitted in this proceeding did not address how many small entities may be affected either favorably or adversely.

V. Reporting, Record-Keeping and Other Compliance Requirements

None.

VI. Federal Rules Which Overlap, Duplicate or Conflict With This Rule

None.

VII. Any Significant Alternative Minimizing The Impact on Small Entities and Consistent With the Stated Objective

None.

16. The Secretary shall cause a copy of this Report and Order, including the Final Regulatory Flexibility Analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164, 50 U.S.C. *et seq.*).

17. Accordingly it is ordered that § 73.202(b) of the Commission's Rules is amended to include the communities as set forth in Appendix B.

18. Authority for the action taken herein is contained in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934 as amended.

19. It is further ordered, that the petition of the United Church of Christ, Office of Communication, *et al.*, (RM-3245) is denied.

20. It is further ordered that this action is effective February 20, 1985.

21. For further information concerning this proceeding contact the Allocations Branch, 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.

APPENDIX A.—CHANNEL ALLOCATIONS AND SITE RESTRICTIONS

Name	CH	CL	Site Restriction	Concurrence (Miles)	Concurrence (Kilometers)
Alabama:					
Bay Minette	293	A	1.6	2.6 W.	
Brundidge	234	A			
Cordova	225	A			
Dothan	273	A	1.2	1.9 E.	
Elba	268	A			
Eutaw	282	A			
Florence	241	A	3.2	5.1 S.	
Ft Rucker	226	A			
Homewood	247	A	4.8	7.6 S.	
Linden	275	A			
Montgomery	241	A	3.1	5.0 W.	
Orange Beach	289	A	0.1	0.1 SE.	
Oxford	250	A			
Selma	267	C2	14.9	24.0 SW.	
Talladega	248	A			
Vernon	293	A			
Winfield	290	A	4.1	6.7 SE.	
Alaska:					Anchorage monitoring station.
Anchorage	225	C			
Bethel	300	A			
Arizona:					Mexico.
Buckeye	295	A			
Chinle	297	A			
Flagstaff	275	C2	8.6	13.8 NE.	Do.
Globe	247	A			Do.
Kearny	266	A	1.2	1.9 S.	Do.
Oraibi	252	A			
Paradise Valley	290	A			Do.

[8] In this regard *see* Public Notice of March 27, 1984, pursuant to which we attempted to solve such conflicts by finding alternate channels.

[9] *Third Report and Order*, 49 FR. 45146, published November 15, 1984.

[10] See *Modification of FM and TV Station Licenses*, MM Docket No. 83-1148, *supra*.

APPENDIX A.—CHANNEL ALLOCATIONS AND SITE RESTRICTIONS—Continued

Name	CH	CL	Site Restriction	Concurrence (Miles)	Concurrence (Kilometers)
San Carlos	279	A			Do.
Sierra Vista	269	A	0.6	1.0 N.	Do.
Tuba City	250	A			
Window Rock	276	A			
Yuma	250	A			Do.
Arkansas:					
Beebe	268	A	3.8	6.2 N.	
Bella Vista	293	A			
Cabot	273	A			
Clarendon	297	A			
Dermott	269	A	3.1	5.0 E.	
El Dorado	227	A			
England	243	A	0.0	0.1 NW.	
Eudora	268	A			
Glenwood	283	A			
Hamburg	258	A			
Hardy	284	A	2.8	4.5 NE.	
Helena	233	A			
Horseshoe Bend	293	A			
Little Rock	258	A			
Malvern	268	A			
Marianna	295	A			
Marked Tree	229	A			
N Crossett	274	A			
Pine Bluff	267	A			
Texarkana	284	A	2.2	3.6 SW.	
Trumann	294	A			
California:					
Atwater	223	A	4.5	7.3 SE.	
Avenal	289	A			
Bakersfield	257	A			
Cartago	275	A			
China Lake	274	A			
Chowchilla	227	A			
Colusa	243	A	.08	1.2 W.	
Crescent North	250	A			
E Hemet	277	A	4.6	7.4 SW.	Do.
E Porterville	263	A			
Earlimart	265	A	0.2	0.3	
Firebaugh	276	A	4.5	7.3 S.	
Ford City	271	A			
George	264	A			Do.
Gonzales	282	A	0.2	.03 SE.	
Gridley	268	A			
Hanford	233	A	4.5	7.3 SE	Do.
Idyllwild	267	A	1.0	1.6 SE.	Do.
Independence	292	A			
Kingsburg	292	A	3.9	6.3 S.	
Lake Isabella	283	A			
Lemwood	285	A	4.2	6.7 SE.	Do.
Lindsay	277	A			
Lucerne Valley	293	A	0.2	0.4 NW.	Do.
Madera	297	A	3.6	5.7 SW.	
McFarland	275	A			
Mendota	272	A	4.6	7.5 NE.	
Merced	299	A	0.3	0.4 E.	
Modesto	230	A			
Montecito	225	A			Do.
Orange Cove	262	A	4.0	6.4 NW.	
Orland	293	A	4.8	7.8 NW.	
Oxnard	271	A	1.4	2.2 W.	Do.
Rio Dell	296	A	2.7	4.4 SW.	
Rohnerville	263	A			

APPENDIX A.—CHANNEL ALLOCATIONS AND SITE RESTRICTIONS—Continued

Name	CH	CL	Site Restriction	Concurrence (Miles)	Concurrence (Kilometers)
Sacramento	278	A			
Salinas	250	A	2.7	4.3 SE.	
San Jacinto	241	A	2.6	4.1 NW.	Do.
San Luis Obispo	246	B1			
Santa Barbara	239	B1	2.2	3.5 W.	Do.
Searles Valley	283	A			
Sebastopol	229	A			
Shafter	282	A	1.3	2.1 S.	
Soledad	287	A			
South Oroville	285	A	2.3	3.7 N.	
Visalia	241	A	4.2	6.7 SE.	
Winton	254	A			
Colorado:					
Brush	292	A			
La Junta	295	A			
Las Animas	297	A			
Pueblo	283	C1	10.0	16.1 SE.	
Connecticut:					
East Lyme	254	A	4.8	7.7 E.	
Enfield	250	A			
Ledyard	293	A			
Litchfield	247	A	2.2	3.5 N.	
Pawcatuck	299	A			
Salisbury	251	A			
Sharon	277	A	3.7	5.9 NW.	
Delaware:					
Lewes	290	A			
Milford	267	A	4.9	7.9 SW.	
Selbyville	250	A	4.7	7.5 SE.	
Smyrna	225	A	3.5	5.7 E.	
Florida:					
Alachua	223	A			
Century Village	286	A			
Chattahoochee	287	A			
Chiefland	247	A			
Edgewater	226	A	0.7	1.2 NE.	
Englewood	290	A			
Gifford	234	A	2.2	3.6 SE.	
Grseeville	271	A	3.3	5.3 S.	
Gretna	264	A	2.9	4.6 SE.	
Holly Hill	277	A			
Key Colony Beach	288	A			
Key West	300	C1			
Marianna	227	A	1.1	1.8 S.	
Monticello	270	A			
Orlando	255	A	1.8	3.0 E.	
Pensacola	291	A			
Quincy	274	A			
Summerland Key	275	A			
Tallahassee	291	A	2.3	3.7 SW.	
Tice	229	A	1.8	2.8 N.	
Watertown	289	A	0.9	1.4 NW.	
Georgia:					
Arco	290	A			
Ashburn	289	A			
Cuthbert	264	A			
Ft Ogiethorpe	239	A	4.9	7.8 S.	
Ft Valley	250	A	0.9	1.5 NE.	
Hogansville	248	A	1.1	1.8 W.	
Irwinton	279	A	0.4	0.5 NE.	
Jeffersonville	248	A			
Lakeland	290	A	4.8	7.7 W.	

APPENDIX A.—CHANNEL ALLOCATIONS AND SITE RESTRICTIONS—Continued

Name	CH	CL	Site Restriction	Concurrence (Miles)	Concurrence (Kilometers)
Leesburg	279	A			
Lyons	223	A	4.6	7.3 SW.	
Mableton	273	A			
Macon	222	A	4.4	7.1 SE.	
Milledgeville	264	A			
Millen	235	A	3.6	5.8 NW.	
Montezuma	223	A			
Omega	298	A			
Reidsville	291	A	2.8	4.5 SE.	
Royston	279	A			
Sparta	274	A			
Statesboro	275	A	2.0	3.1 N.	
Sylvester	271	A			
Valdosta	299	A			
Hawaii:					
Honolulu	290	C			
Idaho:					
American Falls	281	A			
Gooding	267	A			
Hayden	233	A			Canada.
Illinois:					
Bushnell	284	A			
Carrier Mills	283	A	2.5	4.0 NW.	
Carterville	236	A	1.8	3.0 N.	
Casey	286	A			
Champaign	262	B1	4.2	6.8 S.	
Coal City	264	A			
Decatur	226	A	2.3	3.7 SE.	
Dwight	255	A			
Eureka	253	A			
Farmington	239	A	3.6	5.8 NE.	
Galena	298	A			
Galva	273	A	0.3	0.4 E.	
Henry	263	A			
Kankakee	236	A	2.0	3.2 S.	
Mahomet	290	A	3.5	5.7 NE.	
Marseilkes	243	A	3.2	5.1 SW.	
Marshall	290	A	4.2	6.8 W.	
Morrison	236	A	2.5	4.0 NE.	
Nashville	284	A			
Newton	295	A			
Oregon	291	A	3.1	5.0 NE.	
Peoria	222	A			
Pinckneyville	282	A	1.1	1.7 N.	
Polo	299	A			
Spring Valley	277	A	3.9	6.3 E.	
Woodlawn	295	A	3.8	6.1 NW.	
Indiana:					
Anderson	254	A			Do.
Attica	239	A			
Austin	242	A	2.0	3.1 N.	
Berne	230	A	4.1	6.6 SW.	Do.
Bicknell	289	A	4.4	7.0 SW.	
Bloomfield	266	A	1.5	2.4 SE.	
Charlestown	282	A	2.9	4.7 N.	
Clinton	230	A			
Corydon	243	A			
Delphi	275	A			
Evansville	298	A	3.8	6.1 NW.	
Fort Branch	268	A	4.3	6.8 N.	
Ft Wayne	222	A	3.0	4.9 NW.	Do.
Mitchell	273	A			
Mt Vernon	294	A	1.7	2.7 SW.	
Nappanee	239	A	1.5	2.4 SW.	Do.
New Haven	300	A	1.4	2.3 E.	Do.
Newburgh	291	A			
Noblesville	230	A			Do.
Royal Center	241	A	2.6	4.2 W.	Do.

APPENDIX A.—CHANNEL ALLOCATIONS AND SITE RESTRICTIONS—Continued

Name	CH	CL	Site Restriction	Concurrence (Miles)	Concurrence (Kilometers)
South Bend.	292	A	3.6	5.8 NW.	Do.
Iowa:					
Belle Plaine.	239	A			
Cresco	272	A	1.2	1.9 W.	
Des Moines.	298	C2	2.7	4.3 S.	
Eldora	258	A	0.7	1.2 SW.	
Grinnell	294	A	3.0	4.8 W.	
Jefferson	255	A	0.5	0.7 NW.	
Manchester.	234	A			
New Hampton.	236	A			
Rock Valley.	295	A	2.4	3.8 NE.	
Sac City	286	A			
Sibley	262	A			
Winterset	239	A			
Kansas:					
Augusta	242	A	1.3	2.1 NW.	
Fredonia	281	A			
Girard	266	A	0.6	1.0 SW.	
Herington	242	A			
Kingman	232	A			
Medicine Lodge.	240	A			
North Fort Riley.	273	C2	5.6	9.0 S.	
Olathe	222	A			
Plainville	244	A			
Topeka	223	A	4.5	7.2 N.	
Kentucky:					
Beaver Dam.	274	A			
Berea	294	A			
Buffalo	268	A			
Burkesville.	253	A			
Cave City	294	A	2.1	3.4 NE.	
Cumberland.	274	A			
Edmonton.	256	A	4.8	7.7 NE.	
Eminence	289	A			
Hartan	286	A			
Hawesville.	289	A			
Irvine	291	A			
Lancaster	286	A			
Lawrenceburg.	271	A			
Lexington-Fayette.	283	C2	11.5	18.4 NE.	
Louisa	222	A			
Louisville	263	C2	15.4	24.8 SE.	
Marion	274	A			
Midway	300	A			
Nicholasville.	264	A	3.8	6.1 SE.	
Radcliff	278	A			
Salyersville.	247	A			
Shelbyville	267	A	1.9	3.1 E.	
Shepherdsville.	286	A	1.6	2.5 NE.	
Springfield.	274	A			
Vancleve	260	A			
Whitley City.	290	A	1.5	2.4 N.	
Williamsburg.	282	A			
Wilmore	242	A	4.4	7.2 S.	
Louisiana:					
Alexandria.	289	A			
Arcadia	223	A	3.6	5.8 SW.	
Basile	271	A			
Bastrop	277	A			
Berwick	290	A	1.3	2.0 E.	
Breaux Bridge.	243	A	1.5	2.4 SE.	

APPENDIX A.—CHANNEL ALLOCATIONS AND SITE RESTRICTIONS—Continued

Name	CH	CL	Site Restriction	Concurrence (Miles)	Concurrence (Kilometers)
Bunkie	282	A	1.2	2.0 NE.	
Buras Triumph.	231	A	5.0	8.0 S.	
Coushatta.	222	A			
Erath	225	A			
Homer	260	A			
Jonesville	266	A	4.2	6.8 SE.	
Lafayette	238	A			
Lake Arthur.	297	A			
Lake Charles.	287	C2	14.7	23.8 SW.	
Larose	262	A			
Monroe	287	C2			
New Iberia.	229	C2	9.7	15.6 SE.	
North Fort Polk.	294	A			
Opelousas.	290	A			
Rayne	294	A	4.8	7.7 NW.	
Reserve	235	A	0.4	0.7 SE.	
Ruston	258	A			
Shreveport.	279	A	4.7	7.6 E.	
South Fort Polk.	267	A	4.1	6.5 NE.	
Vivian	239	A			
Washington.	284	A	3.4	5.5 E.	
Maine:					
Dexter	271	A			Do.
Fairfield	227	A	6.2	9.9 N.	
Madison	248	A	3.1	5.0 W.	Do.
Mexico	264	A	4.1	6.6 NW.	Do.
Pittsfield	258	A	2.4	3.9 E.	
Topsham	238	A			Do.
Van Buren.	251	A			Do.
Winslow	237	A			Do.
Maryland:					
Cristfield	245	A			
Pocomoke City.	293	A			
Salisbury	255	A			
Westernport.	244	A			
Massachusetts:					
Athol	260	A			Do.
Great Barrington.	286	A	1.6	2.5 S.	Do.
Orange	247	A	2.3	3.7 NW.	Do.
S Yarmouth.	280	A			
Turners Falls.	230	A			Do.
Michigan:					
					Allegan monitoring station.
Allegan	222	A	2.2	3.6 N.	Canada.
Benton Harbor.	235	A	2.0	3.3 E.	Do.
Buchanan	256	A	2.9	4.7 N.	Do.
Carrollton	263	A	4.1	6.5 N.	Do.
Essexville	247	A			Do.
Grand Rapids.	255	A	1.8	2.8 NW.	Do.
Hartford	279	A	4.5	7.2 N.	Do.
Kingsford	255	A			Do.
Muskegon.	300	A			Do.
Oscoda	239	C2	13.7	22.1 NE.	Do.
Portage	243	A			Do.
Saginaw	283	A	0.7	1.0 S.	Do.
Spring Arbor.	295	A			Do.
Standish	245	A			Do.
Vassar	255	A	4.7	7.6 NE.	Do.

APPENDIX A.—CHANNEL ALLOCATIONS AND SITE RESTRICTIONS—Continued

Name	CH	CL	Site Restriction	Concurrence (Miles)	Concurrence (Kilometers)
Walker	263	A			Do.
Wurtsmith	235	A			Do.
Minnesota:					
Babbitt	294	A	3.2	5.1 NE.	Do.
Caledonia	234	A			
Eden Prairie.	289	A			
Granite Falls.	230	A	2.9	4.8 W.	
Jackson	287	AD			
La Crescent.	274	A			
Lakeville	266	A	0.3	0.5 N.	
Le Sueur	241	A	4.5	7.2 NW.	
Mora	237	A	0.3	0.4 NE.	Do.
New Prague.	238	A	4.8	7.7 SW.	
Sleepy Eye.	297	A			
Springfield.	289	A			
Staples	234	A			Do.
Stewartville.	235	A			
Tracy	286	A			
Two Harbors.	282	A			Do.
Mississippi:					
Bay St. Louis.	233	A	3.7	6.0 E.	
Belzoni	225	A			
Clarksdale.	243	A			
Cleveland	299	A	0.8	1.3 W.	
Columbus	235	C2	1.0	1.5 SE	
Greenville	284	C2	10.4	16.7 E.	
Greenwood.	270	A			
Holly Springs.	235	A			
Indianola	245	A			
Laurel	251	A	4.8	7.7 SW.	
Lexington	273	A	0.2	0.3 N.	
Lucedale	295	A			
Meridian	271	A	2.7	4.4 SE.	
Monticello.	271	A	1.4	2.2 N.	
Mound Bayou.	271	A	3.8	6.0 NE.	
Natchez	247	A			
State College.	282	A			
Vicksburg	266	A	0.6	0.9 S.	
Water Valley.	268	A	2.8	4.5 S.	
Wiggins	250	A			
Yazoo City.	229	A	4.7	7.5 N.	
Missouri:					
Ava	290	A			
Bonne Terre.	282	A			
Cassville	227	A			
Chaffee	284	A			
Charleston.	291	A	0.6	1.0 NE.	
Cuba	271	A			
Kirksville	300	C1	11.0	17.6 S.	
Lamar	260	A	4.9	7.8 S.	
Mt. Vernon.	294	A			
Perryville	294	A	0.1	0.1 S.	
Republic	258	A	1.3	2.1 NE.	
Richmond	223	A			
Southwest City.	262	A			
Sparta	243	A			
St. James	256	A			
Warrenton.	260	A	1.0	1.6 SE.	
Washington.	283	A			
Willard	263	A	0.8	1.3 SE.	

APPENDIX A.—CHANNEL ALLOCATIONS AND SITE RESTRICTIONS—Continued

Name	CH	CL	Site Restriction	Concurrence (Miles)	Concurrence (Kilometers)
Montana:					
Columbia Falls	240	A			Do.
Conrad	229	A			Do.
West Yellowstone	243	A			
Nebraska:					
Plattsmouth	293	A	3.7	5.9 E.	
West Point	300	A	0.2	0.4 NE.	
Nevada:					
Hawthorne	228	A			
New Hampshire:					
Farmington	293	A	2.3	3.7 SW.	Do.
Hampton	271	A	2.8	4.5 SW.	Do.
Lebanon	263	A			Do.
Somersworth	254	A	0.2	0.3 SW.	Do.
Winchester	254	A			Do.
New Jersey:					
Atlantic City	297	B1	6.3	10.2 NE.	
Margate City	270	A	2.4	3.9 S.	
North Cape May	242	A	4.9	7.8 SW.	
Ocean Acres	253	A			
Villas	254	A			
Wildwood Crest	222	A	2.3	3.6 SE.	
New Mexico:					
Alamogordo	279	C1	19.3	31.0 N.	Mexico.
Carlsbad	291	C2	2.2	3.5 NE.	Do.
Clovis	268	C	4.3	6.9 N.	
Farmington	239	C1			
Gallup	291	C2			
Grants	250	C2	3.0	4.7 S.	
Las Vegas	251	C	11.4	18.4 E.	
Los Lunas	292	A			
Roswell	284	C2	7.4	11.9 NW.	Do.
Santa Fe	234	C	23.3	37.5 NE.	
Silver City	233	A			Do.
Taos	260	A			
White Rock	268	A			
New York:					
Arlington	245	A			Canada.
Avon	227	A	3.8	6.1 E.	Do.
Catskill	253	A	4.5	7.2 S.	Do.
Center Moriches	241	A	2.5	4.2 E.	Do.
Clyde	229	A			Do.
Dansville	230	A	1.0	1.5 E.	Do.
Delhi	262	A			Do.
Fort Plain	266	A	0.3	0.5 W.	Do.
Fredonia	243	A	4.5	7.2 SW.	Do.
Highland	297	A	2.4	3.8 N.	Do.
Homer	268	A			Do.
Hoosick Falls	248	A	5.0	8.0 SE.	Do.
Irondequoit	294	A	3.3	5.3 NW.	Do.
Mechanicville	283	A	4.0	6.5 W.	Do.
New Paltz	227	A	1.4	2.3 SW.	Do.
Palmyra	259	A			Do.
Phoenix	271	A	0.8	1.2 SE.	Do.
Plattsburgh	278	A	0.6	1.0 W.	Do.
Poughkeepsie	241	A			Do.
Ravena	233	A			Do.
Rochester	290	A	4.4	7.1 E.	Do.
Sodus	278	A	3.0	4.9 N.	Do.
Stillwater	267	A			Do.
Syracuse	290	A	1.6	2.6 N.	Do.
Utica	264	A			Do.
Warrensburg	263	A			Do.
Waterloo	253	A	3.2	5.1 SE.	Do.
Webster	274	A	0.6	0.9 W.	Do.
Whitehall	231	A			Do.
North Carolina:					
Bayboro	250	A			
Elizabethtown	289	A			
Fairbluff	287	A	4.1	6.5 NW.	
Gaston	250	A	2.3	3.7 E.	
Louisburg	273	A			
Murphy	282	A			
New Bern	231	A			
Old Fort	282	A			
Patterson	264	A	2.0	3.2 N.	
Raleigh	275	A	2.5	4.1 N.	
Rocky Mount	253	A	3.2	5.2 E.	
Rose Hill	284	A			
St Pauls	295	A	5.0	8.0 S.	
Warrenton	297	A	4.6	7.4 E.	
Wilmington	287	A			
Windsor	255	A			
Wrightsville Beach	229	A	0.5	0.8 NE.	
North Dakota:					
Beulah	250	A			Do.
Langdon	239	A			Do.
Ohio:					
Ada	235	A	0.9	1.5 NW.	Do.
Barnesville	228	A			Do.
Byesville	249	A			Do.
Coal Grove	246	A			Do.
Crestline	254	A	0.3	0.5 SW.	Do.
Crooksville	297	A			Do.
Delaware	300	A			Do.
Delta	293	A	4.5	7.3 E.	Do.
Edgewood	273	A	1.5	2.4 W.	Do.
Fort Shawnee	298	A	1.9	3.1 SE.	Do.
Gibsonburg	239	A	2.0	3.2 N.	Do.
Greenfield	248	A			Do.
Grove City	266	A	4.2	6.7 S.	Do.
Huron	241	A			Do.
Lebanon	247	A			Do.
Lima	226	A			Do.
Loudonville	299	A			Do.
Marysville	269	A			Do.
Montpelier	283	A	3.5	5.6 W.	Do.
N Baltimore	299	A			Do.
Nelsonville	299	A			Do.
Oak Harbor	247	A			Do.
Paulding	259	A			Do.
Ripley	258	A			Do.
Shadyside	239	A			Do.
St Mary's	277	A			Do.
Swanton	297	A	0.7	1.1 W.	Do.
Troy	245	A	2.9	4.6 SW.	Do.
Uhrichsville	260	A	3.9	6.2 NW.	Do.
Union City	248	A	0.1	0.2 S.	Do.
Upper Arlington	255	A	2.7	4.4 SE.	Do.
Wauseon	245	A			Do.
Willard	245	A	4.7	7.5 E.	Do.
Oklahoma:					
Antlers	281	A	2.2	3.6 N.	
Bixby	287	A			
Commerce	259	A			
Cordell	229	A			
Eldorado	232	A	1.0	1.6 N.	
Heavener	223	A			
Holdenville	293	A	.5	0.9 SW.	
Hollis	223	A			
Lawton	297	C2	6.8	11.0 SE.	
Lindsay	286	A	6.8	11.0 SE.	
Tishomingo	292	A			
Wagoner	271	A			
Wilburton	279	A			
Oregon:					
Altamont	267	C	17.0	27.5 E.	
Milton-Freewater	250	A			
Myrtle Point	231	A			
Nyssa	254	A			
Oakridge	221	A	1.2	2.0 SE.	
Reedsport	221	A	1.2	2.0 SE.	
Seaside	234	A			Do.
Sutherlin	266	A			Do.
Pennsylvania:					
Barnesboro	223	A	2.8	4.5 NW.	Do.
Berwick	278	A	2.2	3.5 NW.	Do.
Curwensville	275	A	3.6	5.7 N.	Do.
Edinboro	250	A	4.8	7.7 NW.	Do.
Elizabethville	263	A	1.4	2.2 N.	Do.
Erie	234	A			Do.
Everett	298	A	2.8	4.5 W.	Do.
Johnsonburg	277	A	3.0	4.9 SE.	Do.
Lewisburg	242	A			Do.
Masontown	295	A	4.6	7.4 SW.	Do.
McConnellsburg	279	A			Do.
Mexico	223	A			Do.
Myersdale	227	A			Do.
Millersburg	255	A	3.7	6.0 W.	Do.
Mount Union	258	A			Do.
Mt Carmel	259	A	2.0	3.3 W.	Do.
Northumberland	297	A	0.2	0.4 NE.	Do.
Oliver	235	A	1.8	2.9 S.	Do.
Olyphant	239	A	2.9	4.6 NE.	Do.
Patton	234	A	3.4	5.5 NW.	Do.
Philipsburg	290	A	4.5	7.2 E.	Do.
Port Allegany	235	A			Do.
Portage	289	A			Do.
Renovo	226	A			Do.
Reynoldsville	258	A			Do.
Ridgebury	245	A	3.5	5.6 SW.	Do.
Scranton	258	A	2.1	3.4 NW.	Do.
Spangler	247	A			Do.
Susquehanna	223	A			Do.
Tobyhanna	300	A			Do.

APPENDIX A.—CHANNEL ALLOCATIONS AND SITE RESTRICTIONS—Continued

Name	CH	CL	Site Restriction	Concurrence (Miles)	Concurrence (Kilometers)
Tunkhannock.	299	A	4.0	6.5	Do.
Rhode Island:					
Narragansett Pier.	274	A	3.4	5.5 S.	
Wakefield-Peacedale.	259	A	3.4	5.5 SW.	
South Carolina:					
Bishopville.	229	A			
Charleston.	264	A	3.3	5.3 NE.	
Conway	230	A			
Elloree	262	A			
Georgetown.	229	A	5.3	8.5 S	
Greer	277	A			
Hardeeville.	266	A	2.7	4.4 S.	
Johnsonville.	286	A			
Kershaw	291	A			
Kingstree	231	A			
Loris	290	A			
Marion	263	A			
Murrell's Inlet.	233	A	1.0	1.6 NE.	
New Ellenton.	274	A	3.8	6.1 NE.	
Orangeburg.	275	A	0.9	1.4 S.	
Pamplico	271	A			
Pawley's Island.	262	A			
St Matthews.	230	A	0.7	1.1 SE.	
St Stephen.	290	A	2.8	4.5 N.	
Sumter	234	A			
Walterboro.	267	A	2.0	3.2 W.	
Williston	234	A			
South Dakota:					
Canton	273	A			
Mission	264	A			
Pine Ridge.	243	A			
Redfield	249	A			
Tennessee:					
Calhoun	261	A	2.5	4.0 NW.	
Celina	268	A			
Crab Orchard.	239	A	0.1	0.1 SE.	
Harrogate	243	A	2.6	4.2 NE.	
Jackson	268	A			
Knoxville	283	A	1.1	1.7 E.	
Loudon	287	A			
Parsons	247	A	3.0	4.8 E.	
Ripley	231	A	4.3	7.0 NE.	
Rockwood.	289	A	1.8	2.9 E.	
Rogersville.	293	A	3.6	5.8 NW.	
Selmer	230	A			
Spencer	254	A			
Spring City.	230	A	1.3	1.7 E.	
Surgoinsville.	282	A	3.0	4.8 SW.	
Tazewell	231	A			
Texas:					
Abilene	223	C2	1.7	2.7 S.	
Beaumont.	273	C2	6.9	11.1 S.	
Beeville	250	A			Mexico.
Bloomington.	295	A	2.5	4.1 S.	Do.
Bowie	264	A			Do.
Bryan	258	A	2.1	3.4 SE.	Do.

APPENDIX A.—CHANNEL ALLOCATIONS AND SITE RESTRICTIONS—Continued

Name	CH	CL	Site Restriction	Concurrence (Miles)	Concurrence (Kilometers)
Cameron	267	A	3.6	5.8 NE.	Do.
Camp-wood.	256	A			Do.
Carrizo Springs.	221	A			Do.
Clarksville	253	A			Do.
Corpus Christi.	234	A	4.9	7.9 W.	Do.
Dainger-field.	295	A			Do.
Edna	269	A			Do.
Electra	236	A			Do.
Elgin	223	A	1.4	2.2 SE.	Do.
Friona	236	A			Do.
Jacks-boro.	229	A			Do.
Jefferson	283	A	3.4	5.5 N.	Do.
Killeen	222	A			Do.
Laredo	291	A	3.1	5.1 E.	Do.
Longview	247	C2			Do.
Madison-ville.	241	C2	10.2	16.4 W.	Do.
Midland	236	A	0.5	0.9 SW.	Do.
Muenster	293	A	1.1	1.8 N.	Do.
Navasota	223	A			Do.
New Boston.	278	A			Do.
Nolanville	297	A			Do.
Odessa	241	C2	13.6	22.2 SW.	Do.
Palacios	264	A			Do.
Pearsall	231	A			Do.
Pecos	247	C	14.6	23.4 S.	Do.
Pittsburg	245	A	2.0	3.2 NE.	Do.
Plainview	295	C2	1.8	2.8 S.	Do.
Port Isabel.	266	A			Do.
Post	297	A			Do.
Raymondville.	269	A	1.5	2.4 NE.	Do.
Robstown	286	A	0.4	0.5 W.	Do.
Rockdale	253	A	1.2	2.0 W.	Do.
San Angelo.	270	C1			Do.
San Augustine.	260	A			Do.
San Diego.	290	A			Do.
Stanton	290	A			Do.
Tahoka	237	A	4.2	6.7 SW.	Do.
Tyler	261	C2	7.5	12.1 W.	Do.
Uvalde	229	A	3.4	5.5 NE.	Do.
Victoria	222	A			Do.
Wichita Falls.	286	A			Do.
Utah:					
Nephi	224	A			
Payson	222	A			
Roosevelt	230	A			
Torrey	253	A			
Virginia:					
Alberta	299	A			
Bedford	295	A	2.1	3.3 W.	
Bridge-water.	286	A			Quiet Zone.
Broadway	238	A			Do.
Char-lottesville.	295	A	1.7	2.7 SW.	Do.
Chase City.	260	A			
Chesa-peake-Ports-mouth-Virginia Beach.	271	A			
Chris-tiansburg.	264	A			
Church-ville.	294	A			Do.
Clinchco	259	A			
Coeburn	297	A	3.2	5.1 S.	
Emporia	258	A	1.9	3.0 SW.	
Exmore	291	A			
Glouces-ter.	256	A	0.7	1.1 N.	

APPENDIX A.—CHANNEL ALLOCATIONS AND SITE RESTRICTIONS—Continued

Name	CH	CL	Site Restriction	Concurrence (Miles)	Concurrence (Kilometers)
Lawren-ceville.	255	A			
Lynch-burg.	290	A			
Mount Jack-son.	245	A			Do.
Narrows	267	A			
Peters-burg.	262	A	4.0	6.4 S.	
Richmond	266	A			
Roanoke	287	A	2.8	4.5 W	
Ruckers-ville.	221	A			
Saltville	291	A	3.0	4.8 SW.	
South Boston.	294	A	1.6	2.6 NE.	
Vinton	268	A	4.8	7.7 N.	
West Point.	300	A			
Washington:					
Camas	234	A	4.8	7.8 W.	Canada.
Dayton	223	A			Do.
Medical Lake.	237	A			Do.
Naches	245	A			Do.
Yakima	289	C1	5.9	9.5 NW.	Do.
West Virginia:					
Bridge-port.	281	A			
Danville	223	A			
Fisher	279	A			Quiet Zone.
Manning-ton.	274	A			Canada.
Matewan	294	A			
Mounds-ville.	243	A	3.6	5.7 SE.	
Mt. Gay-Sham-rock.	234	A			Do.
Point Pleas-ant.	258	A			Do.
Salem	289	A			
White Sulphur Spring.	227	A	3.7	6.0 NE.	Quiet Zone.
Wisconsin:					
Algoma	243	A			Canada.
Black River Falls.	259	A			
Bloomer	236	A			
Brillion	242	A			
Columbus	263	A	3.6	5.7 NW.	
Evansville	290	A	3.9	6.3 SE.	
Mayville	259	A	2.1	3.4 NE.	
Nekoosa	229	A			
Plymouth	283	A			
Rudolph	260	A			
Seymour	282	A			
Waupaca	222	A			
Whitewater	282	A	2.4	3.9 E.	
Wyoming:					
Kem-merer.	297	A			
Puerto Rico:					
Rio Grande.	247	B1	9.3	14.9 NE.	

Appendix B

47 CFR Part 73 is amended as follows:

Section 73.202(b) is amended by revising or adding the following entries; if more than one channel is shown for any community, the listing is revised; if only one channel is shown, the listing is added.

City	Channel No.
Alabama:	
Bay Minette	288A, 293A.
Brundidge	234A.
Cordova	225A.
Dothan	238, 259, and 273A.
Elba	266A.
Eutaw	282A.
Florence	241A, 297.
Fort Rucker	226A.
Homewood	247A.
Linden	275A.
Montgomery	222, 241A, 255, 270, and 277.
Orange Beach	289A.
Oxford	250A.
Selma	261A, 265A, and 287C2.
Talladega	224A, 248A.
Vernon	293A.
Winfield	290A.
Alaska:	
Anchorage	225, 247, 251, 255, 263, 267, 271, *276A, 281, 287 293, and 298.
Bethel	261A, 300A.
Arizona:	
Buckeye	295A.
Chinle	297A.
Flagstaff	225, 230, 248, 275C2.
Globe	247A, 262.
Kearny	286A.
Oraibi	252A.
Paradise Valley	290A.
San Carlos	279A.
Sierra Vista	265A, 269A.
Tuba City	250A.
Window Rock	276A.
Yuma	226, 236, 250A, and 265A.
Arkansas:	
Beebe	268A.
Bella Vista	293A.
Cabot	273A.
Clarendon	297A.
Dermott	289A.
El Dorado	227A, 240A, 257A, and 276A.
England	243A.
Eudora	268A.
Glenwood	283A.
Hamburg	256A.
Hardy	284A.
Helena	233A, 276A.
Horseshoe Bend	293A.
Little Rock	231, 239, 253, 258A, and 279.
Malvern	268A.
Marianna	295A.
Marked Tree	229A.
North Crossett	274A.
Pine Bluff	222, 235, 257A, and 267A.
Texarkana	284A, 296A.
Trumann	294A.
California:	
Atwater	223A.
Avenal	289A.
Bakersfield	221A, 231, 243, 257A, 268, 296A, and 300.
Cartago	275A.
China Lake	274A.
Chowchilla	227A.
Colusa	243A.
Crescent North	250A.
East Hemet	277A.
East Porterville	263A.
Earlimart	265A.
Firebaugh	276A.
Ford City	271A.
George	264A.
Gonzales	282A.
Gridley	268A.
Hanford	233A, 279, and 298.
Idyllwild	267A.
Independence	292A.
Kingsburg	292A.
Lake Isabella	283A.
Lanwood	285A.
Lindsay	277A.
Lucerne Valley	293A.
Madera	221A, 297A.
McFarland	275A.
Mendota	272A.
Merced	248, 268, 292A, and 299A.
Modesto	230A, 272A, 277, and 281.
Montecito	225A.
Orange Cove	262A.
Orland	293A.
Oxnard	252A, 271A, and 284.
Rio Dell	296A.
Rohnerville	263A.
Sacramento	233, 241, 245, 253, 263, 278A, 286, 293, and 300.
Salinas	250A, 264, 273, and 280A.
San Jacinto	241A.
San Luis Obispo	227, 241, 246B1, and 251.
Santa Barbara	229, 249, 260, 277, and 299B1.
Searles Valley	283A.
Sebastopol	229A.
Shafter	282A.
Soledad	267A.
South Oroville	285A.
Visalia	225, 241A, and 246.
Winton	254A.
Colorado:	
Brush	292A, 296A.
La Junta	221A, 295A.
Las Animas	297A.
Pueblo	245, 255, 260, 264, 283C1, 296A, and 300.
Connecticut:	
East Lyme	254A.
Enfield	250A.
Ledyard	293A.
Litchfield	247A.
Pawcatuck	299A.
Salisbury	251A.
Sharon	277A.
Delaware:	
Lewes	290A.
Milford	249A, 267A.
Selbyville	250A.
Smyrna	225A.
Florida:	
Alachua	223A.
Century Village	286A.
Chattahoochee	287A.
Chiefland	247A.
Edgewater	226A.
Englewood	290A.
Gifford	234A.
Grasceville	271A.
Gretna	264A.
Holly Hill	277A.
Key Colony Beach	288A.
Key West	223, 226A, 254, 258, 296A, and 300C1.
Marianna	227A, 288A.
Monticello	270A.
Orlando	222, 243, 255A, 282, and 286.
Pensacola	231, 264, 268, 291A, and 297.
Quincy	269A, 274A, and 285A.
Summerland Key	275A.
Tallahassee	235, 240A, 255, 275A, 281, and 291A.
Tice	229A.
Watertown	289A.
Georgia:	
Arco	290A.
Ashburn	269A.
Cuthbert	264A.
Ft. Oglethorpe	239.
Ft. Valley	250A, 292A.
Hogansville	248A.
Irwinton	279A.
Jeffersonville	248A.
Lakeland	290A.
Leesburg	279A.
Lyons	223A.
Mableton	273A.
Macon	222A, 256, 287, and 300.
Milledgeville	264A, 272A.
Millen	235A.
Montezuma	223A.
Omega	298A.
Reidsville	281A.
Royston	279A.
Sparta	249A, 274A.
Statesboro	261A, 275A.
Sylvester	271A.
Valdosta	225, 240A, 244A, 266, and 299A.
Hawaii:	
Honolulu	226, 230, 234, 238, 248, 253, 258, 262, 295, and 290.
Idaho:	
American Falls	281A.
Gooding	267A.
Hayden	233A.
Illinois:	
Bushnell	284A.
Carrier Mills	283A.
Carterville	236A.
Casey	265A.
Champaign	233, 248, and 262B1.
Coal City	264A.
Decatur	226A, 236, 257A, and 275
Dwight	255A.
Eureka	253A.
Farmington	239A.
Galena	266A.
Galva	273A.
Henry	263A.
Kankakee	224A, 235A, and 260.
Mahomet	290A.
Marseilles	243A.
Marshall	290A.
Morrison	236A.
Nashville	284A.
Newton	295A.
Oregon	291A.
Peoria	223A, 227, 289, and 295.
Pinckneyville	282A.
Polo	299A.
Spring Valley	277A.
Woodlawn	295A.
Indiana:	
Anderson	250, 254A.
Attica	239A.
Austin	242A.
Berne	230A.
Bicknell	269A.
Bloomfield	266A.
Charlestown	282A.
Clinton	230A.
Corydon	243A.
Delphi	275A.
Evansville	261, 287, and 296A.
Fort Branch	268A.
Fort Wayne	222A, 236, 247, 269A, and 280A.
Mitchell	273A.
Mount Vernon	294A.
Nappanee	239A.
New Haven	300A.
Newburgh	291A.
Noblesville	230A.
Royal Center	241A Canada.
South Bend	225, 268, 276A, 280A, and 292A.
Iowa:	
Belle Plaine	239A.
Cresco	272A.
Des Moines	227, 235, 247, 262, 273, and 298C2.
Eldora	258A.
Grinnell	294A.
Jefferson	255A.
Manchester	234A.
New Hampton	236A.
Rock Valley	295A.
Sac City	286A.
Sibley	262A.
Winterset	239A.
Kansas:	
Augusta	242A.
Fredonia	281A.
Girard	266A.
Herington	242A.
Kingman	232A, 257A.
Medicine Lodge	240A.
North Fort Riley	273C2.
Olathe	222A.
Plainville	244A.
Topeka	223A, 247, 262, 295, and 299.
Kentucky	
Beaver Dam	274A.
Berea	294A.
Buffalo	268A.
Burkesville	253A.
Cave City	294A.
Cumberland	274A.
Edmonton	256A.
Eminence	289A.
Harlan	266A.
Hawesville	289A.
Irvine	291A.
Lancaster	256A.
Lawrenceburg	271A.
Lexington-Fayette	225, 233, 251, and 283C2.

City	Channel No.
Louisa	222A.
Louisville	248, 259, 263C2, 272A, 276A, 280A, and 295.
Marion	274A.
Midway	300A.
Nicholasville	264A.
Radcliff	278A.
Salyersville	247A.
Shelbyville	267A.
Shepherdsville	286A.
Springfield	274A.
Vancleve	260A.
Whitley City	290A.
Williamsburg	282A.
Wilmore	242A.
Louisiana:	
Alexandria	226, 245, 262, and 289A.
Arcadia	223A.
Basile	271A.
Bastrop	232A, 261A, and 277A.
Berwick	290A.
Breaux Bridge	243A.
Bunkie	282A.
Buras Triumph	231A.
Coushatta	222A.
Erath	225A.
Homer	260A.
Jonesville	a966A.
Lafayette	233, 238A, and 260.
Lake Arthur	297A.
Lake Charles	241, 258, 279, and 287C2.
Larose	262A.
Monroe	270, 281, 287C2, and 291.
New Iberia	229C2, 256.
North Fort Polk	294A.
Opelousas	290A, 296A.
Rayne	294A.
Reserve	235A.
Ruston	258A, 298.
Shreveport	229, 233, 243, 261A, 266, and 279A.
South Fort Polk	267A.
Vivian	239A.
Washington	284A.
Maine:	
Dexter	271A.
Fairfield	227A.
Madison	248A.
Mexico	264A.
Pittsfield	256A.
Topsham	238A.
Van Buren	251A.
Winslow	237A.
Maryland:	
Crisfield	245A.
Pocomoke City	273, 293A.
Salisbury	232A, 255A, and 288A.
Westernport	224A.
Massachusetts:	
Athol	260A.
Great Barrington	286A.
Orange	247A.
South Yarmouth	280A.
Turners Falls	230A.
Michigan:	
Allegan	222A.
Benton Harbor	235A, 260
Buchanan	256A.
Carrollton	263A.
Essexville	247A.
Grand Rapids	229, 239, 245, 250, 255A, 267, 275, 281, and 289.
Hartford	279A.
Kingsford	255A.
Muskegon	283, 295, and 300A.
Oscoda	239C2, 261A.
Portage	243A.
Saginaw	251, 283A, 292A, and 296A.
Spring Arbor	295A.
Standish	245A.
Vassar	255A.
Walker	263A.
Wurtsmith	235A.
Minnesota:	
Babbitt	249A.
Caledonia	234A.
Eden Prairie	269A.
Granite Falls	230A.
Jackson	287A.
La Crescent	274A.
Lakeville	286A.
LeSueur	241A.
Mora	237A.
New Prague	238A.
Sleepy Eye	297A.
Springfield	289A.
Staples	234A.
Stewartville	235A.
Tracy	286A.
Two Harbors	282A.
Mississippi:	
Bay St. Louis	233A.
Belzoni	225A, 296A.
Clarksdale	243A, 269A, and 292A.
Cleveland	224A, 280A, and 299A.
Columbus	235C2, 276A, and 280A.
Greenville	250, 264, and 284C2.
Greenwood	256, 270A.
Holly Springs	224A, 235A.
Indianola	245A, 288A.
Laurel	251A, 262, and 272A.
Lexington	273A, 292A.
Lucedale	295A.
Meridian	246, 267, and 271A.
Monticello	271A.
Mound Bayou	271A.
Natchez	236, 247A.
State College	282A.
Vicksburg	254, 266A, and 294.
Water Valley	268A.
Wiggins	250A.
Yazoo City	221A, 229A.
Missouri:	
Ava	290A.
Bonne Terre	282A.
Cassville	227A.
Chaffee	284A.
Charleston	291A.
Cuba	271A.
Kirksville	228A, 233, and 300C1.
Lamar	260A.
Mt. Vernon	294A.
Perryville	294A.
Republic	258A.
Richmond	223A.
Southwest City	262A.
Sparta	243A.
St. James	258A.
Warrenton	260A.
Washington	283A.
Willard	203A.
Montana:	
Columbia Falls	240A.
Conrad	229A.
West Yellowstone	243A.
Nebraska:	
Plattsmouth	293A.
West Point	300A.
Nevada:	
Hawthorne	228A.
New Hampshire:	
Farmington	293A.
Hampton	271A.
Lebanon	263A.
Somersworth	254A.
Winchester	254A.
New Jersey:	
Atlantic City	236, 240A, 245, 279, and 297B1.
Margate City	270A.
North Cape May	242A.
Ocean Acres	253A.
Villas	254A.
Wildwood Crest	222A.
New Mexico:	
Alamogordo	232A, 279C1, and 288A.
Carlsbad	221A, 291, and 291C2.
Clovis	256, 260, 268, and 296.
Farmington	225, 239C1, 245, and 271.
Gallup	229, 233, 256, and 291C2.
Grants	237A, 250C2.
Las Vegas	251, 265A.
Los Lunas	272A, 292A.
Roswell	235, 246, 263, and 284C2.
Santa Fe	234, 238, 247, 281, 286, and 290.
Silver City	224A, 233A.
Taos	260A, 269A.
White Rock	266A.
New York:	
Arlington	245A.
Avon	227A.
Catskill	253A.
Center Moriches	241A.
Clyde	229A.
Dansville	230A.
Delhi	262A.
Fort Plain	266A.
Fredonia	243A.
Highland	297A.
Homer	268A.
Hoosick Falls	248A.
Irondequoit	294A.
Mechanicville	283A.
New Paltz	227A.
Palmyra	259A.
Phoenix	271A.
Plattsburgh	260, 278A.
Poughkeepsie	221A, 241A, 268, and 294.
Ravena	233A.
Rochester	223, 243, 250, 255, 263, 267, 280A, and 290A.
Sodus	278A.
Stillwater	267A.
Syracuse	226, 233, 265A, 275, 290A, and 300.
Utica	245, 254, 264A, 282, and 297.
Warrensburg	263A.
Waterloo	253A.
Webster	274A.
Whitehall	231A.
North Carolina:	
Bayboro	250A.
Elizabethtown	289A.
Fairbluff	287A.
Gaston	250A.
Louisburg	273A.
Murphy	282A.
New Bern	231A, 270, and 293.
Old Fort	282A.
Paterson	264A.
Raleigh	234, 241, 268, and 275A.
Rocky Mount	221A, 253A, and 264.
Rose Hill	284A.
St. Pauls	295A.
Warrenton	297A.
Wilmington	247, 260, 265A, 274, and 287A.
Windsor	249A, 255A.
Wrightsville Beach	229A.
North Dakota:	
Beulah	250A.
Langdon	239A.
Ohio:	
Ada	235A.
Barnesville	228A.
Byesville	249A.
Coal Grove	246A.
Crestline	254A.
Crooksville	297A.
Delaware	300A.
Delta	293A.
Edgewood	273A.
Fort Shawnee	296A.
Gibsonburg	239A.
Greenfield	248A.
Grove City	266A.
Huron	241A.
Lebanon	247A.
Lima	226A, 249A, 271, and 285A.
Loudonville	299A.
Marysville	289A.
Montpelier	283A.
Nelsonville	299A.
North Baltimore	299A.
Oak Harbor	247A.
Paulding	259A.
Ripley	258A.
Shadyside	239A.
St. Marys	277A.
Swanton	297A.
Troy	245A.
Uhrichsville	260A.
Union City	248A.
Upper Arlington	255A.
Wauseon	245A.
Willard	245A.
Oklahoma:	
Antlers	281A.
Bixby	287A.
Commerce	259A.
Cordell	229A, 257A.
El Dorado	232A.
Heavener	223A.
Holdenville	293A.
Hollis	223A.
Lawton	237A, 251, 268, and 297C2.
Lindsay	286A.
Tishomingo	292A.
Wagoner	271A.
Wilburton	279A.

City	Channel No.
Oregon:	
Altamont	267.
Milton-Freewater	250A.
Myrtle Point	231A.
Nyssa	254A.
Oakridge	221A.
Reedsport	221A.
Seaside	234A.
Sutherlin	266A.
Pennsylvania:	
Barnesboro	223A.
Berwick	278A.
Curwensville	275A.
Edinboro	250A.
Elizabethville	263A.
Erie	234A, 260, 272A, 279, and 292A.
Everett	298A.
Johnsonburg	277A.
Lewisburg	242A.
Masontown	295A.
McConnellsburg	279A.
Mexico	223A.
Meyersdale	227A.
Millersburg	255A.
Mount Carmel	259A.
Mount Union	258A.
Northumberland	297A.
Oliver	235A.
Olyphant	239A.
Patton	234A.
Philipsburg	290A.
Port Allegany	235A.
Portage	289A.
Renovo	226A.
Reynoldsville	258A.
Ridgebury	245A.
Scranton	258A, 267, 285A, and 296A.
Spangler	247A.
Susquehanna	223A.
Tobyhanna	300A.
Tunkhannock	299A.
Rhode Island:	
Narragansett Pier	274A.
Wakefield-Peacedale	259A.
South Carolina:	
Bishopville	229A.
Charleston	236, 245, 264A, and 273.
Conway	230A, 281.
Elloree	262A.
Georgetown	229A, 249A, and 292A.
Greer	277A.
Hardeeville	266A.
Johnsonville	288A.
Kershaw	291A.
Kingstree	231A, 252A.
Loris	290A.
Marion	232A, 263A.
Murrell's Inlet	233A.
New Ellenton	274A.
Orangsburg	275A, 280A, and 294.
Pamplico	271A.
Pawley's Island	262A.
St. Matthews	230A.
St. Stephen	290A.
Sumter	234A, 267.
Walterboro	265A, 287A.
Williston	234A.
South Dakota:	
Canton	273A.
Mission	264A.
Pine Ridge	249A.
Redfield	249A, 279.
Tennessee:	
Calhoun	281A.
Celina	268A.
Crab Orchard	239A.
Harrogate	243A.
Jackson	268A, 276A, and 281.
Knoxville	248, 278, 283A, and 299.
Loudon	287A.
Parsons	247A.
Ripley	231A, 237A.
Rockwood	289A.
Rogersville	293A.
Selmer	230A, 288A.
Spencer	254A.
Spring City	230A.
Surgoinsville	282A.
Tazewell	231A.
Texas:	
Abilene	223C2, 264, 266, 292A, and 300.
Beaumont	231, 236, 248, 273C2, and 300.
Beeville	250A, 285A.
Bloomington	295A.
Bowie	264A.
Bryan	252A, 258A, and 285A.
Cameron	267A, 276A.
Campwood	256A.
Carrizo Springs	221A, 228A.
Clarksville	253A.
Corpus Christi	230, 234A, 238, 243, 256, and 260.
Dalngerfield	295A.
Edna	269A.
Electra	236A.
Elgin	223A.
Friona	236A.
Jacksboro	229A.
Jefferson	263A.
Killeen	222A, 227, and 288A.
Laredo	224A, 235, 251, and 291A.
Longview	247C2, 289.
Madisonville	241C2.
Midland	222, 227, 236A, 277, and 294.
Muenster	293A.
Navasota	223A.
New Boston	240A, 278A.
Nolanville	297A.
Odessa	241C2, 245, 250, and 256.
Palacios	264A.
Pearsall	231A, 237A.
Pecos	247, 252A.
Pittsburg	245A, 276A.
Plainview	247, 280A, and 295C2.
Port Isabel	266A.
Post	297A.
Raymondville	269A, 289A.
Robstown	260, 286A.
Rockdale	253A.
San Angelo	225, 230, 234, 248 254, 270C1, and 298.
San Augustine	260A.
Texas:	
San Diego	290A.
Stanton	290A.
Tahoka	237A.
Tyler	221A, 226, 268, and 281C2.
Uvalde	229A, 272A, and 285A.
Victoria	222A, 236, 254, 265A, and 300.
Wichita Falls	225, 260, 277, 286A, and 292A.
Utah:	
Nephi	224A.
Payson	222A.
Roosevelt	230A.
Torrey	253A.
Virginia:	
Alberta	299A.
Bedford	295A.
Bridgewater	286A.
Broadway	238A.
Charlottesville	224A, 237A, 248, and 298A.
Chasa City	260A.
Chesapeake-Portsmouth-Virginia Beach.	235, 271A.
Christiansburg	264A.
Churchville	294A.
Clinchco	259A.
Coeburn	297A.
Emporia	256A.
Exmore	291A, 299.
Gloucester	256A.
Lawrenceville	255A, 288A.
Lynchburg	252A, 261A, 269A, and 290A.
Mount Jackson	245A.
Narrows	267A.
Petersburg	237A, 257A, and 262A.
Richmond	233, 251, 271, 286A, 279, and 293.
Roanoke	222, 235, 256, and 287A.
Ruckersville	221A.
Saltville	291A.
South Boston	248, 294A.
Vinton	268A.
West Point	300A.
Washington:	
Camas	234A.
Dayton	223A.
Medical Lake	237A.
Naches	245A.
Yakima	233, 252A, 257A, 281, 289C1, and 297.
West Virginia:	
Bridgeport	281A.
Danville	223A.
Fisher	279A.
Mannington	274A.
Matewan	294A.
Moundsville	243A, 288A.
Mount Gay-Shamrock	234A.
Point Pleasant	258A.
Salem	289A.
White Sulphur Springs	227A.
Wisconsin:	
Algoma	243A.
Black River Falls	259A.
Bloomer	236A.
Brillion	242A.
Columbus	263A.
Evansville	290A.
Mayville	259A.
Nekoosa	229A.
Plymouth	283A.
Rudolph	260A.
Seymour	282A.
Wautoma	222A.
Whitewater	283A.
Wyoming:	
Kemmerer	297A.
Puerto Rico:	
Rio Grande	247B1.

Appendix C

[In the following list, cities in the left column were denied a channel. In the right column we have indicated the city or cities that were chosen by the comparative weighting process]

City	State	City	State	CHN/CL
Alabaster	AL	Homewood	AL	247A
Anniston	AL	Oxford	AL	250A
Foley	AL	Bay Minette	AL	293A
Gulf Shores	AL	(1) Bay Minette.	AL	293A
		(2) Pensacola.	FL	291A
		(3) Orange Beach.	AL	289A
Lineville	AL	Hogansville	GA	248A
Mobile	AL	Orange Beach.	AL	289A
Rockford	AL	(1) Talladega.	AL	248A
		(2) Homewood.	AL	247A
Vestavia Hills.	AL	Homewood	AL	247A
Santa Rosa	CA	Sebastopol	CA	229A
New London	CT	East Lyme	CT	254A
Plainfield	CT	Wakefield and Peac.	RI	259A
Stafford Springs.	CT	do	RI	259A
Daytona Beach.	FL	Holly Hill	FL	277A
Ft. Myers	FL	Tice	FL	228A
Albany	GA	Leesburg	GA	279A
Bainbridge	GA	Tallahassee	FL	291A
Barnesville	GA	Mableton	GA	273A
College Park.	GA	do	GA	273A
Douglasville	GA	do	GA	273A
Eatonton	GA	Milledgeville	GA	254A
Fayetteville	GA	Mableton	GA	273A
Lafayette	GA	Ft. Ogle-thorpe.	GA	239A
Marietta	GA	Mableton	GA	273A
Peachtree City.	GA	do	GA	273A
Ringgold	GA	Ft. Ogle-thorpe.	GA	239A
Trion	GA	do	GA	239A
Anamosa	IA	Manchester	IA	234A
Harvard	IL	Whitewater	WI	283A
McLeans-boro.	IL	Carrier Mills	IL	283A
Kansas City	KS	(1) Olathe	KS	222A
		(2) Richmond.	MO	223A

APPENDIX C—Continued

[In the following list, cities in the left column were denied a channel. In the right column we have indicated the city or cities that were chosen by the comparative weighting process.]

City	State	City	State	CHN/CL
Inez	KY	Matewan	WV	294A
Morgantown	KY	Beaver Dam	KY	274A
Lockport	LA	Larose	LA	262A
Brewster	MA	S. Yarmouth	MA	280A
Holyoke	MA	Enfield	CT	250A
Newburyport	MA	Hampton	NH	271A
Springfield	MA	Enfield	CT	250A
Yarmouth	ME	Topsham	ME	238A
Kalamazoo	MI	Allegan	MI	222A
Minneapolis	MN	Eden Prairie	MN	289A
Cameron	MO	Richmond	MO	223A
De Soto	MO	Bonne Terre	MO	282A
Banner Elk	NC	Patterson	NC	264A
Marshall	NC	Old Fort	NC	282A
West Jefferson.	NC	Patterson	NC	264A
Woodbine	NJ	Smyrna	DE	225A
Loveland	OH	Lebanon	OH	247A
Mansfield	OH	Gibsonburg	OH	239A
Marblehead	OH	Huron	OH	241A
Mt. Gilead	OH	Crestline	OH	254A
Trotwood	OH	(1) Lebanon	OH	247A
		(2) Troy	OH	245A
		(3) Union City.	OH	248A
Lykens	PA	Elizabethville.	PA	263A
Mount Pocono.	PA	Tobyhanna	PA	300A
Pocono Summit.	PA	do	PA	300A
Republic	PA	Oliver	PA	235A
Shenandoah	PA	Tobyhanna	PA	300A
Naguabo	PR	Rio Grande	PR	247B1
Clinton	SC	Greer	SC	277A
Woodruff	SC	do	SC	277A
Colonial Heights.	TN	Patterson	NC	264A
Graysville	TN	Ft. Oglethorpe.	GA	239A
Mountain City.	TN	Patterson	NC	264A
Wartburg	TN	Spencer	TN	254A
Hondo	TX	Pearsall	TX	231A
Gloucester Point.	VA	Gloucester	VA	256A
Delavan	WI	Whitewater	WI	283A
Elkhorn	WI	do	WI	283A
Lake Geneva.	WI	do	WI	283A
Oconomowoc.	WI	do	WI	283A
Charleston	WV	Danville	WV	223A

The following communities were denied channels for the reasons stated:

Pell City, AL, short spaced to the buffer zone of station WRSA, Decatur, GA

Tallassee, AL, short spaced to the application granted to station WJAD, Bainbridge, GA

Casas Adobes, AZ, failed to demonstrate community status

Phoenix, AZ, class A channel failed to provide city grade coverage

Tucson, AZ, class A channel failed to provide city grade coverage

Coventry, CT, short spaced to the application granted to station WEBE, Westport, CT

Vernon, CT, short spaced to the application granted to station WEBE, Westport, CT

Kissimmee, FL, short spaced to the buffer zone of station WQRK, St. Petersburg, FL

Indianapolis, IN, class A channel failed to provide city grade coverage

Bloomington, MN, short spaced to the application granted to station KLSS, Mason City, IA

East Prairie, MO, short spaced to the application granted to station WAKH, McComb, MS

Long Beach, MS, short spaced to the buffer zone of station WKSJ-FM, Mobile, AL

Camp Lejeune, NC, class A channel failed to provide city grade coverage

Cary, NC, short spaced to the buffer zone of station WHKY-FM, Hickory, NC

Semora, NC, short spaced to application granted to station WRDX, Salisbury, NC

Omaha, NE, class A channel failed to provide city grade coverage

Beachwood, NJ, no sites available on land to provide city grade coverage

Albuquerque, NM, class A channel failed to provide city grade coverage

Columbus, OH, class A channel failed to provide city grade coverage

Arroyo, PR, short spaced to the application granted to station WMLD, Manati, PR

Warwick, RI, no sites available to provide city grade coverage

Del Rio, TX, short spaced to Mexican proposal at Cuidad Acuna, Coah, Mexico

Eagle Pass, TX, short spaced to Mexican allotment at Fuente, Coah, Mexico

[FR Doc. 85-1611 Filed 1-24-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 74

Amendment of the Commission's Rules To Eliminate Need for Formal Application Regarding FM Translator Primary Station Changes

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends § 74.1251 of the Commission's Rules to reflect the fact that a formal application is no longer required when an FM translator station changes the primary FM station it rebroadcasts.

EFFECTIVE DATE: January 25, 1985.

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

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 632-6485.

SUPPLEMENTARY INFORMATION: On August 10, 1984, the Federal Communications Commission released a *First Report and Order* in MM Docket No. 83-1377 which *inter alia* amended Section 73.3573 to delete changes in primary station for FM translator stations from the major change classification. That action paralleled an earlier action with respect to changes in the primary station of television translator and LPTV stations which now merely require notification. This action deletes the requirement contained in § 74.1251(b)(7) of the Rules, that a formal application is needed for an FM translator to change its primary station.

List of Subjects in 47 CFR Part 74

Radio broadcasting.

Order

In the matter of amendment of Part 74 of the Commission's Rules to reflect an editorial change.

Adopted: January 4, 1985.

Released: January 10, 1985.

By the Chief, Mass Media Bureau.

1. The Commission has under consideration an editorial change in § 74.1251 of the Rules to reflect the fact that a formal application is no longer required in situations where an FM translator station changes its primary station.

2. On August 10, 1984, we released a *First Report and Order* in MM Docket No. 83-1377 revising §§ 73.3571, 73.3572 and 73.3573 of the Rules concerning major changes in the facilities of AM, FM and television stations as well as television and FM translator stations. Included in that *Report and Order* was an amendment of Section 73.3573 which, *inter alia*, deleted changes in the primary station of an FM translator station from the major change classification. We specifically noted that we had already amended § 74.732(e) of the Rules to substitute a notification requirement for a change in the primary station of a television translator or LPTV station. We were unpersuaded that we should process changes in the primary station of an FM translator in a different manner. Therefore, we concluded that such changes need not be addressed in an application context. Inasmuch as the *Report and Order* did not refer to § 74.1251 of the Rules, we are now taking this opportunity to formally delete the requirement contained in § 74.1251(b)(7) of the Rules which provides for a formal application when an FM translator proposes any change in its primary station.

3. No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public. We conclude, for the reasons set forth above, that these revisions will serve the public interest.

4. These amendments are implemented by authority delegated by the Commission to the Chief, Mass Media Bureau. Inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose, prior notice of rulemaking, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B).

5. Since a general notice of proposed rulemaking is not required, the Regulatory Flexibility Act does not apply.

6. Therefore, it is ordered, That pursuant to sections 4(i), 303(r) and 5(c)(1) of the Communications Act of 1934, as amended, and §§ 0.61 and 0.283 of the Commission's rules, § 74.1251 of the FCC Rules and Regulations is amended as set forth in the attached Appendix, effective on the date of publication in the **Federal Register.**

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

Federal Communications Commission.

James C. McKinney,

Chief, Mass Media Bureau.

Appendix

PART 74—[AMENDED]

47 CFR 74.1251 is amended by revising paragraphs (b)(7) and (b)(8), removing paragraph (b)(9), and adding new paragraph (c) to read as follows:

§ 74.1251 Modification of transmission systems.

* * * * *

(b) * * *

* * * * *

(7) Any change of authorized transmitter operating power output.

(8) Any change in authorized principal community or area being served.

(c) A proposal to change the primary FM station being retransmitted by an FM translator station will be subject only to a notification requirement.

[FR Doc. 85-1979 Filed 1-24-85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 97

Amendment of the Amateur Radio Service Rules To Make Clear That in Appropriate Circumstances the Call Sign of Another Amateur Station May Be Transmitted

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document clarifies the Amateur Radio Service Rules by stating that, in certain circumstances, an amateur station may transmit a call letter which has been assigned to it. This action is necessary to remove an ambiguity which exists in the present rule. The effect of this amendment is to make clear the circumstances under which another station's call letter may be transmitted.

EFFECTIVE DATE: February 4, 1985.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Washington, D.C. 20554, (202) 632-4964.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 97

Amateur radio, Radio.

Order

In the matter of amendment of § 97.121 of the Amateur Radio Service rules.

Adopted: January 16, 1985.
Released: January 18, 1985.

1. Section 97.121 of the Amateur Radio Service Rules provides that an amateur radio operator shall not transmit any call sign which has not been assigned to the radio station which is being operated. A literal reading of the rule proscribes using another station's call sign when responding to a CQ or using one's own call sign for identification purposes when operating a station having lesser privileges. This, of course, is not the intent of the rule. The purpose of the rule is to preclude the illegal use of a false call sign as an unlicensed station or to avoid detection. This Order amends the rule to make it clear that in appropriate circumstances the call sign of another amateur station may be transmitted.

2. Since these amendments are non-substantive in nature, the notice and comment provisions of section 553(b) and the effective date provisions of section 553(d) of the Administrative Procedures Act need not be complied with.

3. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's Rules.

4. Accordingly, it is ordered, that § 97.121 of the Commission's Rules is amended as set forth in the Appendix.

5. The effective date of rule amendment is February 4, 1985.

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

Federal Communications Commission.

Alan R. McKie,

Deputy Managing Director.

Appendix

PART 97—[AMENDED]

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 97.121 is revised to read as follows:

§ 97.121 False signals.

(a) An amateur radio station must not transmit:

(1) False or deceptive signals or communications by radio; *Nor*

(2) For purposes of identifying the station, any call letter which has not been assigned to it. Notwithstanding the foregoing, when a station is operated within the privileges of the operator's class of license but which exceed those of the station licensee, station identification must be made by following the station call sign of the station being operated with the operator's primary station call sign in accordance with § 97.84(b).

(b) In responding to a general call (CQ), an amateur station may transmit the call sign of the station initiating the call.

[FR Doc. 85-1982 Filed 1-24-85; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 25

Relocation Assistance and Land Acquisition for Federal and Federally Assisted Programs; Schedule of Moving Expense Allowances; Individuals and Families

AGENCY: Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to reflect changes in the moving expense schedule for displaced persons in the States of Indiana, Massachusetts, Ohio, Vermont, and Virginia.

EFFECTIVE DATE: January 1, 1985.

FOR FURTHER INFORMATION CONTACT: Gary Patchett, Relocation Division, Office of Right-of-Way (202-426-0117); or Reid Alsop, Office of the Chief Counsel (202-426-0800), Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

Office hours Monday–Friday from 7:45 a.m. to 4:15 p.m. ET.

SUPPLEMENTARY INFORMATION: Section 202(b) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894, provides that a displaced individual or family may elect to be paid for moving expenses on the basis of a moving expense schedule. To ensure statewide uniformity among all agencies operating under the Act, General Services Administration Regulations, governing agency implementation of the Act, 41 CFR Part 101–6, provide in § 101–6.105–1 that moving expense schedules maintained by the respective State highway departments shall be used, and that the schedules will be approved on a current basis and disseminated by the Federal Highway Administration (FHWA).

The regulations of the Office of the Secretary, 49 CFR 25.153, implementing the Uniform Act, direct the FHWA to establish and maintain the moving expense schedules in Appendix A to Part 25 of Title 49. The purpose of this amendment is to revise the current schedules, which were published on December 29, 1983 (48 FR 57291), to reflect changes in the moving expense schedules that have been made by the following States:

Tables I—Personalty—Indiana, Massachusetts, Ohio, Vermont, and Virginia.

Tables II—Mobile Homes—Indiana, Ohio, and Vermont.

The FHWA has determined that this document is neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory policies and procedures. The FHWA has also determined that the changes reflected in this action will have only minimal economic impact on the affected States, individuals, and families. Accordingly, further regulatory evaluation is not required and, for the foregoing reasons and under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities, since the moving expense schedules are used only by individuals and families. They are not used by businesses.

Neither a general notice of proposed rulemaking nor a 30–day delay in effective date is required under the Administrative Procedure Act because the FHWA finds for good cause that such actions would be impracticable, unnecessary, and would not result in the receipt of useful information.

In consideration of the foregoing, the Department of Transportation hereby amends Title 49, Code of Federal Regulations, Subtitle A, Part 25, Appendix A, Tables I and II as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

List of Subjects in 49 CFR Part 25

Highways and roads, Land acquisition, Relocation assistance.

(42 U.S.C. 4601; 41 CFR 101–6.105–1; 49 CFR 25.153; 23 CFR 740.55(c))

Issued: January 15, 1985.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

PART 25—[AMENDED]

Appendix A—[Amended]

Appendix A, Tables I and II, to Part 25 are revised to read as follows:

TABLE I.—PERSONALTY

State	Occupant provides furniture									Occupant does not provide furniture	
	Number of rooms of furniture										
	1	2	3	4	5	6	7	8	9	First room	Each additional room
Alabama	$100	$150	$200	$250	$300					(1)	(1)
Alaska	75	150	200	250	275	$300				15	15
Arizona	50	100	150	200	250	300				25	15
Arkansas	100	160	200	240	280	300				50	30
California	75	100	150	200	250	300				25	15
Colorado	120	180	240	300						30	20
Connecticut	50	90	140	170	230	260	$300			15	15
Delaware	60	100	140	180	220	260	300			25	15
District of Columbia	100	135	170	210	250	290	300			35	15
Florida	100	150	200	250	300					50	50
Georgia	140	180	220	260	300					50	10
Guam	48	85	120	168	205	240	300			10	10
Hawaii	65	100	135	175	215	255	295	$300		45	30
Idaho	60	100	140	180	220	260	300			20	10
Illinois	50	100	150	200	250	300				25	15
Indiana	60	120	180	240	300					35	15
Iowa	75	140	195	240	275	300				30	12
Kansas	60	120	180	240	300					30	10
Kentucky	65	130	195	260	300					35	25
Louisiana	100	140	180	220	260	300				40	15
Maine	50	100	150	200	250	300				25	15
Maryland	100	150	200	250	300					20	10
Massachusetts	90	150	200	250	300					25	15
Michigan	65	130	180	240	300					50	10
Minnesota	75	150	200	250	300					30	15
Mississippi	100	150	200	250	300					50	25
Missouri	50	100	150	200	250	300				25	10
Montana	100	150	200	250	300					50	25
Nebraska	50	100	150	200	250	300				30	10
Nevada	100	150	200	250	300					50	25
New Hampshire	100	150	190	230	270	300				25	15
New Jersey	80	140	195	245	300					25	15
New Mexico	158	235	300							(1)	(1)
New York	120	170	215	260	300					50	25
North Carolina	70	110	160	210	260	300				40	30
North Dakota	75	125	150	200	250	275	300			30	15
Ohio	100	150	200	250	300					50	25
Oklahoma	100	150	200	250	300					40	15
Oregon	75	150	225	300						25	25
Pennsylvania	100	170	240	300						35	25

TABLE I.—PERSONALTY—Continued

State	Occupant provides furniture									Occupant does not provide furniture	
	Number of rooms of furniture										
	1	2	3	4	5	6	7	8	9	First room	Each additional room
Puerto Rico	75	120	165	210	255	300				25	25
Rhode Island	70	140	210	250	275	300				25	10
South Carolina	150	250	300							40	30
South Dakota	100	150	200	250	300					50	15
Tennessee	75	100	150	200	250	300				25	15
Texas	95	140	190	245	300					50	25
Utah	75	100	130	155	180	210	240	270	$300	25	15
Vermont	100	150	200	250	300					25	15
Virginia	60	120	180	240	300					40	10
Virgin Islands	105	150	195	240	275	300				35	35
Washington	100	150	200	250	300					25	25
West Virginia	100	150	200	250	300					40	20
Wisconsin	80	150	210	260	300					50	30
Wyoming	60	120	180	240	260	300				40	20

[1] Furnished units including sleeping rooms. Occupant does not provide furniture. First room $35; 2 rooms $55; 3 rooms $80; 4 rooms $100; 5 rooms $125; 6 rooms $145; each additional room $20.

[2] Furnished units including sleeping rooms. Occupant does not provide furniture. First room $68; 2 rooms $129; 3 rooms $160; 4 rooms $193; 5 rooms $224; 6 rooms $256; 7 rooms $288; 8 rooms $300.

TABLE II.—MOBILE HOMES

State	Distance				Area				Width				Allowance dollars
	More than		But not more than		More than		But not more than		More than		But not more than		
	Miles	(Kilometers)	Miles	(Kilometers)	Square feet	(Square kilometers)	Square feet	(Square kilometers)	Feet	(Meters)	Feet	(Meters)	
Alabama					0	(0)	200	(18.6)					165
					200	(18.6)	400	(37.2)					225
					400	(37.2)	600	(55.8)					285
					600	(55.8)							300
Alaska [1]													300
Arizona					0	(0)	300	(27.9)					150
					300	(27.9)	400	(37.2)					200
					400	(37.2)	500	(46.5)					250
					500	(46.5)							300
Arkansas									0	(0)	10	(3)	200
									12	(3.7)			300
California													([1])
Colorado													([2])
Connecticut [2]									0	(0)	8.5	(2.6)	100
									8.5	(2.6)	10.5	(3.2)	150
									10.5	(3.2)	12.5	(3.8)	200
									12.5	(3.8)			250
Delaware					0	(0)	400	(37.2)					100
					400	(37.2)	600	(55.8)					150
					600	(55.8)	800	(74.4)					200
					800	(74.4)	1,000	(93)					250
					1,000	(93)							300
Florida [3]													300
Georgia [3]													300
Guam					0	(0)	300	(27.9)					130
					300	(27.9)	400	(37.2)					180
					400	(37.2)	500	(46.5)					210
					500	(46.5)	600	(55.8)					240
					600	(55.8)	700	(65.1)					270
					700	(65.1)							300
Hawaii					0	(0)	300	(27.9)					130
					300	(27.9)	400	(37.2)					180
					400	(37.2)	500	(46.5)					210
					500	(46.5)	600	(55.8)					240
					600	(55.8)	700	(65.1)					270
					700	(65.1)							300
Idaho					0	(0)	200	(18.6)					100
					200	(18.6)	400	(37.2)					150
					400	(37.2)	600	(55.8)					200
					600	(55.8)	800	(74.4)					250
					800	(74.4)							300
Illinois	0	(0)	24	(38.6)					0	(0)	8.5	(2.6)	100
									8.5	(2.6)	10.5	(3.2)	150
									10.5	(3.2)	12.5	(3.8)	200
									12.5	(3.8)			250
	24	(38.6)	50	(80.5)					0	(0)	8.5	(2.6)	150
									8.5	(2.6)	10.5	(3.2)	200
									10.5	(3.2)	12.5	(3.8)	250
									12.5	(3.8)			300
Indiana									0	(0)	12	(3.7)	175
									12	(3.7)			300
Iowa	0	(0)	25	(40.2)					0	(0)	8	(2.4)	130
									8	(2.4)	10	(3)	150
									10	(3)	12	(3.7)	180
									12	(3.7)			230
	25	(10.2)	50	(80.5)					0	(0)	8	(2.4)	140
									8	(2.4)	10	(3)	170
									10	(3)	12	(3.7)	200

TABLE II.—MOBILE HOMES—Continued

State	Distance				Area				Width				Allowance dollars
	More than		But not more than		More than		But not more than		More than		But not more than		
	Miles	(Kilometers)	Miles	(Kilometers)	Square feet	(Square kilometers)	Square feet	(Square kilometers)	Feet	(Meters)	Feet	(Meters)	
									12	(3.7)			300
Kansas					0	(0)	200	(18.6)					80
					200	(18.6)	400	(37.2)					180
					400	(37.2)	600	(55.8)					240
					600	(55.8)							300
Kentucky *									0	(0)	8	(2.4)	285
									8	(2.4)			300
Louisiana									0	(0)	10	(3)	200
									10	(3)	12	(3.7)	250
									12	(3.7)	14	(4.3)	300
Maine									0	(0)	8	(2.4)	150
									8	(2.4)	10	(3)	200
									10	(3)	12	(3.7)	250
									12	(3.7)			300
Maryland					0	(0)	200	(18.6)					110
					200	(18.6)	400	(37.2)					140
					400	(37.2)	600	(55.8)					165
					600	(55.8)	800	(74.4)					195
					800	(74.4)	1,000	(93)					220
					1,000	(93)	1,200	(111.6)					250
					1,200	(111.6)							300
Massachusetts					0	(0)	200	(18.6)					80
					200	(18.6)	400	(37.2)					140
					400	(37.2)	600	(55.8)					200
					600	(55.8)							300
Michigan									0	(0)	8	(2.4)	145
									8	(2.4)	10	(3)	230
									10	(3)	12	(3.7)	280
									12	(3.7)			300
Minnesota *									0	(0)	8	(2.4)	200
									8	(2.4)			300
Mississippi					0	(0)	300	(27.9)					200
					300	(27.9)	400	(37.2)					250
					400	(37.2)							300
Missouri					0	(0)	200	(18.6)					100
					200	(18.6)	400	(37.2)					150
					400	(37.2)	600	(55.8)					200
					600	(55.8)	800	(74.4)					250
					800	(74.4)							300
Montana *									0	(0)	10	(3)	150
									10	(3)	12	(3.7)	200
									12	(3.7)	14	(4.3)	225
									14	(4.3)			275
Nebraska					0	(0)	400	(37.2)					100
					400	(37.2)	600	(55.8)					150
					600	(55.8)	800	(74.4)					200
					800	(74.4)	1,000	(93)					250
					1,000	(93)							300
Nevada									0	(0)	8	(2.4)	200
									8	(2.4)			300
New Hampshire *													300
New Jersey					0	(0)	200	(18.6)					100
					200	(18.6)	400	(37.2)					150
					400	(37.2)	600	(55.8)					200
					600	(55.8)	800	(74.4)					250
					800	(74.4)		0					300
New Mexico **	0	(0)	20	(32.2)					0	(0)	8.5	(2.6)	206
									8.5	(2.6)	10.5	(3.2)	279
									10.5	(3.2)	12.5	(3.8)	288
									12.5	(3.8)			300
	20	(32.2)	50	(80.5)					0	(0)	8.5	(2.6)	243
									8.5	(2.6)	10.5	(3.2)	288
									10.5	(3.2)			300
New York					0	(0)	300	(27.9)					200
					300	(27.9)	500	(46.5)					250
					500	(46.5)							300
North Carolina **									0	(0)	12	(3.7)	200
									12	(3.7)			300
North Dakota					0	(0)	200	(18.6)					125
					200	(18.6)	400	(37.2)					175
					400	(37.2)	600	(55.8)					225
					600	(55.8)	800	(74.4)					275
					800	(74.4)							300
Ohio *													300
Oklahoma *									0	(0)	10	(3)	250
									10	(3)			300
Oregon					0	(10)	200	(18.6)					100
					200	(18.6)	600	55.8					200
					600	(55.8)							300
Pennsylvania *													300
Rhode Island									0	(0)	8	(2.4)	225
									8	(2.4)	10	(3)	250
									10	(3)	12	(3.7)	275
									12	(3.7)			300
South Carolina *									0	(0)	10	(3)	175
									10	(3)	12	(3.7)	200
									12	(3.7)	14	(4.3)	250

TABLE II.—MOBILE HOMES—Continued

State	Distance				Area				Width				Allowance dollars
	More than		But not more than		More than		But not more than		More than		But not more than		
	Miles	(Kilometers)	Miles	(Kilometers)	Square feet	(Square kilometers)	Square feet	(Square kilometers)	Feet	(Meters)	Feet	(Meters)	
South Dakota [1]									14	(4.3)			300
													300
Tennessee [4]									0	(0)	10	(3)	100
									10	(3)			150
Texas									0	(0)	8.5	(2.6)	175
									8.5	(2.6)	10.5	(3.2)	235
									10.5	(3.2)			300
Utah [4]	0	(0)	10	(16)					0	(0)	8	(2.4)	140
									8	(2.4)	10	(3)	145
									10	(3)	12	(3.7)	165
									12	(3.7)			200
	10	(0)	25	(40.2)					0	(0)	8	(2.4)	145
									8	(2.4)	10	(3)	155
									10	(3)	12	(3.7)	175
									12	(3.7)			225
	25	(40.2)	50	(80.5)					0	(0)	8	(2.4)	150
									8	(2.4)	10	(3)	160
									10	(3)	12	(3.7)	190
									12	(3.7)			250
Vermont [1]													300
Virginia					0	(10)	200	(18.6)					150
					200	(18.6)	400	(37.2)					200
					400	(37.2)	600	(55.6)					250
					600	(55.6)	800	(74.4)					300
Washington [7]													300
West Virginia					0	(0)	300	(27.9)					300
					300	(27.9)	450	(41.9)					200
					450	(41.9)	550	(51.2)					250
					550	(51.2)							300
Wisconsin									0	(0)	8	(2.4)	150
									8	(2.4)	10	(3)	200
									10	(3)	12	(3.7)	250
									12	(3.7)			300
Wyoming [4]									0	(0)	8.5	(2.6)	135
									8.5	(2.5)	10.5	(3.2)	165
									10.5	(3.2)	12.5	(3.8)	210
									12.5	(3.8)			300

[1] Width to 8' (2.4 m): Length 40' (12.2m) $200; Over 40' (12.2m) $300; Width over 8' (2.4m) $300.
[2] Under 8' (2.4m) × 40' (12.2m)—Unskirted $150; Over 8' (2.4 m) × 40' (12.2 m)—$300.
[3] Plus $50 for expandable trailer.
[4] $300 for double trailer.
[5] Escort fee included.
[6] Personality Only. Width: Under 10 feet (3 m)—$60; 10 feet (3 m)—$70; 12 feet (3.7 m) and over—$100; Doubles—$175.
[7] All trailers.
[8] All mobile homes.

[FR Doc. 85-1750 Filed 1-24-85; 8:45 am]
BILLING CODE 4910-22-M

Proposed Rules

Federal Register
Vol. 50, No. 17
Friday, January 25, 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 330

Recruitment, Selection, and Placement (General)

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is proposing regulations affecting preference eligible veterans who occupy restricted positions (custodian, messenger, guard, and elevator operator) involved in functions that are contracted out. The proposed amendments would strengthen outplacement efforts for these veterans by establishing an outplacement assistance program.

DATE: Comments must be received on or before March 26, 1985.

ADDRESS: Send or deliver comments to Don A. Smith, Chief, Evaluations Division, Office of Affirmative Employment Programs, Office of Personnel Management, Room 7H07, 1900 E Street, NW, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Don A. Smith (202) 632–7082.

SUPPLEMENTARY INFORMATION: For nearly 30 years it has been the policy of the executive branch not to perform commercial activities that can be more effectively done by the private sector. This has meant that some tasks previously performed by Government employees have been contracted out to private firms. Among those commercial activities frequently performed in a more cost-efficient manner by the private sector are several in which the positions are reserved for preference eligible veterans under the Veterans' Preference Act of 1944, as amended. Because the Federal Government has a longstanding interest in assisting those who have served the Nation in the uniformed services, OPM is issuing these proposed amendments to provide substantially increased outplacement efforts by both OPM and employing agencies to aid veterans displaced by contracting out positions reserved for preference eligibles.

E.O. 12291, Federal Regulations

OPM has determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation won't have a significant economic impact on a substantial number of small entities because it applies only to Federal Government employees.

List of Subjects in 5 CFR Part 330

Government employees, Restricted positions, Veterans.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM proposes to amend 5 CFR Part 330 as follows:

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

1. The authority for Part 330 reads as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, unless otherwise noted.

2. Sections 330.404 through 330.407 are added to subpart D to read as follows:

Subpart D—Positions Restricted to Preference Eligibles

Sec.

* * * * *

330.404 Displacement of preference eligibles holding restricted positions in contracting out situations.
330.405 Employing agency internal activities and outplacement assistance.
330.406 OPM outplacement program.
330.407 Duration of eligibility for assistance.

Subpart D—Positions Restricted to Preference Eligibles

* * * * *

§ 330.404 Displacement of preference eligibles holding restricted positions in contracting out situations.

OPM and agencies are responsible for meeting certain personnel obligations for veteran preference eligibles occupying restricted positions when a decision is made to contract out a Government-performed commercial activity. Veterans' preference eligibles must be occupying a position in the competitive service in either tenure group I or II.

§ 330.405 Employing agency internal activities and outplacement assistance.

An agency, compelled to conduct a reduction in force and separate a preference eligible from a restricted position because a Government-performed commercial activity is contracted out, must alert affected preference eligible employees of their placement rights and their opportunity to receive priority registration in the program from an appropriate OPM area office. Agencies must make a maximum effort to find other suitable positions for the preference eligible. This effort must include:

(a) Giving internal priority consideration to preference eligibles for every available position for which they qualify within the agency installation's local commuting area and, where mutually agreed upon by the agency and preference eligible, other geographical locations for which the preference eligible is available;

(b) Establishing a Reemployment Priority List and a positive placement program;

(c) Paying of reasonable costs for training and relocation that contribute directly to placement;

(d) Coordinating with OPM to ensure affected preference eligibles have access to Governmentwide placement programs, including the Displaced Employees Program;

(e) Within 30 calendar days of the date of separation, notifying preference eligibles of OPM's placement assistance program and registering those who wish to participate; and

(f) Assuring that adversely affected preference eligibles are given the right of first refusal by contractors for employment under the contract and assisting them in applying for such employment.

§ 330.406 OPM outplacement program.

Preference eligibles (as described in section 330.404) scheduled to be released from their competitive level are subject to registration in an OPM placement assistance program within 30 calendar days before the actual date of separation from restricted positions.

(a) *OPM actions:*

(1) Registered preference eligibles will be referred by the OPM area office, which services the geographical area in which the preference eligible is employed, and considered by any agency Federal field installation or office, including the U.S. Postal Service (USPS), for any vacant position whenever—

(i) An agency requests a certificate of eligibles;

(ii) The vacant position is expected to last for more than 1 year;

(iii) The position is located within the commuting area of the employee's former restricted position or other location for which the veteran has indicated availability;

(iv) The position is at the same grade or an equivalent level as the restricted position from which the preference eligible was separated; and

(v) The preference eligible is qualified for the vacant position.

(2) OPM's area office in the same commuting area as the installation of the released preference eligible or the nearest OPM area office will maintain a listing of these employees for priority referral. In addition, OPM will refer the names of released preference eligibles covered by this subpart to the nearest state employment office, to the assigned local veteran employment representative, and to other OPM area offices servicing other geographical locations for which affected veterans indicate availability.

(3) OPM's nearest area office and the nearest postal facility will cooperate in the placement of preference eligibles who may be displaced by contracting out activities.

(b) *Agency actions.* All agencies, including USPS, will give a separated prefernece eligible priority consideration for any vacant positions for which the veteran qualifies.

§ 330.407 Duration of eligibility for assistance.

Preference eligibles are eligible for OPM placement assistance for a 6-month period, which may be extended for an additional 6-month period at the discretion of OPM. Eligibility will, however, be terminated if—

(a) They are reemployed by a Federal agency in a nontemporary position;

(b) They fail to respond to or decline an offer of any position in the Federal Government that they are found qualified for by the head of the agency (or his or her designee), which is (1) at the same grade or equivalent level; (2) is in the same commuting area and with at least the same tenure and work schedule as the former restricted position; or

(c) They, in writing, decline participation in the program or withdraw from the program.

[FR Doc. 85-1916 Filed 1-24-85; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916 and 917

[Nectarine Reg. 14, Amdt. 6, Peach Reg. 14, Amdt. 6, Plum Reg. 19, Amdt. 6]

Nectarines, Pears, Plums and Peaches Grown in California; Proposed Amendment of Size and Grade Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend size and grade requirements for shipments of fresh nectarines, peaches and plums grown in California. These proposed requirements are designed to promote the marketing of suitable quality and sizes of fresh fruit in the interest of producers and consumers.

DATES: Comments due February 25, 1985.

ADDRESS: Send four copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

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

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

The proposed rule is issued under the marketing agreements, as amended, and Marketing Orders 916 and 917, as amended (7 CFR Part 916 and 917), regulating the handling of nectarines, pears, plums, and peaches grown in California. The agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). Shipments of these California fruits are regulated by grade and size under Nectarine Regulation 14 (7 CFR Part 916), Peach Regulation 14 (7 CFR Part 917), and Plum Regulation 19 (7 CFR Part 917), all initially issued in July 1981. Because these regulations do not change substantially from season to season, they were issued on a continuing basis subject to amendment, modification or suspension as may be recommended by the applicable committees and approved by the Secretary.

The Nectarine Administrative Committee and the Peach and Plum Commodity Committees met on November 14 and 15, 1984, and recommended amendment of the size requirements for nectarines, peaches and plums. The Plum Commodity Committee also recommended a change in the grade requirements for plums. This proposed rule is based upon those recommendations, information submitted by the committees and other available information.

This proposed rule would amend the size requirements for nectarines, peaches and plums by adding several varieties now produced in commercially significant quantities, by deleting from size regulation one variety no longer produced in significant quantities and by lowering the grade requirements for certain varieties of plums to reflect current crop and market conditions.

For nectarines, § 916.356 would be amended to establish a minimum size requirement of 96 nectarines per No. 22D standard lug box for the Grand Stan and Red Delight varieties of nectarines. In addition, size requirements would be deleted for the June Belle variety of nectarines. For peaches, § 917.459 would be amended to add size requirements for three new varieties as follows: 72 peaches per No. 22D standard lug box for the Blum's Beauty and Royal Flame varieties and 80 peaches per No. 22D standard lug box for the 50-178 variety. For plums, § 917.460 would be amended to add size requirements for the Ambra, Angie, Armelita, Black Diamond, Black Giant, Catalina, Fresno Black, Prima Rosa, and Rich Red varieties (see Table I for sizes), and to relax the grade requirements for any variety of plums.

These proposed size requirement changes are designed to provide ample supplies of good quality fruit in the interest of producers and consumers pursuant to the declared policy of the act. Shipments of the above-named varieties that would be regulated exceeded 10,000 packages during the prior season and shipments of the above-named variety that would be eliminated from variety-specific size regulation fell below 5,000 packages during the prior season. Variety-specific size regulations are implemented for varieties of nectarines, peaches and

plums which are produced in commercially significant quantities. Similarly, varieties no longer produced in significant quantities are deleted from variety-specific size regulations.

The proposed changes in grade requirements would permit the shipment of any variety of plums which fail to meet U.S. No. 1 grade on account of healed, stem-end cracks. Presently, only 17 varieties of plums failing to meet that grade on account of healed, stem-end cracks may be shipped. This condition does not adversely affect the quality of the fruit. The proposed action recognizes the tendency of plums to develop stem-end cracks as the trees mature. The proposed amendment is necessary to increase supplies of acceptable quality fruit in the interest of producers and consumers.

The proposed rule provides a 30-day comment period. It is found that this proposed rule would tend to effectuate the declared policy of the act.

List of Subjects

7 CFR Part 916

Marketing Agreements and Orders, Nectarines, California.

7 CFR Part 917

Marketing Agreements and Orders, Pears, Plums, Peaches, California.

This proposed rule would amend §§ 916.356, 917.459, and 917.460 as follows:

PART 916—NECTARINES GROWN IN CALIFORNIA

1. The introductory texts of paragraphs (a) and (a)(3) of § 916.356 (49 FR 22461) would be revised to read:

§ 916.356 Nectarine Regulation 14.

(a) No handler shall ship:

* * * * *

(3) Any package or container of Apache, Armking, Early May, Early May Grand, Early Star, Gee Red, Grand Stan, June Glo, June Grand, May Grand, Red Delight, Red June, Spring Grand, Sunfre, or Zee Gold variety of nectarines unless:

* * * * *

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

2. The introductory texts of paragraphs (a), (a)(4) and (a)(5) of § 917.459 (49 FR 22461) would be revised to read:

§ 917.459 Peach Regulation 14.

(a) No handler shall ship:

* * * * *

(4) Any package or container of Babcock, Bonjour, Coronet, Early Coronet, Early Royal May, Firecrest, First Lady, Flavorcrest, Flavor Red, Golden Lady Honey Red, JJK–1, June Crest, June Lady, May Crest, May Lady, Merrill Gem, Merrill Gemfree, Redhaven, Redtop, Regina, Royal May, Springcrest, Spring Lady, Willie Red, or 50–178 variety of peaches unless:

* * * * *

(5) Any package or container of Angelus, August Sun, Autumn Gem, Autumn Lady, Belmont, Blum's Beauty, Cassie, Cal Red, Carnival, Early Fairtime, Early O'Henry, Elberta, Elegant Lady, Fairtime, Fay Elberta, Fayette, Fiesta, Fire Red, Flamecrest, Fortyniner, Franciscan, Halloween, July Elberta (Early Elberta, Kim Elberta and Socala), July Lady, July Sun, Kings Lady, Lacey, Mardigras, O'Henry, Pacifica, Parade, Preuss Suncrest, Red Cal, Redglobe, Red Lady, Rio Oso Gem, Royal Flame, Scarlet Lady, Sparkle, Summerset, Suncrest, Sun Lady, Toreador, or Windsor variety of peaches unless:

* * * * *

3. Paragraphs (a) and (b) and Table I of paragraph (c) of § 917.460 (49 FR 22461) would be amended to read:

§ 917.460 Plum Regulation 19.

(a) No handler shall ship any lot of packages or containers of any plums, other than varieties named in paragraphs (b) of this section, unless such plums grade at least U.S. No. 1, except that healed cracks emanating from the stem-end which do not cause serious damage shall not be considered as a grade defect with respect to such grade: *Provided,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service; and *Provide further,* That internal discoloration not considered serious damage will be permitted.

(6) No handler shall ship any lot of packages or containers of Tragedy or Kelsey plums unless such plums grade U.S. No. 1 with additional tolerance of 10 percent of defects not considered serious damage: *Provided,* That internal discoloration not considered serious damage will be permitted; and *Provided further,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service.

(c) * * *

TABLE I

Column A, variety	Column B, plums per sample
Ace	55
Amazon	64
Ambra	67
Andys Pride	69
Angeleno	67
Angie	67
Armelita	59
August Rosa	64
Autumn Rosa	72
Bee Gee	55
Blackamber	56
Black Beauti	69
Black Diamond	59
Black Giant	59
Black Knight	58
Carolyn Harris	61
Casselman	63
Catalina	59
Durado	74
Early Hawaiian Ann	80
Ebony	66
El Dorado	68
Empress	57
Freedom	56
Fresno Black	67
Friar	56
Frontier	61
Gar-Rosa	71
Grand Rosa	54
July Red	64
July Santa Rosa	69
Kelsey	47
King David	50
King's Black	58
Laroda	58
Late Santa Rosa (including improved Late Santa Rosa and Swall Rosa)	64
Linda Rosa	63
Mariposa	61
Midsummer	63
Nubiana	56
President	57
Prima Rosa	74
Queen Ann	50
Queen Rosa	53
Red Beaut	74
Red Glow	60
Red Rosa	64
Redroy	58
Rich Red	74
Rosa Ann	69
Rosemary	50
Rose Ann	60
Royal Red	74
Roysum	74
Santa Rosa	69
Simka, Arrosa, New Yorker	50
Spring Beaut	74
Standard	83
Wickson	51

* * * * *

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

Dated: January 18, 1985.

William J. Doyle,

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

[FR Doc. 85–1964 Filed 1–24–85; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1407

Suspension and Debarment

Correction

In FR Doc. 85–1339 beginning on page 2578 in the issue of Thursday, January 17, 1985, make the following corrections:

1. On page 2579, first column, in the third complete paragraph, fourth line from the bottom, the word "autority" should read "authority".

2. In the same paragraph, third line from the bottom, the word "revised" should read "reserved".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 146

[Docket No. 84N-0405]

Blackcurrant Juice; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the Codex Standard for Blackcurrant Juice Preserved Exclusively By Physical Means (Codex Standard 120–1981) (Codex standard) developed by the Codex Alimentarius Commission and to comment on the desirability of and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, FDA will not proposed a standard.

DATE: Comments by March 26, 1985.

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

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Center for Food Safety and Applied Nutrition (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0107.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for blackcurrant juice preserved exclusively by physical means.

As a member of the Codex Alimentarius Commission, the United States is obligated to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country that concludes that it will not accept a Codex standard is requested to inform the Codex Alimentarius Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341) or to appropriately revise an existing standard to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for blackcurrant juice.

Under the procedure prescribed in § 130.6(b)(3) (21 CFR 130.6(b)(3)), FDA is providing an opportunity for review and informal comment (1) on the need for, and desirability of a standard for this food; (2) on the specific provisions of the Codex standard (Codex Standard 120–1981) and any modifications that should be included in a U.S. standard, if established; and (3) on any other pertinent points.

FDA advises that if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard may move freely in interstate commerce in this country providing it complies with applicable U.S. laws and regulations.

Owing to the large number of countries, often with diverse food regulations, that are associated with Codex, certain provisions found in Codex standards may not be in keeping with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under sections 401 of the act. Rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

In addition, the Codex standard for blackcurrant juice preserved exclusively by physical means specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA uses the methods published in the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists," when these are available, in preference to other methods. FDA will adhere to this policy in any U.S. standard proposed under this notice.

Under § 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

List of Subjects in 21 CFR Part 146

Canned fruit juices, Food standards, Fruit juices.

The Codex standard under consideration is as follows:

Codex Standard for Blackcurrant Juice Preserved Exclusively by Physical Means [1] (World-wide Standard)

[Codex Stan 120–1981]

1. Description.

Unfermented but fermentable juice, intended for direct consumption, obtained by a mechanical process from sound, ripe blackcurrant (*Ribes nigrum* L.) preserved exclusively by physical means.[2] The juice may be turbid or clarified. The juice may have been concentrated and later reconstituted with water suitable for the purpose of maintaining the essential composition and quality factors of the juice.

[1] Formerly CAC/RS 120–1979.

[2] For the purpose of this standard and at this time preservation by physical means does not include ionizing radiation.

2. Essential Composition and Quality Factors.

2.1 *Soluble Solids.* The soluble blackcurrant solids content of blackcurrant juice (exclusive of added sugars) shall be not less than 11 percent m/m as determined by refractometer at 20 °C, uncorrected for acidity and read as °Brix on the International Sucrose Scales.

2.2 *Sugar.* One or more solid sugars, as defined by the Codex Alimentarius Commission, may be added. The total quantity of added sugars calculated as dry matter shall not exceed 200 g/kg of the final product.

2.3 *Ethanol Content.* The ethanol content shall not exceed 3 g/kg.

2.4 *Volatile Acids.* The volatile acids content shall not exceed 1.2 g/kg expressed as acetic acid.

2.5 *Organoleptic Properties.* The product shall have the characteristic colour, aroma and flavour of blackcurrant juice. Natural volatile blackcurrant juice components may be restored to any blackcurrant juice from which natural volatile blackcurrant juice components have been removed.

2.6 *Use of Concentrates.* The addition of concentrate to juice is permitted. Only concentrate from *Ribes nigrum* L. may be used.

3. *Food Additives.*

3.1 *Processing Aids.*

3.1.1 Clarifying and filtering agents as approved by the Codex Alimentarius Commission and used in accordance with good manufacturing practice.

Maximum level

3.1.2 Vegetable carbon, Limited by GMP

3.1.3 Nitrogen, Limited by GMP

3.1.4 Carbon dioxide, Limited by GMP

4. *Contaminants.*

Maximum level

4.1 Arsenic (As) 0.2 mg/kg

4.2 Lead (Pb), 0.3 mg/kg [3]

4.3 Copper (Cu), 5 mg/kg

4.4 Zinc (Zn), 5 mg/kg

4.5 Iron (Fe), 15 mg/kg

4.6 Tin (Sn), 150 mg/kg [3]

4.7 Sum of copper, zinc and iron, 20 mg/kg

4.8 Sulphur dioxide, 10 mg/kg

4.9 Mineral impurities insoluble in 10% hydrochloric acid, 20 mg/kg

5. *Hygiene.*

5.1 It is recommended that the products covered by the provisions of this standard be prepared in accordance with the Recommended International Code of Hygienic Practice for Canned Fruit and Vegetable Products (Ref. No. CAC/RCP 2–1969) and the General Principles of Food Hygiene (Ref. No. CAC/RCP 1–1969, Rev. 1) recommended by the Codex Alimentarius Commission.

5.2 When tested by appropriate methods of sampling and examination, the product:

(a) shall be free from microorganisms capable of development under normal conditions of storage; and

(b) shall not contain any substances originating from microorganisms in amounts which may represent a hazard to health.

6. *Weights and Measures.*

6.1 Fill of Container.

6.1.1 Minimum Fill. The blackcurrant juice shall occupy not less than 90 per cent v/v of the water capacity of the container. The water capacity of the container is the volume of distilled water of 20°C which the sealed container will hold when completely filled.

7. *Labelling.*

In addition to Sections 1, 2, 4 and 6 of the Codex General Standard for the Labelling of Prepackaged Foods (Ref. No. CODEX STAN 1–1931) the following provision apply:

7.1 *The Name of the Food.* The name of the food shall be "blackcurrant juice" and the term "contains X% of added sugar" shall appear in close proximity to the name where X times 10 respresents the amount of sugar or sugars added in grammes per kilogramme of the final product. If the quantity of sugar or sugars added exceeds 15 g/kg the name of the food shall be "sweetened blackcurrant juice " and the content of added sugar or sugars shall similarly be declared.

7.2 *List of Ingredients.*

7.2.1 A complete list of ingredients shall be declared on the label in descending order of proportion, except that water added for reconstitution of juice according to Section 1 and the processing aids specified in Sections 3.1.1 to 3.1.4 need not be declared.

7.2.2 In the case of blackcurrant juice made from concentrate, the fact of reconstitution shall be declared in the list of ingredients as follows: "blackcurrant juice made from concentrate," or "reconstituted blackcurrant juice" or "blackcurrant juice made from concentrated blackcurrant juice." If there are no ingredients to be listed in accordance with Section 7.2.1, the expression "blackcurrant juice made from concentrate" or "reconstituted blackcurrant juice" or "blackcurrant juice made from concentrated blackcurrant juice" shall appear on the label.

7.3 *Net Contents.* The net contents shal be declared by volume in one or more of the following systems of measurement: Metric ("Systeme International"), U.S. or British units, as required by the country in which the product is sold; for British units, units of capacity measurement shall be used.

7.4 *Name and Address.* The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

7.5 *Country of Origin.* The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

7.6 *Lot Identification.* Each container shall be embossed or otherwise permanently marked, in code or in clear, to identify the producing factory and the lot.

7.7 *Additional Requirements.* The following additional specific provisions shall apply:

7.7.1 No fruit or fruit juice may be represented pictorially on the label except blackcurrants or blackcurrant juice.

7.7.2 Where blackcurrent juice requires to be kept under conditions of refrigeration, there shall be information for keeping and, if necessary, thawing of the product.

7.8 *Date Marking.* The "date of minimum durability" (preceded by the words "best before") shall be delared by the month and year in uncoded numerical sequence except that for products with a shelf-life or more than 18 months, the year will suffice.

The month may be indicated by letters in those countries where such use will not confuse the consumer.

In the case of products requiring a declaration of month and year, and the shelf-life of the product is valid to the end of a given year, the expression "end (stated year)" may be used as an alternative.

7.9 *Storage Instructions.* In addition to the date, any special conditions for the storage of the food shall be indicated if the validity of the date depends thereon.

Where practicable, storage instructions should be in close proximity to the date-marking.

7.10 *Bulk Packs.* In the case of blackcurrent juice in bulk, the information required by Sections 7.1 to 7.7.2 shall either be given on the container or in accompanying documents except that the name of the product and the name and address of the manufacturer or packer should appear on the container. However, the name and address of the manufacturer or packer may be replaced by an

[3] These limits remain under review.

identifiation mark, provided that such a mark is clearly identificable with the accompanying documents.

8. Methods of Analysis and Sampling. See Part IV of this publication.

Part IV—Methods of Analysis and Sampling (by Reference)

Methods of Analysis and Sampling

The methods of analysis referred to hereunder apply, as appropriate, to the Codex Standards for Fruit Juices, Concentrated Fruit juices and Fruit Nectars preserved exclusively by Physical Means set forth in Parts I, II and III of this publication.

1. *Taking of Sample and Expression of Results as m/m.* According to the IFJU method No. 1, 1968, Determination of relative density and the IFJU General Sheet, 1971, Conversion of analytical results from m/v (g/l, mg/l) to m/m (g/kg, mg/kg) and the reverse.

2. *Test of Fermentability.* According to the IFJU method No. 18, 1974, Fermentation Test. Results are expressed as "positive" or "negative".

3. *Determination of Apparent Viscosity.* According to the AOAC (1970) method (Official Methods of Analysis of the AOAC, 1970, 22.008–22.010: Apparent viscosity (consistency) (5)—Official Final Action). Results are expressed in seconds.

4. *Determination of L-Ascorbic Acid.* According to the IFJU method No. 17, 1964, Determination of L-Ascorbic acid, or micro-fluroimetric method of AOAC (Official Methods of Analysis of the AOAC 1975) 43.056–43.062. Results are expressed as mg L-Ascorbic acid/kg.

5. *Determination of Carbon Dioxide.* According to the IFJU method No. 42, 1966, Determination of carbon dioxide. Results are expressed as g carbon dioxide/kg.

6. *Determination of Essential Oils.* According to the AOAC (1970) method (Official Methods of Analysis of the AOAC, 1970, 22.096–22.097 and 19.117 Essential Oil (37)—Official First Action). Results are expressed as ml essential oils/kg.

7. *Determination of Ethanol.* According to the IFJU method No. 2, 1968, Determination of alcohol (Ethyl alcohol)[1]. Results are expresed as g ethanol/kg.

8. *Determination of Honey.* (To be elaborated).

9. *Determination of Hydroxymethylfurfural (HMF).* According to the IFJU method No. 12, 1968, Determination of hydroxymethylfurfural (HMF), as amended according to Postel (Deutsch. Lebensm. Rundsch., 1968 *64*, 318). Results are expressed as mg HMF/kg, rounded off to the nearest whole number.

10. *Determination of Minimum Content of Fruit Ingredient.* (To be elaborated).

11. *Determination of Added Salt.* According to the IFJU method No. 37, 1968, Determination of chloride (potentiometric micro-method). The determination of sodium is not necessry. Results are expressed as % m/m NaCl.

12. *Determination of Soluble Solids.* According to the IFJU method No. 8B, 1968, Estimation of soluble solids, indirect determination (see Official Methods of Analysis of the AOAC, 1975, 22.019, 31.009 and 52.010). Results are expressed as % m/m sucrose ("Brix") with correction for temperature to the equivalent at 20 ° C.

13. *Determination of Sugars.* According to the IFJU method No. 4, 1968, Determination of Sugar (Luft-Schoorl Method). Results are expressed as % m/m.

14. *Determination of Total Titrable Acids.* According to the IFJU method No. 3, 1968, Determination of titrable acid (total acid). Results are expressed as g anhydrous citric acid/kg.

15. *Determination of Volatile Acids.* According to the IFJU method No. 5, 1968, Determination of volatile acids. Results are expressed as g acetic acid/kg.

16. *Determination of Water Capacity and Fill of Containers.* According to the method published in the Almanac of the Canning, Freezing, Preserving Industries, 55th Edition, 1970, p. 131–132, E.E. Judge and Sons, Westminster, MD (USA)[2].

17. *Determination of Arsenic.* According to the IFJU method No. 47, 1973, Determination of Arsenic (Method No. A.34/F of the "Office International de la Vigne et du Vin"). Results are expressed as mg arsenic/kg.

18. *Determination of Copper.* According to the IFJU method No. 13, 1964, Determination of copper (photometric method). Results are expressed as mg copper/kg.

19. *Determination of Iron.* According to the IFJU method No. 15, 1964, Determination of Iron (photometric method). The determination shall be made after any ashing as described in Section 5—Remark (b). Results are expressed as mg iron/kg.

20. *Determination of Lead.* According to the IFJU method No. 14, 1964, Determination of lead (photometric method).[3] Results are expressed as mg lead/kg.

21. *Determination of Mineral Impurities Insoluble in Hydrochloric Acid.* According to the AOAC (1975) method (Official Methods of Analysis of the AOAC, 1975, 22.025 para. 1, 31.012 and 30.008 Ash insoluble in acid. Official Final Action). The exact concentration of HC1 to be used is not critical. Results are expressed as mg mineral impurities in hydrochloric acid/kg.

22. *Determination of Sulphur Dioxide.* According to the IFJU method No. 7, 1968, Determination of total sulphur dioxide. Results are expressed as mg SO_2/kg.

23. *Determination of Tin.* (To be elaborated).

24. *Determination of Zinc.* According to the AOAC (1975) method (Official Methods of Analysis of the AOAC, 1975, 25.136–25.142: Zinc—Official First Action, Colorimetric Method (26)).[4]

Interested persons may, on or before March 26, 1985, submit to the Dockets Management Branch (address above) written comments regarding this notice. Two copies of any comments are to be submitted, except that individuals may submit one copy. Each comment should identify the title of the Codex standard and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday throught Friday.

Any comments submitted in support of establishing a U.S. standard for this food should be supported by appropriate information and data regarding impact on small business consistent with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354).

Dated: January 11, 1985.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85–1883 Filed 1–24–85; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 146

[Docket No. 84–0404]

Concentrated Blackcurrant Juice; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

AGENCY: Food and Drug Administration.

[1] To be amended by IFJU to take into account operating temperatures higher than 20 °C.

[2] Reproduced in ALINORM 71/23, Appendix V.

[3] Temporarily endorsed pending Codex General Methods.

[4] Temporarily endorsed pending consideration by the IFJU Working Group of AAS method (AOAC, 1975, 25.143–25.147) for general use in fruit juices.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the Codex Standard for Concentrated Blackcurrant Juice Preserved Exclusively by Physical Means (Codex Stan 121–1981) (Codex standard) developed by the Codex Alimentarius Commission and to comment on the desirability of and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, FDA will not propose a standard.

DATE: Comments by March 26, 1985.

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

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Center for Food Safety and Applied Nutrition (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0107.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The FAO/WHO program has developed a large number of Codex standards, including a standard for concentrated blackcurrant juice preserved exclusively by physical means.

As a member of the Codex Alimentarius Commission, the United States is obligated to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: Full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country that concludes that it will not accept a Codex standard is requested to inform the Codex Alimentarius Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in the country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies, it is necessary either to establish a U.S. standard under the authority of section 401 of the act (21 U.S.C. 341) or to revise an existing standard to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for concentrated blackcurrant juice.

Under the procedure prescribed in § 130.6(b)(3) (21 CFR 130.6(b)(3)), FDA is providing an opportunity for review and informal comment on: (1) The need for, and desirability of, a standard for this food; (2) the specific provisions of the Codex standard (Codex Stan 121–1981) and any modifications that should be included in a U.S. standard, if established; and (3) any other pertinent points.

FDA advises that if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard may move freely in interestate commerce in this country providing it complies with applicable U.S. laws and regulations.

Because of the large number of countries, often with diverse food regulations, that are associated with the development of Codex standards, certain provisions of the Codex standards may not be consistent with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

In addition, the Codex standard for concentrated blackcurrant juice preserved exclusively by physical means specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA uses the methods published in the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists," when these are available, in preference to other methods. FDA will adhere to this policy in any U.S. standard proposed under this notice.

Under § 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

List of Subjects in 21 CFR Part 146

Canned fruit juice, Food standards, Fruit juices.

The Codex standard under consideration is as follows:

Codex Standard for Concentrated Blackcurrant Juice Preserved Exclusively by Physical Means [1] (World-Wide Standard)

[Codex Stan 121–1981]

1. *Description.*

1.1 *Product Definition.* Concentrated blackcurrant juice is the unfermented product which is capable of fermentation after reconstitution, preserved exclusively by physical means,[2] obtained by the process of concentration (as defined in Section 1.2) from the raw materials as described in Section 1.3. The product may be turbid or clarified.

1.2 *Process Definition.* The process of concentration consists of the physical removal of water until the product has a soluble blackcurrant solids content of not less than 22% m/m as determined by refractometer at 20 °C, uncorrected for acidity and read as °Brix on the International Sucrose Scales, and may include the addition of (1) juice or concentrate or of water suitable for the purpose of maintaining the essential composition and quality factors of the concentrate and (2) natural volatile blackcurrant juice components where these have been removed.

1.3 *Raw Material.* The raw material from which this product is obtained is unfermented but fermentable blackcurrant juice obtained by a mechanical process from sound, ripe blackcurrants (*Ribes nigrum* L.).

2. *Essential Composition and Quality Factors.*

Requirements for the Juice After Reconstitution

The product obtained by reconstituting the concentrated blackcurrant juice in accordance with Section 7.8 of this standard shall comply

[1] Formerly CAC/RS 121–1979.

[2] For the purpose of this standard and at this time preservation by physical means does not include ionizing radiation.

with the provisions of the Codex Standard for Blackcurrant Juice Preserved Exclusively by Physical Means (exclusive of added sugar) (Ref. No. CODEX STAN 120–1981).

3. *Food Additives.*

3.1 *Processing Aids.*

3.1.1 Clarifying and filtering agents as approved by the Codex Alimentarius Commission and used in accordance with good manufacturing practices.

Maximum Level

3.1.2 Vegetable carbon, Limited by GMP

3.1.3 Nitrogen, Limited by GMP

3.1.4 Carbon dioxide, Limited by GMP

4. *Contaminants.*

When concentrated blackcurrant juice is reconstituted in accordance with Section 7.8 of this standard, the limits of contaminants shall not exceed those laid down in Section 4 of the Codex Standard for Blackcurrant Juice Preserved Exclusively by Physical Means (Ref. No CODEX STAN 120–1981).

5. *Hygiene.*

5.1 It is recommended that the products covered by the provisions of this standard be prepared in accordance with the Recommended Intenational Code of Hygienic Practice for Canned Fruit and Vegetable Products (Ref. No. CAC/RCP 2–1969) and the General Principles of Food Hygiene (Ref. No. CAC/RCP 1–1969, Rev. 1) recommended by the Codex Alimentarius Commission.

5.2 When tested by appropriate methods of sampling and examination, the product:

(a) shall be free from microorganisms capable of development under normal conditions of storage; and

(b) shall not contain any substances originating from microorganisms in amounts which may represent a hazard to health.

6. *Weights and Measures.*

6.1 *Fill of Container.*

6.1.1 Minimum Fill (exclusive of bulk packs). The concentrated blackcurrant juice shall occupy not less than 90 per cent v/v of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20 °C which the sealed container will hold when completely filled.

7. *Labelling.*

In addition to Sections 1, 2, 4 and 6 of the Codex General Standard for the Labelling of Prepackaged Foods (Ref. No. CODEX STAN 1–1981), the following provisions apply:

7.1 *The Name of the Food.* The name of the product shall be "concentrated blackcurrant juice".

7.2 *List of Ingredients.* A complete list of ingredients shall be declared on the label in descending order of proportion, except that the components mentioned in Section 1.2 of the processing aids specified in Sections 3.1.1 to 3.1.4 need not be declared.

7.3 *Net Contents.* The net contents shall be declared by volume in one or more of the following systems of measurement: Metric ("Systeme International"), U.S. or British Units, as required by the country in which the product is sold; for British units, units of capacity measurement shall be used.

7.4 *Name and Address.* The name and address of the manufacturer, packer distributor, importer, exporter or vendor of the product shall be declared.

7.5 *Country of Origin.* The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

7.6 *Lot Identification.* Each container shall be embossed or otherwise permanently marked, in code or in clear, to identify the producing factory and the lot.

7.7 *Additional Requirements.* The following specific provisions shall apply:

7.7.1 No fruit or fruit juice may be represented pictorially on the label except blackcurrant or blackcurrent juice.

7.7.2 Where concentrated blackcurrent juice is required to be kept under conditions of refrigeration, there shall be information for keeping and, if necessary, thawing of the product.

7.8 *Degree of Concentration.* Instructions for dilution shall be given on the container by stating the percentage of soluable blackcurrant solids, by weight as determined by refractometer at 20 °C, uncorrected for acidity, and read as °Brix on the International Sucrose Scales or, in the case of prepackaged products, by stating the number of parts by volume of water which are required to be added to one part by volume of the concentrated juice in order to obtain juice which complies with all the provisions of the Codex Standard for Blackcurrant Juice Preserved Exclusively by Physical Means (Ref. No. CODEX STAN 120–1981).

7.9 *Date Marking.* The "date of minimum durability" (preceded by the words "best before") shall be declared by the month and year in uncoded numerical sequence except that for products with a shelf-life of more than 18 months, the year will suffice.

The month may be indicated by letters in those countries where such use will not confuse the consumer.

In the case of products requiring a declaration of month and year, and the shelf-life of the product is valid to the end of a given year, the expression "end (stated year)" may be used as an alternative.

7.10 *Storage Instructions.* In addition to the date, any special conditions for the storage of the food shall be indicated if the validity of the date depends thereon.

Where practicable, storage instructions should be in close proximity to the date-marking.

7.11 *Bulk Packs.* In the case of concentrated blackcurrant juice in bulk, the information required by Sections 7.1 to 7.8 shall either be given on the container or in accompanying documents except that the name of the product and the name and address of the manufacturer or packer should appear on the container. However, the name and address of the manufacturer or packer may be replaced by an identifiation mark, provided that such a mark is clearly identificable with the accompanying documents.

8. *Methods of Analysis and Sampling.* See Part IV of this publication.

Part IV—Methods of Analysis and Sampling (By Reference)

Methods of Analysis and Sampling

The methods of analysis referred to hereunder apply, as appropriate, to the Codex Standards for Fruit Juices, Concentrated Fruit Juices and Fruit Nectars preserved exclusively by Physical Means set forth in Parts I, II and III of this publication.

1. *Taking of Sample and Expression of Results as m/m.* According to the IFJU method No. 1, 1968, Determination of relative density and the IFJU General Sheet, 1971, Conversion of analytical results from m/v (g/l, mg/l) to m/m (g/kg, mg/kg) and the reverse.

2. *Test of Fermentability.* According to the IFJU method No. 18, 1974, Fermentation Test. Results are expressed as "positive" or "negative".

3. *Determination of Apparent Viscosity.* According to the AOAC (1970) method (Official Methods of Analysis of the AOAC, 1970, 22.008–22.010: Apparent viscosity (consistency) (5)—Official Final Action). Results are expressed in seconds.

4. *Determination of L-Ascorbic Acid.* According to the IFJU method No. 17, 1964, Determination of L-Ascorbic acid, or micro-fluroimetric method of AOAC (Official Methods of Analysis of the AOAC 1975) 43.056–43.062. Results are expressed as mg L-Ascorbic acid/kg.

5. *Determination of Carbon Dioxide.* According to the IFJU method No. 42, 1966, Determination of carbon dioxide.

Results are expressed as g carbon dioxide/kg.

6. *Determination of Essential Oils.* According to the AOAC (1970) method (Official Methods of Analysis of the AOAC, 1970, 22.096–22.097 and 19.117 Essential Oil (37)—Official First Action). Results are expressed as ml essential oil/kg.

7. *Determination of Ethanol.* According to the IFJU method No. 2, 1968, Determination of alcohol (Ethyl alcohol) [1]. Results are expressed as g ethanol/kg.

8. *Determination of Honey.* (To be elaborated).

9. *Determination of Hydroxymethylfurfural (HMF).* According to the IFJU method No. 12, 1968, Determination of hydroxymethylfurfural (HMF), as amended according to Postel (Deutsch. Lebensm. Rundsch., 1968, *64*, 318). Results are expressed as mg HMF/kg, rounded off to the nearest whole number.

10. *Determination of Minimum Content of Fruit Ingredient.* (To be elaborated).

11. *Determination of Added Salt.* According to the IFJU method No. 37, 1968, Determination of chloride (potentiometric micro-method). The determination of sodium is not necessary. Results are expressed as % m/m NaCl.

12. *Determination of Soluble Solids.* According to the IFJU method No. 8B, 1968, Estimation of soluble solids, indirect determination (see Official Methods of Analysis of the AOAC, 1975, 22.019, 31.009 and 52.010). Results are expressed as % m/m sucrose (Brix) with correction for temperature to the equivalent at 20 °C.

13. *Determination of Sugars.* According to the IFJU method No. 4, 1968, Determination of Sugar (Luft-Schoorl Method). Results are expressed as % m/m.

14. *Determination of Total Titrable Acids.* According to the IFJU method No. 3, 1968, Determination of titrable acid (total acid). Results are expressed as g anhydrous citric acid/kg.

15. *Determination of Volatile Acids.* According to the IFJU method No. 5, 1968, Determination of volatile acids. Results are expressed as g acetic acid/kg.

16. *Determination of Water Capacity and Fill of Containers.* According to the method published in the Almanac of the Canning, Freezing, Preserving Industries, 55th Edition, 1970, p. 131–132, E.E. Judge and Sons, Westminster MD (USA) [2].

17. *Determination of Arsenic.* According to the IFJU method No. 47, 1973, Determination of Arsenic (Method No. A.34/F of the "Office International de la Vigne et du Vin"). Results are expressed as mg arsenic/kg.

18. *Determination of Copper.* According to the IFJU method No. 13, 1964, Determination of copper (photometric method). Results are expressed as mg copper/kg.

19. *Determination of Iron.* According to the IFJU method No. 15, 1964, Determination of Iron (photometric method). The determination shall be made after dry ashing as described in Section 5—Remark (b). Results are expressed as mg iron/kg.

20. *Determination of Lead.* According to the IFJU method No. 14, 1964, Determination of lead (photometric method) [3]. Results are expressed as mg lead/kg.

21. *Determination of Mineral Impurities Insoluble in Hydrochloric Acid.* According to the AOAC (1975) method (Official Methods of Analysis of the AOAC, 1975, 22.025 para. 1, 31.012 and 30.008 Ash insoluble in acid. Official Final Action). The exact concentration of HC1 to be used is not critical. Results are expressed as mg mineral impurities insoluble in hydrochloric acid/kg.

22. *Determination of Sulfur Dioxide.* According to the IFJU method No. 7, 1968. Determination of total sulphur dioxide. Results are expressed as mg SO_2/kg.

23. *Determination of Tin.* (To be elaborated).

24. *Determination of Zinc.* According to the AOAC (1975) method (Official Methods of Analysis of the AOAC, 1975, 25.136–25.142: Zinc—Official First Action, Colorimetric Method (26)).[4]

Interested persons may, on or before March 26, 1985, submit to the Dockets Management Branch (address above) written comments regarding this notice. Two copies of any comments are to be submitted, except that individuals may submit one copy. Each comment should identify the title of the Codex standard and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Any comments submitted in support of establishing a U.S. standard for this food should be supported by appropriate information and data regarding impact on small business consistent with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354).

Dated: January 11, 1985.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85–1888 Filed 1–24–85; 8:45 am]

BILLING CODE 4160–01–M

[1] To be amended by IFJU to take into account operating temperatures higher than 20 °C.

[2] Reproduced in ALINORM 71/23, Appendix V.

[3] Temporarily endorsed pending Codex General Methods.

[4] Temporarily endorsed pending consideration by the IFJU Working Group of AAS method (AOAC, 1975, 25.143–25.147) for general use in fruit juices.

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21 CFR Part 146

[Docket No. 84N–0403]

Nectars of Certain Citrus Fruits; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the Codex Standard for Nectars of Certain Citrus Fruits Preserved Exclusively by Physical Means (Codex Stan 134–1981) (Codex standard) developed by the Codex Alimentarius Commission and to comment on the desirability of and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, FDA will not propose a standard.

DATE: Comments by March 26, 1985.

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

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Center for Food Safety and Applied Nutrition (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0107.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The FAO/WHO program has developed a large number of Codex standards, including a standard for nectars of certain citrus fruits preserved exclusively by physical means.

As a member of the Codex Alimentarius Commission, the United States is obligated to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: Full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country that concludes that it will not accept a Codex standard is requested to inform the Codex Alimentarius Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies, it is necessary either to establish a U.S. standard under the authority of section 401 of the act (21 U.S.C. 341) or to revise an existing standard to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for nectars of certain citrus fruits.

Under the procedure prescribed in § 130.6(b)(3) (21 CFR 130.6(b)(3)), FDA is providing an opportunity for review and informal comment on: (1) The need for, and desirability of, a standard for this food; (2) the specific provisions of the Codex standard (Codex Stan 134–1981) and any modifications that should be included in a U.S. standard, if established; and (3) any other pertinent points.

FDA advises that if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard may move freely in interstate commerce in this country providing it complies with applicable U.S. laws and regulations.

Because of the large number of countries, often with diverse food regulations, that are associated with the development of Codex standards, certain provisions of the Codex standards may not be consistent with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

In addition, the Codex standard for nectars of certain citrus fruits preserved exclusively by physical means specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA uses the methods published in the latest edition of "Official Methods of Analysis of the Association of Official Analytical chemists," when these are available, in preference to other methods. FDA will adhere to this policy in any U.S. standard proposed under this notice.

Under § 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

List of Subjects in 21 CFR Part 146

Canned fruit juice, Food standards, Fruit juices.

The Codex standard under consideration is an follows:

Codex Standard for Nectars of Certain Citrus Fruits Preserved Exclusively by Physical Means [1] (World-Wide Standard)

[Codex Stan 134–1981]

1. *Scope.*

This standard applies individually to nectars made from the following species of citrus fruits:

Orange (*Citrus sinensis* L. Osbeck)
Mandarine, tangerine, etc. (*Citrus reticulata*)
Grapefruit (*Citrus paradisi* Mcfadyen)

2. *Description.*

2.1 Unfermented but fermentable product, intended for direct consumption, obtained by blending a juice, a reconstituted concentrated juice and/or the sieved or ground endocarp of a specified citrus fruit with water, sugars or honey, and preserved exclusively by physical means.[1]

[1] For the purpose of this standard preservation by physical means does not include ionizing radiation.

3. *Essential Composition and Quality Factors.*

3.1 *Minimum Content of Fruit Ingredient.*

3.1.1 The minimum content of single strength fruit ingredient or the equivalent derived from concentrated fruit ingredient shall not be less than 50% m/m.

3.1.2 The addition of 10% m/m mandarine fruit ingredient (*C. reticulata*), related to the orange fruit ingredient content, to the orange nectar is permitted.

3.2 *Sugars.* One or more of the sugars as defined by the Codex Alimentarius Commission shall be added. The total quantity of added sugars or honey, calculated as dry matter, shall not exceed 200 g/kg of the final product.

3.3 *Honey.* Honey, is defined by the Codex Alimentarius Commission, may be used if it is the sole added sweetening ingredient.

3.4 *Soluble Solids.* The soluble solids content of these products shall be not less than 12.0% m/m as determined by refractometer at 20 °C, uncorrected for acidity and read as °Brix on the International Sucrose Scales.

3.5 *Ethanol Content.* The ethanol content shall not exceed 3 g/kg.

3.6 *Lemon Juice.* Lemon juice may be added as an acidifying agent.

3.7 *Essential Oils.* The essential oils content shall not exceed 0.4 ml/kg.

3.8 *Organoleptic Properties.* The product shall have the characteristic colour, aroma and flavour of the fruit from which it is made, taking into consideration the addition of honey in substitution for sugars. Natural volatile components of the specified fruit may be added.

4. *Contaminants.*

Maximum Level

4.1 Arsenic (As), 0.2 mg/kg
4.2 Lead (Pb), 0.3 mg/kg
4.3 Copper (Cu), 5 mg/kg
4.4 Zinc (Zn), 5 mg/kg
4.5 Iron (Fe), 15 mg/kg
4.6 Tin (Sn), 250 mg/kg [2]
4.7 Sum of copper, zinc and iron, 20 mg/kg
4.8 Sulphur dioxide, 10 mg/kg

5. *Hygiene.*

5.1 It is recommended that the products covered by the provisions of this standard be prepared in accordance with the Recommended International Code of Hygiene Practice for Canned Fruit and Vegetable Products (Ref. No. CAC/RCP 2–1969) and the General Principles of Food Hygiene (Ref. No.

[2] This limit remains under review.

CAC/RCP 1–1969, Rev. 1) recommended by the Codex Alimentarius Commission.

5.2 When tested by appropriate methods of sampling and examination, the product:

(a) Shall be free from microorganisms capable of development under normal conditions of storage; and

(b) Shall not contain any substances originating from microorganisms in amounts which may present a hazard to health.

6. *Weights and Measures.*

6.1 *Fill of Container.*

6.1.1 Minimum Fill. The nectar shall occupy not less than 90% v/v of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20 °C which the sealed container will hold when completely filled.

7. *Labelling.*

In addition to Sections 1, 2, 4, and 6 of the Codex General Standard for the Labelling of Prepackaged Foods (Ref. No. CODEX STAN 1–1981), the following provisions apply:

7.1 *The Name of the Food.*

7.1.1 The name of the product shall be "X nectar" or "pulpy X nectar", or "nectar of X" or "pulpy nectar of X" where "X" represents the name of the citrus fruit used.

7.1.2 The words "minimum fruit content X," shall appear in close proximity to the name of the product where X is the actual minimum percentage of fruit ingredient in the final product.

7.2 *List of Ingredients.* A complete list of ingredients added water shall be declared on the label in descending order at proportion.

7.3 *Net Contents*

The net contents shall be declared by volume in one or more of the following systems of measurement: Metric ("Systeme International"), U.S. or British units, as required by the country in which the product is sold; or British units, units of capacity measurement shall be used.

7.4 *Name and Address.* The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the product shall be declared.

7.5 *Country of Origin.* The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

7.6 *Additional Requirements.* The following additional specific provisions shall apply:

7.6.1 No fruit, fruit juice or fruit nectar may be represented pictorially on the label other than that of the species of fruit from which the nectar is made.

7.6.2 When the product contains honey the declaration "contains honey" shall be in close proximity to the name of the product.

7.6.3 Where citrus fruit nectars are required to be kept under frozen or refrigerated conditions, there shall be information for keeping, and if necessary thawing of the product.

7.7 *Lot Identification.* Each container shall be embossed or otherwise permanently marked to code or in clear, to identify the producing factory and the lot.

7.8 *Date Marking.* The "date of minimum durability" (preceded by the words "best before") shall be declared by the month and year in uncoded numerical sequence except that for products with a shelf-life of more than 18 months, the year will suffice.

The month may be indicated by letters in those countries where such use will not confuse the consumer.

In the case products requiring a declaration of month and year, and the shelf-life of the product is valid to the end of a given year, the expression "end (stated year)" may be used as an alternative.

7.9 *Storage Instructions.* In addition to the date, any special conditions for the storage of the food shall be indicated if the validity of the date depends thereon.

Where practicable, storage instructions should be in close proximity to the datemarking.

7.10 *Bulk Packs* In the case of citrus fruit nectar in bulk, the information required in 7.1.1 to 7.7 shall either be given on the container or in accompanying documents except that the name of the product and the name and address of the manufacturer or packer should appear on the container. However, the name and address of the manufacturer or packer may be replaced by an identification mark provided that such a mark is clearly identifiable with the accompanying documents.

8. *Methods of Analysis and Sampling.* See Part IV of this publication.

Part IV—Methods of Analysis and Sampling (By Reference)

Methods of Analysis and Sampling

The methods of analysis referred to hereunder apply, as appropriate, to the Codex Standards for Fruit Juices, Concentrated Fruit Juices and Fruit Nectars preserved exclusively by Physical Means set forth in Parts I, II and III of this publication.

1. *Taking of Sample and Expression of Results as m/m.* According to the IFJU method No. 1, 1968, Determination of relative density and the IFJU General Sheet, 1971, Conversion of analytical results from m/v (g/l, mg/l) to m/m (g/kg, mg/kg) and the reverse.

2. *Test of Fermentability.* According to the IFJU method No. 18, 1974, Fermentation Test. Results are expressed as "positive" or "negative".

3. *Determination of Apparent Viscosity.* According to the AOAC (1970) method (Official Methods of Analysis of the AOAC, 1970, 22.008–22.010: Apparent viscosity (consistency) (5)—Official Final Action). Results are expressed in seconds.

4. *Determination of L-Ascorbic Acid.* According to the IFJU method No. 17, 1964, Determination of L-Ascorbic acid, or micro-fluroimetric method of AOAC (Official Methods of Analysis of the AOAC 1975) 43.066–43.062. Results are expressed as mg L-Ascorbic acid/kg.

5. *Determination of Carbon Dioxide.* According to the IFJU method No. 42, 1966, Determination of carbon dioxide. Results are expressed as g carbon dioxide/kg.

6. *Determination of Essential Oils.* According to the AOAC (1970) method (Official Methods of Analysis of the AOAC, 1970, 22.096–22.097 and 19.117 Essential Oil (37)—Official First Action). Results are expressed as ml essential oils/kg.

7. *Determination of Ethanol.* According to the IFJU method No. 2, 1968, Determination of alcohol (Ethyl alcohol)[1]. Results are expressed as g ethanol/kg.

8. *Determination of Honey.* (To be elaborated).

9. *Determination of Hydroxymethylfurfural (HMF).* According to the IFJU method No. 12, 1968, Determination of hydroxymethylfurfural (HMF), as amended according to Postel (Deutsch. Lebensm. Rundsch., 1968, *64*, 318). Results are expressed as mg HMF/kg, rounded off to the nearest whole number.

10. *Determination of Minimum Content of Fruit Ingredient.* (To be elaborated).

11. *Determination of Added Salt.* According to the IFJU method No. 37, 1968, Determination of chloride (potentiometric micro-method). The determination of sodium is not necessary. Results are expressed as % m/m NaCl.

12. *Determination of Soluble Solids.* According to the IFJU method No. 8B, 1968, Estimation of soluble solids, indirect determination (see Official Methods of Analysis of the AOAC, 1975.

[1] To be amended by IFJU to take into account operating temperatures higher than 20 ° C.

22.109, 31.009 and 52.010). Results are expressed as % m/m sucrose (Brix) with correction for temperature to the equivalent at 20 °C.

13. *Determination of Sugars.* According to the IFJU method No. 4, 1968, Determination of Sugar (Luft-Schoorl Method). Results are expressed as % m/m.

14. *Determination of Total Titrable Acids.* According to the IFJU method No. 3, 1968, Determination of titrable acid (total acid). Results are expressed as g anhydrous citric acid/kg.

15. *Determination of Volatile Acids.* According to the IFJU method No. 5, 1968, Determination of volatile acids. Results are expressed as g acetic acid/kg.

16. *Determination of Water Capacity and Fill of Containers.* According to the method published in the Almanac of the Canning, Freezing, Preserving Industries, 55th Edition, 1970, p. 131–132, E.E. Judge and Sons, Westminster MD (USA)[2]

17. *Determination of Arsenic.* According to the IFJU method No. 47, 1973, Determination of Arsenic (Method No. A.34/F of the "Office International de la Vigne et du Vin"). Results are expressed as mg arsenic/kg.

18. *Determination of Copper.* According to the IFJU method No. 13, 1964, Determination of copper (photometric method). Results are expressed as mg copper/kg.

19. *Determination of Iron.* According to the IFJU method No. 15, 1964, Determination of Iron (photometric method). The determination shall be made after dry ashing as described in Section 5—Remark (b). Results are expressed as mg/kg.

20. *Determination of Lead.* According to the IFJU method No. 14, 1964, Determination of lead (photometric method).[3] Results are expressed as mg lead/kg.

21. *Determination of Mineral Impurities Insoluble in Hydrochloric Acid.* According to the AOAC (1975) method (Official Methods of Analysis of the AOAC, 1975, 22.025 para. 1, 31.012 and 30.008 Ash insoluble in acid. Official Final Action). The exact concentration of HC1 to be used is not critical. Results are expressed as mg mineral impurities insoluble in hydrochloric acid/kg.

22. *Determination of Sulphur Dioxide.* According to the IFJU method No. 7, 1968, Determination of total sulphur dioxide. Results are expressed as mg SO_2kg.

[1] Reproduced in ALINORM 71/23, Appendix V.

[2] Temporarily endorsed pending Codex General Methods.

23. *Determination Of Tin.* (To be elaborated).

24. *Determination of Zinc.* According to the AOAC (1975) method (Official Methods of Analysis of the AOAC, 1975, 25.136–25.142: Zinc—Official First Action, Colorimetric Method (26)).[4]

Interested persons may, on or before March 26, 1985, submit to the Dockets Management Branch (address above) written comments regarding this notice. Two copies of any comments are to be submitted, except that individuals may submit one copy. Each comment should identify the title of the Codex standard and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday throught Friday.

Any comments submitted in support of establishing a U.S. standard for this food should be supported by appropriate information and data regarding impact on small business consistent with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354).

Dated: January 11, 1985.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85–1884 Filed 1–24–85; 8:45 am]

BILLING CODE 4160–01–M

[4] Temporarily endorsed pending consideration by the IFJU Working Group of AAS method (AOAC, 1975, 25.143–25.147) for general use in fruit juices.

21 CFR Part 146

[Docket No. 84N–0406]

Non-Pulpy Blackcurrant Nectar; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the Codex Standard for Non-Pulpy Blackcurrant Nectar Preserved Exclusively by Physical Means (Codex Standard 101–1981) (Codex standard) developed by the Codex Alimentarius Commission and to comment on the desirability of the need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, FDA will not propose a standard.

DATE: Comments by March 26, 1985.

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

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Center for Food Safety and Applied Nutrition (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0107.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for Non-Pulpy Blackcurrant Nectar Preserved Exclusively by Physical Means.

As a member of the Codex Alimentarius Commission, the United States is obligated to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: Full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country that concludes that it will not accept a Codex standard is requested to inform the Codex Alimentarius Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differs from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341) or to revise an existing standard to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for non-pulpy blackcurrant nectar.

Under the procedure prescribed in § 130.6(b)(3) (21 CFR 130.6(b)(3)), FDA is providing an opportunity for review and informal comment (1) on the need for, and desirability of, a standard for this

food, (2) on the specific provisions of the Codex standard (Codex Standard 101–1981) and any modifications that should be included in a U.S. standard, if established, and (3) on any other pertinent points.

FDA advises that if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard may move freely in interstate commerce in this country providing it complies with applicable U.S. laws and regulations.

Owing to the large number of countries, often with diverse food regulations, that are associated with Codex, certain provisions found in Codex standards may not be in keeping with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act. Rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

In addition, the Codex standard for non-pulpy blackcurrant nectar preserved exclusively by physical means specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA uses the methods published in the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists," when these are available, in preference to other methods. FDA will adhere to this policy in any U.S. standard proposed under this notice.

Under § 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

List of Subjects in 21 CFR Part 146

Canned fruit juice, Food standards, Fruit juices.

The Codex standard under consideration is as follows:

Codex Standard for Non-Pulpy Blackcurrant Nectar Preserved Exclusively by Physical Means [1] (World-Wide Standard)

[Codex Stan 101–1981]

1. *Description.*

Unfermented but fermentable product, intended for direct consumption, obtained by blending the juice of sound and ripe blackcurrants concentrated or unconcentrated, with water and sugars or honey, and preserved exclusively by physical means.[2] The product may be turbid or clear.

2. *Essential Composition and Quality Factors.*

2.1 *Minimum Content of Fruit Juice.* The product shall contain not less than 30 percent m/m of single strength blackcurrant juice or the equivalent derived from concentrated blackcurrant juice.

2.2 *Sugars.* One or more of the sugars as defined by the Codex Alimentarius Commission shall be added. The total quantity of added sugars or honey, calculated as dry matter, shall not exceed 200 g/kg of the final product.

2.3 *Honey.* Honey, as defined by the Codex Alimentarius Commission, may be used if it is the sole added sweetening ingredient.

2.4 *Soluble Solids.* The soluble solids content of the product shall be not less than 13% m/m as determined by refractometer at 20 °C, uncorrected for acidity and read as °Brix on the International Sucrose Scales.

2.5 *Ethanol Content.* The ethanol content shall not exceed 2 g/kg.

2.6 *Organoleptic Properties.* The produce shall have the characteristic colour, aroma and flavour of blackcurrants, taking into consideration the addition of honey in substitution for sugars.

3. *Food Additives.*

Maximum Level

3.1 Citric acid, Limited by GMP
3.2 Malic acid, Limited by GMP

4. *Contaminants.*

Maximum Level

4.1 Arsenic (As), 0.2 mg/kg
4.2 Lead (Pb), 0.3 mg/kg
4.3 Copper (Cu), 5 mg/kg
4.4 Zinc (Zn), 5 mg/kg
4.5 Iron (Fe), 15 mg/kg
4.6 Tin (Sn), 150 mg/kg [3]
4.7 Sum of copper, zinc and iron, 20 mg/kg
4.8 Sulphur dioxide, 10 mg/kg

5. *Hygiene.*

5.1 It is recommended that the products covered by the provisions of this standard be prepared in accordance with the Recommended International Code of Hygienic Practice for Canned Fruit and Vegetable Products (Ref. No. CAC/RCP 2–1969) and the General Principles of Food Hygiene (Ref. No. CAC/RCP 1–1969, Rev. 1) recommended by the Codex Alimentarius Commission.

5.2 When tested by appropriate methods of sampling and examination, the product:

(a) Shall be free from microorganisms capable of development under normal conditions of storage; and

(b) Shall not contain any substances originating from microorganisms in amounts which may represent a hazard to health.

6. *Weights and Measures.*

6.1 *Fill of Container.*

6.1.1 Minimum Fill. The nectar shall occupy not less than 90% v/v of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20 °C which the sealed container will hold when completely filled.

7. *Labelling.*

In addition to section 1, 2, 4 and 6 of the Codex General Standard for the Labelling of Prepackaged Foods (Ref. No. CODEX STAN 1–1981) the following provisions apply:

7.1 *The Name of the Food.* The name of the product shall be "non pulpy nectar of blackcurrants" or "non pulpy blackcurrant nectar".

7.1.1 The words "minimum fruit juice content 30%" shall appear in close proximity to the name of the product.

7.2 *List of Ingredients.* A complete list of ingredients including added water shall be declared on the label in descending order of proportion.

7.3 *Net Contents.* The net contents shall be declared by volume in one or more of the following systems of measurement: Metric ("Systeme International"), U.S. or British units as required by the country in which the product is sold; for British units, units of capacity measurement shall be used.

7.4 *Name and Address.* The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

7.5 *Country of Origin.* The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

7.6 *Lot Identification.* Each container shall be embossed or otherwise

[1] Formerly CAC/RS 101–1978.

[2] For the purpose of this standard and at this time preservation by physical means does not include ionizing radiation.

[3] This limit remains under review.

permanently marked, in code or in clear, to identify the producing factory and the lot.

7.7 *Additional Requirements.* The following additional specific provisions shall apply:

7.7.1 No fruit, fruit juice or fruit nectar may be represented pictorially on the label except blackcurrants, blackcurrant juice or blackcurrant nectar.

7.7.2 When the product contains honey the declaration "contains honey" shall appear in close proximity to the name of the product.

7.7.3 No claim shall be made in respect of "Vitamin C" nor shall the term "Vitamin C" appear on the label unless the product contains such quantity of "Vitamin C" as would be accepted by national authorities in the country in which the product is sold, as warranting such claims or the use of such term.

7.7.4 Where the product requires to be kept under conditions of refrigeration, there shall be information for keeping and, if necessary, thawing of the product.

7.8 *Date Marking.* The "date of minimum durability" (preceded by the words "best before") shall be declared by the month and year in uncoded numerical sequence except that for products with a shelf-life of more than 18 months, the year will suffice.

The month may be indicated by letters in those countries where such use will not confuse the consumer.

In the case of products requiring a declaration of month and year, and the shelf-life of the product is valid to the end of a given year, the expression "end (stated year)" may be used as an alternative.

7.9 *Storage Instructions.* In addition to the date, any special conditions for the storage of the food shall be indicated if the validity of the date depends thereon.

Where practicable, storage instructions should be in close proximity to the date-marking.

7.10 *Bulk Packs.* In the case of products in bulk, the information required by Sections 7.1.1 to 7.7.4 shall either be given on the container or in accompanying documents except that the name of the product and the name and address of the manufacturer or packer should appear on the container. However, the name and address of the manufacturer or packer may be replaced by an identification mark, provided that such mark is clearly identifiable with the accompanying documents.

8. *Methods of Analysis and Sampling.* See Part IV of this publication.

Part IV—Methods of Analysis and Sampling (By Reference)

Methods of Analysis and Sampling

The methods of analysis referred to hereunder apply, as appropriate, to the Codex Standards for Fruit Juices, Concentrated Fruit Juices and Fruit Nectars preserved exclusively by Physical Means set forth in Parts I, II and III of this publication.

1. *Taking of Sample and Expression of Results as m/m.* According to the IJU method No. 1, 1968, Determination of relative density and the IJU General Sheet, 1971, Conversion of analytical results from m/v (g/l, mg/l) to m/m (g/kg, mg/kg) and the reverse.

2. *Test of Fermentability.* According to the IFJU method No. 18, 1974, Fermentation Test. Results are expressed as "positive" or "negative".

3. *Determination of Apparent viscosity.* According to the AOAC (1970) method (Official Methods of Analysis of the AOAC, 1970, 22.008–22.010: Apparent Viscosity (consistency) (5)—Official Final Action). Results are expressed in seconds.

4. *Determination of L-Ascorbic Acid.* According to the IFJU method No. 17, 1964, Determination of L-Ascorbic acid, or micro-fluroimetric method of AOAC (Official Methods of Analysis of the AOAC 1975) 43.056–43.062. Results are expressed as mg L-Ascorbic acid/kg.

5. *Determination of Carbon Dioxide.* According to the IFJU method No. 42, 1966, Determination of carbon dioxide. Results are expressed as g carbon dioxide/kg.

6. *Determination of Essential Oils.* According to the AOAC (1970) method (Official Methods of Analysis of the AOAC, 1970, 22.096–22.097 and 19.117 Essential Oil (37)—Official First Action). Results are expressed as ml essential oils/kg.

7. *Determination of Ethanol.* According to the IFJU method No. 2, 1968, Determination of alcohol (Ethyl alcohol).[1] Results are expressed as g ethanol/kg.

8. *Determination of Honey.* (To be elaborated).

9. *Determination of Hydroxymethylfurfural (HMF).* According to the IFJU method No. 12, 1968, Determination of hydroxymethylfurfural (HMF), as amended according to Postel (Deutsch. Lebensm. Rundsch., 1968, *64*, 318). Results are expressed as mg HMF/kg, rounded off to the nearest whole number.

10. *Determination of Minimum Content of Fruit Ingredient.* (To be elaborated).

11. *Determination of Added Salt.* According to the IFJU method No. 37, 1968, Determination of chloride (potentiometric micro-method). The determination of sodium is not necessary. Results are expressed as % m/m NaCl.

12. *Determination of Soluble Solids.* According to the IFJU method No. 8B, 1968, Estimation of soluble solids, indirect determination (see Official Methods of Analysis of the AOAC, 1975, 22.019, 31.009 and 52.010). Results are expressed as % m/m sucrose (Brix) with correction for temperature to the equivalent at 20 °C.

13. *Determination of Sugars.* According to the IFJU method No. 4, 1968, Determination of Sugar (Luft-Schoorl Method). Results are expressed as % m/m.

14. *Determination of Total Titrable Acids.* According to the IFJU method No. 3, 1968, Determination of titrable acid (total acid). Results are expressed as g anhydrous citric acid/kg.

15. *Determination of Volatile Acids.* According to the IFJU method No. 5, 1968, Determination of volatile acids. Results are expressed as g acetic acid/kg.

16. *Determination of Water Capacity and Fill of Containers.* According to the method published in the Almanac of the Canning, Freezing, Preserving Industries 55th Edition, 1970, p. 131–132, E.E. Judge and Sons, Westminster MD (USA).[2]

17. *Determination of Arsenic.* According to the IFJU method No. 47, 1973, Determination of Arsenic (Method No. A.34/F of the "Office International de la Vigne et du Vin"). Results are expressed as mg arsenic/kg.

18. *Determination of Copper.* According to the IFJU method No. 13, 1964, Determination of copper (photometric method). Results are expressed as mg copper/kg.

19. *Determination of Iron.* According to the IFJU method No. 15, 1964, Determination of Iron (photometric method). The determination shall be made after dry ashing as described in Section 5—Remark (b). Results are expressed as mg iron/kg.

20. *Determination of Lead.* According to the IFJU method No. 14, 1964, Determination of lead (photometric method).[3] Results are expressed as mg lead/kg.

[1] To be amended by IFJU to take into account operating temperatures higher than 20 °C.

[2] Reproduced in ALINORM 71/23, Appendix V.

[3] Temporarily endorsed pending Codex General Methods.

21. *Determination of Mineral Impurities Insoluble in Hydrochloric Acid.* According to the AOAC (1975) method (Official Methods of Analysis of the AOAC, 1975, 22.025 para. 1, 31.012 and 30.008 Ash insoluble in acid. Official Final Action). The exact concentration of HCl to be used is not critical. Results are expressed as mg mineral impurities insoluble in hydrochloric acid/kg.

22. *Determination of Sulphur Dioxide.* According to the IFJU method No. 7, 1968, Determination of total sulphur dioxide. Results are expressed as mg SO_2/kg.

23. *Determination of Tin.* (To be elaborated).

24. *Determination of Zinc.* According to the AOAC (1975) method (Official Methods of Analysis of the AOAC, 1975, 25.136–25.142: Zinc—Official First Action, Colorimetric Method (26)).[4]

Interested persons may, on or before March 26, 1985, submit to the Dockets Management Branch (address above) written comments regarding this notice. Two copies of any comments are to be submitted, except that individuals may submit one copy. Each comment should identify the title on the Codex standard and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Any comments submitted in support of establishing a U.S. standard for this food should be supported by appropriate information and data regarding impact on small business consistent with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354).

Dated: January 11, 1985.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85–1889 Filed 1–24–85; 8:45 am]

BILLING CODE 4160–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. 6640]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100–year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100–year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance—flood plains.

The proposed base (100–year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Arizona	Yavapai County (Unincorporated Areas)	Verde River	Intersection of Pearl Drive and Pine Stret	*3,063
			Intersection of the river and the center of U.S. Route 89 Alternate.	*3,262
		Beaver Creek (at Camp Verde)	250 feet north along Montezuma Castle Highway from its intersection with Kachina Lane.	*3,096
		Beaver Creek (At Lake Montezuma).	1,000 feet downstream from the confluence with Dry Beaver Creek.	*3,258

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Wet Beaver Creek	Intersection of Montezuma Avenue and Beaver Vista Road.	*3,436
		Russell Wash	100 feet upstream from the center of Lake Shore Drive.	*3,415
		West Clear Creek	At the intersection of Susan Way and Lake Front Drive.	*3,085
		Jack Canyon	150 feet east along Juniper Street from its intersection with Rosewood Road.	*4,040
		Oak Creek	Intersection of Cottonwood Court and Creekside Drive	*3,360
		Spring Creek	50 feet upstream from the center of Oak Creek Valley Drive.	*3,386
		Dry Creek	50 feet upstream from the confluence with Boynton Canyon.	*4,404
		Boynton Cayon	50 feet downstream from the center	*4,475
		Big Chino Wash	50 feet upstream from the center of the Atchison, Topeka & Santa Fe Railroad.	*4,374
		Williamson Valley Wash	5,100 feet west along the Atchison, Topeka & Santa Fe Railroad from the bridge crossing as Big Chino Wash.	*4,376
		Chino Valley Stream	100 feet downstream from the center of West Postle Road.	*4,540
		Chino Valley Stream (Tributary)	600 feet upstream from the confluence with Chino Valley Stream.	*4,607
		American Wash	10 feet upstream from the center of the first Simmons Highway crossing.	*5,195
		Ash Fork Draw Wash	50 feet upstream from the center of U.S. Route 66	*5,128
			100 feet north along Double A Ranch Road from its intersection with the Atchison, Topeka & Santa Fe Railroad.	*5,134
			800 feet north along Double A Ranch Road from its intersection with the Atchison, Topeka & Santa Fe Railroad.	#1
		Agua Fria River (At Black Canyon City).	100 feet east along Spencer Street from its intersection with Albins Way.	*1,973
		Agua Fria River (At Dewey-Humboldt).	200 feet upstream from the center of State Route 169	*4,553
		Agua Fria River (At Prescott Valley).	At the confluence with Navajo Drive Wash	*4,821
		Navajo Drive Wash	160 feet upstream from the center of an abandoned railroad crossing.	*4,830
		Black Canyon Creek	100 feet upstream from the center of Maren Avenue	*2,000
		Big Bug Creek	150 feet north along Antelope Road from its intersection with Wagon Lane.	*3,680
		Clipper Wash	At the center of State Route 69	*4,623
		Lynx Creek	70 feet upstream from the center of Lynx Creek Road	*5,243
		Manzanita Creek	80 feet upstream from the center of Canyon Drive	*5,476
		Aspen Creek	190 feet upstream from the center of Rancho Vista Road.	*5,745
		Willow Creek	At the center of Iron Springs Road	*5,441
		Hassayampa River	120 feet upstream from the center of the second Rincon Road crossing.	*2,163
		Martinez Wash	150 feet downstream for the confluence with Antelope Creek.	*2,351
		Miller Creek	At the intersection of Gold Way, Norton Way, and Cross Way.	*4,695
		Model Creek	10 feet upstream from the center of Crowfoot Trail	*4,500
		South Rocky Boy Wash	At the intersection of Laughing Water Pass and White Buffalo Trail.	#1
		Skull Valley Wash	3,000 feet upstream from the confluence with Kirkland Creek.	*3,888
		Ramsgate Wash	10 feet upstream from the center of Iron Springs Road	*4,263
			30 feet upstream from the center of the Atchison, Topeka & Santa Fe Railroad crossing.	#2
		Dead Mule Canyon Wash	At the center of the Atchison, Topeka & Santa Fe Railroad crossing.	*4,264
		Gradener Wash	400 feet upstream from the confluence with Ramsgate Wash.	#1
			100 feet upstream from the center of the Atchison, Topeka & Santa Fe Railroad.	*4,318

Map available for inspection at Department of Planning and Zoning, 255 East Gurley, Prescott, Arizona.
Send comments to the Honorable Jim Holst, 255 East Gurley, Prescott, Arizona 86301.

California	Poway (City) San Diego County	Beeler Creek	20 feet upstream from the center of Pomerado Road	*464
		Green Valley Creek	20 feet upstream from the center of Orchard Bend Road.	*617
		Green Valley Creek Tributary	40 feet upstream from the center of Sagewood Drive	*601
		Poway Creek	Intersection of Standish Drive and Konnebunk Street	*542
		North Branch Poway Creek	30 feet upstream from the center of Sycamore Cayon Road.	*573
		South Branch Poway Creek	35 feet upstream from the center of Sycamore Canyon Road.	*570
		Rattlesnake Creek	Intersection of Poway Road and Bowron Road	*488

Maps available for inspection at City Engineer's Office, 13325 Civic Center Drive, Poway, California.
Send comments to the Honorable Mayor Shepardson, P.O. Box 785, Poway, California 92064.

Colorado	Otero County (unincorporated areas)	Arkansas River	Intersection of Chalmers Street and Olive Avenue	*4,057

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			150 feet upstream from center of State Highway 167	*4,315
		Anderson Arroyo	50 feet south of intersection of Barnes Avenue and Tenth Street.	*4,094
		King Arroyo	50 feet upstream from center of Sixth Street	*4,070
		Timpas Creek	300 feet upstream from center of U.S. Highway 50	*4,117
Maps available for inspection at Land Use Department, 3rd and Colorado Avenues, La Junta, Colorado. Send comments to the Honorable Robert Bauserman, 3rd and Colorado Avenues, La Junat, Colorado 81050.				
Connecticut	Greenwich, Town, Fairfield County	Byram River	At CONRAIL bridge	*12
			Approximately 1,000 feet upstream of second crossing of Putnam Avenue.	*19
			Downstream side of first upstream dam	*49
			Upstream side of Glenville Road	*135
			At confluence of East Branch Byram River	*153
		East Branch Byram	At confluence with Byram River	*153
			Upstream side of Merritt Parkway	*155
			At confluence of Converse Pond Brook	*163
		Converse Pond Brook	At confluence with East Branch Byram River	*163
			Downstream side of second upstrem crossing of Merritt Parkway.	*213
			Upstream side of fourth upstream crossing of Merritt Parkway.	*252
			Downstream side of Old Mill Road	*288
			Downstream side of Lake Avenue bridge	*321
			Approximately 0.4 mile upstream of Lake Avenue	*334
		Horseneck Brook	Downstream side of Interstate 95	*12
			Upstream side of Bridge Street	*30
			Upstream side of Valley Drive	*89
			Upstream side of Mead Lane	*110
			Upstream side of Winding Lane	*136
			Upstream side of Round Hill Road	*181
			Downstream side of Clapboard Ridge Road	*234
			Upstream side of Delcraft Road	*276
			Downstream side of Butternut Hollow Road culvert	*304
			Approximately .6 mile upstream of Merritt Parkway	*335
		East Brothers Brook	Upstream side of Interstate 95 dam	*13
			Upstream side of Putnam Avenue	*30
			Approximately 1,300 feet upstream of Cardinal Road	*57
		West Brothers Brook	At confluence with East Brothers Brook	*26
			Downstream side of Old Church Road	*71
			Upstream side of Ridgebrook Road	*87
			Upstream side of dam approximately 350 feet upstream of Husted Lane.	*130
			Upstream side of Laurel Lane	*171
		Rockwood Lake Brook	At confluence with East Brothers Brook	*84
			Upstream side of Doubling Road	*132
			Upstream side of dam approximately 1,750 feet upstream of Doubling Road.	*161
			Upstream side of Dingletown Road	*179
			Approximately 70 feet downstream of the Interlaken Drive.	*193
		Strickland Brook	At confluence of Cos Cob Harbor	*12
			Upstream side of Orchard Street	*16
			At Berge Street (extended)	*29
			Upstream Montgomery Lane	*69
			Approximately 400 feet upstream of Pinetum Lane	*78
		Mianus River	Upstream side of Mianus Pond Dam	*17
			Upstream side of Palmer Hill Road	*27
			Upstream side of dam approximately 1,450 feet downstream of Valley Road.	*50
			At upstream corporate limits	*72
		Cider Mill Brook	Upstream side of Sound Beach Avenue	*12
			Upstream side of Chasmar Road	*25
			Upstream side of Connecticut Turnpike	*32
			Approximately 1,000 feet upstream of East Putnam Avenue.	*35
Maps available for inspection at the Office of Selectman, Greenwich, Connecticut. Send comments to Honorable Roger Pearson, First Selectman of the Town of Greenwich, 101 Field Point Road, Greenwich, Connecticut 06830.				
Connecticut	New London, City, New London County	Long Island Sound	Shoreline at Ocean Avenue (extended)	*15
			Shoreline at Bayshore Drive (extended)	*10
		Thames River	Shoreline at Montauk Avenue (extended)	*15
			Shoreline at Granada Terrace (extended)	*13
			Shoreline at Smith Street (extended)	*10
Maps available for inspection at the Building Department, 33 Union Street, New London, Connecticut. Send comments to Honorable Carl Stoner, Mayor of the City of New London, 181 State Street, New London, Connecticut 06320.				
Georgia	City of Cave Spring, Floyd County	Little Cedar Creek	About 2,400 feet downstream of Cave Spring Highway	*628
			About 2,200 feet upstream of State Route 100	*650
		Mill Race Creek	At mouth	*643
			About 2,300 feet upstream of mouth	*656
Maps available for inspection at City Hall, Cave Spring, Georgia. Send comments to Honorable Earl Russell, Mayor, City Hall, P.O. Box 365, Cave Spring, Georgia 30124.				
Idaho	Bonners Ferry (City), Boundary County	Kootenai River	At intersection of Kootenai River and U.S. Highway 95	*1,759

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Maps available for inspection at Engineer's Office, 102 Main Street, Bonners Ferry, Idaho. Send comments to the Honorable Harold Sims, 102 Main Street, Bonners Ferry, Idaho 83805.				
Idaho	Kamiah (City), Lewis County	Clearwater Creek	Intersection of Clearwater River and center of U.S. Highway 12 (3rd Street)	*1,184
		Lawyer Creek	Intersection of Lawyer Creek and center of Hill Street	*1,237
Maps available for inspection at City Hall, Kamiah, Idaho. Send comments to the Honorable Westley E. Pratt, P.O. Box 338, Kamiah, Idaho 83536.				
Illinois	Unincorporated areas of Coles County	Kaskaskia River	About 7.7 miles downstream of County Route 20	*631
			About 6.1 miles upstream of County Route 16	*643
		Embarras River	About 3.1 miles downstream of State Route 130	*580
			About 2.2 miles upstream of Conrail	*608
		Riley Creek	About 0.95 mile downstream of State Route 16	*603
			About 0.95 mile upstream of Norfolk Southern Railway	*616
		Cassell Creek	Mouth at Riley Creek	*609
			Just downstream of Conrail	*619
		Town Branch Creek	Mouth at Cassell Creek	*611
			About 0.43 mile upstream of Norfolk Southern Railway	*630
		Kickapoo Creek	Just upstream of Odd Fellow Road	*700
			About 0.32 mile downstream of 6th Street	*702
Maps available for inspection at the Coles County Regional Planning Commission, Coles County Courthouse, Charleston, Illinois. Send comments to Honorable Eugene Bauer, Chairman, Coles County Board, Coles County Courthouse, c/o Coles County Clerk, P.O. Box 207, Charleston, Illinois 61920.				
Illinois	Village of De Pue, Bureau County	Illinois River	Within community	*464
Maps available for inspection at the Clerk's Office, De Pue Water Plant, 111 West 2nd Street, De Pue, Illinois 61322. Send comments to Honorable Jack Prog, Village President, 111 West 2nd Street, De Pue, Illinois 61322.				
Illinois	Village of Equality, Gallatin County	Saline River	Within community	*367
		North Fork Saline River	Within community	*367
Maps available for inspection at the Equality Municipal Building, P.O. Box 368, Equality, Illinois 62934. Send comments to Honorable Louis Noe, Village President, P.O. Box 368, Equality, Illinois 62934.				
Illinois	Village of Fults, Monroe County	Mississippi River	Within corporate limits	*406
Maps available for inspection at the Village Clerk's Office, c/o Village Clerk, P.O. Box 6, Fults, Illinois. Send comments to Honorable Eugene Williams, Village President, c/o Village Clerk, P.O. Box 6, Fults, Illinois 62244.				
Illinois	Village of Kaskaskia, Randolph County	Mississippi River	Southern corporate limits	*392
			Northern corporate limits	*394
Maps available for inspection at the Kaskaskia School, Principal's office. Send comments to Honorable Michael Sulsar, Village President, Village of Kaskaskia, R.R. 1, St. Mary's Missouri 63673.				
Illinois	Village of Old Shawneetown, Gallatin County	Ohio River	About 1,600 feet downstream of Garfield Street	*367
			About 3,000 feet upstream of Garfield Street	*368
Maps available for inspection at the Village Hall, Route 1, Old Shawneetown, Illinois 62984. Send comments to Honorable C.L. Clayton, Village President, Village of Old Shawneetown, RFD 1, Shawneetown, Illinois 62984.				
Illinois	City of Ottawa, LaSalle County	Illinois River	About 0.92 mile downstream of Burlington Northern railroad	*471
			About 0.75 mile upstream of State Route 23	*473
		Fox River	At mouth	*472
			About 2,500 feet upstream of U.S. Route 6	*476
		Goose Creek	At mouth	*476
			About 750 feet upstream of Columbus Street	*516
Maps available for inspection at the City Clerk's Office, City Hall. Send comments to Honorable James M. Thomas, Mayor, City of Ottawa, 301 West Madison Street, Ottawa, Illinois 61350.				
Illinois	Village of Palestine, Crawford County	Sugar Creek	Just upstream of Franklin Street	*440
			About 0.5 mile upstream of Main Street	*445
		Lamotte Creek	About 1200 feet downstream of confluence of Tributary A	*440
			At confluence of Tributary A	*441
		Tributary A	At confluence with Lamotte Creek	*441
			About 0.5 mile upstream of Main Street	*443
Maps available for inspection at the Village Centre, 301 South Main Street, Palestine, Illinois 62451. Send comments to Honorable Carroll C. McDaniel, Village President, 301 South Main Street, Palestine, Illinois 62451.				
Illinois	City of Peru La Salle County	Illinois River	About 2.2 miles downstream of U.S Route 51	*460
			About 0.65 mile upstream of U.S Route 51	*462
		West Creek	About 630 feet downstream of 4th Street	*468
			About 130 feet downstream of 4th Street	*470
			About 130 feet upstream of 4th Street	*488
			About 130 feet downstream of 7th Street	*496
			About 130 feet upstream of 7th Street	*522
			About 1,650 feet upstream of 7th Street	*543
Maps available for inspection at the Office of the City Clerk, Community Building. Send comments to Honorable Donald L. Baker, Mayor, City of Peru, Community Building, P.O. Box 299, Peru, Illinois 61354.				
Illinois	Village of Prairie du Rocher, Randolph County	Mississippi River	At southeastern corporate limits	*400
			At northwestern corporate limits	*401

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Maps available for inspection at the Post Office, Prairie du Rocher, Illinois. Send comments to Honorable Lavern Dorion, Village President, Village Hall, Prairie du Rocher, Illinois 72277.				
Illinois	Village of Valmeyer, Monroe County	Mississippi River	Within community	*414
Maps available for inspection at the Village Hall, 100 Maple Street, Valmeyer, Illinois. Send comments to Honorable Donald R. Wuerts, Village President, Village Hall, 100 Maple Street, Valmeyer, Illinois 62295.				
Iowa	Unicorporated areas, Johnson County	Iowa River	At Southern county boundary (about 1.3 miles downstream of Tri-County Bridge).	*611
			About 8.1 miles upstream of County Highway F62	*642
			Just upstream of Interstate 80	*659
			Just downstream of Coralville Dam	*660
			Just upstream of Coralville Dam	*713
			At Western County boundary	*713
		Old Mans Creek	At mouth	*627
			At Western County boundary	*711
		Old Mans Bypass	At mouth	*631
			At divergence from Old Mans Creek	*639
		Clear Creek	About 1.9 miles downstream of Interstate 80	*667
			Just downstream of County Highway F46	*740
		Cedar River	At Eastern County Boundary	*663
			At Northern County Boundary	*666
		Rapid Creek	At mouth	*667
			About 2.4 miles upstream of State Highway 1	*710
			About 3,900 feet downstream of County Highway F6W	*756
			Just downstream of Chicago, Rock Island and Pacific Railroad.	*773
		East Fork Rapid Creek	At mouth	*760
			About 0.7 mile upstream of County Road F36	*768
		Rapid Creek tributary No. 3	At mouth	*703
			About 0.45 mile upstream of mouth	*710
		Jordan Creek	About 2.4 miles upstream of Lake MacBride Dam	*716
			Just downstream of State Highway 1	*772
			Just upstream of State Highway 1	*776
			About 0.6 mile upstream of State Highway 1	*785
		Mill Creek	About 3.4 miles upstream of Lake MacBride Dam	*716
			Just downstream of Chicago, Rock Island and Pacific Railroad.	*721
			Just upstream of Chicago, Rock Island, and Pacific Railroad.	*726
			Just downstream of State Highway 382	*726
			Just upstream of State Highway 382	*731
			About 1.0 mile upstream of State Highway 1	*743
		McAllister Creed	About 1.2 miles upstream of mouth	*713
			About 0.45 mile upstream of east-west County Road (about 2.6 miles upstream of mouth).	*727
		Swisher Creek	About 400 feet downstream of County Road F20	*713
			Just downstream of a County Road (about 2.4 miles upstream of County Highway F20).	*743
		Rhine Creek	At mouth	*726
			About 2.0 miles upstream of State Highway 109	*768
		Muddy Creek	At mouth	*665
			About 1.55 miles upstream of a County Road (Road is about 5.1 miles upstream of mouth).	*746
		Lake MacBride	At shoreline	*716
Maps available for inspection at the Johnson County Courthouse, Iowa City, Iowa 52240. Send comments to Honorable M. Donnelly, Chairman of the Board of Supervisors, County Courthouse, Iowa City Iowa 52240.				
Kansas	City of Overland Park	Tomahawk Creek	About 1650 feet downstream of Roe Avenue	*865
			Just downstream of Pflumm Road	*1005
		Turkey Creek	About 200 feet downstream U.S. Highway 69	*865
			Just downstream of Antioch Road	*886
			Just upstream of 75th Street	*969
			About 0.5 mile upstream of Burlington Northern	*974
		Indian Creek	Just upstream of 109th Terrace	*849
			Just downstream of Pflumm Road	*948
		North Branch Indian Creek	Mouth at Indian Creek	905
			Just downstream of Quivira Road	*931
			Just upstream of Quivira Road	*936
			Just downstream of 103rd Street	*957
		Tributary A	Mouth at North Branch Indian Creek	*927
			About 110 feet downstream of Interstate 435	*931
			Just downstream of Interstate 435	*936
			Just downstream of 103rd Street	*947
		Tributary B	Mouth at North Branch Indian Creek	*936
			Just downstream of Westgate Road	*952
			Just upstream of Westgate Road	*957
			About 900 feet upstream of 110th Street	*975
		Tributary No. 1	Mouth at Indian Creek	*859
			About 150 feet downstream of 103rd Street	*859
			Just upstream of 103rd Street	*864
			Just downstream of 99th Street	*890
		Tributary No. 2	Mouth at Indian Creek	*869
			About 200 feet downstream of Interstate 435	*893
			About 150 feet upstream of Interstate 435	*912
			About 750 feet upstream of 110 Street	*913
		Tributary No. 3	Mouth at Indian Creek	*871

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			About 1,900 feet upstream of 95th Street	*929
		Tributary No. 4	Mouth at Indian Creek	*874
			About 320 feet upstream of Hadley Drive	*920
		Tributary No. 5	Mouth at Indian Creek	*887
			About 1,250 feet upstream of 99th Street	*944
Maps available for inspection at City Hall, 8500 Santa fe Drive, Overland Park, Kansas.				
Send Comments to Honorable Edward Eilert, Mayor, City of Overland Park, City Hall, 8500 Santa fe drive, Overland Park, Kansas 66212.				
Kentucky	City of Calvert City, Marshall County	Tennessee River	About 2.0 miles upstream of confluence of Cypress Creek.	*342
			About 9.0 miles upstream of confluence of Cypress Creek.	*344
		Cypress Creek	About 1.4 miles downstream of County Highway 1523	*342
			Just downstream of Interstate 24	*347
Maps available for inspection at the City Hall, Calvert City, Kentucky.				
Send comments to Honorable Dr. William J. Colburn, M.D., Mayor, City of Calvert City, City Hall, P.O. Box 36, Calvert City, Kentucky 42029.				
Louisiana	Calcasieu Parish, unincorporated	Sabine River	Cutoff Island	*9
			U.S. Route 90	*11
			Pruitt Bluff	*17
			Cooper Lake	*19
			Approximately 2.5 miles upstream of Cooper Lake	*20
		Gulf of Mexico	Intersection of Intracoastal Waterway and Vinton Drainage Canal.	*7
			Vinton Canal east of Ged Lake	7
			Clear Marais	*9
		Bayou Chopique	At confluence of Spring Gully	*9
			Dugas Road (downstream side)	*10
		Calcasieu River	At Calcasieu Ship Channel	*12
			Moss Lake	*11
			Indian Marias	*10
			Coon Island	*9
			Downstream of confluence with West Fork Calcasieu River.	*10
		Intracoastal Waterway	At State Route 384 Waterway	*12
Maps available for inspection at the Office of Parish Planning and Development, Calcasieu Parish Police Jury, Lake Charles, Louisiana.				
Send comments to Honorable John Vaughn, President of the Calcasieu Parish Police Jury, P.O. Box 1583, Lake Charles, Louisiana 70602.				
Maine	Shapleigh, town, York County	Little Ossipee River	At downstream corporate limits	*418
			Upstream side of State Route 11	*487
			Upstream side of Shapleigh Pond Road	*516
			At upstream corporate limits	*518
Maps available for inspection at the Clerk's Vault, Shapleigh, Maine.				
Send comments to Honorable Barry Houston, Chairman of the Board of Selectmen for the Town of Shapleigh, Town Hall, P.O. Box 26, Shapleigh, Maine 04076.				
Maryland	Centreville, town, Queens Annes County	Mill Stream Branch	At Bridge Street	*7
			Upstream side of State Route 213	*8
			Upstream corporate limits	*9
		Gravel Run	At Commerce Street	*7
		Yellow Bank Stream	At confluence with Gravel Run	*7
		Three Bridges Branch	Upstream side of State Route 213	*7
Maps available for inspection at the Centreville Town Hall, 101 Lawyers Road, Centreville, Maryland.				
Send comments to Honorable F. Dudley Benton, Council President for the Town of Centreville, Town Hall, 101 Lawyers Road, Centreville, Maryland 21617.				
Maryland	Indian Head, town, Charles County	Potomac River	Entire shoreline of Potomac River within community	*8
			Entire shoreline of Mattawoman Creek within community.	*8
Maps available for inspection at the Indian Head Town Hall, 1107 Strauss Avenue, Indian Head, Maryland.				
Send comments to Honorable Roy L. Budd, Mayor of the Town of Indian Head, Town Hall, 1107 Strauss Avenue, Indian Head, Maryland 20640.				
Maryland	Kitzmiller, town, Garrett County	North Branch Potomac River	Approximately .37 mile downstream of most downstream corporate limits.	*1,583
			Upstream side of State Route 38	*1,609
			Approximately .59 mile upstream of State Route 38	*1,630
Maps available for inspection at the Kitzmiller Town Hall, Kitzmiller, Maryland.				
Send comments to Honorable James Barick, Mayor of the Town of Kitzmiller, Town Hall, Kitzmiller, Maryland 21538.				
Maryland	Queen Anne, town, Queen Annes County	Tuckahoe creek	Downstream corporate limits	*7
			Upstream corporate limits	*9
Maps available for inspection at the Queen Anne's Post Office, Queen Anne, Maryland.				
Send comments to Honorable Vincent Higgins, Mayor of the Town of Queen Anne, Queen Anne, Maryland 21657.				
Massachusetts	Barnstable, town, Barnstable County	Cape Cod Bay	Shoreline of Barnstable Harbor at Locust Lane (extended).	*15
			Area 800 feet east of intersection of Mill Way and Freezer Road.	*11
			Shoreline at Beach Point	*16
			Area 1.0 mile [illegible] of Mussel Point	*17
			Shoreline 0.8 mile north of north end of Little Thatch Island.	*18
			Shoreline 0.9 mile east of Sandy Neck Road (extended).	*20

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Shoreline 0.6 mile east of Sandy Neck Road (extended).	*25
			Area 800 feet northeast of northern end of Sandy Neck Road.	#2
		Nantucket Sound	Area at intersection of Old Colony Road and Nantucket Street.	*10
			Shoreline of Hyannis Inner Harbor at School Street (extended).	*12
			Shoreline of Lewis Bay at Harbor Bluff	*15
			Area 1,000 feet west of intersection of Ocean Avenue and Studley Road.	*11
			Shoreline at Hyannis Point	*22
			Area 1,500 feet of intersection of Bag Lane and South Main Street.	#1
			Shoreline at West Street	*16
			Shoreline of Eel River at Hathaway Road (extended)	*11
			Shoreline of Cotuit Bay 1,000 feet southeast of intersection of Putnam Avenue and Lowell Avenue.	*19
			Shoreline 3,000 feet southwest of Bluff Point	*17

Maps available for inspection at the Building Inspector's Office, Barnstable Town Hall, Hyannis, Massachusetts.
Send comments to Honorable Martin J. Flynn, Chairman of the Board of Selectmen for the Town of Barnstable, Town Hall, Hyannis, Massachusetts 02601.

Massachusetts	Chilmark, town, Dukes County	Vineyard Sound	Entire shoreline within community	*12
			Area aproximately 200' west of Harlock Pond Road (extended).	*9
		Atlantic Ocean	Shoreline at West Tisbury-Chilmark corporate limits	*12
			Shallow flooding area approximately 1,000' west of West Tisbury-Chilmark corporate limits.	#1
			Shallow flooding are at southern end of Pasture Road	#1
			South shore of Chilmark Pond	*8
			Shallow flooding dune area seaward of Chilmark Pond	#1
			Shoreline at Wequobsque Cliffs	*25
			Shallow flooding area seaward of Stonewall Pond	#1
			Shallow flooding dune area along Squibnocket Road	#2
			Shoreline at Squibnocket Point	*28
			Shoreline approximately 1.2 miles southeast of Gay Head-Chilmark corporate limits.	*18
			Shoreline approximately 0.3 mile southeast of Gay Head-Chilmark corporate limits.	*11
		Menemsha Pond	Southwest shore of Menemsha Pond	*10
			Shoreline at Abels Neck Road North Branch (extended).	*11
			Eastern shore of Edys Island	*9
		Tisbury Great Pond	South shore of Tisbury Great Pond	*8
			Shoreline at Quansoo Road (extended)	*10
		Tiasquam River	Shoreline at confluence with Town Cove	*10
			Shoreline approximately 1,000' south of South Road	*9
			Shoreline aproximately 600' south of South Road	*8
		Town Cove	Entire shoreline within community	*10
		Squibnocket Pond	South shore of Squibnocket Pond	*8
			North shore of Squibnocket Pond	*9

Maps available for inspection at the Town Hall, Chilmark, Massachusetts.
Send comments to Honorable Herbert Hancock, Chairman of the Board of Selectmen for the Town of Chilmark, Town Hall, Box 119, Chilmark, Massachusetts 02535.

Massachusetts	Dennis, town, Barnstable County	Nantucket Sound	Shoreline at western corporate limits	*15
			Area between Starboard Way and Port Way shoreline at Boston Road (extended).	*10
			Shoreline at Sea Street (extended)	*20
			Shoreline at eastern corporate limits	*15
		Shallow Flooding	Dune area approximately 100 feet north of shoreline between Miramar Avenue and Swan Pond River.	#2
			Dune area between shoreline and Chase Avenue	#1
		Cape Cod Bay	Shoreline at western corporate limits	*15
			Shoreline at Pilgram Road (extended)	*18
			Shoreline at Windy Hill (extendd)	*17
			Area at intersection of Salt Works Road and Cold Storage Road.	*11
			Low tide shoreline at Dalton Lane (extended)	*18
			Shoreline at northeastern corporate limits	*15
		Bass River	Shoreline at Davis Beach Road (extended)	*13
			At Main Street bridge	*9
			Shoreline at Follins Pond at Peter Oliver Road (extended).	*5
			Shoreline at Captain Nickerson Lane (extended)	*7

Maps available for inspection at the Engineering Office, Town Hall, South Dennis, Massachusetts.
Send comments to Honorable Allan Young, Executive Secretary of the Town of Dennis, P.O. Box D, Town Hall, South Dennis, Massachusetts 02660.

Massachusetts	Eastham, town, Barnstable County	Cape Cod Bay	Shoreline 200 feet north of southern corporate limits	*14
			Shoreline at Sunset Village Road (extended)	*20
			Shoreline at Thumpertown Road (extended)	*25
			Shoreline at Campground Road (extended)	*17
			Area approximately 470 feet southeast from intersection of Samoset Road and Sunset Village Road.	*11
			Shoreline at northern corporate limits	*17

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Ponding area between Valley McGuerty and Campground Road.	*13
			West of Marmes Way	#2
		Hatches Creek	Shoreline at downstream corporate limits	*14
			Area between Marmes Way and North Sunken Medow Road.	*11
			Area north of Massasoit Road at northern corporate limits.	*12
		Herring River	Area 800' northwest of intersection of Bridge Road and Governor Renae Road.	*11
			Shoreline at Samoset Road (extended)	*14
		Boat Meadow River	Shoreline at confuence with Cape Cod Bay	*15
			Downstream side of Bridge Road crossing	*14
			Upstream side of Bridge Road crossing	*11
		Rock Harbor Creek	Entire shoreline within community	*12
			Shoreline at conference with Cape Cod Bay	*15
		Atlantic Ocean	Shoreline at mouth of Salt Pond Bay	*17
			Shoreline of Salt Pond Bay at Hemen Way Road (extended).	*13
			Shoreline of Nauset Bay at Pinecrest Drive bridge	*10
			Shoreline approximately 2.1 miles north of southern corporate limits.	*15
			Shoreline at Doane Road (extended)	*25
			Shoreline approximately 2.0 miles south of southern corporate limits.	*39
			Shoreline east of north end of Nauset Light Road	*32
			Shoreline at northern corporate limits	*24
			West of shoreline approximately 1.6 miles north of southern corporate limits.	#1
			West of shoreline approximately 1.9 miles north of southern corporate limits.	#1
			Shallow flooding east of Nauset Bay approximately 2.3 miles north of southern corporate limits.	#2
			Ponding area west of shoreline approximately 1.6 miles south of northern corporate limits.	*11
			Shallow flooding west of shoreline approximately 1.6 miles south of northern corporate limits.	#2
		Town Cove	Shoreline at southern corporate limits	*12
			At U.S. Route 6 bridge	*10

Maps available for inspection at the Town Clerk's Office, Eastham, Massachusetts.

Send comments to Honorable Howard Quinn, First Selectman of the Town of Eastham, Town Hall, P.O. Box 385, Eastham, Massachusetts 02642.

Massachusetts	Gay Head, town, Dukes County	Vineyard Sound	Entire shoreline within community	*12
		Atlantic Ocean	Shoreline approximately 1 mile northwest of Old South Road (extended).	*9
			Shoreline approximately .75 mile northwest of Old South Road (extended).	*15
			Shoreline approximately 1,200' northwest of Old South Road (extended).	*10
			Shoreline at Old South Road (extended)	*13
			Dune areas along Atlantic Ocean shoreline	#1
			Shoreline approximately .75 mile southeast of Old South Road (extended).	*12
		Squibnocket Pond	Western and northern shoreline within community	*9
			Southern shoreline within community	*8
		Menemsha Pond	Shoreline at Lobsterville Road (extended)	*11
			Shoreline at confluence of stream connecting Squibnocket Pond with Menemsha Pond.	*10

Maps available for inspection at the Town Hall, Gay Head, Massachusetts.

Send comments to Honorable David Vanderhoop, Chairman of the Board of Selectmen for the Town of Gay Head, R.R. 1, Box 128, Gay Head, Massachusetts 02535.

Massachusetts	Ipswich, town, Essex County	Atlantic Ocean	Shoreline at Rowley-Ipswich corporate limits	*14
			Shoreline at confluence of Pine Creek	*10
			Shoreline of Middle Ground	*10
			Shoreline at Clark Road (extended)	*14
			Shoreline approximately 1,000 feet north of Bay Road (extended).	#22
			Dune area along 5th Street	*2
			Shoreline at River Road (extended)	*16
			Shoreline at Gloucester-Ipswich corporate limits	*14
			Entire Shoreline of Castle Neck River	*10
			Entire Shoreline of Rowley River	*10
			Confluence of Eagle Hill River with Plum Island Sound	*11
			At confluence of Paine Creek	*10
		Ipswich River	At confluence of Treadwell Island Creek	*11
			At Jurdins Road (extended)	*10
			At Boston & Maine Railroad	*15
			Approximately 0.5 mile upstream of Boston & Maine Railroad.	*17
			Upstream side of Mill Road	*20
			Approximately 0.5 mile upstream of Mill Road	*22
			Approximately 1.0 mile upstream of Mill Road	*24
			Approximately 0.3 mile downstream of Willowdale Road.	*26

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Upstream side of Willowdale Road at confluence of Gravelly Brook.	*28
		Miles River	At confluence with Ipswich River	*15
			Approximately 600 feet upstream of Lakemans Drive	*18
			At County Road	*20
			Downstream side Sagamore Road	*24
			At Hamilton-Ipswich corporate limits	*25

Maps available for inspection at the Ipswich Town Manager's Office, Ipswich, Massachusetts.
Send comments to Honorable David Player, Chairman of the Board of Selectmen for the Town of Ipswich, Town Hall, Ipswich, Massachusetts 01938.

Massachusetts	Kingston, town, Plymouth County	Kingston Bay	Shoreline at southern corporate limits	*15
			Shoreline at Rocky Nook Point	*13
		Jones River	At River Street Landing	*10
			Upstream side of State Route 3	*9
			Downstream side of dam	*11
			Upstream side of dam	*21
			Upstream side of Wapping Road	*29
			At confluence of Jones River Brook	*35
			Downstream side of Silver Lake Dam	*45
		Smelt Brook	At confluence with Jones River	*10
			Upstream side of Foundary Pond outlets	*26
			Upstream side of Cranberry Road	*59
		Halls Brook	At confluence with Jones River	*9
			Upstream side of dam	*21
			At confluence of Mile Brook	*25
			Upstream side of Brookdale Road	*32
			Upstream side of weir upstream of Winter Street	*54
		Mile Brook	Upstream side of Winthrop Street	*25
			Near intersection of State Route 3A and State Route 53.	#2
			Upstream side of culvert under State Routes 3A and 53.	*36
			Upstream side of dam	*54
		Jones River Brook	At confluence with Jones River	*35
			Upstream corporate limits	*40

Maps available for inspection at the Board of Selectmen's Office, Town Hall, Kingston, Massachusetts.
Send comments to Honorable Thomas P. Lawton, Chairman of the Board of Selectmen for the Town of Kingston, Town Hall, 23 Green Street, Kingston, Massachusetts 02364.

Massachusetts	Newbury, town, Essex County	Atlantic Ocean	Shoreline at northern corporate limits	*14
			Shoreline at Columbia Way (extended)	*16
			Shoreline at Fordham Way (extended)	*20
			Shoreline at southern corporate limits	*14
			Newbury Turnpike of Parker River	*8
		Parker River	Approximately 200 feet downstream of Central Street	*8
			Upstream side of Dam D6	*27
			Upstream side of Dam D7	*42
			Approximately 40 feet upstream of washed out bridge	*62
			At upstream corporate limits	*63
		Mill River	50 feet upstream of Newburyport Turnpike	*9

Maps available for inspection at the Office of Benjamin Pearson, Chairman of the Conservation Commission, Newbury, Massachusetts.
Send comments to Honorable Angie Machiros, Chairman of the Board of Selectmen for the Town of Newbury, Town Hall, 25 High Road, Newbury, Massachusetts 01950.

Massachusetts	Orleans, town, Barnstable County	Atlantic Ocean	Shoreline approximately .38 mile south of the north corporate limits.	*14
			Shoreline at Beach Road (extended)	*23
			Shoreline east of Little Pochet Island	*17
			Shoreline east of Sampson Island	*25
			Shoreline approximately .19 mile north of the south corporate limits.	*20
			Between Smith Neck Road (extended) and the south corporate limits.	*8
		Shallow Flooding	Dune area between Doane Road (extended) and Aspinet Road.	#2
			Dune area along the parking lot at Beach Road	#2
			Dune area along Pochet Road (extended)	#2
			Dune area northeast of Little Pochet Island	#2
			Dune area along Jeep Trail south of Little Pochet Island.	#2
			Dune area from the south corporate limits north approximately 1.5 miles.	#2
		Cape Cod Bay	Shoreline at the mouth of Little Namskaket Creek	*17
			Shoreline at the mouth of Namskaket Creek	*16
			Area between Namskaket Road (extended) to Blueberry Island Road.	*12
		Rock Harbor	Area along Rock Harbor Creek at the corporate limits	*12
		Town Cove	Shoreline at the mouth of Town Cove	*17
			Shoreline of Town Cove between Causeway Road (extended) and approximately 400' east of the intersection of Main Street and South Orleans Road.	*10
		Pleasant Bay	Shoreline at the south corporate limits	*12
			Shoreline between Tar Kiln Road and Davis Road (extended).	*10
			West shoreline of Sipson Island	*8
		Little Pleasant Bay and East Branch	Entire shoreline of Little Pleasant Bay	*10

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Area along Namequoit Road at Paw Wah Pond	*8
		The River	Shoreline at the mouth of The River	*10
			Shoreline at Frost-Fish Cove	*8
		Namequoit River	Entire shoreline	*8

Maps available for inspection at the Office of Eleanor Bennison, Administrative Assistant, Town Hall, Orleans, Massachusetts.

Send comments to Honorable Mary C. Smith, Chairman of the Board of Selectmen for the Town of Orleans, Town Hall, School House Road, Orleans, Massachusetts 02653.

Massachusetts	Salem, city, Essex County	Atlantic Ocean	Entire shoreline of Danvers River within community	*10
			Shoreline of Collins Cove	*13
		Massachusetts Bay	Shoreline at Sutton Avenue (extended)	*15
			Shoreline of Juniper Cove at Dustin Street (extended)	*10
			Shoreline approximately 250 feet south of Winter Island Road (extended).	*20
			Eastern shoreline of Cat Island	*15
			Western shoreline of Cat Island	*12
			Eastern shoreline of Tinkers Island	*15
			Western shoreline of Tinkers Island	*12
			Eastern shoreline of Great Misery Island	*24
			Western shoreline of Great Misery Island	*15
			Northeastern shoreline of Bakers Island	*30
			Southwestern shoreline of Bakers Island	*12
		Salem Harbor	Shoreline at Carlton Street (extended)	*13
		Shallow Flooding	Dunes in the vicinity of Salem Neck	#1
			Dunes in the vicinity of Juniper Avenue	#2
			Dunes in the vicinity of Winter Island Road (extended)	#1

Maps available for inspection at the City Clerk's Office, Salem, Massachusetts.

Send comments to Honorable Anthony Salvo, Mayor of the City of Salem, City Hall, Salem, Massachusetts 01970.

Massachusetts	Swansea, town, Bristol County	Palmer River and Tributary to the Barrington River	Shoreline at Old Providence Road	*10
			Shoreline at southern corporate limits	*12
			1,200 feet northwest along southern corporate limits from New Meadow Road.	*13
		Cole River	Shoreline at Tood Avenue (extended)	*21
			Shoreline at Ian Avenue (extended)	*17
			Shoreline at Milford Road	*15
			Entire shoreline of Milford Pond	*26
			Shoreline at Island Road	*16
			Shoreline at Terry Avenue (extended)	*20
		Mount Hope Bay	600 feet southeast of intersection of Harbor Road and New Gardners Neck Road.	*15
			Shoreline at New Gardners Neck Road (extended)	*21
		Lee River	Shoreline at Lawrence Street (extended)	*21
			Shoreline at 3rd Street (extended)	*15
		Rocky Run	At upstream corporate limits	*33
			At downstream corporate limits	*27
		Warren Reservoir	Entire shoreline	*10
		Heath Brook	At southern corporate limits	*10

Maps available for inspection at the Town Clerk's Office, Swansea, Massachusetts.

Send comments to Honorable John Heywood, Chairman of the Board of Selectmen for the Town of Swansea, Town Hall, Swansea, Massachusetts 02777.

Massachusetts	West Tisbury, town, Dukes County	Atlantic Ocean	Shoreline 2,000' west of Big Homer Pond Road (extended).	*12
			Shoreline at Big Homer Pond Road (extended)	*11
			Shoreline 500' west of Butlers Pond Road (extended)	*13
			Shoreline at Butlers Pond Road (extended)	*14
			Area 600 feet west of intersection of Little Homer Pond Road and Jeannie Athearn Road.	*8
			Entire shoreline of Homer Pond	*9
		Shallow Flooding Area	Dune area 800' east of western corporate limits	#1
			Dune area 1,400' east of western corporate limits	#2
		Tisbury Great Pond	Shoreline 1,650' south of intersection of Tiah Cove Road and Bush Point Road.	*8
			Shoreline at Clam Point Road (extended)	*10
		Tiasquam River	Approximately 1,000' south of South Road	*9
			Approximately 200' south of South Road	*8
		Vineyard Sound	Shoreline at Paul Point	*13
			Blackwater Brook approximately 400' north of Lamberts Cove Road crossing.	*9

Maps available for inspection at the Town Hall, West Tisbury, Massachusetts.

Send comments to Honorable John S. Alley, Chairman of the Board of Selectmen for the Town of West Tisbury, Town Hall, P.O. Box 26, West Tisbury, Massachusetts 02575

Missouri	City of Chillicothe, Livingston County	Grand River Tributary	About 3,000 feet downstream of State Highway 190	*708
			About 1,250 feet upstream of U.S. Highway 65	*738

Maps available for inspection at the Building Commissioner's Office, Harrison, Ohio.

Send comments to Honorable Robert Posch, Mayor, City of Chillicothe, City Hall, 715 Washington, Chillicothe, Missouri 64601.

Montana	Belt (town), Cascade County	Belt Creek	50 feet downstream of Bridge Street corssing	*3,509

Maps available for insepction at City Hall, Belt, Montana.

Send comments to the Honorable Russ Azato, P.O. Box 453, Belt, Montana 59412.

Montana	East Helena (city), Lewis and Clark County	Prickly Pear Creek	Intersection of Morton Avenue and Groschell Street	*3,870

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Maps available for inspection at Flood Plain Administrator's Office 7 East Main, East Helena, Montana 59635. Send comments to the Honorable Dave Foster, 7 East Main, East Helena, Montana 59635.				
Montana	Lewis and Clark County (unincorporated areas)	Prickly Pear Creek	170 feet upstream from the center of Sierra Road East.	*3,661
			At the Helena Valley Irrigation Canal	*3,799
		South Braid of Prickly Pear Creek	50 Feet upstream from the center of Wylie Drive	*3,846
		East Overflow of Prickly Pear Creek	160 feet upstream from the center of the Helena Valley Irrigation Canal.	*3,801
		North Overflow of Prickly Pear Creek	470 feet west from the northwest corner of the East Helena Sewage Lagoon holding ponds.	*3,829
		Tenmile Creek	30 feet upstream from the center of Sierra Road East	*3,684
			85 feet upstream from the center of Country Club Avenue.	*3,912
		Shallow Flooding	900 feet west of the intersection of Franklin Mine Road and Green Meadow Drive.	*3,790
Maps available for inspection at DES Director's Office, 201 South Main, Helena, Montana. Send comments to the Honorable Linda Stoll-Anderson, 316 North Park Avenue, Helena, Montana 59623.				
Montana	Twin Bridges (town), Madison County	Beaverhead River	50 feet upstream from center of State Highway 41	*4,632
Maps available for inspection at Town Clork, Town Hall, Twin Bridges, Montana. Send comments to the Honorable Jean Shipp, P.O. Box 907, Twin Bridges, Montana 59754.				
Nevada	Carson City (city), independent city	Carson River	65 feet upstream from the center of Deer Run Road	*4,601
		Clear Creek	10 feet upstream from the center of Lupin Drive	*4,755
		Golf Course Creek A	10 feet upstream from the center of U.S. Highway 50	*4,618
		Golf Course Creek B	The center of U.S. Highway 50	*4,618
		Kings Canyon Creek	40 feet upstream from the center of Butti Way	*4,625
			On Custor Circle, 250 feet northwest from intersection with Canyon Road.	#1
		Goni Canyon Creek	10 feet upstream from the center of Long Street	*4,636
			10 feet upstream from the center of Arrowhead Drive	*4,718
		Eagle Valley Creek	The center of Eagle Valley Ranch Road	*4,753
		Ash Canyon Creek	On ASh Canyon Road, 200 feet from intersection with Cogorno Way.	#1
		Vicee Canyon Creek	On V&T Way, 1,300 feet southeast from intersection with West Nye Lane.	#1
		Combs canyon Creek	On Nye Lane, 280 feet west from intersection with U.S. Highway 395.	*4,726
			On West Ormsby Boulevard (Foothill Road), 200 feet north from intersection with Combs Canyon Road.	#1
		H Tributary	On Roop Road, 140 feet southwest from intersection with Oregon Street.	4,659
		Voltaire Canyon Creek	On Fairview Drive, 590 feet west from intersection with Kansas Street.	*4,655
			The intersection of Lupin Drive and Koontz Lane	*4,745
		Voltaire Split	The intersection of Koontz Lane and Silver Sage Drive	#1
		Saliman Road Tributary	On Clearview Drive, 140 feet west from intersection with Saliman Road.	*4,708
Maps available for inspection at Department of Public Works, 2621 Northgate Lane, Carson City, Nevada. Send comments to the Honorable Harold J. Jacobson, 2621 Northgate Lane, Carson City, Nevada 89701.				
New Jersey	Bloomingdale, borough, Passaic County	Pequannock River	At downstream corporate limits	*214
			Downstream side of most downstream crossing of New York, Susquehanna and Western Railroad.	*240
			Upstream side of most downstream crossing of Paterson-Hamburg Turnpike.	*256
			Downstream side of Park Access Road	*275
			Upstream side of downstream crossing of Main Street	*297
			Approximately 110' upstream of most upstream crossing of New York, Susquehanna and Western Railroad.	*402
			Upstream side of most upstream crossing of Paterson-Hamburg Turnpike.	*428
			At upstream corporate limits	*435
		Cold Spring Brook	At confluence with Pequannock River	*384
			Downstream side of Macopin Road	*398
			At downstream side of dam at downstream end of Cold Spring Lake.	*401
			At upstream side of dam at downstream end of Cold Spring Lake.	*420
			At downstream side of dam at downstream end of Star Lake.	*510
			Approximately 180' upstream of Star Lake Road	*532
			At upstream side of West Shore Road	*541
			At upstream side of Glen Wild Avenue	*570
			Approximately 600' upstream of Glen Wild Avenue	*592
		Van Dam Brook	At confluence with Pequannock River	*249
			Approximately 70' upstream of Union Avenue	*265
			At downstream side of Oak Street	*263
			Approximately 450' downstream of Knolls Road	*278
			Approximately 50' upstream of Knolls Road	*319
			Approximately 695' upstream of Knolls Road	*322
		Oakwood Lake Brook	At confluence with Pequannock River	*309

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Approximately 250' upstream of Paterson-Hamburg Turnpike.	*321
			At downstream side of dam at downstream end of Oakwood Lake.	*341
			At downstream side of Roy Avenue	*356
			At downstream side of Glen Wild Avenue	*373
		Tributary to Van Dam Brook	At confluence with Van Dam Brook	*251
			Approximately 590' upstream of Walnut Street	*252
		Tributary 1 to Posts Brook	At downstream corporate limits	*221
			At downstream side of dam at downstream end of Lower Morse Lake.	*228
			At upstream side of Buena Vista Road	*244
			At upstream side of dam at downstream end of Lake Ioscoe.	*265
			At downstream side of dam at downstream end of Glen Wilde Lake.	*345
		Tributary 2 to Posts Brook	At downstream corporate limits	*243
			Downstream of dam at Lake Ioscoe	*256

Maps available for inspection at the Bloomingdale Clerk's Office, Borough Hall, Bloomingdale, New Jersey.

Send comments to Honorable Vincent A. Sabio, Mayor of the Borough of Bloomingdale, Municipal Building, 101 Hamburg Turnpike, Bloomingdale, New Jersey 07403

New Jersey	Butler, borough, Morris County	Pequannock River	Downstream corporate limits	*263
			Upstream side of Main Street (1st downstream crossing).	*296
			Upstream side of Main Street (2nd downstream crossing).	*331
			Downstream side of Patterson Hamburg Turnpike	*368
			Upstream side of New York Susquehanna and Western Railroad (3rd upstream crossing).	*402
			Upstream corporate limits	*435
		Stonehouse Brook	Confluence with Pequannock River	*295
			Upstream side of High Street	*330
			Downstream side of Boonton Avenue	*348
			Upstream side of Valley Road	*385
			Approximately 450 feet downstream of State Route 23	*420
			Approximately 100 feet downstream of State Route 23	*439
			Confluence with Tributary to Stonehouse Brook	*500
			Approximately .4 mile upstream of confluence with Tributary to Stonehouse Brook.	*610

Maps available for inspection at the Butler Borough Hall, One Ace Road, Butler, New Jersey.

Send comments to Honorable Claude Post, Mayor of the Borough of Butler, Borough Hall, One Ace Road, Butler, New Jersey 07405.

New Jersey	Oakland, borough, Bergen County	Ramapo River	At downstream corporate limits	*209
			At upstream face of West Oakland Avenue	*220
			At upstream face of Lenape Lane	*230
			At upstream corporate limits	*239
		Allerman Brook	at confluence with Crystal Lake	*227
			At upstream face of U.S. Route 202	*257
			At upstream face of State Route 208	*279
			At most upstream access road	*303
			At corporate limits	*326
		Tributary 1 to Ramapo River	At confluence with Ramapo River	*211
			At downstream face of dam	*223
			At upstream face of U.S. Route 202	*232
			Approximately 760 feet upstream of U.S. Route 202	*239
		Tributary 2 to Ramapo River	At downstream corporate limits	*246
			At upstream face of Iroquois Avenue	*338
			Approximately 440 feet upstream of Andrew Avenue	*356

Maps available for inspection at the Oakland Municipal Building, Oakland, New Jersey.

Send comments to Honorable William J. Winterhalter, Mayor of the Borough of Oakland, Municipal Building, Municipal Plaza, Oakland, New Jersey 07436.

New Jersey	Riverdale, Borough, Morris County	Pequannock River	Approximately 300' downstream of downstream corporate limits.	*167
			Downstream side of Paterson-Hamburg Turnpike (1st downstream crossing).	*201
			Upstream side of Conrail	*213
			Downstream side of New York Susquehanna and Western Railroad.	*240
			At upstream corporate limits	*263

Maps available for inspection at the Riverdale Clerk's Office, Borough Hall, Riverdale, New Jersey.

Send comments to Honorable Michael Dedio, Mayor of the Borough of Riverdale, Borough Hall, 91 Newark Pompton Turnpike, Riverdale, New Jersey 07457.

New Jersey	Totowa, Borough, Morris County	Passaic River	Approximately 500' downstream of corporate limits	*126
			Totowa Road (upstream side)	*128
			Interstate 80	*129
			Lackawana Avenue (upstream side)	*132
			N.J.W.S. Aqueduct (upstream corporate limits)	*138
		Singac Brook	Downstream corporate limits	*173
			Approximately 200' upstream of corporate limit	*175
		Noochtpunkt Brook	Jackson Road (downstream side)	*176
			Totowa Raod (downstream side)	*183

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Maps available for inspection at the Totowa Clerk's Office, Municipal Building, 537 Totowa Road, Totowa, New Jersey.				
Send comments to Honorable Samuel Cherba, Mayor of the Borough of Totowa, Municipal Building, 537 Totowa Road, Totowa, New Jersey 07512.				
New York	Blooming Grove, Town, Orange County	Moodna Creek	At downstream corporate limits	*262
			Downstream side of Gatequay Farm Road	*302
			Upstream side of New York Route 94	*316
			Upstream side of Farm Road	*321
			At confluence of Cromline Creek and Otter Kill	*322
		Otter Kill	At confluence with Moodna Creek	*322
			At upstream corporate limits	*322
		Cromline Creek	At confluence with Moodna Creek	*322
			Approximately 300 feet upstream of Cherry Hill Raod	*330
			At confluence of Seely Brook	*348
		Seely Brook	At confluence of Cromline Creek	*348
			Upstream side of Hulsetown Road	*367
			Upstream side of New York Route 94	*417
			At upstream corporate limits	*428
		Satterly Creek	At downstream corporate limits	*315
			Upstream side of Horton Road	*337
			Upstream side of Toro Hill Road	*351
			Downstream side of 2nd upstream dam	*440
			Upstream side of Peddler Hill Road	*518
			Approximately 380 feet of Museum Village Road	*569
		Satterly Creek Tributary #5	At confluence with Satterly Creek	*348
			Upstream side of Prospect Road (first crossing)	*357
			Upstream side of 2nd upstream dam	*401
			Approximately 60 feet upstream of Prospect Road (2nd crossing).	*464
		Perry Creek	At downstream coprorate limits	*313
			Upstream side of Felter Road	*403
			Upstream side of second upstream dam	*483
			Upstream side of Mountain Lodge Road	*513
			Approximately 25 feet upstream of Clove Road	*526
Maps available for inspection at the Washingtonville Town Hall, Washingtonville, New York.				
Send comments to Honorable Helen Dueik, Blooming Grove Town Supervisor, Town Hall, Main Street, Washingtonville, New York 10992.				
New York	Lansing, Town, Tompkins County	Cayuga Lake	Entire shoreline within community	386
Maps available for inspection at the Lansing Town Hall, Route 34, Lansing, New York.				
Send comments to Honorable Philip Munson, Supervisor of the Town of Lansing, P.O. Box 186, Lansing, New York 14882.				
New York	Nanticoke, Town, Broome County	East Branch Nanticoke Creek	Downstream corporate limits	*975
			Upstream side of Konyon Road bridge	*997
			Approximately 0.74 mile downstream of most upstream crossing of State Route 26.	*1,009
			Upstream side of State Route 36	*1,035
			Approximately 1.5 miles upstream of State Route 26	*1,146
			Approximately 3.0 miles upstream of State Route 26	*1,253
		Tributary A to East Branch Nanticoke Creek	At confluence with East Branch Nanticoke Creek	*994
			Approximately 0.28 mile upstream of confluence with East Branch Nanticoke Creek.	*1,038
			Approximately 100' downstream of Lenkville Road	*1,090
		Tributary B to East Branch Nanticoke Creek	At confluence with East Branch Nanticoke Creek	*1,037
			Approximately 0.26 mile upstream of confluence with East Branch Nanticoke Creek.	*1,064
		West Branch Nanticoke Creek	Downstream coprorate limits	*1,050
			Approximately 0.42 mile downstream of Cherry Valley Hill Road.	*1,070
			Upstream side of Cherry Valley Hill Road	*1,081
			Upstream side Phillips Road	*1,129
			Approximately 0.58 mile upstream of Philips Road	*1,148
Maps available for inspection at the Nanticoke Town Hall, Maine, New York.				
Send comments to Honorable John Rost, Supervisor of the Town of Nanticoke, Cherry Valley Hill Road, Star Route, Maine, New York 13802.				
New York	Saugerties, Town, Ulster County	Esopus Creek	Downstream corporate limits	*59
			Upstream side Glasco Turnpike	*70
			Approximately 865 feet downstream Conrail	*82
			Upstream side of Conrail	*127
			Approximately 510 feet upstream of upstream corporate limits.	*133
		Hudson River	Entire shoreline within community	*9
Maps available for inspection at the Town Clerk's Office, Saugerties Town Hall, Saugerties, New York.				
Send comments to Honorable George Turner, Town Supervisor of Saugerties, Town Hall, Main Street, Saugerties, New York 12477.				
New York	Saugerties, Village, Ulster County	Esopus Creek	Cantine Dame	*58
			At U.S. corporate limits	*59
		Hudson River	Entire Shoreline within community	*9
		Espous Creek below Cantine Dam	*9	
Maps available for inspection at the Municipal Building, Partition Street, Saugerties, New York.				
Send commends to Honorable Rober Moser, Mayor of the Village of Saugerties, Municipal Building, Partition Street, Saugerties, New York 12477.				
New York	Warwick, Town, Orange County	Longhouse Creek	Aprpoximately .37 mile downstream of Buttermilk Falls Road	*746

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Upsteam of Buttermilk Falls Road	*771
			Approximately .33 mile upstream of Buttermilk Falls Road.	*883
			Upstream side of Cascade Lake Road	*933
			Downstream side of Cascade Lake Dam	*1,038
			Upstream corporate limits	*1,086
		Pochuck Creek	At Glenrwood Road	*369
			Upstream side of Newport Road	*392
			Approximately .69 mile upstream of Newport Road	*392
			UPsteam corporate limits	*393
		Stoney Creek	At confluence with Wheeler Creek	*415
			Upstream side of dam	*429
			Upsteam side of Union Corners Road	*457
			Approximately .71 mile upsteam of Union Corners Road.	*474
		Trout Brook	At downstream corporate limits	*641
			Upstream sid eof Lower Middle SchoolRoad	*685
			Upstream side of Oak Hill Road	*732
			Approximately .54 mile upstream of Oak Hill Road	*864
		Wawayanda Creek	Downstream corporate limits	*417
			Upstream side of Ryerson Road	*431
			Upstream sid eof Covered Bridge Road	*459
			Approximately .86 mile upstream of Covered Bridge Road.	*479
			Upstream side of Bairds Road	*485
			Upstream side of Sandfordville Road	*502
			Upstream side of Pelton Road	*505
			Most downstream corporate limits of Village or Warwick.	*507
			Most upstream corporate limits of Village of Warwick	*521
			Upstream side of Wisner Road	*522
			At Old State Street	*523
			Approximately 300' upstream of upstream corporate limits.	*525
		Wawayanda Creek Diversion Channel	At confluence with Wawaylanda Creek	*522
			Upstream side of State School Road	*523
			At confluence of Wickham Lake	*523
		Wheeler Creek	At confluence with Quaker Creek	*387
			Approximately .56 mile upstream of confluence with Quaker Creek.	*390
			Approximately .41 mile downstream of Wheeler Road	*398
			Upstream side of Wheeler Road	*406
		Wallkill River	At confluence of Rutgers Creek	*387
			Upstream corporate limits	*390
		Quaker Creek	Approximately .30 mile downstream of Pulaski Highway.	*384
			At confluence of Wheeler Creek	*387
			Approximately 570 feet upstream of corporate limits	*389
		Black Meadow Creek	Approximately .25 mile downstream of corporate limits	*460
			Approximately 520' upstream of corporate limits	*461
		Browns Creek	Approximately 400' downstream of corporate limits	*447
			Approximately 750' upstream of corporate limits	*449
		Greenwood Lake	Entire shoreline within community	*622
				*
				*

Maps available for inspection at the Warwick Town Hall, Warwick, New York.

Send commends to Honorable Vincent Brown, supervisor of the Town of Warwick, 60 Main Street, Box 489, Warwick, New York 10990.

New York	Yorktown, town	Shrub Oak Brook, Westchester County	At downstream corporate limits	*389
			Upstream side of Taconic State Parkway	*423
			Approximately 1,100 feet upstream of State Route 6	*426
		Shrub Oak Brook tributary 1	At confluence with Shrub Oak Brook	*421
			Approximately 0.5 mile upstream of Old Yorktown Road.	*426
		Hallocks Mill Brook	At downstream corporate limits	*367
			Downstream side of Hungry Horse Hollow Drive	*406
			Upstream side of Ridge Street	*435
			Approximately 0.5 mile upstream of State Route 202 and 35.	*463
		Hallocks Mill Brook, tributary 1	At confluence with Hallocks Mill Brook	*381
			Upstream side of Highbrook Avenue	*408
			At upstream corporate limits	*440
		Hallocks Mill Brook Tributary 2	At confluence with Hallocks Mill Brook	*422
			Approximtely 795 feet downstream of Granite Springs Road.	*448
			Approximately 715 feet upstream of Granite Springs Road.	473
		Saw Mill Creek	At confluence with New Croton Reservoir	*199
			Approximately 460 feet upstream of State Route 118	*237
			Approximately 0.4 mile upstream of State Route 118	*310
			Approximately 1,200 feet downstream of Locke Avenue.	*349
			Approximately 125 feet upstream of Locke Avenue	*390

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Maps available for inspection at the Town Engineer's Office, Town Hall, 363 Underhill Avenue, Yorktown Heights, New York. Send comments to Honorable Nancy Elliot, Town Supervisor of Yorktown, Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.				
North Carolina	Town of Alliance, Pamlico County	South Prong Bay River	About 1.45 miles downstream of Campen Swamp Road.	*8
			About 0.95 mile upstream of Campen Swamp Road	*10
Maps available for inspection at the Town Hall, Alliance, North Carolina. Send comments to Honorable Mildred I. Rice, Mayor, Town of Alliance, Town Hall, P.O. Box 1216, Alliance, North Carolina 28509.				
North Carolina	City of Aurora, Beaufort County	Ocean/Bailey Creek	Within Community	*8
Maps available for inpsection at the Town Hall, Aurora, North Carolina. Send comments to Honorable Grace H. Bonnor, Mayor, City of Aurora, Town Hall, P.O. Box 86, Aurora, North Carolina 27806.				
North Carolina	Town of Belhaven, Beaufort County	Atlantic Ocean	Along shoreline of Pantego Creek and Pungo River	*8
			Along northern Extraterritorial Limits from U.S. Highway 264 (Bypass) to about 3,800 feet southwest of SR 1706.	*9
Maps available for inspection at the Town Hall, P.O. Box 220, Belhaven, North Carolina. Send comments to Honorable C.O. Boyette, Mayor, Town of Belhaven, Town Hall, P.O. Box 220, Belhaven, North Carolina 27810.				
North Carolina	Unincorporated areas, Carteret County	Adams Creek	Along eastern bank from its mouth to mouth of Back Creek.	*9
		Atlantic Ocean	About 300 feet northwest of shoreline from Drum Inlet to about 2,500 feet southeast of the High Hills.	*6
			About 500 feet northwest of shoreline from The Swash to Drum Inlet.	*6
			About 0.75 mile east of Wreck Point on Core Banks	*6
			About 300 feet northwest of shoreline from about 0.75 mile southeast of Daniel Swash to Ocracoke Inlet.	*7
			Along western and southern shoreline of Lookout Bight.	*7
			Along shoreline from southern tip of Shackleford Banks to about 0.55 mile northwest of southern tip of Shackleford Banks.	*8
			Along shoreline from about 0.85 mile north of jetty located about 2.2 miles northwest of Cape Point to Ocracoke Inlet.	*10
			About 300 feet north of shoreline from about 1 mile southeast of Shackleford Point to about 0.65 mile west of Bald Hill.	*10
			Along shoreline from about 0.4 mile south of Horse Point to about 0.75 mile northwest of southern tip of Shackleford Banks.	*11
			About 100 feet north of shoreline between eastern section and western section of Town of Indian Beach.	*11
			About 50 feet north of shoreline between Town of Pine Knoll Shores and Town of Atlantic Beach.	*11
			Along shoreline from about 0.65 mile west of Bald Hill to about 0.4 mile south of Horse Point.	*12
			About 150 feet north of shoreline from Town of Atlantic Beach to Beaufort Inlet.	*12
			Along shoreline from about 1 mile southeast of Shackleford Point to about 0.65 mile west of Bald Hill.	*13
			Along shoreline from Shackleford Point to about 1 mile southeast of Shackleford Point.	*14
			Along shoreline between Town of Pine Knoll Shores and Town of Atlantic Beach.	*15
			Along shoreline from the Town of Atlantic Beach to about 1,500 feet west of western shore of Beaufort Inlet.	*15
			Along shoreline between eastern section and western section of Town of Indian Beach.	*6
		Back Sound	Along shoreline of Great Marsh Island	*6
			Along shorelines of Morgan Island and Whitehurst Island.	*7
			Along shoreline of Barden Inlet	*7
			Along northern shoreline of Shackleford Banks	*8
			Along shoreline from about 2,000 feet north of Shell Point to about 2,500 feet northwest of Shell Point.	*8
			Along shoreline from about 2,500 feet northwest of Shell Point to Rush Point.	*9
		Bouge Sound	Along shoreline from eastern section of Town of Indian Beach to about 1,200 feet northwest of intersection of SR 1193 and NC 58.	*6
			At NC 24 bridge over Jumping Run	*7
			At confluence of East Prong with Gales Creek	*7
			Along shoreline of West Prong from confluence with Broad Creek to confluence of Wolf Branch.	*7
			About 300 feet south of intersection of SR 1122 and SR 1256.	*7
			Just north of intersection of SR 1122 and SR 1213	*7
			About 300 feet landward of shoreline along SR 1121	*7

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Along shoreline between the Town of Pine Knoll Shores and the Town of Atlantic Beach.	*7
			Along shoreline from Town of Atlantic Beach to Fort Macon Creek.	*7
			Along Salter Path Road between Town of Pine Knoll Shores and Town of Atlantic Beach.	*7
			About 800 feet north of Salter Path Road between Town of Pine Knoll Shores and Town of Atlantic Beacon.	*7
			At Harbor Drive bridge over Spooner Creek	*8
			About 100 feet north of shoreline from mouth of Spooner Creek to mouth of Gales Creek.	*8
			At US Route 70 bridge over Peletier Creek	*8
			Just north of intersection of SR 1249 and SR 1281	*8
			Along shoreline of southeastern half of Wood Island	*8
			Along shoreline of Dog Islands	*8
			Along shoreline of northwestern half of Wood Island	*9
			At confluence of Sikes Branch and East Prong	*9
			At NC 24 bridge over Sanders Creek	*9
			At NC 24 bridge over Hunting Island Creek	*9
			About 250 feet landward of shoreline from about 1,500 feet southwest of mouth of Sikes Branch to about 2,000 feet southwest of intersection of SR 1119 and SR 1215.	*9
			Along shorelines of Piney Island and Bean Island	*10
			Along shoreline from mouth of Peletier Creek to about 0.6 mile southwest of mouth of Broad Creek.	*10
			Along shoreline from about 0.6 mile southwest of mouth of Broad Creek to about 0.1 mile west of end of SR 1215.	*11
			Along shoreline from about 0.65 mile south of intersection of NC 24 and SR 1225 to mouth of Hunting Island Creek.	*12
			Along southern shoreline of Hunting Island	*13
		Core Sound	About 1,300 feet northwest of intersection of SR 1362 and SR 1363.	*5
			Along western shoreline of Core Banks from about 0.6 mile southeast of Whitehurst Island to Dear Pond.	*6
			Along shorelines of Gunning Hammock Island and Rush Island.	*6
			Along shoreline from Great Island Bay to The Swash	*6
			Along shoreline of Oyster Creek	*6
			Along shoreline of Spit Bay	*6
			Along shoreline of Jarrett Bay from Spit Bay to Ditch Cove.	*6
			Along shoreline of Lewis Creek	*7
			Along shorelines of Horse Island and Dump Island	*7
			Along shoreline from Drum Inlet to Kathryne Jane Islands.	*7
			At intersection of Marshallberg Road and Gloucester Road.	*7
			At intersection of Straits Road and Gloucester Road	*7
			At intersection of Harkers Island Road and SR 1340	*7
			Along shorelines of Leo Cockle Marsh Island, Little Deep Marsh Island, Big Deep Marsh Island, and Teal Island.	*7
			At Douglas Point	*7
			Along shoreline from The Swash to Drum Inlet	*7
			Along shoreline from mouth of Fork Creek to The Spit	*7
			Along shoreline of Jarrett Bay from mouth of Smyrna Creek to Howland Point.	*7
			At intersection of US Route 70 and SR 1411	*7
			At intersection of US Route 70 and SR 1354	*7
			At intersection of US Route 70 and SR 1353	*7
			At intersection of USMC Road and US Route 70	*7
			At intersection of US Route 70 and SR 1377	*7
			At intersection of US Route 70 and SR 1373	*7
			Along Salters Creek north of NC 12	*7
			At intersection of US Route 70 and SR 1371	*7
			Along shorelines of Chain Shot Island, Harbor Island, Wainwright Island, and Shell Island.	*8
			Along shoreline of Back Bay	*8
			Along shoreline of South Island	*8
			At intersection of NC 12 and SR 1388	*8
			Along shoreline of Thorofare Bay from mouth of Merkle Hammock Creek to Green Point.	*8
			At Cricket Island Point	*8
			Along shoreline from mouth of Middens Creek to end of SR 1347.	*8
			Along shorelines of Sallers Lumps and Big Island	*8
			At Pasture Point	*8
			At intersection of US Route 70 and SR 1350	*8
			Along shoreline of Bells Island	*8
			Along southern shoreline of Barry Bay	*8
			At Thorofare Bridge	*8
			Along shoreline from about 1.4 miles southwest of Hall Point to Steep Point.	*8
			Along eastern shoreline of Nelson Bay	*6

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Along shoreline from Cedar Point to mouth of Maria Creek.	*8
			At Cowpen Point	*9
			At Hog Island Point	*9
			Along shoreline from Cedar Inlet Point to Fish Hawk Point.	*9
			Along northern shoreline of Thorofare Bay	*9
			Along shoreline of Barry Bay from Green Point to about 0.9 mile southwest of Green Point.	*9
			Along shoreline of Jarrett Bay from mouth of Williston Creek to mouth of Middens Creek.	*9
			Along shoreline from Hall Point to about 1.4 miles southwest of Hall Point.	*9
			Along shoreline from Steep Point to about 0.4 mile east of Drum Point.	*9
			Along shoreline of Nelson Bay from Broad Creek to mouth of Pasture Creek.	*9
		Core Sound/The Straits	Along shoreline from mouth of Sleepy Creek to Harkers Island Road bridge over The Straits.	*9
		Goose Bay	Along northern shoreline	*9
		Intracoastal Waterway	About 0.6 mile south of intersection of NC 24 and NC 58.	*10
			At intersection of Easy Street and Leisure Lane	*10
			Along shoreline from about 1,700 feet southwest of intersection of NC 24 and SR 1117 to NC 24 bridge over White Oak River.	*13
			Along shoreline from Cameron Langston Bridge to about 1,800 feet south of intersection of NC 24 and SR 1117.	*13
			Along shoreline from about 1,800 feet south of intersection of NC 24 and SR 1117 to about 1,700 feet southwest of intersection of NC 24 and SR 1117.	*14
		Neuse River	Along shoreline from Westward Point to Point of Marsh.	*7
			Along shoreline of South River from north of confluence of Eastman Creek to mouth of East Fork.	*8
			Along shoreline from Horton Point to about 2,000 feet southwest of Westward Point.	*8
			At mouth of Broad Creek	*8
			Along shoreline of Old Canal	*8
			Along shoreline from Winthrop Point to about 0.9 mile east of Herring Pond 9.	*9
			Along shoreline of South River north of mouth of Little Creek.	*9
		Newport River	At intersection of New Bern Road and SR 1166	*7
			About 500 feet southwest of intersection of New Bern Road and SR 1246.	*7
			About 200 feet south of intersection of NC 101 and SR 1161.	*8
			At intersection of New Bern Road and SR 1155	*8
			About 100 feet north of intersection of SR 1158 and SR 1159.	*8
			About 0.65 mile east of intersection of SR 1176 and SR 1177.	*9
			At intersection of US Route 70 and SR 1175	*8
			Along shoreline of Morehead City Channel feet	*8
			At mouth of Alligator Creek	*9
			Along shoreline of Adams Creek Canal from mouth of Bell Creek to mouth of Eastman Creek.	*9
			Along shoreline from just south of mouth of Ware Creek to about 0.55 mile south of mouth of Russell Creek.	*9
			Along shoreline of Bulkhead Channel	*9
			Along shoreline of Mill Creek	*9
			Along shoreline from Core Creek to Oyster Creek	*10
			Along shoreline from mouth of Harlow Creek to about 1,500 feet east of mouth of Mill Creek.	*10
			Along shoreline from mouth of Ware Creek to mouth of Core Creek.	*10
			Along shoreline of The Narrows just west of confluence of Little Creek Swamp.	*10
			Along shoreline of Mill Pond	*10
			Along shoreline of Hull Swap	*10
			Along shoreline from about 1,000 feet southwest of mouth of Oyster Creek to about 2,200 feet southwest of mouth of Oyster Creek.	*11
		North River	About 50 feet west of intersection of SR 1301 and SR 1302.	*7
			Along shoreline from about 0.2 mile west of Harkers Island Road to Crow Hill Road.	*8
			At intersection of SR 1331 and SR 1328	*9
			Along shoreline of Ward Creek north of US Route 70	*9
			At intersection of US Route 70 and SR 1429	*9
			Along shorelines of Gull Island and Simons Island	*9
			Along shoreline from Goose Bay to mouth of South Leopard Creek.	*10
			At mouth of Felton Creek	*10
			At intersection of US Route 70 and SR 1238	*10

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Along shoreline from mouth of South Leopard Creek to mouth of ward Creek.	*11
			Along shoreline from Thomas Marsh to Marsh Hen Point.	*11
			Along shoreline from about 1 mile south of US Route 70 to US Route 70.	*12
		Pamlico Sound	Along shoreline of big Swan Island	*7
			Along shoreline of West Bay from Deep Hole Point to Dowdy Point.	*7
			Along shoreline of Long Bay	*8
			Along shoreline of West Thorofare Bay	*8
			Along shoreline of West Bay	*8
			At intersection of Cedar Island Road and SR 1389	*8
			Along shore line from Raymond Sand to Camp Point	*8
			Along shorelines of Kathryne Jane Islands	*8
			Along shoreline from High Hills Inlet to Ocracoke Inlet	*8
			Along shorelines of North Rock, Shell Castle, and Casey Island.	*8
		The Straits	At intersection of SR 1414 and SR 1416	*7
			Along northern shoreline of Harkers Island	*7
			Along shoreline of Browns Island	*8
		White Oak	Along shoreline from mouth of Boathouse Creek to Hampton Bay.	*8
			Along shoreline of Pettiford Creek	*8
			Along shoreline from Hampton Bay to about 1,200 feet north of Hancock Point.	*9
			Along shoreline from about 0.25 mile north of Hancock Point to about 0.95 mile west of mouth of Cales Creek.	*10
			At intersection of NC 24 and SR 1117	*10
			Along shoreline from NC 24 bridge over White Oak River to mouth of Boathouse Creek.	*10
		Deep Creek	About 0.8 mile downstream of SR 1133	*11
			Just upstream of SR 1133	*13
		Little Deep Creek	About 0.55 mile downstream of SR 1139	*16
			About 0.6 mile upstream of SR 1139	*16

Maps available for inspection at the Carteret County Courthouse, P.O. Box 630, Beaufort, North Carolina.
Send comments to Honorable Mary Sue Noe, County Commissioner, Carteret County, Carteret County Courthouse, P.O. Box 630, Beaufort, North Carolina 28516.

North Carolina	Town of Columbia, Tyrrell County	Atlantic Ocean/Albermarle Sound	Within community	*6

Maps available for inspection at Town Hall, Columbia, North Carolina.
Send comments to Honorable John A. Anderson, Mayor, Town of Columbia, Town Hall, P.O. Box 361, Columbia, North Carolina 27925.

North Carolina	City of Elizabeth, City, Pasquotank and Camden Counties.	Pasquotank River	Within community	*6
		Knobbs Creek	From mouth at Pasquotank River to about 101 miles upstream of U.S. Highway 17.	*6
			From about 1.1 miles upstream of U.S. Highway 17 to just downstream of Creek Road.	*7
		Knobbs Creek Tributary	Mouth at Knobbs Creek	*7
			Just upstream of SR 1309	*7
			Just downstream of West Ehringhaus Street	*8
		Charles Creek	From mouth at Pasquotank River to just upstream of Halstead Boulevard.	*6
			Just upstream of SR 1101	*6

Maps available for inspection at the City Hall, Elizabeth City, North Carolina.
Send comments to Honorable John Frank Weeks III, Mayor, City of Elizabeth City, City Hall, P.O. Box 347, Elizabeth City, North Carolina 27909.

North Carolina	Town of Minnesott Beach, Pamlico County	Atlantic Ocean, Pamlico Sound/ Neuse River	Within community	*9

Maps available for inspection at the Town Hall, Arapahoe, North Carolina.
Send comments to Honorable Otis Poole, Mayor, Town of Minnesott Beach, Town Hall, R.R. #2, P.O. Box 241, Arapahoe, North Carolina 28510.

North Carolina	Unincorporated Areas	Pamlico Sound Pamlico County	At intersection of SR 1327 and SR 1328	*6
			At intersection of SR 1320 and SR 1321	*8
			At mouth of Green Creek	*9
			Along northern shoreline of Big Oyster Creek	*9
			Along shoreline from Yaupon Hammock Point to Big Porpoise Point.	*10
			Along shoreline of western portion of Swan Island	*10
			Along shoreline from Pine Tree Point to Cockle Point	*11
			Along shoreline from Maiden Point to about 3,000 feet east of Rockhole Islands.	*11
			Along shoreline from Big fishing Point to about 2,000 feet southwest of Sow Island Point.	*11
			Along shoreline from Sage Point to Deep Point	*11
		Pamlico River	Along shoreline of Intracoastal Waterway from northern boundary of Goose Creek State Game Refuge to Cow Hole Bay.	*7
			At intersection of SR 1237 and SR 1232	7
			At mouth of Wallace Gateaway Creek	*7
			At Volvis Cove	*8
			At intersection of SR 1230 and SR 1229	*6

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Along shoreline from Deep Watering Point to James Point.	*8
			Along shoreline from 2,500 feet west of Long Point to Cedar Island Thorofare.	*8
			Along Northern shoreline of Cedar Island	*9
			Along shoreline from Boar Creek to about 6,500 feet east of Boar Creek.	*9
			At House Cove Point	*9
			Along shoreline from about 6,500 feet east of Boar Creek to Hog Cove.	*10
		Jones Bay	At intersection of SR 1228 and SR 1229	*8
			At mouth of Doll Creek	*9
			At Minnitrap Point	*9
			At mouth of Sheepneck Creek	*9
			Along shoreline from mouth of Lambert Creek to Maiden Point	*10
			At Drum Creek Point	*10
		Middle Bay	At Little Oyster Creek	*9
			Along shoreline from Rocky Point to Preston Bay	*9
			At Oyster Creek Point	*11
		Bay River	Along Intracoastal Waterway from northern boundary of Goose Creek State Game Refuge to Persimmon Tree Point.	*8
			Along shoreline from bell Island to Raccoon Creek	*8
			Along Bear Creek from Harper Creeks to NC 304	*8
			Along shoreline from bell Point to confluence of Trent Creek.	*8
			Along southeast shoreline of Spring Creek	*8
			At Davis Island Point	*9
			Along shoreline of Long Creek	*9
			Along northwest shoreline of Spring Creed	*9
			Along shoreline from Cedar Point to about 500 feet west of Cove Point.	*9
			Along shoreline from Harris Creek to Betty Point	*9
			Along shoreline from Gale Creek Point to mouth of Chadwick Creek.	*9
			Along shoreline from Rockhole Islands to Ball Islands	*9
			Along shoreline from Deadman Point to Branes Creek	*10
			Along shoreline from Cove Point mouth at Spring Creek.	*10
			Along shoreline from Bryan Point to Hogpen Creek	*10
		Pamlico Sound/Bay River	Southern shore of Fisherman Bay	*10
		Big Porpoise Bay	At mouth of Porpoise Creek	*9
		Pamlico Sound/Neuse River	Along Pasture Creek	*10
		Neuse River	Along shoreline from about 4,500 feet southeast of Murtle Marsh Point to Cooper Point.	*8
			Along southeast shore of Goose Creek to SR 1110	*8
			Along shoreline of the Town of Oriental	*8
			Along shoreline from about 6,000 feet east-northeast of Daniels Point to about 4,500 feet southeast of Murtle Marsh Point.	*9
			Along shoreline from Creek Point to SR 1103	*9
			At confluence of Alexander Swamp with Goose Creek	*9
		Trent Creek	Along shoreline of Trent Creek from mouth to NC 55	*7
		Greens Creek	Just upstream of SR 1308	*8
			Just downstream of SR 1300	*10
		South Prong Bay River	Just upstream of SR 1343	*8
			About 5000 feet upstream of SR 1344	*10
		Smith Creek	At intersection of NC 55 and SR 1300	*8

Maps available for inspection at the Pamlico County Courthouse, P.O. Box 186, Bayboro, North Carolina.

Send comments to Honorable William R. Rice, County Manager, Pamlico County Courthouse, P.O. Box 186, Bayboro, North Carolina 28515.

North Carolina	Town of Pantego, Beaufort County	Atlantic Ocean/Pamlico Sound/ Pantego Creek	Within Community	*9

Maps available for inspection at Town Hall, Pantego, North Carolina.

Send comments to Honorable Dennis M. Wallace, Jr., Mayor, Town Hall, P.O. Box 87, Pantego, North Caroline 27860.

North Carolina	Town of Plymouth, Washington County	Welch Creek	Just upstream of Southern Railway	*7
			About 2,800 feet upstream of Seaboard Coast Line Railroad.	*7
		Conaby Creek	About 1.7 miles downstream of East Main Street	*7
			About 0.9 mile upstream of Roosevelt Avenue	*21
		Conaby Creek Tributary	At mouth	*12
			About 3100 feet upstream of State Raod 1115	19

Maps available for inspection at City Hall, Plymouth, North Carolina.

Send comments to Honorable William R. Flowers, Mayor of Plymouth, City Hall, P.O. Box 806, 132 East Water Street, Plymouth, North Carolina 27962.

North Carolina	Town of Roper, Washington County	Mill Creek	About 3,900 feet downstream of U.S. Highway 64	*8
			About 3,700 feet upstream of Buncombe Avenue	*11
		Kendrick Creek	Just upstream of SR 1301	*10

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Maps available for inspection at City Hall, Roper, North Carolina.				
Send comments to Honorable E.V. Wilkins, Mayor, City Hall, P.O. Box 217, Roper, North Carolina 27970.				
North Carolina	Unincorporated Areas, Tyrrell County	Atlantic Ocean/Albemarle Sound	Along shoreline from about 9,000 feet southwest of Ship Point to about 9,000 feet southeast of Greys Canal.	*4
			Along shoreline from about 5,500 feet northwest of Goose Pond Island to about 1,600 feet north of Catfish Point.	*4
			Along shoreline of The Frying Pan	*4
			Along shoreline of Alligator River from the confluence of Gum Neck Creek to the confluence of New Lake Fork.	*4
			Along northern shoreline of New Lake Fork	*4
			At confluence of Southwest Fork and Northwest Fork	*4
			At intersection of SR 1229 and U.S. 64	*4
			Along shoreline from about 4.0 miles northeast of Taylors Beach to about 9,000 feet southwest of Ship Point.	*5
			Along shoreline from about 6,500 feet northwest of Long Shoal Point to about 5,500 feet northwest of Goose Pond Island.	*5
			Along shoreline from about 2,000 feet north of Orange Point to Rattlesnake Bay.	*5
			Along shoreline of Alligator River from about 4,000 feet northwest of Tuckahoe Point to Gum Neck Creek.	*5
			At intersection of SR 1103 and State Road 94	*5
			At intersection of SR 1118 and SR 1121	*5
			Along southern shoreline of Scuppernong River from Second Creek to Simmons Landing.	*5
			At Cross Landing	*5
			At intersection of SR 1302 and SR 1301	*5
			Along shoreline from Rattlesnake Bay to about 4000 feet northwest of Tuckahoe Point.	*6
			At intersection of SR 1110 and SR 1111	*6
			Along shoreline from about 0.7 mile northeast of Taylors Beach to about 4.0 miles northeast of Taylors Beach.	*6
			About 2000 feet southeast of intersection of SR 1113 and U.S. Route 64.	*6
			Along western shoreline and northern shoreline of Scuppernong River from SR 1212 to Simmons Landing.	*6
			Along shoreline from Bunton Creek to south end of SR 1212 crossing over Scuppernong River.	*7
			Along shoreline from north end of SR 1212 crossing over Scuppernong River to about 3500 feet northeast of Taylors Beach.	*7
			About 500 feet south of intersection of SR 1200 and SR 1203.	*7
Maps available for inspection at the Tyrrell County Courthouse, Columbia, North Carolina 27925.				
Send comments to Honorable Durwood Cooper, Chairman, Board of County Commissioners, Tyrrell County Courthouse, Columbia, North Carolina 27925.				
North Carolina	Unincorporated Areas, Washington County	Kendrick Creek	Just upstream of SR 1301	*10
			About 500 feet upstream of confluence of Kendrick Creek Tributary.	*11
		Kendrick Creek Tributary	At confluence with Kendrick Creek	*11
			Just upstream of U.S. Route 64	*17
		Welch Creek	About 0.9 mile downstream of U.S. Route 64	*7
			About 700 feet upstream of confluence of Welch Creek Tributary.	*8
		Welch Creek Tributary	At confluence with Welch Creek	*8
			Just downstream of SR 1100	*19
		Conaby Creek	About 1.6 miles upstream of NC 45	*7
			About 4,550 feet upstream of SR 1106	*21
			About 7,100 feet upstream of SR 1108	*25
		Conaby Creek Tributary	About 250 feet downstream of SR 1117	*19
			Just downstream of NC 32	*26
		Mill Creek	About 1.55 miles upstream of confluence with Kendrick Creek.	*11
			About 2.6 miles upstream of confluence with Kendrick Creek.	*11
		Scuppernong River	From the eastern County Boundary to SR 1155	*5
			Along Maw Creek from its mouth to about 3,000 feet upstream of SR 1163.	*5
		Albemarle Sound	About 300 feet north of intersection of Cross Road and NC 308.	*7
			Just downstream of U.S. Route 64 bridge over Lees Mill Creek.	*7
			Along shoreline from about 500 feet west of intersection of SR 1323 and SR 1343 to mouth of Bunton Creek.	*7
			Just downstream of U.S. Route 64 bridge over Deep Creek.	*7
			Just downstream of NC45 bridge over Roanoke River	*8

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Along shoreline from mouth of Roanoke River to about 500 feet west of intersection of SR 1323 and SR 1343.	*8
			About 500 feet north of intersection of SR 1324 and NC 308.	*8
Maps available for inspection at the Washington County Courthouse, Plymouth, North Carolina 27962.				
Send comments to Honorable Mayme Davenport, Chairperson of the County Commission, Rt. #1, P.O. Box 80, Creswell, North Carolina 27928.				
North Carolina	Town of Windsor, Bertie County	Cashie River	About 1,700 feet downstream of King Street	*8
			About 3.7 miles upstream of King Street	*12
Maps available for inspection at the City Hall, 128 South King Street, Windsor, North Carolina.				
Send comments to Honorable L. T. Liverman, Mayor of Windsor, City Hall, 128 South King Street, Windsor, North Carolina 27983.				
Ohio	Village of Briarwood Beach, Medina County	The Inlet	Within community	*995
Maps available for inspection at the Town Hall, P.O. Box 25, Chippewa Lake, Ohio 44215.				
Send comments to Honorable Leonard English, Mayor, Briarwood Beach, P.O. Box 25, Chippewa Lake, Ohio 44215.				
Ohio	Village of Gloria Glens Park, Medina County	Chippewa Creek	Within community	*995
Maps available for inspection at the Town Hall, P.O. Box 457, Chippewa Lake, Ohio 44215.				
Send comments to Honorable Robert Natherson, Mayor, Gloria Glens Park, P.O. Box 457, Chippewa Lake, Ohio 44215.				
Ohio	Unincorporated Areas of Jackson County	Little Salt Creek	About 2,200 feet downstream of confluence of Pigeon Creek.	*602
			About 0.9 mile upstream of Keystone Station Road	*680
		Pigeon Creek	At mouth	*602
			Just downstream of Big Rock Road	*651
		Buckeye Creek	At mouth	*647
			Just downstream of Township Road 925	*668
		Jisco Lake Creek	At confluence of Parkview Lateral	*649
			About 1,700 feet upstream of the Detroit, Toledo and Ironton Railroad.	*668
		Sugar Run	About 1,800 feet downstream of State Route 788 (downstream crossing).	*653
			About 3,200 feet upstream of Chessie System	*671
		Four Mile Creek	At mouth	*665
			About 1,000 feet upstream of Four Mile Road	*699
		Parkview Lateral	At confluence with Jisco Lake Creek	*649
			About 400 feet upstream of State Street	*650
		Diversion No. 1	At confluence with Little Salt Creek	*656
			At divergence from Little Salt Creek	*663
		Diversion No. 2	At confluence with Little Salt Creek	*663
			At divergence from Little Salt Creek	*664
Maps available for inspection at 200 Main Street, Jackson, Ohio 45640.				
Send comments to Honorable Joe Conger, President, County Commission, Main Street Courthouse, Jackson, Ohio 45640.				
Ohio	City of Wadsworth, Medina County	River Styx	Just upstream of Wall Road	*962
			About 2,700 feet upstream of Seville Road	*966
Maps available for inspection at the Municipal Building, 145 High Street, Wadsworth, Ohio 44281.				
Send comments to Honorable Thomas Cox, Mayor, City of Wadsworth, Municipal Building, 145 High Street, Wadsworth, Ohio 44281.				
Oregon	Brookings (City) Curry County	Chetco River	50 feet upstream from the center of U.S. Highway 101	*13
Maps available for inspection at City Hall, 898 Elk Drive, Brookings, Oregon.				
Send comments to Honorable Bob Kerr, 898 Elk Drive, Brookings, Oregon 97415.				
Oregon	Creswell (City) Lane County	Coast Fork Willamette River	Along Park Street, approximately 200 feet west of its intersection with Pacific Highway.	*540
Maps available for inspection at City Hall, Creswell, Oregon.				
Send comments to the Honorable Eddie McCluskey, P.O. Box 276, Creswell, Oregon 97426.				
Oregon	Gold Beach (City) Curry County	Rogue River	50 feet upstream from the center of U.S. Highway 101	*20
Maps available for inspection at City Hall, 510 South Elmsburg Avenue, Gold Beach, Oregon 97444.				
Send comments to the Honorable Anne Brownell, 510 South Elmsburg Avenue, Gold Beach, Oregon 97444.				
Oregon	Springfield (City) Lane County	McKenzie River	At the centerline of the Southern Pacific Railroad Bridge.	*467
		Willamette River	At the centerline of the Southern Pacific Railroad Bridge.	*440
		Middle Fork Willamette River	1,730 feet south along 28th Street from its intersection with the Southern Pacific Railroad.	*462
Maps available for inspection at Public Works Department, 225 North 5th, Springfield, Oregon.				
Send comments to the Honorable John D. Liveley, 225 North 5th, Springfield, Oregon 97477.				
Oregon	Westfir (City) Lane County	Middle Fork Willamette River	At confluence with North Fork Middle Fork Willamette River.	*1,028
		North Fork Middle Fork Willamette River	75 feet upstream from the center of West Oak Road	*1,072

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Maps available for inspection at City Recorder's Office, City Hall, Westfir, Oregon.				
Send comments to the Honorable Linda Colby, P.O. Box 256, Westfir, Oregon 97492.				
Pennsylvania	North Bethlehem, Township Washington County	Little Chartiers Creek	Approximately 1,700 downstream of Simmons Road	*1,026
			Upstream side of State Route 477	*1,056
			At U.S. Route 40	*1,078
Maps available for inspection at the residence of Henrietta Goodwin, Township Secretary, Scenery Hill, Pennsylvania.				
Send comments to the Honorable Wilbur Crispin, Chairman of the Township of North Bethlehem, c/o Township Secretary, R.D. No. 1, Box 98, Scenery Hill, Pennsylvania 15360.				
Tennessee	City of Dayton Rhea County	Richland Creek	About 800 feet downstream of U.S. Route 27	*689
			About 1,800 feet upstream of Norfolk Southern Railway.	*711
		Little Richland Creek	At mouth	*689
			About 1,150 feet upstream of Walnut Grove Road	*701
		Broyles Branch	About 1,950 feet downstean of Blythes Ferry Road	*689
			About 350 feet upstream of U.S. Route 27	*720
		Unnamed Tributary Broyles Branch	At mouth	*720
			Just downstream of Laurel Street	*722
		Chickamauga Lake	Within community	*689
Maps available for inspection at the City Hall, Dayton, Tennessee.				
Send comments to the Honorable Jim Smith, City Manager, City of Dayton, City Hall, P.O. Box 226, Dayton, Tennessee 37321.				
Texas	Azle, City, Tarrant County	Ash Creek	At confluence with Eagle Mountain Lake	*657
			Upstream of State Route 199	*681
			Upstream of FM 1707	*702
			Westline Road (extended)	*706
		Paschal Branch	At confluence with Ash Creek	*661
			Upstream side of State Route 199	*676
			At corporate limits	*680
		Reynolds Branch	At confluence with Ash Creek	*681
			At corporate limits just upstream of Silvercreek-Azle Road.	*688
		Walnut Creek	At confluence with Eagle Mountain Lake	*657
			At corporate limits just upstream of FM 730	*667
			Approximately 700' upstream of FM 730	*668
		Eagle Mountain Lake	The entire shoreline within community	*657
Maps available for inspection at Azle City Hall, Azle, Texas.				
Send comments to Honorable Harry Dulin, Azle City Manager, City Hall, 613 S.E. Parkway, Azle, Texas 76020.				
Texas	Brazoria County	Austin Bayou	Approximately .64 mile upstream of FM 2004	*9
			Upstream of County Route 208	*13
			Upstream of Missouri Pacific Railroad	*21
			Upstream side of State Route 35	*27
			Approximately 2.9 miles upstream of County Route 33	*35
		Bastrop Bayou	Approximately .74 mile downstream of FM 523	*7
			Upstream of State Route 288	*11
			At confluence of Bastrop Bayou East and West Tributaries.	*18
		Bastrop Bayou West Tributary	At upstream corporate limits of Lake Jackson	*18
			Approximately 3.2 miles upstream of confluence of Bastrop Bayou East Tributary.	*20
		Bastrop Bayou East Tributary	At confluence with Bastrop Bayou	*18
			Downstream side of Airport Access Road	*23
			Approximately .59 mile upstream of County Route 290	*24
		Bell Creek	At confluence with San Bernard River	*25
			Upstream side of State Route 35	*25
			Approximately 1.1 miles upstream of FM 1301	*33
		Brazos River	Approximately 4.75 miles downstream of confluence of Buffalo Camp Bayou.	*13
			Upstream side of FM 521	*25
			Upstream side of State Route 35	*33
			Approximately 10 miles upstream of State Route 35	*40
			At upstream of Cow Creek	*50
			At upstream County boundary	*58
		Brushy Bayou	Upstream side of County Route 210	*18
			Upstream side of County Route 443	*23
			Upstream side of County Route 426	*29
			Upstream side of County Route 341	*32
			Downstream side of County Route 288	*33
		Buffalo Camp Bayou	At confluence with Brazos River	*18
			Approximately .86 mile downstream of Missouri Pacific Railroad.	*26
		Cedar Lake Creek	Approximately 2.2 miles downstream of FM 2611	*9
			Approximately 2.7 miles downstream of FM 521	*14
			Approximately 300' upstream of FM 521	*19
		Chocolate Bayou	Approximately .67 mile downstream of County Route 171.	*16
			Approximately 1.5 miles upstream of Missouri Pacific Railroad.	*20
			Upstream side of State Route 35	*24
			Approximately 2.27 miles upstream of County Route 172.	*29
			Upstream side of FM 1462	*34

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			At confluence of Unnamed Tributary to Chocolate Bayou.	*37
			Approximately 700' upstream of upstream corporate limits.	*43
		Clear Creek	Approximately 1,500' downstream of Stone Road	*51
			Approximately 2,000' upstream of State Route 288 (South Freeway).	*57
			Approximately .67 mile upstream of County boundary at Almeda School Road Crossing.	*62
		Cocklebur Slough	Approximately 4.2 miles downstream of FM 2611	*10
			Upstream side of FM 2611	*22
			Upstream side of County Route 626	*25
			Downstream side of FM 524	*26
		Cow Creek	At confluence with Brazos River	*50
			Approximately 1.5 miles upstream of County Route 17	*55
		Flores Bayou	At confluence with Austin Bayou	*10
			Upstream side of County Route 210	*14
			Upstream side of Missouri Pacific Railroad	*21
			Approximately 1.4 miles upstream of County Route 45	*30
		Halls Bayou	Approximately 1.2 miles downstream of Halls Bayou Road.	*11
			Downstream side of County Route 167	*24
			Upstream side of County Route 165	*27
		Hayes Creek	Confluence with Chocolate Bayou	*36
			Upstream side of County Route 571	*41
			Upstream side of State Route 288	*48
			Approximately 1,000' upstream of most upstream corporate limits within Town of Iowa Colony.	*55
		Linnville Bayou	Upstream side of County Route 321	*27
			Downstream side of Missouri Pacific Railroad	*33
			Downstream side of State Route 35	*38
			Upstream side of County Route 743	*41
			Approximately 2 miles upstream of most upstream Access Road.	*47
		Marys Creek	Approximately 750' downstream of corporate limits within City of Pearland.	*50
			Upstream side of County Route 103	*52
			Approximately 200' upstream of Old Chocolate Bayou Road.	*55
		Mound Creek	Confluence with San Bernard River	*19
			Approximately 1 mile upstream of County Route 450	*24
			Upstream side of County Route 5	*34
			Approximately 1 mile upstream of County Route 772	*48
		Mustang Bayou	Approximately .89 mile downstream of most downstream Private Road.	*16
			Downstream side of second upstream Access Road	*27
			Upstream side Missouri Pacific Railroad	*31
			At first downstream corporate limits located downstream of State Route 35.	*45
			Approximately 1,500' downstream of upstream corporate limits within City of Alvin.	*60
			Upstream side of County Route 668	*47
			Downstream side of County Route 95	*51
			Approximately 1,200' downstream of irrigation canal, at upstream corporate limits of Manvel.	*65
			Downstream side of Access Road located 1,700' upstream of County Route 48.	*66
			Approximately 200' upstream of County boundary	*68
		Oyster Creek	Approximately 1.7 miles downstream of County Route 226.	*11
			At downstream corporate limits of City of Richwood	*15
			Approximately 1.2 miles upstream of FM 2004	*23
			Upstream side of most upstream Access Road	*28
			At downstream corporate limits of Town of Baileys Prairie.	*30
			At upstream corporate limits of Town of Baileys Prairie	*33
			Downstream side of County Route 30	*36
			Upstream side of FM 1462	*48
			At County boundary	*58
		San Bernard River	Approximately 1 mile downstream of FM 2611	*11
			Upstream side of FM 521	*17
			Downstream side of Missouri Pacific Railroad	*19
			At confluence of Stevenson Slough	*23
			Downstream side of State Route 35	*25
		Stevenson Slough	Approximately 570' downstream of FM 1459	*23
			Upstream side of upstream County Route 332	*25
			At downstream corporate limits of City of Sweeney	*27
			At most upstream corporate limits of City of Sweeney	*37
			Approximately 60' upstream of County Route 321	*37
		Unnamed Tributary to Chocolate Bayou	Confluence with Chocolate Bayou	*43
			Approximately 500' downstream of County Route 67 at downstream corporate limits with Town of Iowa Colony.	*46
			Approximately 300' upstream of County Route 62	*49
			Upstream side of State Route 288	*51
			Upstream side of County Route 64	*31
		Varner Creek	Confluence with Brazos River	*35
			Upstream side of State Route 36	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Approximately 2.9 miles upstream of County Route 5	*47
		West Fork Chocolate Bayou	Confluence with Chocolate Bayou	*40
			Downstream side of County Route 64	*46
			Approximately 200' downstream of State Route 288	*53
			At County boundary	*60
		West Bay	Shoreline at northwestern boundary near Cow Bayou	*17
			At Alligator Point	*18
		Gulf of Mexico	San Luis Pass	*18
			Drum Point	*15
			At the confluence of the Brazos River	*15
			San Bernard River	*15
			Southwestern County boundary near Cedar Lakes	*15
		Shallow Flooding	Southwest of Flores Bayou near Missouri Pacific Railroad.	#1
			Southwest of Austin Bayou southeast of McCullough Lake.	#1
			Between Missouri Pacific Railroad and Lazy C-Z Reservoir.	#1
			East of Oyster Creek, west of County Route 44, south of County Route 31 and north of County Route 28.	#1
			South of County Route 341, west of Angleton and northeast of County Route 44.	#1
			East of Oyster Creek and south of Baileys Prairie	#1
			Between Bastrop Bayou West Tributary and Oyster Creek.	#1
			East of Lake Jackson and west of County Route 268	#1
			Northeast of Brazos River and west of State Route 332.	#1
			South of Clute and southwest of Lake Jackson	#1
			West of Clute, south of Oyster Creek and north, east, and west of Freeport.	#1
			North of Oyster Creek in vicinity of Follett Lake	#1
			In vicinity of Lake Bend	#1
			Between Stevenson Slough and San Bernard River	#1
			Between San Bernard River and Sweeney	#1
			Between FM 2918, Cocklebur Slough and County Route 305	#1
Maps available for inspection at the Brazoria County Courthouse, Angleton, Texas.				
Send comments to Honorable E. E. Brewer, Brazoria County Judge, Brazoria County Courthouse, Angleton, Texas 77515.				
Texas	Comal County	Alligator Creek	Downstream County boundary	*639
			Upstream side of FM 1101	*650
			Upstream side of Interstate 35	*667
			Downstream side of Missouri-Pacific Railroad	*700
			Approximately 400 feet downstream of Hoffman Lane	*712
		Cibolo Creek	Upstream side of Missouri-Pacific Railroad	*787
			Approximately 3.2 miles upstream of County boundary	*800
			Approximately 4.4 miles upstream of County boundary	*820
			Approximately 6.1 miles upstream of County boundary	*845
			Approximately 8.5 miles upstream of County boundary	*880
			Approximately 11.5 miles upstream of County boundary.	*910
			Approximately 14.4 miles upstream of County boundary.	*940
			Upstream side of FM 1863 (1st downstream crossing)	*962
			At confluence of Lewis Creek	*992
			Approximately 3.1 miles upstream of confluence with Lewis Creek.	*1,020
			Upstream side of U.S. Route 281	*1,062
			Approximately .7 mile upstream of confluence with Indian Creek.	*1,080
			Confluence with Muscback Creek	*1,100
			Approximately 100 feet downstream of Blanco Road	*1,127
			Approximately 1.2 miles downstream of Ralph Fair Road.	*1,232
			Upstream side of Ralph Fair Road	*1,250
			Approximately 400 feet upstream of County boundary	*1,268
		Cibolo Tributary	Confluence with Cibolo Creek	*1,242
			Upstream side of Ralph Fair Road	*1,265
			Approximately 1,000 feet upstream of Ralph Fair Road	*1,269
		Indian Creek	Confluence with Cibilo Creek	*1,073
			Confluence with Indian Creek Tributary A	*1,083
			Approximately 0.9 mile upstream confluence with Indian Creek Tributary A.	*1,100
			Approximately 1.9 mile upstream confluence with Indian Creek Tributary A.	*1,124
		Indian Creek, Tributary A	Confluence with Indian Creek	*1,083
			Approximately .6 mile upstream of confluence with Indian Creek.	*1,096
		Indian Creek, Tributary B	Confluence with Indian Creek	*1,083
			Approximately 1.8 miles upstream of confluence with Indian Creek.	*1,116
		Bracken Tributary	Upstream side of Missouri-Pacific Railroad	*789
			Approximately 1.3 miles upstream Missouri-Pacific Railroad.	*820
			Approximately 2.0 miles upstream Missouri-Pacific Railroad.	*845

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Garden Ridge Tributary	Upstream side of Missouri-Pacific Railroad	*807
			Approximately 0.5 miles upstream FM 2252	*836
		Guadalupe River (Upper Reach)	Approximately 1.0 mile downstream of Rebecca Creek Road.	*965
			Confluence of Miller Creek	*985
			Upstream side of State Route 311	*994
			Upstream side of U.S. Route 281	*1,011
			Confluence of Spring Branch	*1,026
			Confluence of Curry Creek	*1,048
			Upstream County boundary	*1,066
			Approximately .4 mile upstream County boundary	*1,070
		Guadalupe River (Lower Reach)	County boundary	*627
			Confluence of Elm Creek	*650
			Approximately 2.6 miles upstream of confluence of Isaac Creek.	*680
			Confluence of Turkey Creek	*705
			Confluence of Jacobs Creek	*721
			Upstream side of State Route 306 (1st upstream crossing).	*740
			Approximately 2.9 miles upstream State Route 306 (2nd upstream crossing).	*763
		Sattler Tributary	Confluence with Guadalupe River	*728
			Upstream side on FM 2673	*789
			Approximately .7 mile upstream of FM 2673	*865
		Elm Creek	Approximately 0.4 mile upstream confluence with Guadalupe River.	*661
			Approximately 1.0 mile upstream confluence with Guadalupe River.	*705
			Approximately 1.7 miles upstream confluence with Guadalupe River.	*750
			Approximately 2.6 miles upstream confluence with Guadalupe River.	*800
			Approximately 3.8 miles upstream confluence with Guadalupe River.	*850
			Approximately 5.1 miles upstream confluence with Guadalupe River.	*900
			Approximately 6.6 miles upstream confluence with Guadalupe River.	*973
		Dry Comal Creek	Approximately 400 feet downstream of County boundary.	*643
			Downstream side of Solms Road	*652
			Approximately 2.3 miles upstream of Solms Road	*670
			Approximately 4.6 miles upstream of Solms Road	*690
			Upstream side of Missouri-Pacific Railroad	*697
			Confluence with Bear Creek	*734
			Confluence of Upper Dry Comal Creek	*785
			Confluence with West Fork Tributary	*802
			Approximately 2.0 miles upstream confluence with West Fork Tributary.	*854
		Upper Dry Comal Creek	Confluence with Dry Comal Creek	*785
			Approximately 1.1 miles upstream confluence with Dry Comal Creek.	*799
		West Fork Tributary	Confluence with Dry Comal Creek	*802
			Approximately 1.2 miles upstream confluence with West Fork.	*851
		Rebecca Creek	Approximately .9 mile upstream confluence with Guadalupe River.	*946
			Approximately .6 mile downstream confluence of Cherry Creek.	*960
			Approximately 60 feet downstream confluence of Puter Creek.	*1,017
			Approximately 3.1 miles upstream confluence of Puter Creek.	*1,182
		York Creek	Approximately 440' downstream County boundary	*569
			Upstream side of York Creek Road	*598
			At Missouri-Kansas-Texas Railroad	*620
			Approximately .9 mile upstream of confluence of Bull Hollow.	*667
		South Guadalupe Tributary	Approximately 300 feet downstream of McQueeny Road.	*623
			Approximately 1.0 mile upstream of McQueeny Road	*648
			Approximately 100 feet upstream of FM 1044	*671
		Canyon Lake	Entire shoreline	*946

Maps available for inspection at the Comal County Courthouse, New Braunfels, Texas.

Send comments to Honorable Fred Clark, Comal County Judge, County Courthouse, 100 Main Plazs, Room 114, New Braunfels, Texas 78130.

Texas	Haslet, City, Tarrant County	Buffalo Creek	At downstream corporate limits	*657
			Approximately 1,850 feet upstream of upstream corporate limits.	*661
		Henrietta Creek	At downstream corporate limits	*657
			At upstream side of Harmon Road	*665
			Approximately .45 mile upstream of Harmon Road	*670
			Approximately .47 mile downstream of upstream corporate limits.	*677
			At upstream corporate limits	*685
			Approximately 1,100 feet upstream of upstream corporate limits.	*690

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Stream HEN-1	At confluence with Henrietta Creek	*666
			At corporate limits	*667
		Stream HEN-2	At confluence with Henrietta Creek	*684
			At upstream side of Keller-Haslet Road	*690
			Approximately 600 feet upstream of upstream corporate limits.	*703
		Stream HEN-2A	At confluence with stream HEN-2	*700
			At upstream side of Avondale-Haslet Road	*703
			Approximately .64 mile upstream of Avondale-Haslet Road.	*720
			At upstream corporate limits	*734

Maps available for inspection at the Haslet City Hall, First and Main Streets, Haslet, Texas.

Send comments to Honorable Odie Cowart, Mayor of the City of Haslet, P.O. Box 8, Haslet, Texas 76502.

Texas	Hurst, City Tarrant County	Little Bear Creek	Approximately 550' below downstream corporate limits	*597
			At downstream corporate limits	*598
			At upstream corporate limits	*612
		Calloway Branch	At downstream corporate limits	*513
			At upstream side of State Route 10	*518
			At upstream side of Arcadia Street	*540
			At upstream corporate limits	*549
		Walker Branch	At downstream corporate limits	*512
			At upstream side of State Route 10	*518
			At upstream side of Redbud Drive	*532
			At upstream side of Cheryl Avenue	*549
			Approximately 100' upstream of upstream corporate limits.	*567
		Lorean Branch	At downstream corporate limits	*503
			At upetream side of Hurstview Drive (downstream crossing).	*520
			At upstream side of Hurstview Drive (upstream crossing).	*540
			At upstream side of Bedford-Euless Road	*558
			At upstream side of Harwood Road	*574
			Approximately 200' downstream of Grapevine Highway	*587
		Sulphur Branch	Approximately 125' downstream of downstream corporate limits.	*481
			At upstream side of State Route 10	*489
			Approximately 250' upstream of upstream corporate limits.	*494
		Valley View Branch	At downstream corporate limits	*502
			At upstream side of Oak Drive	*534
			At upstream side of Cheryl Avenue	*550
			At upstream side of Pleasant View Drive	*577
			At upstream corporate limits	*591
		Stream VVB-1	At confluence with Valley View Branch	*587
			Downstream side of Harwood Road	*594
		Walker Branch	At upstream corporate limits near Interstate Route 820	#2
		Valley View Branch	Along Norwood Drive near State Route 121	#2

Maps available for inspection at the Hurst City Hall, 1505 Precinct Line Road, Hurst, Texas.

Send comments to Honorable Bill Souder, Mayor of the City of Hurst, City Hall, 1505 Precinct Line Road, Hurst, Texas 76054.

Texas	Kendall County	Cibolo Creek	Approximately 250 feet upstream of Herff Road	*1,383
			Approximately 140 feet upstream of John Street	*1,408
			Approximately 200 feet upstream of Interstate Highway 10.	*1,443
		Currey Creek	Approximately 500 feet upstream of Southern Pacific Railroad.	*1,389
			Just upstream of Adler Street	*1,426
		Cypress Creek	Approximately 420 feet upstream of State Highway 27	*1,423
		Dry Creek	Approximately 150 feet upstream of Southern Pacific Railroad.	*1,422
			Just upstream of 2nd Street	*1,449
		Frederick Creek	Approximately 150 feet upstream of School Street	*1,400
		Guadalupe River (at the crossing)	Approximately 150 feet downstream of FM 3160	*1,118
		Guadalupe River (at Ammans Crossing)	Just upstream of FM 474	*1,214
		Guadalupe River (at Waring)	Approximately 180 feet upstream of San Antonio Road	*1,334
		Guadalupe River (at Comfort)	Approximately 200 feet upstream of Interstate Highway 10.	*1,411
			Approximately 1,800 feet upstream of U.S. Highway 87	*1,415
		Unnamed Tributary No. 2	Approximately 1,060 feet above mouth	*1,335

Maps available for inspection at Kendall County Courthouse, Boerne, Texas.

Send comments to Honorable Ken Muller, Kendall County Judge, P.O. Box 399, Boerne, Texas 78006.

Virginia	Craigsville, Town Augusta County	Grassy Run	At downstream corporate limits	*1,503
			At confluence of Sulphur Springs Hollow	*1,519
			At confluence of Stuples Hollow	*1,547
			Approximately 175' upstream of upstream corporate limits.	*1,572
		Taylor Hollow	At confluence with Grassy Run	*1,512
			Upstream side of Railroad Avenue	*1,530
			Approximately 500' upstream of upstream corporate limits.	*1,556
		Stuples Hollow	At Confluence with Grassy Run	*1,547

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Approximately 30' upstream of Madison Street	*1,585
			At upstream corporate limits	*1,627
		Sulphur Springs Hollow	At confluence with Grassy Run	*1,519
			At confluence of Staples Hollow	*1,538
			Approximately 40' upstream corporate limits	*1,570
		Staples Hollow	At confluence with Sulphur Springs Hollow	*1,538
			At Howald Street	*1,560
			At upstream corporate limits	*1,582
Maps available for inspection at the Craigsville Town Hall, Craigsville, Virginia.				
Send comments to Honorable Jasper Robertson, Mayor of the Town of Craigsville, P.O. Box 426, Craigsville, Virginia 24430.				
Washington	Darrington (town) Snohomish County	Sauk River	On Alvord Street extended 500 feet east from intersection of Montague Avenue.	*535
Maps available for inspection at Town Hall, Darrington, Washington.				
Send comments to the Honorable Charles White, P.O. Box 397, Darrington, Washington 98241.				
Washington	Elma (City) Grays Harbor County	Cloquallum Creek	Intersection of Cloquallum Creek and Interstate 12	*51
Maps available for inspection at City Hall, Elma, Washington.				
Send comments to the Honorable Bill Ealon, P.O. Box E, Elma, Washington, 98541.				
West Virginia	Parkersburg, City, Wood County	Ohio River	Confluence of Little Kanawha River	*610
			Upstream side of Lake View Drive (extended)	*612
		Little Kanawha River	Confluence with Ohio River	*610
			Upstream side of Interstate Route 77	*610
		Worthington Creek	Confluence with Little Kanawha River	*610
			Upstream confluence of Holmes Creek	*610
		Neal Run	Confluence with Little Kanawha River	*610
			Upstream side of State Route 95	*610
		Wards Run	Upstream side of Camden Avenue	*610
			Approximately 50 feet upstream of 15th Avenue	*615
			Upstream side of Niagara Street	*631
		Pond Run Lower Reach	Upstream side of Chessie System	*590
		xl	Upstream side of Memorial Highway bridge approach	*600
		xl	Upstream side of 29th Street	*601
		Holmes Run	Confluence with Worthington Creek	*610
			Upstream side of Stella Street	*617
			Upstream side of Emerson Avenue	*637
			Approximately 830 feet upstream of Emerson Avenue	643
Maps available for inspection at the Parkersburg City Hall, 1 Government Square, Parkersburg, West Virginia.				
Send comments to Honorable Pat S. Pappas, Mayor of the City of Parkersburg, 1 Government Square, P.O. Box 1627, Parkersburg, West Virginia.				
Wisconsin	City of Tomahawk, Lincoln County	Tomahawk River	About 360 feet downstream from Marinette, Tomahawk and Western railroad bridge.	*1,435
			Just downstream of Jersey City Dam	*1,436
			Just upstream of Jersey City Dam	*1,450
			About 1,700 feet upstream of Jersey City Dam	*1,450
		Wisconsin River	Within community	*1,435
Maps available for inspection at the Building Inspector's Office, City Hall, P.O. Box 469, Second Street, Tomahawk, Wisconsin 54487.				
Send comments to Honorable Harold Butler, Mayor, City of Tomahawk, City Hall, P.O. Box 469, Second Street, Tomahawk, Wisconsin 54487.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19967; and delegation of authority to the Administrator)

Issued: January 10, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85-1846 Filed 1-24-85; 8:45 am]

BILLING CODE 6718-03-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; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of comment/reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and replies to comments in response to the *Notice of Proposed Rule Making* in MM Docket No. 84-1296. This *Notice* requested comment on amendment of the Commission's Rules to implement the provisions of the Cable Communications Policy Act of 1984. The extension of time was requested by the National Cable Television Association, Inc.

DATES: Comments are due on or before January 28, 1985, and replies to comments are due on or before February 11, 1985.

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

FOR FURTHER INFORMATION CONTACT: Judith Herman, Mass Media Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Comments to Notice of Proposed Rulemaking

In the matter of amendment of Parts 1, 63 and 76 of the Commission's Rules to Implement the Provisions of the Cable Communications Policy Act of 1984; MM Docket No 84-1296.

Released: January 8, 1985.

By the Chief, Mass Media Bureau.

1. On December 4, 1984, the Commission adopted a *Notice of Proposed Rule Making* in MM Docket No. 84-1296 to consider amendments to the Commission's rules to implement the provisions of the Cable Communications Policy Act of 1984 (49 FR 48765, 12-14-84). The *Notice* was released on December 11, 1984, with comments due by January 14, 1985, and reply comments due by January 29, 1985.

2. On December 28, 1984, the National Cable Television Association, Inc. (NCTA) submitted a motion for bifurcation of the proceeding and extension of time for filing comments and reply comments on all matters other than the rate regulation issues to March 15, 1985, and April 15, 1985, respectively. The petitioner bases its request on the fact that only the rate regulation issues must be effectuated by April 28, 1985, under the Cable Communications Policy Act of 1984. By bifurcating the proceeding, NCTA asserts that parties would be able to address the rate regulation issues fully within the existing comment period before responding to the other issues raised in the *Notice*.

3. The Commission is interested in expeditiously completing this proceeding. We recognize the importance of the issues raised in the *Notice* and wish to provide sufficient time for parties to submit comments. We are not persuaded, however, with regard to the merits of bifurcating the proceeding. While it is the case that only the rate regulation issues have a specific statutory deadline, we believe that other sections of the Cable Communications Policy Act of 1984 raise issues that must be resolved in concert with the rate regulation issues. Therefore, we intend to extend the time for filing comments without bifurcating the proceeding.

4. Accordingly, it is ordered that the time for filing comments and replies to comments to the above referenced *Notice* is extended to and including January 28, 1985, for comments and February 11, 1985, for reply comments.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(i), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.

James C. McKinney,

Chief, Mass Media Bureau.

[FR Doc. 85-1978 Filed 1-24-85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 2

[Gen. Docket No. 83-30; RM-3524; RM-3885; RM-4591; FCC 84-560]

Allocating Spectrum for, and Establishing Other Rules and Policies Pertaining to the Use of Radio in Establishing a Public Air-Ground Telephone System

AGENCY: Federal Communications Commission.

ACTION: Report and order; denial of proposed rule.

SUMMARY: The proposal to allocate 4 MHz of spectrum at 896-898 MHz and 941-943 MHz for an air-ground radiotelephone system is denied. Also, a petition for rulemaking to extend the use of the proposed frequencies by passengers on trains is denied. The Commission has determined that the land mobile services should be allocated the spectum as it would serve a broader segment of the outstanding public need.

FOR FURTHER INFORMATION CONTACT: Mel Murray; (202) 632-6354.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

In the matter of Amendment of the Commission's Rules to Allocate Spectrum for, and to Establish other Rules and Policies Pertaining to the Use of radio in Establishing a Public Air-ground Telephone System (GEN Docket No. 83-30, RM-3524, RM-3885, RM-4591).

Adopted: November 21, 1984.

Released: January 14, 1985.

By the Commission: Commissioner Quello concurring in the result.

Purpose

1. In response to petitions for rulemaking, the Commission proposed to allocate four megahertz of spectrum at 800-900 MHz for a public air-ground telephone system.[1] After considering the record herein and evaluating whether the overall public interest would be served by providing spectrum in the upper portion of the UNF band, the Commission concludes that this proceeding should be terminated without making an allocation for this service. The Commission also denies a subsequently filed petition to extend the service to train passengers.

Background

2. In the *Notice*, we raised three issues for comment by the public. Specifically, we requested the public to comment on (1) the need for a public air-ground radiotelephone service, (2) desirable operational features that should be required if such a service were to be adopted and (3) a proposal to allocate 4 MHz at 896-898 MHz and 941-943 MHz for an air-ground radiotelephone system. We noted that there were other proposals for spectrum allocations in the 900 MHz range and that we would consider these proposals in a coordinated matter before making final decisions.[2]

3. In our *Notice* we provided a description of the technical and operational aspects of an air-ground telephone system as set forth in a petition filed by Airfone, Inc. (Airfone), RM-3524. Further, another description was provided for a second, separate air-ground telephone system as set forth in a petition filed by Aeronautical Radio, Inc. (ARINC), RM-3885. We also mentioned that each petitioner had filed for and received radio station authorization in the Experimental Radio Services under Part 5 of the FCC Rules to test equipment that each is developing for use in its respective system. Both parties are continuing efforts to develop their systems under these authorizations. On October 15, 1984, Airfone began in-flight tests on a limited number of commercial airplanes.

4. Although each petitioner had requested a different amount of spectrum to be allocated, we stated that from a spectrum management viewpoint we were compelled to weigh each petitioner's allocation request in light of several other, comparably important, pending allocation requests in the 900 MHz band. Accordingly, we proposed 4 MHz of spectrum for allocation because it appeared from Airfone's petition that this was an adequate amount of spectrum for the service. Also, we indicated our concern that any spectrum allocated should be utilized in the most efficient way possible[3]. However, we did not make any judgments regarding the attributes of each petitioner's proposed service nor did we state that

[1] *Notice of Proposed Rulemaking*, General Docket 83-30, 48 FR 12252 (March 23, 1983).

[2] *Notice*, paragraph 41.

[3] We were encouraged by Airfone's proposed use of narrow-band technology which would be less consuming of spectrum than that proposed by ARINC. In particular, the Airfone system would allow 5 channels for every 30 kHz as opposed to 3 channels for every 30 kHz in ARINC's system.

either system is distinctly preferable from an operational point of view.

Discussion

5. In this Report and Order we are considering the issues of the need for an air-ground radiotelephone service and the proposal to allocate 4 MHz at 896–898 MHz and 941–943 MHz. This is being done in coordination with our consideration of allocation proposals in Docket 82–243, dealing with an allocation for the fixed service, in Docket 83–26, dealing with an allocation for a private radio communications service, in Docket 82–243, dealing with an allocation for the auxiliary aural broadcast service, and outstanding allocation requests for private, cellular, and satellite land mobile radio services.

Need for a Public Air-Ground Radiotelephone System

6. In connection with its experimental radio authorization, Airfone conducted human engineering studies at various airport locations to determine if the operating instructions on its phones were sufficiently clear to enable passengers to make calls easily. During this period, Airfone also asked participants to complete a form letter, which was addressed to the FCC, that queried the public with regard to the benefits of having access to telephone service aboard commercial airlines within the United States. Each completed form letter contained answers to five specific questions, brief comments in general and each participant's name, address, and signature.[4] Approximately 2,000 of these surveys sheets were submitted to the Docket by Airfone. Nearly all participants expressed enthusiastic support for the proposed service. About 50 participants expressed opposition, indicating the service is not needed or is plagued with a number of problems. Among the problems cited were excessive cost, insufficient number of phones per plane, procedural problems dealing with demand for phones, emergencies, poor communications quality, not being able to receive calls, and annoying of other passengers.

7. Separately filed comments supporting the proposed allocation were received from Republic Airlines, Inc., Ozark Airlines, Inc., Western Union, the Aircraft Owners and Pilots Association, Airline Pilots Association, American Express Travel, Boeing Commercial Airplane Co., Continental Airlines, Warren D. Brill, M.D., Frontier Airlines, McDonnell Douglas Corp., Midway Airlines, and National Business Aircraft Assoc., Inc.

8. Other commenters questioned the need, stating that there had been no demonstrated need or justification for an air-ground radiotelephone service. AT&T states that the record is insufficient to show there is a serious public need for an air-ground radiotelephone service. The Land Mobile Communications Council ("LMCC") contends that "there has not been any definitive determination that there are air-to-ground communication requirements which are presently unmet." The Uniden Corporation of America ("Uniden") indicates that "it is not persuaded that there is a broad public need for this service and recommends the Commission deny the proposal." Finally, the Association of Maximum Service Telecasters, Inc. ("AMST") claims that the justification for the proposed public air-ground radiotelephone system is incomplete and inconclusive.

9. Railfone, Inc. (Railfone), a subsidiary of Airfone, filed a separate petition with the Commission on August 8, 1983, requesting that use of the proposed allocation for air-ground radiotelephone service be extended to include trains. The petition, designated RM–4591, was placed on public notice September 2, 1983. Comments regarding need for the service were generally along the lines of those previously submitted to the petition in the instant docket. The emphasis made was that the needs of the land mobile services must be given precedence in reallocating the 900 MHz reserve spectrum. In view of the petition's relevance to the issues considered herein, it is being incorporated into this proceeding.

Allocation Proposal of 4 MHz

10. Our proposal to allocate 4 MHz at 896–898 MHz paired with 941–943 MHz generated considerable comment. Included among those parties in opposition are the Special Industrial Radio Service Association, Inc. ("SIRSA"), LMCC, and AMST. SIRSA indicates that the Commission should not reallocate portions of the reserve spectrum for different radio communication applications in view of the widely held consensus that this reserve will prove insufficient to meet the anticipated spectrum requirements for terrestrial land mobile services. LMCC contends that there will be severe spectrum shortages in most metropolitan areas by the end of the decade and that the land mobile reserve should be allocated to accommodate land mobile needs. AMST states that effective spectrum management requires a comprehensive and coordinated evaluation of this allocation request along with the future needs of land mobile users for the same reserve spectrum. It urges the Commission to balance whatever showing has been made for a public air-ground radiotelephone service against the needs of land mobile for the reserve spectrum.

11. A number of commenters recognize the desirability of the service, but suggest the allocation of alternative frequency bands. In particular, Motorola suggests the use of 1.545–1.559 GHz, 1.559–1.610 GHz or 1.610–1.625 GHz. It contends that the 900 MHz frequencies are well suited, from the propagation point of view, for land mobile and that an air-ground service could easily use higher frequencies due to its line-of-sight propagation path. The NAB also suggests use of frequencies above 1 GHz. The Telocator Network of America concurs and suggests an allocation at the bands 1545–1559 MHz paired with 1645–1660 MHz. Because it believes the service will expand internationally, Telecator believes that use of bands allocated internationally for aeronautical mobile satellite would be preferable. Others supporting an allocation above 1 GHz include AT&T, Society of Broadcast Engineers, Land Mobile Communications Council, National Association of Business and Educational Radio, Inc. and the Mobile Communications Corporation of America.

12. ARINC maintains that a 12 MHz allocation is necessary to provide for a total of 750 8 kHz wide channels to meet demand through the year 1991. It states that a 4 MHz allocation would not meet market demand and would not support effective competition. McDonnell Douglas also contends that 4 MHz is an inadequate amount and alternatively suggests an allocation of 8 MHz. Departing from the position taken in its petition, Airfone states that a 4 MHz allocation will not be sufficient because of expected high usage and system expansion. It indicates that at least 6 MHz is desirable and says that it will submit market test data in support of a request for additional spectrum. Among additional uses foreseen by Airfone are the interconnection of computer terminals with ground-based computers and the transmission of patients' vital signs to their doctors.

[4] The five questions were: (1) Approximately how many times a year do you fly via commercial airlines? (2) Are there times, while in-flight, when you find it important to be in touch with either your office or home? (3) Would you use a telephone in an airliner if it were available? (4) Could a telephone make your travel time more productive? and (5) Can you see any advantages in having telephone service on an airliner?

13. Further, Airfone states that it prefers the allocation 899–901 MHz paired with 944–946 MHz. Airfone notes that although it had originally requested use of the proposed bands, 896–898 MHz and 941–943 MHz, it was told by the Commission to change to these bands to avoid possible interference with shipboard radars.[5] Accordingly, Airfone redesigned its developmental system. It claims that to switch frequencies for the operational system would present severe hardship. Airfone contends that several new FAA approvals would be required, which would take at least six months to obtain. Additionally, it would have to change all of the extremely high-stability crystals in its equipment.

Findings

14. The proposed allocation for the air-to-ground service, 896–898 MHz paired with 941–943 MHz, falls within the 41 megahertz of land mobile reserve spectrum between 821 MHz and 947 MHz. The Commission has received requests for this reserve spectrum that would require a total more than 80 megahertz.[6] Obviously, all of these requests cannot be approved. In deciding how to allocate the remaining 41 megahertz of reserve spectrum, we have therefore carefully weighed these varying demands to determine which would best serve the overall needs and interests of the public. As discussed below, we have concluded that first priority must be given to satisfying the land mobile requirements for which the reserve was originally established.

15. The record demonstrates that demand for land mobile services has steadily increased and is projected to continue over the long term. In PR Docket 82–10, the Private Radio Bureau estimated significant spectrum shortfalls for private radio services in the year 2000 in the 21 largest urban areas.[7] Similarly, common carrier cellular demands are expected to grow such that additional spectrum will be needed in the near future. *Notice of Proposed Rulemaking* in Gen. Docket No. 84–1231 at para. 13–19 (adopted November 21, 1984). In addition to the clear and growing demand for these services, private land mobile and cellular services are capable of providing essential communications to a multitude of users, ranging from public safety and emergency entities, to industries and businesses, to the general public traveling almost anywhere across the United States. And, while land mobile satellite services have yet to be established, granting an allocation for that service would allow service to terrestrial mobile units in areas of the country for which no comparable service is expected to be available. *Notice of Proposed Rulemaking* in Gen. Docket No. 84–1234 (adopted November 21, 1984). Moreover, the utility of this new service would be enhanced by its potential to be complementary to cellular system in the future. *Id.* at para *13.*

16. In contrast, it is evident that the proposed air ground radiotelephone service would serve a much smaller fraction of the public.[8] Moreover, the air-to-ground service, which is in some sense a "luxury" service, does not offer the same potential for serving a multiplicity of communications needs as these other services. Consequently, while we recognize that a need may exist for the air-ground service, we conclude that the needs of other services competing for the same spectrum are more pressing and should be accorded greater priority. We are declining, therefore, to allocate spectrum from the land mobile reserve for the air-to-ground service. In refusing the requested allocation, however, we note that the proposed service may still become possible, either by using higher frequency bands or by consolidating with the proposed land mobile satellite service.[9]

17. With regard to the request by Railfone to share the same frequencies as we proposed for the air-ground radiotelephone service, we view such a request to be an "add-on" feature to the proposal at hand. An extension of telephone service to train passengers would be of little utility to all but a small segment of the public. Compared to land mobile services, this "add-on" service would not meet a substantial outstanding public need. Accordingly, we are denying the petition, RM–4591.

Administrative

18. Accordingly, it is ordered that this proceeding is terminated and that the proposal to allocate spectrum in the 900 MHz region to establish a public air-ground radiotelephone service is herein denied.

19. It is further ordered that the petition filed by Railfone, Inc., RM–4591, is denied.

20. Authority for action taken herein is contained in sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303 (c) and (r).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85–1976 Filed 1–24–85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Parts 2, 73, and 90

[Gen. Docket No. 84–902; RM–3975]

Amendment of the Commission Rules To Allocate Additional Channels in the Band 470–512 MHz for Public Safety Services; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: This action extends for thirty-two (32) days the date for filing comments to the Notice of Proposed Rule Making to allocate additional channels in the band 470–512 MHz for Public Safety Service. This action is taken in response to the request of the Los Angeles County Sheriff's Department.

The Proposed Rule in this proceeding was published in the **Federal Register** on November 21, 1984, 49 FR 45875.

DATE: Comments in the above noted proceeding must be filed on or before

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[5] In early 1981, a series of tests was started to determine the feasibility of sharing between shipboard radar operations and the experimentally authorized Airfone air-ground radiotelephone system. These tests indicated that by reversing the uplink/downlink bands requested by Airfone the interference situation presented by the radar transmitter could be avoided. Accordingly, the Commission's *Notice* proposed using the 896–898 MHz band for air-to-ground links and the 941–943 MHz band for ground-to-air links. Airfone was granted experimental authorization on other frequencies only to avoid a *possible* interference problem. However, it has since been determined no interference problem exists when using the proposed frequencies.

[6] In addition to the request for spectrum for an air-ground/rail radiotelephone service, the Commission has the following allocation requests: (a) Eight megahertz for one type of new personal radio service and three megahertz for another type; (b) four megahertz for cordless telephones; (c) twenty megahertz for a mobile satellite service; (d) six megahertz for a government and non-government fixed service; (e) five megahertz for broadcast auxiliary services; (f) twelve megahertz for cellular system expansion; and (g) twenty megahertz for private land mobile.

[7] *Notice of Inquiry*, PR Docket 82–10, 47 FR 4737 (February 2, 1982).

[8] It is estimated that 20 to 30% of the traveling public aboard planes would make use of a telephone. Petition of Airfone, Inc., RM–3524, Exhibit P. This translates into about 200,000 to 300,000 phone calls from the air per day. In comparison, competing services can be expected to serve several orders of magnitude more users.

[9] We note that 9 megahertz of reserve spectrum is today being allocated to a government/non-government fixed service (Gen. Docket 82–243) and to auxiliary broadcast services (Gen. Docket 82–335). This 9 megahertz with the 32 megahertz proposed for land mobile services completes the planned use of the 41 megahertz of reserve.

February 11, 1985 and Reply Comments must be filed on or before February 26, 1985.

ADDRESS: Federal Communications Commission, 1919 M Street, NW, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Marjorie S. Reed, Office of Science and Technology, (202) 632-7067.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Comments

In the matter of Amendment of Parts 2, 73, and 90 of the Commission's Rules and Regulations to Allocate Additional Channels in the Band 470-512 MHz for Public Safety Services; Gen. Docket 84-902, RM-3975.

Adopted: January 14, 1985.
Released: January 16, 1985.

By the Chief Scientist.

1. The Commission released a *Notice of Proposed Rule Making* on October 11, 1984, proposing to make frequencies available from television Channel 19 (500-506 MHz) for public safety use in the Los Angeles County area. Gen. Docket 84-902, 47 FR 45875 (1984). On December 17, 1984, the Chief Scientist released an Order extending the period for responding to this *Notice* to January 22, 1985, for comments and February 7, 1985, for reply comments. This would allow parties adequate time to study a report on the feasibility of the proposed reallocation being prepared by the Los Angeles County Sheriff's Department (the Sheriff).

2. The Sheriff's report was expected by December 20, 1984. However, through letters from Counsel of December 19, 1984, and January 3, 1985, the Sheriff advised the Commission of delays in completing the report. In the January 3rd letter, the Sheriff stated his intention to file the report by January 11, 1985, and he requested an extensions of the comment period until February 11, 1985, for comments and February 26, 1985, for reply comments. He also withdrew his December 7, 1984, Motion to Continue Comment Dates.

3. The Sheriff filed a "Report of Tests Conducted to Determine Impact of Public Safety Land Mobile Operations Operating in Adjacent Channel 19 Spectrum upon Reception of Station KSCI, Channel 18 San Bernardino, California" on January 11, 1985. A copy of this report is available in the docket file. The Sheriff also expects to have a mathematically modelled depiction of Channel 18's Grade B service area showing the effects of terrain shielding. This should be available shortly. A further extension of the comment period as requested by the Sheriff is warranted so that parties can review this report and the additional study before filing their comments in this proceeding.

4. Accordingly, pursuant to § 0.24(d) of the Commission's Rules, It Is Ordered That comments be filed on or before February 11, 1985, and reply comments on or before February 26, 1985.

Robert S. Powers,

Chief Scientist.

[FR Doc. 85-1983 Filed 1-24-85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Parts 81 and 83

[PR Docket No. 85-7; FCC 85-5]

Implementation of Maritime Distress and Safety Frequencies in the 2-18 MHz Bands

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The FCC proposes to amend Parts 81 and 83 of its rules (concerning the maritime radio services) to implement distress and safety frequencies allocated by the 1983 World Administrative Radio Conference for the Mobile Service. This proposal is prompted by actions in the international community to implement a new distress and safety system. The intended effect is to aid the transition to an improved maritime distress and safety system.

DATES: Comments must be submitted on or before March 26, 1985, and reply comments must be submitted on or before April 25, 1985.

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

FOR FURTHER INFORMATION CONTACT: Larry D. Reed, Private Radio Bureau, Aviation and Marine Branch, Washington, D.C. 20554, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 81

Coast station, Radio.

47 CFR Part 83

Marine safety, Radio, Ship stations.

Notice of Proposed Rulemaking

In the matter of amendment of Parts 81 and 83 of the Commission's rules to implement frequencies for the Future Global Maritime Distress and Safety System; PR Docket NO. 85-7.

Adopted: January 7, 1985.
Released: January 18, 1985.

By the Commission.

1. The 1983 World Administrative Radio Conference for the Mobile Services (MOB-83) allocated distress and safety frequencies between 2 MHz and 18 MHz for the Future Global Maritime Distress and Safety System. This proceeding proposes to implement these frequencies in Parts 81 and 83 of the Commission's Rules and Regulations. Early availability of these frequencies will permit voluntary participation in the evaluation and testing of the new distress and safety system.

Background

2. The International Telecommunications Union (ITU) held a World Administrative Radio Conference for the Mobile Services in Geneva from February 28 to March 18, 1983. MOB-83 dealt almost entirely with distress and safety issues. The International Maritime Organization (IMO) provided MOB-83 with a design for a Future Global Maritime Distress and Safety System (FGMDSS).[1] This design featured automatic distress alerting followed by automatic transmission of additional information concerning a distress incident. On the basis of the IMO design, MOB-83 revised the international Radio Regulations to identify frequencies for the new distress and safety system. Those revisions to the 2-18 MHz maritime bands are the subject of this proceeding.

Proposal

3. We propose to change the Commission's maritime rules (Parts 81 and 83) to incorporate the frequencies in the 2-18 MHz bands identified by MOB-83 [2] for the FGMDSS. The new frequency uses are specified below.

4. The following carrier frequencies would be available on a simplex basis for distress, safety and calling communications: 4125.0 kHz, 6215.5 kHz, 8257.0 kHz, 12392.0 kHz, and 16522.0 kHz. Internationally, the frequencies 4125.0 and 6215.5 kHz have been used to supplement 2182.0 kHz for distress, safety and calling purpose. In the United States, the frequency 4125.0 kHz is currently available for business and operational communications between

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[1] The phasing in of this system is expected to begin in 1990. It will replace the present maritime distress and safety system which relies on ship-to-ship distress alerting using manual Morse Code. The future system will rely primarily on ship-to-shore distress alerting using satellites and high frequency terrestrial systems employing digital selective calling techniques.

[2] The Final Acts of MOB-83 become effective on January 15, 1985, for nations that have ratified this treaty. Although the United States has not yet ratified the Final Acts of MOB-83 we are initiating this proceeding to permit the early implementation of the new frequency allocations after the treaty has been ratified.

ships, and between ships and limited coast stations. Since MOB–83 did not dedicate these frequencies exclusively for distress, safety and calling, we propose to permit the current uses of 4125.0 kHz to continue indefinitely.

5. MOB–83 set aside a dedicated frequency in each of the 2, 4, 6, 8, 12, and 16 MHz bands exclusively for distress and safety communication using digital selective calling (DSC) techniques. The frequencies are: 2187.5 kHz, 4188.0 kHz, 6282.0 kHz, 8375.0 kHz, 12563.0 kHz and 16750.0 kHz. These frequencies were included in the Further Notice of Proposed Rule Making in PR Docket 83–431.[3] Additionally, we note that the DSC frequency in the 2 MHz band, 2187.5 kHz, was taken from the guardband for the international distress and calling frequency 2182 kHz (2173.5–2190.5 kHz). The other five DSC distress and safety frequencies were taken from the upper portion of the bands allocated to ship stations for DSC. This made it necessary to adjust the DSC carrier frequencies specified in these bands for use by ships for other purposes.

6. Similar to the DSC provisions, MOB–83 also provided for a dedicated frequency in each of the maritime bands between 2 and 17 MHz to be used exclusively for narrow-band direct-printing telegraphy (NB–DP) distress and safety communications. The frequencies are: 2174.5 kHz, 4177.5 kHz, 6268.0 kHz, 8357.5 kHz, 12520.0 kHz and 16695.0 kHz. The frequency 2174.5 kHz is also taken from the guardband for 2182 kHz. The other five NB–DP distress frequencies are currently NB–DP working frequencies. In order to conform with MOB–83, we propose to make these frequencies available exclusively for distress and safety communications and delete them from the table of NB–DP working frequencies in Part 83 of our rules.

7. The proposed rule amendments would implement five additional radiotelephony frequencies, six new NB–DP frequencies and six new DSC frequencies for distress and safety purposes. The frequencies would be available for the testing and introduction of ship radio installations which will eventually comprise part of the FGMDSS. The operation of such installations will be complementary to and not adversely affect existing distress and safety services. These proposed amendments do not require any equipment to be installed on ships or in coast stations.

[3] In the Matter of Digital Selective Calling System in the Maritime Mobile Service, released October 26, 1984, FCC 84–499, 49 FR 43718.

Comments

8. The proposed amendments to the rules as set forth in the Appendix, are issued pursuant to authority contained in sections 4(i), and 303(b), (g) and (r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(b), (g) and (r).

9. In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), we certify that these rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. These proposed rules would make available a number of frequencies dedicated for maritime distress and safety purposes by the 1983 World Administrative Radio Conference for the Mobile Services. Since frequency use would be voluntary, no new equipment would be mandated and no existing-equipment would be made obsolete by this action.

10. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

11. For 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 rule making until the time a public notice is issued stating 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 former written comments/pleadings or 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 subjects a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding, must prepare a written summary of that presentation. On the day of that oral presentation, a 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, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

12. Pursuant to applicable procedures set out in § 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before March 26, 1985 and reply comments on or before April 25, 1985. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may taken 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 files and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

13. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission Public Reference Room at its headquarters in Washington, D.C.

14. It is ordered, that the Secretary shall cause a copy of this Notice of Proposed Rule Making to be served upon the Chief Council for Advocacy of the Small Business Administration.

15. For further information on this proceeding, contact Larry D. Reed, Private Radio Bureau, Washington, D.C. 20554, (202) 632–7175.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA FIXED SERVICE

1. Section 81.204 is amended by adding new paragraph (d) to read as follows:

§ 81.204 Assignable frequencies—Narrow-band direct-printing radiotelegraph and data transmissions systems.

* * * * *

(d) The following frequencies are available exclusively for distress and safety communications by narrow-band direct-printing telegraphy:

NB–DP distress frequencies (kHz)

2174.5	8357.5
4177.5	12520.0
6268.0	16695.0

2. In § 81.304, the frequency table in paragraph (a) is amended by adding the following frequencies and conditions of use in frequency order, and by adding subparagraph (b)(23).

§ 81.304 Frequencies available.

(a) * * *

4125.0	81.305	23
*	* * * *	
6215.5	81.305	23
*	* * * *	
8257.0	81.305	23
*	* * * *	
12392.0	81.305	23
*	* * * *	
16522.0	81.305	23

(b) * * *

(23) Use of this frequency by coast stations is authorized for distress and safety communications by radiotelephony.

* * * * *

3. Section 81.305 is amended by the adding new paragraph (d) to read as follows:

§ 81.305 Frequencies for calling and distress.

* * * * *

(d) The frequencies 4125.0 kHz, 6215.5 kHz, 8257.0 kHz, 12392.0 khz and 16522.0 kHz may be used by coast stations on a simplex basis for distress and safety communications. The frequency 4125.0 kHz may also be used for communications between aircraft stations and maritime mobile stations for distress and safety purposes.

4. Section 81.361 is amended by adding the footnote "1" after the frequency 4125.0 in the table in paragraph (a) and adding the text of the footnote after the table to read as follows:

§ 81.361 Frequencies available.

(a) * * *

[1] The frequency 4125.0 kHz is available for distress, safety and calling purposes.

* * * * *

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

§ 83.321 [Amended]

1. In § 83.321, the frequency table in paragraph (b) is amended by removing the frequencies 4177.5, 6268.0, 8357.5, 12520.0 and 16695.0 kHz.

2. Section 83.322 is amended by adding new paragraph (e) to read as follows:

§ 83.322 Frequencies for use in distress.

* * * * *

(e) The following frequencies are available exclusively for distress and safety communications using narrow-band direct-printing telegraphy:

NB-DP Distress Frequencies (kHz)

2174.5	8357.5
4177.5	12520.0
6268.0	16695.0

3. In § 83.351, the frequency table in paragraph (a) is amended by revising the rule sections listed opposite the frequency 4125.0 kHz and adding the frequencies 6215.5, 8257.0, 12392.0 and 16522.0 kHz in frequency order to read as follows:

§ 83.351 Frequencies available.

(a) * * *

4125.0	83.352, 83.360
*	* * * *
6215.5	83.352
*	* * * *
8257.0	83.352
*	* * * *
12392.0	83.352
*	* * * *
16522.0	83.352
*	* * * *

4. Section 83.352 is amended by adding new text at the end of paragraph (a) to read as follows:

§ 83.352 Frequencies for use in distress and search and rescue operations.

(a) * * *

Additionally the frequencies 4125.0 kHz, 6215.5 kHz, 8257.0 kHz, 12392.0 kHz and 16522 kHz are available for use by coast and ship stations on a simplex basis for distress and safety communications. The frequency 4125.0 kHz may also be used for communications between aircraft stations with maritime mobile stations for distress and safety purposes.

* * * * *

5. Section 83.360 is amended by placing the footnote "1" after the frequency 4125.0 kHz in the table in paragraph (a) and adding the text of the footnote after the table to read as follows:

§ 83.360 Frequencies for business and operational purposes.

(a) * * *

[1] the frequency 4125.0 kHz is also available for distress, safety and calling purposes.

* * * * *

[FR Doc 85–1984 Filed 1–24–85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 83

[PR Docket No. 85-8; RM-4779; FCC 85-6]

Amendment of the Commission's Rules To Remove the Requirement for Reliability Tests of Ship Radar

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to delete the requirements for manufacturers of radar for large oceangoing ships to perform reliability tests. This action was requested by the Sperry Corporation. The intended effect is to remove an unnecessary and burdensome requirement from the rules.

DATE: Comments must be received on or before March 18, 1985 and reply comments must be received on or, before April 17, 1985.

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

FOR FURTHER INFORMATION CONTACT: Nicholas G. Bagnato, Private Radio Bureau, Aviation and Marine Branch, Washington, D.C. 20554, (202) 632–7175.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 83

Radar, Vessels, Marine Safety, Communication equipment, Radio.

Notice of Proposed Rulemaking

In the matter of Amendment of Part 83 of the rules to remove the requirement for reliability tests of ship radar (PR DOCKET NO. 85–8 RM–4779, FCC 85–6)

Adopted: January 7, 1985.
Released: January 18, 1985.

By the Commission.

1. In this Notice we propose to eliminate the requirement for manufacturers of shipboard radar to perform reliability tests.

Background

2. In the *Report and Order* in Gen. Docket No. 80-108 [1] the Commission implemented the radio provisions of the International Convention for the Safety of Life at Sea.[2] In that proceeding the Commission also adopted standards for ship radar stations by incorporating the specifications contained in the Final Report of Special Committee 65 (Ship Radio) of the Radio Technical Commission for Maritime Services (RTCM).[3] Among these specifications were requirements for extensive reliability tests by manufacturers of shipboard radar used on large oceangoing ships.

3. Sperry Corporation (Sperry), a manufacturer and distributor of marine radar equipment, has filed a petition for rulemaking to permit manufacturers to certify the reliability of shipboard radar equipment in lieu of performing the extensive and expensive reliabilty tests specified by the rules. Typically these tests require multiple sets of radar equipment to be operated in temperature controlled chambers for two to three months with performance tests conducted twice each day. Sperry argues that this is unnecessary. Sperry maintains that competition among manufacturers of marine radar is sufficient to assure the quality. Sperry states that reliability is built into such radar systems during the design stage, assessed in prototypes, and tested under actual operating conditions. Further, Sperry notes that no other marine navigational equipment is subject to such reliability testing.

4. Radar Devices, Inc. (RDI) and RTCM filed comments supporting Sperry's petition. RDI, a manufacturer of marine radar, concurs with Sperry's view that marketplace competition among manufacturers is sufficient to assure quality. It sees no need for the subject test procedures. RTCM referred the issue to its Special Committee 103 (SC-103) which is charged with studying radar matters. SC-103 recommends eliminating the requirement for reliability tests. The RTCM Board of Directors in concurring with SC-103 notes that in the six years since RTCM recommended reliability testing, experience has shown the purposes of the tests can be accomplished just as effectively by marktplace competition among manufacturers.

Proposal

5. We believe that the reliability tests specified for compulsory marine radar are unnecessary and burdensome on the manufacturers. The stringent reliability measurements were originally adopted due to earlier experiences with military equipment. Radar is the only compulsory shipboard equipment subject to such tests. However, unlike a malfunction of the radio installation, failure of radar equipment is not considered by SOLAS to be sufficient reason for delaying the departure of a ship.[4] Further, many large oceangoing ships are required to have two independent radar installations.[5] Additionally, as RTCM points out, experience over the last six years has demonstrated that the reliability tests are not needed in the marine radar market.

6. Accordingly, we propose to eliminate the requirement for the reliability testing of compulsory shipboard radar equipment contained in § 83.465(b)(4) of the rules.[6] Sperry asks that a statement from the manufacturer that the equipment has been built to perform reliably be accepted in lieu of the subject tests. We have not included a requirement to file this type of statement in the proposed rules. However, we specifically request comments on whether such a manufacturer's statement is necessary and should be required in lieu of these tests. This Notice is issued under the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

7. Under procedures set out in § 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before March 18, 1985 and reply comments on or before April 17, 1985. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. 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 that the fact of the Commission's reliance on such information is noted in the Report and Order.

8. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other material. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

9. For 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 rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal arguments) between a person outside the Commission and a Commissioner or a member of the Commission's Staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's rules 47 CFR 1.1231.

10. Pursuant to section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), we certify that the proposed rule will not have a significant impact on a substantial number of small entities. This rule proposes to relieve a

[1] FCC 81-97, released March 23, 1981, 46 FR 16564.

[2] This is commonly referred to as the "Safety Convention" or "SOLAS", TIAS 9700.

[3] RTCM was then a Federal Advisory Committee. It has since reorganized and become a private maritime industry association. The Sperry Corporation was represented on the RTCM Special Committee 65.

[4] See Chapter V, Regulation 12(o).

[5] Chapter V, Regulation 12(h) of SOLAS requires ships of 10,000 gross tonnage to have two radar installations.

[6] The petition requests that § 83.465(e) be amended. However, the Section was renumbered 83.465(b)(4) in the Report and Order in PR Docket No. 84-29, FCC 84-583, released November 29, 1984, 49 FR 48187.

burden for manufacturers of radar used on large vessels. Elimination of reliability tests will be more convenient and may slightly reduce equipment costs, and no substantial economic impact on any entity is expected.

11. The proposals continued herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; they will not increase or decrease burden hours imposed on the public.

12. It is ordered, That a copy of this Notice of Proposed Rule Making shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

13. Regarding questions on this matter contact Nicholas G. Bagnato, 202/632-7175.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 83—STANDING ON SHIPBOARD IN THE MARITIME SERVICES

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

§ 83.465 [Amended]

Section 83.465 is amended by removing paragraph (c)(4).

[FR Doc. 85-1985 Filed 1-24-85; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 50, No. 17
Friday, January 25, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Government Processes; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of a meeting of the Committee on Governmental Processes of the Administrative Conference of the United States, to be held at 1:30 p.m. on Friday, February 1, 1985, in Room 4428, Department of the Treasury, 15th Street & Pennsylvania Avenue, N.W., Washington, D.C.

The purpose of the meeting is to discuss research projects before the committee. Professors Barry Boyer and Errol Meidinger of the State University New York at Buffalo will present their draft report concerning lawsuits brought by citizens under the federal environmental laws.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should, if possible, notify the Office of the Chairman of the Administrative Conference prior to the meeting. The committee chairman, if she deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting.

For further information concerning this meeting contact David M. Pritzker, Office of the Chairman, Administrative Conference of the United States, 2 120 L Street, N.W., Suite 500, Washington, D.C. 20037. (Telephone: 202–254–7065.)

Minutes of the meeting will be available on request.

Richard K. Berg,
General Counsel.
January 23, 1985.

[FR Doc. 85–2032 Filed 1–24–85; 8:45 am]
BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Forms Under Review by Office of Management and Budget

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, D.C. 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, ATTN: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

• *Agricultural Marketing Service*

Regulations Governing the Inspection and Grading of Manufactured or Processed Dairy Products—Recordkeeping
Recordkeeping
Businesses or other for-profit; 2,382 hours; not applicable under 3504(h)
Richard Webber, (202) 447–7473

• *Agricultural Stabilization and Conservation Service*

Feed Grain, Rice, Cotton, and Wheat Regulations, 7 CFR Part 713
ASCS 503, 658, and 658–1
Annually
Farms; 328,000 responses; 60,667 hours; not applicable under 3504(h)
Bill Harshaw, (202) 382–9878

• *Foreign Agricultural Service*

Regulation-Financing Commercial Sales of Agricultural Commodities Under Title I, Pub. L. 480
On occasion
Businesses or other for-profit; 939 responses; 964 hours; not applicable under 3504(h)
James Chase, (202) 447–5780

• *Rural Electrification Administration*

Request for Approval to Sell Capital Assets
REA 369
On occasion
Small businesses or organizations; 260 responses; 780 hours; not applicable under 3504(h)
Charles R. Weaver, (202) 382–1900

New

• *Animal and Plant Health Inspection Service*

Request for Compensation for Articles Destroyed
PPQ 751
On occasion
Individual or households; State or local governments; Farms; Businesses or other for-profit; 1,000 responses; 250 hours; not applicable under 3504(h)
N.E. Bedessem, (301) 436–5533

Revision

• *Animal and Plant Health Inspection Service*

9 CFR 85 Pseudorabies
Recordkeeping; On occasion
Farms; Businesses or other for-profit; 75,000 responses; 13,275 hours; not applicable under 3504(h)
L.W. Schnurrenberger, (301) 436–8487

• *Agricultural Marketing Service*

7 CFR Part 59, Regulations Governing the Inspection of Eggs and Egg Products
On occasion; Monthly; Quarterly; Semi-annually; Annually, Daily. Recordkeeping
PY–38, –155, –156, –214, –222, –240, and 518–1
Businesses or other for-profit; Small businesses or organizations; 52,371 responses; 29,248 hours; not applicable under 3504(h)
Merline L. Nichols, Jr., (202) 447–3506

• *Agricultural Stabilization and Conservation Service*

Tobacco Marketing Quota Regulations—7 CFR 723, 724, 725, 726
ASCS 364 and 378, MQ 76–1, 78
Recordkeeping, On occasion, Weekly, Annually
Individuals or households; Farms; Small businesses or organizations; 5,372 responses; 1,240 hours; not applicable under 3504(h)
Jay S. Poole, (202) 447–2715

• *Statistical Reporting Service*

Rice Production and Stocks
On occasion; Monthly; Annually
Farms; Businesses or other for-profit; 12,036 responses; 2,809 hours; not applicable under 3504(h)
Lee Sandberg, (202) 447–6820

January 18, 1985.

Don Hulcher,

Acting Departmental Clearance Officer.

[FR Doc. 85–1909 Filed 1–24–85; 8:45 am]

BILLING CODE 3410–01–M

Animal and Plant Health Inspection Service

[Docket No. 84–365]

Extension of Comment Period on Draft Trifly Environment Impact Statement

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This document provides notice that the opportunity for public comment on a draft Environmental Impact Statement (EIS) on proposals to eradicate the Mediterranean Fruit Fly, the Oriental Fruit Fly and the Melon Fly in Hawaii USDA–APHIS–DEIS 85–1) has been extended by sixty days until March 26, 1985. The draft EIS was prepared by the Consortium for International Crop Protection for the Animal and Plant Health Inspection Service, U.S. Department of Agriculture.

DATE: Written comments concerning the draft EIS must be received on or before March 26, 1985.

ADDRESSES: Written comments concerning the draft EIS should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Edward J. Stubbs, Senior Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8295. Copies of the draft Trifly EIS are available upon request at this same address.

SUPPLEMENTARY INFORMATION: On December 6, 1984, the United States Department of Agriculture (referred to below as "Department") announcing the availability of a draft environmental impact statement (EIS) on proposals to eradicate the Mediterranean Fruit Fly, the Oriental Fruit Fly, and the Melon Fly from Hawaii. The notice announced that copies of the draft EIS were available upon request and that comments would be accepted on the draft EIS until January 16, 1985. Due to unforeseen delays in having the draft EIS printed and distributed, sufficient copies of the draft EIS were not available for public distribution until January 14, 1985.

Copies of the draft EIS are now available upon request (See "**FOR FURTHER INFORMATION CONTACT**"). In order to provide an opportunity for public participation in the development of the final EIS, the period of time for receiving comments on the draft EIS has been extended by sixty days, until March 26, 1985. Comments on the draft EIS are invited from all interested members of the public, from State and local agencies which administer plant pest control regulatory programs or are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any national program issue or environmental impact that should be discussed in the final EIS.

Done at Washington, D.C., this 18th day of January 1985.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 85–1842 Filed 1–24–85; 8:45 am]

BILLING CODE 3410–34–M

Animal and Plant Health Inspection Services

[Docket No. 84–120]

Bird Quarantine Facilities

The Deputy Administrator for Veterinary Services has determined that adequate personnel are available to provide services for seven additional privately operated bird quarantine facilities in Miami, Florida. This document announces that applications for selection for consideration for approval of these privately operated bird quarantine facilities may now be submitted. In order to be selected for consideration, applications must be received by the Import/Export Animals and Products Staff, VS, APHIS, USDA, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, on or before March 26, 1985.

This action is taken pursuant to the regulations in 9 CFR 92.11(f)(5) (referred to below as the regulations) which were recently established (See 48 FR 46355–46358, 49 FR 9708–9711) and which set forth provisions for selection of applicants for consideration for approval of privately operated bird quarantine facilities.

The regulations in § 92.11(f)(5)(i) provide the following with respect to the number of applications that may be submitted:

> If there is more than one announced opening at a port of entry, an applicant may submit more than one application but may not submit more applications than the number of announced openings.

Accordingly, applicants may submit up to seven applications for Miami.

The regulations in § 92.11(f)(5)(i) also provide the following requirements for applications:

[1] VS Form 17–11 is available from the Import/Export Animals and Products Staff, VS, APHIS, USDA, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

An applicant shall submit a completed VS Form 17–11,[1] "Application for Approval of Quarantine Facilities for Birds," or shall submit a document which states that it is an application for approval of a quarantine facility for birds and which includes the following information (the same as that called for by VS Form 17–11):

(A) Applicant's name, address, and telephone number;

(B) Status of applicant, such as individual, partnership, or corporation (if incorporated, include State where incorporated and date of incorporation);

(C) Name, title, and address of intended operators, partners, officers, directors, holders or owners of 10 per centum or more of voting stock, and employees in a managerial or executive capacity;

(D) (Optional) Address where the bird quarantine facility will be located;

(E) (Optional) A drawing of the floor plan for the facility showing the location of bird holding areas, equipment storage areas, office areas, clothes storage and change areas, feed storage areas, necropsy room (showing entry and refrigeration), washing areas for equipment, shower areas, ventilation arrangements, and entries and exits;

(F) (Optional) Whether the water source of the facility will be public or private;

(G) (Optional) Whether disposal of waste from the facility will be by sewer or incinerator, or both;

(H) Whether priority status is requested, and, if so, the extenuating circumstances relied on for such request; and

(I) Date; certification by signature of the intended operator, partner, or officer; and title of such individual after the following language: "Application is hereby made for approval of a USDA Approved Quarantine Facility for bird importations. I certify that the information provided herein is true and correct to the best of my knowledge and belief, and agree to comply with the applicable regulations in 9 CFR Part 92."

In addition, the regulations in § 92.11(f)(5) (ii) through (vi) provide the following procedures for consideration for approval of privately operated bird quarantine facilities:

(ii) If the number of applications for bird quarantine facilities at a specified port of entry does not exceed the number of announced openings, each application shall be considered for approval of a facility at that port of entry.

(iii) If the number of applications for bird quarantine facilities at a specified port of entry exceeds the number of announced openings, priority status for selection shall be given to applications from operators of currently approved facilities who request to transfer operations from a facility at a port of entry where they currently operate to a facility at a port of entry specified in the announcement if the Deputy Administrator, Veterinary Services, determines that there is a change in circumstances beyond the control of the operator which makes it impractical to continue operations at the currently approved facility, such as termination of services from a Government agency or termination of services from airlines. The following procedures shall apply for selection for consideration of applications eligible for priority status at a specified port of entry:

(A) If the number of applications eligible for priority status does not exceed the number of announced openings, each application eligible for priority status shall be considered for approval of a facility at that port of entry.

(B) If the number of applicants with one or more applications eligible for priority status at a specified port of entry is fewer than the number of openings but the number of applications eligible for priority status exceeds the number of openings, each applicant with one or more applications eligible for priority status shall first be selected for consideration for approval of one facility at that port of entry. Then, if there is a sufficient number of remaining openings at that port of entry, each applicant who submitted two or more applications eligible for priority status shall be selected for consideration for approval of a second facility. However, if the number of applicants who submitted two or more applications eligible for priority status exceeds the number of remaining openings, the applicants to be selected for consideration for approval for a second opening shall be determined based on a drawing. The proceeding shall continue in this manner until there are no more openings.

(C) If the number of applicants with one or more applications eligible for priority status exceeds the number of announced openings, each of these applicants (regardless of the number of applications submitted) will be eligible to be selected for consideration approval of no more than one new facility at that port of entry, and the selection of such applicants to be considered for approval shall be determined based on a drawing.

(iv) The following procedures shall apply for consideration of applications not included as eligible for priority status if one or more openings remain for bird quarantine facilities at a specified port of entry after all applications eligible for priority status have been selected for consideration (applicants selected for consideration for approval based on priority status are not eligible to be considered under these provisions for remaining openings in the same drawing in which they received priority status):

(A) If the number of applicants is fewer than the number of remaining openings but the number of applications exceeds the number of remaining openings, each applicant shall first be selected for consideration for approval of one facility at that port of entry. Then, if there is a sufficient number of remaining openings, each applicant who submitted two or more applications shall be selected for consideration for approval of a second facility. However, if the number of applicants who submitted two or more applications exceeds the number of remaining openings, the applicants to be selected for consideration for approval for a second opening shall be determineed based on a drawing. The proceeding shall continue in this manner until there are no more openings.

(B) If the number of applicants exceeds the remaining number of announced openings, an applicant (regardless of the number of applications submitted by such applicant) will be eligible to be selected for consideration for approval of no more than one new facility at that port of entry, and the selection of such applicants to be considered for approval shall be determined based on a drawing.

(iv) If a drawing is to be held, the participants in the drawing shall be notified by registered or certified mail of the date, place, and time of the drawing so that they may attend; however, attendance by participants is not required.

(vi) Applicants selected for consideration for approval of a bird quarantine facility shall be notified of such selection by registered or certified mail. As a condition of approval as a bird quarantine facility, the facility must comply with the requirements set forth in this section within 18 months from the date of notification. The Deputy Administrator, Veterinary Services, may refuse approval of any bird quarantine facility if an intended operator or a person responsibly connected with the business of the quarantine facility is or has been convicted of any crime set forth in paragraphs (f)(6)(ii)(B) or (f)(6)(ii)(C) of this section. Before a decision is made with respect to the eligibility of any facility for approval, a personal inspection of the facility shall be made by a Veterinary Medical Officer of Veterinary Services, to determine whether it complies with the standards set forth in this section. Approval of any bird quarantine facility shall be contingent on a determination made by the Deputy Administrator, Veterinary Services, that adequate personnel are available to provide services required by the facility if approved.

Additional provisions concerning privately operated quarantine facilities are set forth in 9 CFR 92.11 (e) and (f). There provisions, among other things, contain certin minimum requirements concerning location, construction, sanitation, security, and operational procedures.

FOR FURTHER INFORMATION CONTACT:
Dr. Samuel S. Richeson, Import/Export Animals and Products Staff, VS, APHIS, USDA, Room 843, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8172.

Done at Washington, D.C., this 22nd day of January 1985.

K.R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 85–1962 Filed 1–24–85; 8:45 am]

BILLING CODE 3410–34–M

[Docket No. 84-122]

Horse Protection Certified Designated Qualified Person (DQP) Programs and Licensed DQP's

Correction

In FR Doc. 85-623 beginning on page 1096 in the issue of Wednesday, January 9, 1985, make the following corrections:

On page 1097, first column, in the entry for "(ii) Arizona", "Streere" should have read "Steere". In the third column, in the entry for "(xx) Washington", first line, "Bickform" should have read "Bickford". Also in the third column, in the entry for "(v) Tennessee", fifth line, "Kinmons" should have read "Kimmons".

BILLING CODE 1505-01-M

CIVIL RIGHTS COMMISSION

Illinois Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 11:00 a.m. and will end at 2:00 p.m., on February 1, 1985, at U.S. Commission on Civil Rights Regional Office, 230 S. Dearborn, Room 3280, Chicago, Illinois. The purpose of the meeting is for the newly rechartered Committee to review work underway and plan the program for the remainder of the year.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Midwestern Regional Office at (312) 393-7479.

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

Dated at Washington, D.C., January 16, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-1902 Filed 1-24-85; 8:45 am]

BILLING CODE 6335-01-M

Mississippi Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Mississippi Advisory Committee to the Commission will convene at 3:30 p.m. and will end at 6:30 p.m., on February 21, 1985, at the Walthall Hotel, 225 East Capitol Street, Longstreet Room, Jackson, Mississippi. The purpose of the meeting is to formulate plans for a community forum on redistricting in Mississippi.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson Mary Ramberg, or Bobby Doctor of the Southern Regional Office at (404) 221-4391.

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

Dated at Washington, D.C., January 17, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-1905 Filed 1-24-85; 8:45 am]

BILLING CODE 6335-01-M

Tennessee Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 7:00 p.m., on February 15, 1985, at the Marriott Hotel, 1 Marriott Drive, Jackson Room, Nashville, Tennessee. The purpose of the meeting is to formulate plans for a community forum on civil rights issues in Eastern Tennessee.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson James Blumstein, or Bobby Doctor of the Southern Regional Office at (404) 221-4391.

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

Dated at Washington, D.C., January 17, 1985.

Bert Silver,

Assistant Staff Director, for Regional Programs.

[FR Doc. 85-1904 Filed 1-24-85; 8:45 am]

BILLING CODE 6335-01-M

Utah Advisory Committee; Agenda and Public Meeting

Notice is herby given, pursuant to the provisons of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Utah Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 10:00 p.m., on February 7, 1985, at the Howard Johnson Motor Lodge, 122 W. South Temple Street, Lisa Room, Salt Lake City, Utah. The purpose of the meeting is to discuss plans for future projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson Virginia Kelson or William Muldrow of the Rocky Mountain Regional Office at (303) 844-2211.

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

Dated at Washington, D.C., January 16, 1985.

Bert Silver,

Assistant Staff Director, for Regional Programs.

[FR Doc. 85-1903 Filed 1-24-85; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-401-004]

Certain Carton Closing Staples and Staple Machines from Sweden; Early Determinations of Antidumping Duties

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Early Determinations of Antidumping Duties.

SUMMARY: The Department of Commerce has conducted early determinations of the antidumping duties to be accessed upon imports of certain carton closing staples and staple machines from Sweden. For one of the two reviewed exporters, Grytgols Bruks AB, the early determinations covers staples entered, or withdrawn from warehouse, for consumption on or after october 25, 1983, and before December 14, 1983. For the other exporter, Josef Kihlberg Trading AB, the early determination cover staples and staple machines entered, or withdrawn from warehouse, for consumption on or after June 2, 1983, and before December 14, 1983. These determinations will also be the basis for the cash deposits of estimated antidumping duties on future entries of such merchandise from these companies.

International Staple and Machine Company, the petitioner, requested a hearing which we held on October 25, 1984.

As a result of our review of the comments received, we have adjusted the margins for Kihlberg from our pelliminary calculations in this review.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or Linnea Bucher, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–1130/2923.

SUPPLEMENTARY INFORMATION:

Background

On December 20, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 56250) antidumping duty orders on certain carton closing staples and staple machines from Sweden. In accordance with the orders, the Department directed Customs officers to require cash deposits of estimated antidumping duties on entries of the merchandise pending liquidation.

On December 12, 1983, two exporters, Grytgols Bruks and Josef Kihlberg, requested that the Department waive the cash deposit requirements and make early determinations of antidumping duties. On January 19, 1984, we announced in the **Federal Register** (49 FR 2282) that, in accordance with section 736(c) of the Tariff Act of 1930 ("the Tariff Act"), we would determine the foreign market values and United States prices for shipments of such merchandise. We waived the cash deposit of estimated antidumping duties pending the early determinations of duty. On march 19, 1984, 91 days after the publication of the order, we reimposed the cash deposit requirements set out in the order. We have now completed the section 736(c) determinations.

Scope of the Determinations

Imports covered by these determinations are certain carton closing staples in strip form and certain non-automatic carton closing staple machines. Carton closing staples are U-shaped wide crown fastening devices used to secure or close the flaps of corrugated paperboard cartons. They are commonly referred to as wide-crown staples and are available in either 50 or 60 piece sticks of 2,000 or 2,500 per box. Staples are made of steel, most often copper coated or galvanized. Carton closing wide crown staples differ from office, desk type, and other industrial staples primarily in the width of the crown and wire dimensions. Carton closing wide crown staples have crown widths of 1¼ inches or more. The wire cross-sectional dimensions vary from 0.037–0.040 inch by 0.074–0.092 inch.

Non-automatic wide crown carton closing staple machines use the wide crown staples described above and can be divided into two categories, hand-held top closing staple machines and free standing bottom closing machines.

Such staples and staple machines are currently classifiable under items 646.2000 and 662.2065, respectively, of the Tariff Schedules of the United States Annotated.

These determinations do not cover fine-wire staples which have a crown width of one inch or less and have wire cross-sectional dimensions of 0.030 inch by 0.045 inch and thinner. These determinations also do not cover heavy gauge staples, which have a crown width of no more than 1⅛ inches, have cross-sectional dimensions from 0.035–0.063 inch by 0.047–0.075 inch, and are not used for carton closing. Any staple machines, gun tackers, hammer tackers and pneumatic tackers which use fine wire or heavy gauge staples are also not covered by these determinations. These determinations also do not cover any automatic carton closing machines.

For Kihlberg the review period covers merchandise entered, or withdrawn from warehouse, for consumption on or after June 2, 1983, the date of our preliminary determinations of sales at less than fair value, and before December 14, 1983, the date of publication of the final injury determinations by the International Trade Commission. For Grytgols, because we gave the company a negative preliminary determination, the early determination covers merchandise entered, or withdrawn from warehouse, for consumption on or after October 25, 1983, the date of publication of our final determination of sales at less than fair value, to December 14, 1983.

United States Price

In calculating United States price the Department used purchase price as defined in section 772 of the Tariff Act. Purchase price was based on the packed price to an unrelated purchaser in the United States. Where applicable, we made deductions for U.S. and foreign inland freight, U.S. customs duties, ocean freight, marine insurance, brokerage charges and terminal charges. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, in accordance with section 773 of the Tariff Act. Home market price was based on the ex-factory packed or unpacked prices as appropriate. We made deductions, where appropriate, for quantity discounts in accordance with § 353.14 of the Commerce Regulations. We also made an adjustment for differences in credit terms and packing as appropriate. No other adjustments were claimed or allowed.

Analysis of Comments Received

We gave interested parties an opportunity to submit written comments or request a hearing. At the request of the petitioner, International Staple and Machine Company, the Department held a public hearing on October 25, 1984.

Comment 1: Kihlberg and one of its distributors in the United States, Salco Inc., objected to our preliminarily treating certain sales between them as consignment sales with Salco in the role of an agent for Kihlberg and thus a related party. We considered treating these transactions as exporter's sales price sales since the price may not have been fixed before importation. Both parties content that they are not related, that there is no ownership or agency relationship, that the price is fixed prior to importation and that we should consider the sales as purchase price transactions. They further state that Salco is an independent distributor handling many lines of merchandise. Kihlberg has no knowledge or control of Salco's customers, business practices, warranties or credit policies and, in any event, the agreement in contention has not been in force since 1974. Even when the agreement was in force it was not an agency agreement but simply a deferred payment arrangement.

Department's Position: We agree. We have determined that the prices at which the merchandise was agreed to be purchased were set prior to importation and that the contract between Kihlberg and Salco is no longer in effect.

Comment 2: The petitioner questions if, in determining whether to permit quantity discounts under § 353.14(b) of the Commerce Regulations in the calculation of foreign market value, the Department aggregated all staple types and all staple machine types for both Kihlberg and Grytgols to measure what quantity discounts were granted for at least 20 percent of the sales of such or similar merchandise. The petitioner contends that the Department must determine what discounts were granted for at least 20 percent of each distinct product type and only permit downward adjustments where the discounts on individual types meet the 20 percent test.

Department's Position: Kihlberg in the home market sold at least 20 percent of each model at the discount that we used in our calculations. For Grytgols, most of its sales were at the maximum discount.

Comment 3: The petitioner questions whether the Department verified Kihlberg's granting of quantity discounts

in the home market in the period prior to June 1983.

Department's Position: We did verify the existence and size of these quantity discounts and used the discounts applicable to each period in our calculations.

Comment 4: The petitioner contends that, because of Kihlberg's "consignment sales" through Salco, we must verify Salco's resale data before using it in exporter's sales price calculations.

Department's Position: We now do not believe that these were consignment sales but rather purchase price sales to Salco. Therefore, we have not used Salco's resale prices in our calculations and verification is unnecessary.

Comment 5: The petitioner argues that, if we use an average payment time of 17.5 days from the date of sale between Salco and its customers to the date of Salco's payment back to Kihlberg, for the merchandise sold under the deferred payment arrangement, then we understate the true credit cost to Kihlberg of these sales. The petitioner believes that the average payment time should be based on the time between Kihlberg's shipment to Salco and Salco's payment to Kihlberg.

Department's Position: We agree and have recalculated the margins accordingly.

Comment 6: The petitioner states that we erred in the calculation of foreign market value, in that we used, for exporter's sales price comparisons, the sales prices of large sales with the maximum quantity discount, even though Salco's ESP sales to its customers in the United States were in smaller quantities.

Department's Position: This is moot because we have now determined not to use for U.S. price Salco sales to its customers but rather Kihlberg's sales to Salco.

Comment 7: The petitioner contends that we should determine whether the home market sales by Grytgols are sufficient to form the basis for comparison with U.S. sales during the period.

Department's Position: We have determined that the sales in Sweden by Grytgols during the period were sufficient to meet the requirements of § 353.4 of the Commerce Regulations in establishing foreign market value.

Comment 8: The petitioner contends that cost data supplied by Grytgols was not reliable because smaller sized staples had greater packing and material costs than larger sized staples.

Department's Position: The petitioner's comment is moot because we did not use model GB-B-12 in our calculation of foreign market value.

Comment 9: The petitioner contends that cost data supplied by Grytgols was not reliable since it covered the period May 26 to November 30, 1983, rather than the review period October 25, 1983, to December 14, 1983.

Department's Position: We used the most recent cost data available from Grytgols during our review.

Early Determination

After analysis of the comments received we have revised the proposed margins for staples and staple machines for Kihlberg and we determine that the following margins exist for the period:

Manufacturer/exporter	Margin (percent)
(1) Certain Carton Closing staples:	
Kihlberg	3.48
Grytgols	0.0
All others	3.48
(2) Certain Carton Closing staple machines:	
Kihlberg	30.31
All others	30.31

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries.

Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required for those firms. For future entries from a new exporter not covered in this review, whose first shipments occurred after December 13, 1983, and who is unrelated to any reviewed firm, a cash deposit of 3.48 percent for staples and 30.31 percent for staple machines shall be required. These deposit requirements are effective for all shipments of Swedish staples and staple machines entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

These early determinations and notice are in accordance with section 736(c) of the Tariff Act (19 U.S.C. 1673(e)) and § 353.49 of the Commerce Regulations (19 CFR 353.49).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

January 15, 1985.

[FR Doc. 85-1932 Filed 1-24-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-461-008]

Titanium Sponge From the U.S.S.R.; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on titanium sponge from the U.S.S.R. The review covers the one known exporter of this merchandise to the United States, Techsnabexport, and the period August 1, 1982, through July 31, 1983.

Because Techsnabexport's response to our questionnaire was inadequate, the Department has preliminarily determined to use the best information otherwise available for assessment and estimated antidumping duties cash deposit purposes. The best information otherwise available indicates the existence of dumping margins during the period of review.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 25, 1985.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On May 14, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 20356) the final results of its last administrative review of the antidumping finding on titanium sponge from the U.S.S.R. (33 FR 12138, August 28, 1968) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by this review are shipments of titanium sponge, currently classifiable under item 629.1420 of the Tariff Schedules of the United States Annotated.

Titanium sponge is chiefly used for aerospace vehicles, specifically in the construction of compressor blades and wheels, stator blades, rotors, and other parts in aircraft gas turbine engines.

The review covers the one known exporter of Soviet titanium sponge to the United States, Techsnabexport, and the period August 1, 1982, through July 31, 1983.

Techsnabexport failed to provide an adequate response to our request for information. Therefore, the Department used the best information otherwise available to determine the assessment and estimated antidumping duties cash deposit rates. The best information otherwise available was provided by RMI and Timet, U.S. producers of titanium sponge, and the U.S. Customs Service.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that, for the period August 1, 1982, through July 31, 1983, a margin of 87.02 percent exists.

Interested parties may submit written comments on these preliminary results within 30 days after the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter.

Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, dumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 87.02 percent shall be required on all shipments of Soviet titanium sponge entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

January 18, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-1931 Filed 1-24-85; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The South Atlantic Fishery Management Council will convene a public meeting in Charleston, SC, January 28–31, 1985, to discuss swordfish, mackerel, shrimp, spiny lobster, information and education activities, and other fishery management business. A detailed agenda will be available around January 18. For further information, contact David H. Gould, Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, SC 29407; telephone: (803) 571–4366.

Dated: January 16, 1985.

Roland Finch,

Director, Office of Fishery Management, National Marine Fisheries Service.

[FR Doc. 85-2044 Filed 1-24-85; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Limits for Certain Wool and Man-Made Fiber Textile Products, Produced or Manufactured in Taiwan

January 22, 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 29, 1985. For further information contact Eve Anderson, International Trade Specialist (202) 377–4212.

Background

Under the terms of the bilateral agreement of November 18, 1982, as amended, concerning cotton, wool and man-made fiber textile products, produced or manufactured in Taiwan, a decision has been reached to convert to specific limits in 1985 the levels for textile products in Categories 438 (knit shirts and blouses), 605pt. (thread valued over 90¢/pound), 652 (underwear) and parts of 659 (swimwear, bodysuits and body shirts and infants' sets), which are exported during 1985. The letter to the Commissioner of Customs which follows this notice establishes the new specific limits.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (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 22, 1985.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the bilateral textile agreement of November 18, 1982, concerning cotton, wool and man-made fiber textile products from Taiwan; and in accordance with the provisions in Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 29, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in the following categories, produced or manufactured in Taiwan and exported during 1985, in excess of the indicated restraint limits:

Category	12-mo restraint limit [1]
438	35,212 pounds.
605 pt.[2]	1,006,555 pounds.
652	1,352,500 dozen.
659 pt.[3]	4,191,698 pounds.
659 pt.[4]	1,484,449 dozen.
659 pt.[5]	3,453,577 pounds.

[1] The restraint limits have not been adjusted to reflect any imports exported after December 31, 1984.

[2] In Category 605, only TSUSA number 310.9140.

[3] In Category 659, only TSUSA numbers 379.2340, 379.9100, 379.3170, 379.9570, 383.1920, 383.8300, 383.8400, 383.2239 and 383.9255.

[4] In Category 659, only TSUSA numbers 383.1815 and 383.8022.

[5] In Category 659, only TSUSA numbers 383.2042, 383.2350, 383.8650, and 383.9261.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of November 18, 1982, which provide, in part, that: (1) Specific limits or sublimits may be exceeded by certain designated percentages, provided a corresponding reduction in equivalent square yards is made in one or more specific limits and sublimits during the same agreement year; (2) certain specific limits and sublimits may be increased for carryforward, if agreed in consultations; (3) and administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 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).

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

The Committee for the Implementation of Textile Agreements has determined that these actions 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. 85-1930 Filed 1-24-85; 8:45 am]

BILLING CODE 3510-DR-M

Requesting Public Comment on Bilateral Textile Consultations With the Government of the Federative Republic of Brazil Concerning Men's and Boys' Wool Sweaters in Category 445

January 22, 1985.

On December 31, 1984, the United States Government, under Article 3 of the Arrangement Regarding International Trade in Textiles, requested the Government of the Federative Republic of Brazil to enter into consultations concerning exports to the United States of wool textile products in Category 445, produced or manufactured in Brazil.

The purpose of this notice is to advise that, if no solution is agreed upon in consultations with Brazil, the Committee for the Implementation of Textile Agreements may later establish limits for the entry and withdrawal from warehouse for consumption of men's and boy's sweaters in Category 445, produced or manufactured in Brazil and exported to the United States during the twelve-month period which began on January 1, 1985 and extends through December 31, 1985 at a level of 22,954 dozen.

A summary market statement follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of wool sweaters in Category 445, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

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

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

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Brazil—Market Statement

Category 445 Men's & Boys' Wool Sweaters

December 1984.

U.S. imports of Category 445 from Brazil were 27,918 dozen during the year ending October 1984 compared with only 4,151 dozen for the same period a year earlier. These imports are being entered at duty-paid values well below the U.S. producer prices for comparable sweaters.

Domestic production of Category 445 declined 17 percent in 1983. Monthly data on shipments of men's sweaters indicate that production was down in 1984. Imports during the first ten months of 1984 were up 41 percent from the same period in 1983 and 26 percent above the total for the record year of 1983. The ratio of imports to domestic production increased from 90 percent in 1982 to 112 percent in 1983.

[FR Doc. 85-1895 Filed 1-24-85; 8:45 am]

BILLING CODE 3510-DR-M

Requesting Public Comment on Bilateral Consultations With the Government of the People's Republic of China Concerning Category 434 (Men's and Boys' Other Wool Coats)

January 22, 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 28, 1984. For further information contact Diana Bass Solkoff, International Trade Specialist (202) 377-4212.

Background

On December 28, 1984, pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983 between the Governments of the United States and the People's Republic of China, the Government of the United States requested consultations concerning imports into the United States of men's and boys' other wool coats in Category 434, produced or manufactured in China and exported to the United States. A summary market disruption statement concerning this category follows this notice.

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

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

Washington, D.C., and may be obtained upon written request.

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

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

Pursuant to the terms of the bilateral agreement, the People's Republic of China is obligated under the consultation provision to limit its exports to the United States of this product during the indicated ninety-day period to the following amount:

Category	90-day level
434	2,992 dozen (Dec. 28, 1984–Mar. 27, 1985).

The People's Republic of China is also obligated under the bilateral agreement, if no mutually satisfactory solution is reached during consultations, to limit its exports to the United States during the twelve-months following the ninety-day consultation period to the following amount:

Category	12-mo. level
434	5,841 dozen (Mar. 28, 1985–Mar. 27, 1986).

The United States Government has decided, pending a mutually satisfactory solution, to control imports of textile products in Category 434, exported during the ninety-day period at the level described above. The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register**.

In the event the limit established for Category 434 for the ninety-day period is exceeded, such excess amounts, if allowed to enter at the end of the restraint period shall be charged to the level (described above) defined in the agreement for the subsequent twelve-month period.

SUPPLEMENTARY INFORMATION: On December 28, 1984 a letter to the Commissioner of Customs was published in the **Federal Register** (49 FR 50432) from the Chairman of the Committee for the Implementation of Textile Agreements which established restraint limits for certain categories of cotton, wool and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during 1985. The notice document which preceded that letter referred to the consultation mechanism which applies to categories of textile products under the bilateral agreement, such as Category 434 which is not subject to a specific ceiling and for which a level may be established during the year. In the letter published below, pursuant to the bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of apparel products in Category 434, produced or manufactured in the People's Republic of China and exported during the indicated ninety-day period, in excess of the designated level.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

China—Market Statement

Category 434—Men's and Boys' Wool Coats and Jackets, Other

December 1984.

U.S. imports of Category 434 from China increased from 418 dozen in 1982 to 1,081 dozen in 1983. Imports for the first ten months of 1984, 7,674 dozen, were at an annual rate of 9,209 dozen. January–October 1984 imports from China were up 812.5 percent from a year earlier; year ending October 1984 imports were up 842.2 percent. This substantial increase in imports entered into a U.S. market which was already disrupted by imports. The imports from China were at values well below the U.S. producer prices for comparable garments. China surpassed such traditional suppliers as Yugoslavia, Hong Kong, Hungary, Poland and Korea to achieve the position as the sixth largest supplier accounting for 7.7 percent of the total imports of Category 434. About 97 percent of the January–October 1984 imports of Category 434 from China entered during the August–October period. During that three-month period, imports were at an annual rate of 29,684 dozen. The rapid growth and low price of the Category 434 imports from China are disrupting the market for such coats. If imports continue at the August–October rate, there would be further disruption of the market.

January 22, 1985.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions in Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 28, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 434, produced or manufactured in the People's Republic of China and exported during the indicated ninety-day period, in excess of the following level of restraint:

Category	90-day level [1]
434	2,992 (Dec. 28, 1984–Mar. 27, 1985).

[1] The level has not been adjusted to reflect any imports exported after December 27, 1984.

Textile products in Category 434, which have been exported to the United States prior to the first day of the indicated ninety-day period shall not be subject to this directive.

Textile products in Category 434 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

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

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

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

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-1896 Filed 1-24-85; 8:45 am]

BILLING CODE 3510-DR-M

Requesting Public Comment on Bilateral Textile Consultations With Uruguay Concerning Category 433 (Men's and Boys' Suit-Type Coats)

January 22, 1985.

On December 31, 1984, the United States Government, under Article 3 of the Arrangement Regarding International Trade in Textiles, requested the Government of Uruguay to enter into consultations concerning exports to the United States of men's

and boys' suit-type in category 433, produced or manufactured in Uruguay.

The purpose of this notice is to advise that, if no solution is agreed upon with the Government of Uruguay in consultations during the sixty-day period which began on December 31, 1984, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of wool textile products in Category 433, produced or manufactured in Uruguay and exported to the United States during the twelve-month period which began on January 1, 1985 and extends through December 31, 1985 at a level of 10,915 dozen.

A summary market statement follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of this category is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly.

Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

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

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

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Uruguay—Market statement

Category 433 Men's & Boys' Wool Suit-Type Coats

December 1984.

U.S. imports of Category 433 from Uruguay were 14,051 dozen during the year ending October 1984 compared with only 1,289 dozen a year earlier. Uruguay was the third largest supplier during the first ten months of 1984 accounting for over 8 percent of total imports. These imports are being entered at duty-paid values well below the U.S. producer prices for comparable wool suit-type coats. The ratio of imports to production increased from 22 percent in 1982 to 29.4 percent in 1983. The ratio is expected to be substantially higher in 1984, since imports through the first ten month of 1984 were up 51 percent over the January–October 1983 level.

[FR Doc. 85–1894 Filed 1–24–85; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

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

Name of the committee: Army Science Board (ASB).

Dates of meeting: Wednesday thru Friday, 13–15 February 1985.

Times of meeting: 0830–1700 hours, all 3 days (Closed).

Place: U.S. Army Research and Technology Laboratories (RTL), Moffett Field, California.

Agenda: The Army Science Board Ad Hoc Subgroup on U.S. Army RTL Effectiveness Review will meet to gather information to begin the review of the labs to ensure continued excellence by providing independent evaluation on problems and causes of deficiencies, if any. The Subgroup will receive Command briefings and conduct one-on-one interviews with a cross-section of the staff at RTL Headquarters and at the Aeromechanics Laboratory, then will discuss the aforementioned and procedures for continuing the review in an Executive Session. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 85–1682 Filed 1–24–85; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs and Energy Emergencies

Atomic Energy Agreements; Japan et al.; Proposed Subsequent Arrangements

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

These subsequent arrangements would give approval, which must be obtained under the above mentioned agreements, for the transfer of special nuclear material of United States origin from Japan to France or to the United Kingdom for the purpose of reprocessing.

The proposed transfers are as follows:

(1) 288 irradiated fuel assemblies containing 53,000 kilograms of uranium, enriched to 1.13 percent in U–235, and 381 kilograms of plutonium from the Fukushima Units 1 and 2 of the Tokyo Electric Power Co., Ltd. To France;

(2) 34 irradiated fuel assemblies containing 6,044 kilograms of uranium, enriched to 0.84 percent in U–235, and 52 kilograms of plutonium from Shimane Unit 1 of the Chugoku Electric Power Co., Inc., to France; and

(3) 42 irradiated fuel assemblies containing 7,795 kilograms of uranium, enriched to 0.99 percent in U–235, and 63 kilograms of plutionium from Shimane Unit 1 of the Chugoku Electric Power Co., Inc., to the United Kingdom.

The foregoing proposed transfers are designated as RTD /EU(JA)–72, 73, and 74.

The Department of Energy has received a letter of assurance from the Government of Japan that the recovered uranium and plutonium will not be transferred from the reprocessing sites, nor put to any use, without the prior approval of the United States Government.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen (15) days after the date of publication of this notice, and after fifteen (15) days of continuous session of the Congress, beginning the day after the date on which the reports required by section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the

Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

Dated: January 18, 1985.

For the Department of Energy.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 85-1899 Filed 1-24-85; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER85-220-000, et al.]

West Texas Utilities Co., et al.; Electric Rate and Corporate Regulation filings

Take notice that the following filings have been made with the Commission:

1. West Texas Utilities Company

[ER85-220-000]

January 16, 1985.

The filing Company submits the following:

Take notice that on January 7, 1985, West Texas Utilities Company (WTU) tendered for filing twenty (20) executed Delivery Point and Service Specification sheets providing for changes in conditions of service under Service Agreements between WTU and Brazos Electric Power Cooperative, Inc., Coleman County Electric Cooperative, Inc., Dickens Electric Cooperative, Inc., Gate City Electric Cooperative, Inc., Rio Grande Electric Cooperative, Inc., and Southwest Texas Electric Cooperative, Inc., executed under WTU's FERC Electric Tariff, Original Volume No. 1. The amendments are for the purpose of either providing for the establishment of a new delivery point, changing delivery voltage, changing location, or for increasing or decreasing the stated maximum contract demand at certain existing delivery points.

WTU requests that the 60-day notice requirement be waived. Copies of the filing have been sent to the Public Utility Commission of Texas and the affected full requirement wholesale customers.

Comment date: January 31, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. Idaho Power Company

[Docket No. ER85-221-000]

January 16, 1985.

The filing Company submits the following:

Take notice that on January 8, 1985, Idaho Power Company (Idaho) tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales under the Company's 1st Revised FERC Electric Tariff Volume No. 1 (Supersedes Original Volume No. 1) during November, 1984, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company, Supplement 37
Sierra Pacific Power Company, Supplement 33
Montana Power Company, Supplement 32
Portland General Electric Company, Supplement 30
Southern California Edison Company, Supplement 24
Washington Water Power Company, Supplement 25
Puget Sound Power & Light Company, Supplement 11
Pacific Gas & Electric, Supplement 5

Comment date: January 31, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. Boston Edison Company

[Docket No. ER85-224-000]

January 18, 1985.

The filing Company submits the following:

Take notice that on January 8, 1985, Boston Edison Company (Edison) tendered for filing an agreement for the exchange of power between Edison and Commonwealth Electric Company of Wareham, Massachusetts (Commonwealth).

Edison states that under the agreement, the parties could negotiate daily power exchanges involving Edison fossil fired units and Commonwealth fired facilities. The parties state that the purpose of the power exchanges is to attain greater efficiencies of operation.

Copies of the filing have been served upon Commonwealth and on the Department of Public Utilities of the Commonwealth of Massachusetts.

Comment date: February 1, 1985, in accordance with Standard Paragraph E at the end of this notice.

4. Pacific Power & Light Company, an Assumed Business Name of PacifiCorp

[Docket No. ER85-225-000]

January 18, 1985.

The filing Company submits the following:

Take notice that on January 9, 1985, Pacific Power & Light Company (Pacific) an assumed business name of PacifiCorp, on January 9, 1985, tendered for filing a Revised Exhibit B, dated October 1, 1984 to Pacific's Rate Schedule FERC No. 213. Rate Schedule FERC No. 213 provides for the transfer of Deseret Generation & Transmission Co-operative (Deseret) power and energy to Bridger Valley Electric Association, Inc. (Bridger Valley) Blacksfork Substation by Pacific.

Copies of the filing were supplied to Deseret, Bridger Valley, and the Wyoming Public Service Commission.

Comment date: February 1, 1985, in accordance with standard Paragraph E at the end of this notice.

5. Rochester Gas and Electric Corporation

[Docket No. ER85-222-000]

January 18, 1985.

The filing Company submits the following:

Take notice that on January 8, 1985, Rochester Gas and Electric Corporation (Rochester) tendered for filing a notice of cancellation of Rate Schedules FPC No. 7 and 9. Rochester requests an effective date of April 1, 1971 for Rate Schedule FPC No. 7 and April 28, 1973 for Rate Schedule FPC No. 9.

Comment date: February 1, 1985, in accordance with Standard Paragraph E at the end of this notice.

6. Utah Power & Light Company

[Docket No. ER85-223-000]

January 18, 1985.

The filing Company submits the following:

Take notice that on January 9, 1985, Utah Power & Light Company (UP&L) tendered for filing Notices of cancellation of Rate Schedules Nos. 109, 116, Supplement No. 1 to No. 116, and 123. Utah states that these Rate Schedules expired by their own terms.

UP&L requests that the notice requirements be waived and that the rate schedule cancellations be made effective retroactively on the dates of expiration.

Copies of the filing were served upon all affected purchasers and the public utility commissions of Arizona, Idaho, Nevada, Utah, and Washington.

Comment date: February 1, 1985, in accordance with Standard Paragraph E at the end of this notice.

7. Boston Edison Company

[Docket No. ER85-226-000]

January 18, 1985.

The filing Company submits the following:

Take notice that on January 10, 1985, Boston Edison Company (Edison) tendered for filing a notice of cancellation of Rate Schedule FPC No.58.

Edison requests an effective date of January 11, 1985, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon Connecticut Light and Power Company, Commonwealth Electric Company and New England Power Company.

Comment date: February 4, 1985, in accordance with Standard Parapgraph E at the end of this notice.

8. Common wealth Electric Company

[Docket No. ER85-227-000]

January 18, 1985.

The filing Company submits the following:

Take notice that on January 10, 1985, Commonwealth electric Company (Commonwealth) tendered for filing an agreement governing the sale by Commonwealth of System Power to Connecticut Light and Western Massachusetts Electric Company (together, "Buyer").

By the provisions of the Agreement, Commonwealth proposes to sell to Buyer certain quantities of electric power upon terms and conditions and in amounts mutually acceptable to both parties. Commonwealth has requested the Commission whive its notice requirements to permit the agreement to become effective as proposed on January 13, 1984.

A copy of this filing has been served upon Buyer and upon the Massachusetts Department of Public Utilities.

Comment date: February 4, 1985, in accordance with Standard Paragraph E at the end of this notice.

9. Consumers Power Company

[Docket No. ER85-228-000]

January 18, 1985.

The filing Company submits the following:

Take notice that on January 14, 1985, Consumers Power Company (Consumers Power) tendered for filing a standard Schedule of Rates Governing Electric Transmission Service, which are proposed to supersede the rates for transmission service contained in Contract Rates FTR and ITR which were issued under authority of the order of the Federal Energy Regulatory Commission dated May 5, 1983 in Docket No. ER83-421-000. Consumers Power states that the superseding Schedule of Rates will continue to make electric transmission service available to any neighboring utility located in its service area.

Consumers Power's currently effective transmission service schedules are designated Contract Rate FTR (firm transmission service) and Contract Rate and ITR (interruptible transmission service). In order to simplify administration and recognize prevailing practice in the electric utility industry, Consumers Power proposes to consolidate Contract Rates FTR and ITR into a single superseding transmission service schedule designated Transmission Service Contract Rate "TR." Like the currently effective rate schedules, proposed Contract Rate TR will be available either for power transmission at 138,000 volts or higher, or 46,000 volts.

The proposed weekly rate for transmission service is $.30 per kW of billing demand at 138,000 volts or higher, and $.40 per kW of billing demand at 46,000 volts. This compares to current FTR rates of $.34 (at 138,000 volts or above) and $.47 (at 46,000 volts) per kW of billing demand, and current ITR rates of $.24 (at 138,000 volts or above) and $.33 (at 46,000 volts) per kW of billing demand. The proposed daily rate for transmission service is $.06 per kW of billing demand at 138,000 volts or higher, and $.08 per kW of billing demand at 46,000 volts. For transmission service transactions of less than one week, they may be compared to current ITR rates of 1.7 mills per kWh (at 138,000 volts or above) and 2.3 mills per kWh (at 46,000 volts). Consumers Power requests that the superseding rates for electric transmission service be placed in effect on March 10, 1985.

A copy of the filing was served upon the Michigan Public Service Commission. Consumers Power states that there are presently no customers receiving transmission service under the rate schedules to be superseded by this filing.

Comment date: February 4, 1985, in accordance with Standard Paragraph E at the end of this notice.

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, N.E., 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. 85-1924 Filed 1-24-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2764-2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 7, 1985 through January 11, 1985 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act, as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5075/76. An explanation of the ratings assigned to draft environmental impact statements (EIS's) was published in FR dated October 19, 1984 (49 FR 41108).

Draft EIS's

ERP No. D-FHW-L40142-OR, Rating LO, South West 257th Avenue Extention, I-84 to Stark Street, OR. Summary: EPA expects no serious environmental impacts from implementation of the project.

ERP No. D-HUD-G85177-OK, Rating EC2, Shenandoah Planned Community Development, Mortgage Insurance, OK. Summary: EPA expresses environmental concerns with the potential impacts to air quality (non-attainment for Ozone) and to the potential impacts due to the existence of an abandoned landfill site on and contiguous to the project site. Additional information is requested from the applicant, prior to the release of the FEIS, to more fully assess the related impacts and to assure the environment and public are fully protected.

ERP No. D-MMS-A02210-00, Rating EC2, 1985 OCS Oil and Gas Lease Sale No. 111, Exploration, Development, Production of Hydrocarbon Resources, Lease Offering, Off-shore the Mid-Atlantic States. Summary: EPA recommended deleting from the lease sale, blocks surrounding submarine canyons offshore the Mid-Atlantic States. EPA also recommended that the EIS contain more specific information on canyon environments.

ERP No. D-NRC-E00004-GA, Rating L02, Vogtle Electric Generating Plant,

Unit 1 and 2, Operation, License Issuance, Savannah R., GA. Summary: EPA requested additional information and clarification for water quality as well as suggesting supplemental mitigation measures for potential wetland and noise impacts.

Final EIS's

ERP No. F-BLM-J65025-MT, Powder River Resource Area, Resource Mgmt. Plan, MT. Summary: EPA made no formal comments. Concerns with future coal leasing remain, but will be addressed in NEPA analysis when individual leases are made.

ERP No. F-BLM-J65027-00, San Juan/San Miguel Area, Resource Mgmt. Plan, CO, NM, UT. Summary: EPA identified numerous concerns in the DEIS regarding management of water quality/resources, watershed, grazing, vegetation "treatment", riparian/wetland areas, Areas of Critical Environmental Concern, and minerals; and regarding wilderness and monitoring decisions. Almost all of these concerns remain, many of which are to be addressed in project level planning.

ERP No. FS-COE-F39023-MI, Pointe Mouillee Wetland Establishment In Connection With Disposal of Dredged Material, Detroit and Rouge Rivers, MI. Summary: EPA's review of the FEIS did not identify any significant environmental impacts.

ERP No. F-FHW-E40529-TN, Briley Parkway, Extension and Improvement, Centennial Blvd. to Knight Rd., TN. Summary: Although EPA has no major objections to the preferred alignment, we continue to be concerned about the lack of proposed mitigative measures for the severe noise impacts on the residential receptors.

ERP. No. F-IBR-J36037-00, Jackson Lake Dam, Safe Operation Project, Flood Control, Approval, Snake R., Grand Teton Nat'l. Park, WY and ID. Summary: EPA found the FEIS responsive to concerns raised on the DEIS. The proposed action alternative should meet the project safety needs with the least environmental degradation.

Regulations

ERP No. R-NRC-A22098-00, Uranium Mill Tailing Regulations, Conforming NRC requirements to EPA Standards, 10 CFR Part 40, (49 FR 46418). Summary: EPA recommended several changes in NRC's proposal and asserted that NRC had misinterpreted applicable sections of the Atomic Energy Act.

Dated: January 22, 1985.

David G. Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 85-1992 Filed 1-24-85; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2764-1]

Environmental Impact Statements; Availability

Responsible Agency

Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075. Availability of Environmental Impact Statements filed January 14, 1985 through January 18, 1985 Pursuant to 40 CFR 1506.9.

EIS No. 850022, Draft, MMS, AK, 1985 North Aleutian Basin Outer Continental Shelf (OCS) Oil and Gas Sale No. 92, Leasing, Due: March 11, 1985, Contact: Thomas Boyd (907) 261-4000.

EIS No. 850023, Draft, AFS, NM, Carson National Forest Land Resource Management Plan, Rio Arriba, Taos, Colfax and Mora Counties, Due: March 11, 1985, Contact: Jean Bedell (505) 758-6200.

EIS No. 850024, Final, SCS, TX, Big Creek (Tri-County) Watershed, Multiple Purpose Project, Falls, Limestone and McLennan Cos., Due: March 2, 1985, Contact: Billy Griffin (817) 774-1214.

EIS No. 850025, Final, NRC, CT, Millstone Nuclear Power Station, Unit 3, Operating License, New London County, Due: February 25, 1985, Contact: Elizabeth Doolittle (301) 492-7000.

EIS No. 850026, Final, COE, TX, Palo Blanco and Cibolo Creeks Local Flood Protection, Brooks County, Due: February 25, 1985, Contact: Charles Harbaugh (409) 766-3044.

EIS No. 850027, Draft, AFS, TN, NC, Cherokee National Forest, Land and Resource Management Plan, Due: April 25, 1985, Contact: Donald Rollens (615) 476-9700.

EIS No. 850028, Draft, AFS, MN, Chippewa National Forest, Land and Resource Management Plan, Beltrami, Cass and Itasca Counties, Due: April 30, 1985, Contact: J.E. Brewer (218) 335-2226.

EIS No. 850029, Draft, AFS, AZ, Tonto National Forest Land and Resource Management Plan, Due: April 30, 1985, Contact: Elania Green (202) 447-4710.

EIS No. 850030, Final, COE, WA, Mount St. Helens, Sediment Control/Flood Reduction Plan, Due: February 25, 1985, Contact: David Kurkoski (503) 221-6094.

EIS No. 850031, DSuppl, FHW, MT, Reserve Street Reconstruction, US 93 to South 3rd Street, Missoula County, Due: March 11, 1985, Contact: William Dunbar (406) 449-5310.

EIS No. 850032, Draft, USN, AZ, Joint Guayule Rubber Program, Agricultural Operations, Maricopa and Pinal Counties, Due: March 11, 1985, Contact: Donald Simon (202) 692-4313.

EIS No. 850033, Final, EPA, MD, Western Branch Wastewater Treatment Facilities, Upgrading, Grant, Prince George's County, Due: February 25, 1985, Contact: Thomas Slenkamp (215) 597-7817.

EIS No. 850034, Draft, AFH, HI, Tri-Fly Complex Eradication Program, Elimination, Due: March 25, 1985, Contact: Edward Stubbs (301) 436-8295.

EIS No. 850035, Draft, AFS, NM, Western Spruce Budworm Management Program, Carson National Forest, Taos County, Due: March 15, 1985, Contact: John Bedell (505) 758-6200.

Amended Notices

EIS No. 840545, Draft, USN, NV, Fallon Naval Air Station, Supersonic Operations Area, Designation and Strike Warfare Center, Due: March 10, 1985, Published FR 1-18-85 Review extended/incorrect due date.

Dated: January 22, 1985.

David G. Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 85-1993 Filed 1-24-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59702; TSH-FRL 2764-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984 (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of

polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of four such PMNs and provides a summary of each.

DATES: Close of Review Period:
Y 85-3—January 31, 1985.
Y 85-4—January 24, 1985.
Y 85-5 and 85-6—February 4, 1985.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M St., SW., Washington, DC 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: A nonsubstantive change in the prefixes is being initiated for information published under sections 5(d)(2) and 5(h)(6) of TSCA. The notices will contain essentially the same information but the prefixes to the specific number assignment will appear in an abbreviated form. Prefixes under the modified format will use the letters "Y" (POLYMER EXEMPTION), "P" (PMN) and "T" (TMEA). The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays

Y 85-3

Manufacturer. Confidential.
Chemical. (G) Modified styrene copolymer.
Use/Production. (G) Industrial coating. Prod. range: 30,000-102,500 kg/yr.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 85-4

Manufacturer. E. I. du Pont de Nemours and Company, Inc.
Chemical. (G) Acrylic copolymer.
Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal.
Environmental Release/Disposal. Confidential. Disposal by incineration and approved landfill.

Y 85-5

Manufacturer. Confidential.
Chemical. (G) Polymer of styrene with substituted acrylates and methacrylates.
Use/Production. (G) Polymeric coatings product. Prod. range: 150,000-250,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 85-6

Manufacturer. Confidential.
Chemical. (S) Polymer of cyclohexanedimethanol, isophthalic acid, pentaerythritol, tetraisopropyl titanate and trimelletic anhydride.
Use/Production. (G) Plastics additive. Prod. range: 100,000-250,000 kg/yr.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: dermal and inhalation, a total of 10 workers, up to 6 hrs/da, up to 55 da/yr.
Environmental Release/Disposal. About 5% released to air with about 11% of reaction to water. Disposal by publicly owned treatment works (POTW) and approved landfull.

Dated: January 22, 1985.

Linda A. Travers,
Acting Director, Information Management Division.

[FR Doc. 85-1989 Filed 1-24-85; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-51555; TSH-FRL 2764-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of eighteen PMNs and provides a summary of each.

DATES: Close of Review Period:
P85-396 and 85-397—April 13, 1985.
P85-398 and 85-399, 85-400, 85-401, 85-402, 85-403, 85-404 and 85-405—April 14, 1985.
P85-406 and 85-407, 85-408, 85-409, 85-410, 85-411, 85-412 and 85-413—April 16, 1985.
Written comments by:
P85-396 and 85-397—March 14, 1985.
P85-398, 85-399, 85-400, 85-401, 85-402, 85-403, 85-404 and 85-405—March 15, 1985.
P85-406, 85-407, 85-408, 85-409, 85-410, 85-411, 85-412 and 85-413—March 17, 1985.

ADDRESS: Written comments, identified by the document control number "[OPTS-51555]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Evironmental Protection Agency, Rm. E-201, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: A nonsubstantive change in the prefixes is being initiated for information published under sections 5(d)(2) and 5(h)(6) of the Toxic Substances Control Act (TSCA). The notices will contain essentially the same information but the prefixes to the specific number assignment will appear in an abbreviated form. Prefixes under the modified format will use the letters "P" (PMN), "T" (TMEA) and "Y" (POLYMER EXEMPTION). The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

P85-396

Manufacturer. Phillips Petroleum Company.
Chemical. (G) Metal salt of organo sulfur compound.
Use/Production. (G) Metals extraction chemical. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Severe, Eye—Marked irritation (washed and unwashed); LC_{50} 96 hr (Rainbow trout): 26 parts per million (ppm); EC_{50} (Duckweed): 837 mg/L.
Exposure. Manufacture: dermal, a total of 16 workers.
Environmental Release/Disposal. 0.66 to 4.3 kg/batch released to water. Disposal by Class I Evaporation Pond.

P85-397

Manufacturer. The Minnesota Mining and Manufacturing Company.
Chemical. (G) Acrylated cellulosic.
Use/Production. (G) Industrial coating—open, non-dispersive. Prod. range: Confidential.

Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—Slight, Eye—Minimal; Ames Test: Negative; Skin sensitization: Strong sensitizer; LC_{50} 96 hr (Fathead minnow): > 500 but < 1,000 mg/L; EC_{50} 48 hr (Waterflea): > 1,000 mg/L; BOD_5: Nil; BOD_{10}: Nil, $BOD_{20CO\ NS}$

Exposure. Confidential.

Environmental Release/Disposal. Less than 5 lbs incinerated.

P85-398

Manufacturer. Confidential.

Chemical. (G) Vinyl acetate acrylic copolymer.

Use/Production. (G) Nonwoven binder. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by plant treatment works.

P85-399

Importer. American Hoechst Corporation.

Chemical. (S) N-1-pyrenyl-9-octadecenamide.

Use/Import. (S) Ingredient in pigment dispersion. Import range: 160 kg/yr.

Toxicity Data. No data submitted.

Exposure. Use: dermal.

Environmental Release/Disposal. No data submitted. Disposal will involve minor amounts in residues of empty paint cans.

P85-400

Importer. American Hoechst Corporation.

Chemical. (S) N-(9-ethyl-9H-carbazol-3-yl)-9-octadecenamide.

Use/Import. (S) Ingredient in pigment dispersion. Import range: 200 kg/yr.

Toxicity Data. No data submitted.

Exposure. Use: dermal.

Environmental Release/Disposal. No data submitted. Disposal will involve minor amounts in residues of empty paint cans.

P85-401

Importer. EM Chemicals.

Chemical. (G) Substituted aminoazobenzene.

Use/Import. (G) Functional component of photoresist formulation. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: dermal.

Environmental Release/Disposal. Confidential. Disposal by incineration.

P85-402

Importer. Confidential.

Chemical. (G) Substituted aliphatic alcohol.

Use/Import. (G) Highly dispersive use. Import range: Confidential.

Toxicity Data. Acute oral: 4,000—> 8,000 mg/kg; Acute dermal: 2,000 mg/kg; Irritation: Skin—Slight, Eye—Moderate; Skin sensitization: Non-sensitizer; Repeated insult patch test: Non-irritant/Non-sensitizer; Phototoxicity: No photosensitizing potential; Freund's complete adjuvant (FCAT): No allergic potentiality.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by publicly owned treatment works (POTW).

P85-403

Importer. Fairmount Chemical Company, Inc.

Chemical. (G) Mixed amine/alkane polycarboxylate.

Use/Import. (G) Product to be used as light stabilizer for plastics. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No data submitted.

P85-404

Importer. Fairmount Chemical Company, Inc.

Chemical. (G) Mixed amine/alkane polycarboxylate.

Use/Import. (G) Product to be used as light stabilizer for plastics. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No data submitted.

P85-405

Manufacturer. Distritex, Incorporated.

Chemical. (G) Phosphated acrylate.

Use/Production. (G) This monomer is used to give specific properties to water soluble polymers. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. 0.1 to 0.5 kg/batch released to water. Disposal by POTW.

P85-406

Importer. American Hoechst Corporation.

Chemical. (S) Condensation product of nonylphenol-formaldehyde, ethoxylate, benzoic acid, maleic anhydride and sodium sulfite.

Use/Import. (S) Dispersing agent for pigment dispersions. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing and use: limited, dermal.

Environmental Release/Disposal. Minor concentrations of PMN substance released.

P85-407

Importer. American Hoechst Corporation.

Chemical. (S) Condensation product of bisphenol A diglycidyl ether, tri-sec-butylphenol and ethylene oxide.

Use/Import. (S) Dispersant in pigment dispersions. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Use: Incidental, dermal.

Environmental Release/Disposal. Release occurs during disposal.

P85-408

Importer. American Hoechst Corporation.

Chemical. (G) Polymer from acrylic acid esters and substituted acrylamide.

Use/Import. (S) Resin for paper saturation. Import range: 500–10,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: dermal, a total of 10–12 workers, up to 40–45 manhours/yr.

Environmental Release/Disposal. Minimal disposal.

P85-409

Manufacturer. The Dow Chemical Company.

Chemical. (G) Acrylate polymer.

Use/Production. (G) Industrial adhesive polymer. Prod. range: Confidential.

Toxicity Data. Acute oral: Between 2,500–5,000 mg/kg; Acute dermal: > 2,000 mg/kg; Irritation: Skin—No irritation, Eye—Moderate.

Exposure. Manufacture: dermal, a total of 5 workers.

Environmental Release/Disposal. Release to air. Disposal by incineration and approved landfill.

P85-410

Manufacturer. The Dow Chemcial Company.

Chemical. (G) Amine substituted imidazolidines.

Use/Production. (G) Industrial intermediate to a corrosion inhibitor for down-hole petroleum production. Prod. range: Confidential.

Toxicity Data. Acute oral: 2,000 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—No irritation, Eye—Moderate; Inhalation: No adverse effects; Repeated insult patch test: Potential sensitizer.

Exposure. Manufacture: dermal, a total of 19 workers.

Environmental Release/Disposal. Release to air and water. Disposal by incineration and navigable waterway after treatment.

P85-411

Manufacturer. The Dow Chemical Company.

Chemical. (G) Amine substituted imidazolidines.

Use/Production. (G) Industrial intermediate to a corrosion inhibitor for down-hole petroleum production. Prod. range: Confidential.

Toxicity Data. Acute oral: Between 1,000 to 2,000 mg/kg; Irritation: Skin—No irritation, Eye—Moderate, Inhalation: No adverse effects; Repeated insult patch test: Potential sensitzer.

Exposure. Manufacture: dermal, a total of 19 workers.

Environmental Release/Disposal. Release to air and water. Disposal by incineration and navigable waterway after treatment.

P85-412

Manufacturer. The Dow Chemical Company.

Chemical. (G) Amine substituted imidazolidines.

Use/Production. (G) Industrial intermediate to a corrosion inhibitor for down-hole petroleum production. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 19 workers.

Environmental Release/Disposal. Release to air and water. Disposal by incineration and navigable waterway after treatment.

P85-413

Manufacturer. The Dow Chemical Company.

Chemical. (G) Blocked isocyanate resin.

Use/Production. (G) Metal coating. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 3 workers, up to 3 hrs/da, up to 10 da/yr.

Environmental Release/Disposal. No release.

Dated: January 22, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 85-1990 Filed 1-24-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59183; TSH-FRL 2764-4]

Hydrogen 2-[alpha-(2-hydroxy-3-sulfo-5-ethenyl-sulfonyphenylazo)-benzilidenehydrazino]-5-substituted, Cuprate, Sodium Salt; Test Marketing Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6), of TSCA, announces receipt of one application for exemption, provides a summary, and requests comments on the appropriateness of graning of the exemption.

DATE: Written comments by: February 11, 1985.

ADDRESS: Written comments, identified by the document control number "[OPTS-59183]" and the specific TME number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-4201, 401 M Street, SW, Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW, Washington, DC 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: A nonsubstantive change in the prefixes is being initiated for information published under sections 5(d)(2) and 5(h)(6) of the Toxic Substances Control Act (TSCA). The notices will contain essentially the same information but the prefixes to the specific number assignment will appear in an abbreviated form. Prefixes under the modified format will use the letters "T" (TMEA), "P" (PMN) and "Y" (POLYMER EXEMPTION). The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

T85-20

Close of Review Period. February 28, 1985.

Importer. Confidential.

Chemical. (G) Hydrogen 2-[alpha-(2-hydroxy-3-sulfo-5-ethenyl-sulfonyphenylazo)-benzilidenehydrazino]-5 substituted, cuprate, sodium salt.

Use/Import. (S) Textile dye. Import range: 300 kg/6 months.

Toxicity Data. Acute oral: 5,000 mg/kg; Irritation: Skin—Slight, Eye—Non-irritant; LC_{50} 48 hr (Zebra fish): Between 100 and 500 mg/1; LC_{50} 96 hr (Zebra fish): 100 mg/1.

Exposure: Processing: Dermal, a total of 8-10 workers, up to 30 manhours/yr.

Environmental Release/Disposal. Less than 90 parts per billion (ppb) released to water. Disposal by publicly owned treatment works (POTW).

Dated: January 22, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 85-1988 Filed 1-24-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Radio Broadcasting; 2-Year Charter Renewal

The charter of the Advisory Committee on Radio Broadcasting and its two continuing Subgroups (Radio Spectrum Allocations, and Technical Matters) has been renewed for an additional new two-year period ending December 31, 1986, and has been updated to reflect the international conferences to which the Committee's work will be addressed. The text of the charter's provisions on the Committee's objective and the scope of its activities is attached. Mr. Louis C. Stephens, FCC's Special Advisor on International Law, will continue as Chairman of the Committee.

During this period, prime importance will attach to assistance that the Committee and its Subgroups will be able to provide to the Commission in preparing for the first (1986) session of the forthcoming Regional Administrative Radio Conference on the contemplated expansion of the AM broadcast band. Other current matters that the Committee may wish to address include implementation by United States of the Final Acts of the Regional Administrative Radio Conference on Medium Frequency Broadcasting in Region 2, Rio de Janeiro, 1981, the new bilateral AM Agreement between the United States and Canada that was signed in 1984, and—when it is concluded—the revised Agreement with Mexico that is the subject of current bilateral discussions.

The Subgroup on Technical Matters, which has remained continuously active, will continue under the chairmanship of Mr. Wallace E. Johnson, and is expected to direct its efforts primarily to the technical aspects of preparation for the 1986 session of the conference on expansion of the AM band, such as propagation characteristics, interference protection standards and other related concerns of an international spectrum planning conference.

The Subgroup on Radio Spectrum Allocations will resume an active schedule of meetings and work under the Chairmanship of Mr. Jonathan David, Senior Attorney in the Policy and Rules Division of the Mass Media Bureau, and will address, principally, the updating of presently available data on needs and requirements, and the preferable means for meeting them by use of the prospective expanded portion of the AM band.

As heretofore, all meetings of the Committee, and of its Subgroups, are open to participation by all interested persons and organizations, and are open to the public. For further information, please call the Chairman of the Committee, Mr. Louis C. Stephens, at (212) 632-7792.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-1974 Filed 1-24-85; 8:45 am]

BILLING CODE 6712-01-M

Allocations Subgroup of Radio Advisory Committee; Meeting, February 5, 1985

The Allocations Subgroup of the Advisory Committee on Radio Broadcasting is to resume its activities and will meet Tuesday February 5, 1985, at 2:00 p.m. in the Vincent Wasilewski Room of the National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

The Subgroup will give consideration to the development of recommendations to the Federal Communications Commission concerning matters pertinent to preparations for the upcoming Region 2 Conference on expansion of the AM band. In particular, these relate to identifying specific broadcast requirements and the means of addressing these requirements through use of the spectrum to become available through expansion of the AM band.

In addition to the Allocations Subgroup, the Technical Subgroup also will be participating in preparations for the Expanded Band Conference. Because of the overlap between the technical and allocations issues to be considered, interested parties also are invited to attend meetings of the Technical Subgroup. To facilitate matters, meetings for both Subgroups have been scheduled for February 5, 1985, at the Wasilewski Room of the National Association of Broadcasters, 1771 N Street NW., Washington, D.C. The Technical Subgroup is to meet at 10:00 a.m. and the Allocations Subgroup at 2:00 p.m.

The Allocations Subgroup meeting, a continuing one, will be resumed after the February 5, 1985, session at such time and place as is decided at that session.

All meetings of the Allocations Subgroup are open to the public. All interested parties are invited to attend and participate in these meetings.

For further information, please call the Subgroup Chairman, Jonathan David, at (202) 632-7792.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-1975 Filed 1-24-85; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

New Mexico; Notice of Major Disaster and Related Determinations

[FEMA-731-D]

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of New Mexico (FEMA-731-DR), dated January 18, 1985, and related determinations.

DATED: January 18, 1985.

FOR FURTHER INFORMATION CONTACT: Charles B. Thompson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

Notice: Notice is hereby given that, in a letter of January 18, 1985 the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288), as follows:

I have determined that the damage in certain areas of the State of New Mexico, resulting from severe snowstorms and rainstorms beginning on December 18, 1984 is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of New Mexico.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the affected areas when these requirements are known and an acceptable State commitment for these purposes is provided. Consistent with the requirement that Federal assistance for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and redelegated to me, I hereby appoint Mr. Lonnie R. Chant of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of New Mexico to have been affected adversely by this declared major disaster: Grant, Lincoln, and Torrance counties for Public Assistance in all public entities.

Catron and Hidalgo counties for irrigation districts only.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Joe D. Winkle,

Acting Associate Director, State and Local Programs and Support Federal Emergency Management Agency.

[FR Doc. 85-1897 Filed 1-24-85; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

[Docket No. 84-31]

Arctic Gulf Marine, Inc., et al.; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission Office of Energy and Environmental Impact has determined that the Commission's investigation in Docket No. 84-31 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

Docket No. 84-31 was instituted to determine, among other things: whether

Arctic Gulf Marine, Inc., Peninsula Shippers Association, Inc. (PSA) and/or Southbound Shippers, Inc. entered into and carried out unfiled and unapproved working arrangements and agreements granting special rates and accommodations; and whether PSA operated as a common carrier by water in the Seattle, Washington/Alaska trade without a tariff on file with the Commission.

This Finding of No Significant Impact (FONSI) will become final within 10 days of publication of this notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 504.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Bruce A. Dombrowski,

Assistant Secretary.

[FR Doc. 85-1926 Filed 1-24-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as pre 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATE: Comments must be received on or before February 4, 1985.

ADDRESS: Comments which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th, and C Streets, NW, Washington, D.C. 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Judith McIntosh, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed from, the request for clearance (SF 83), supporting statement, instructions, transmittal letter, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829)

Request for Extension With Revision

1. Report title: Daily Report of When Issued Commitments Outstanding
Agency form number: FR2080
OMB Docket number: 7100-0184
Frequency: Daily
Reporters: Primary U.S. Government securities dealers
Small businesses are not affected.

General description of report: This information collection is voluntary [12 U.S.C. 248(a) & 353 et seq.] and is given confidential treatment [5 U.S.C. 552(b)(4)].

This report collects information on significant "when-issued" commitments of the primary dealers in U.S. Government securities and their customers.

Board of Governors of the Federal Reserve System, January 18, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-1906 Filed 1-24-85; 8:45 am]

BILLING CODE 6210-01-M

Financial Bankshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, indentifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 14, 1985.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Financial Bankshares, Inc.*, Miami, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Miami, Miami, Florida, a *de novo* bank.

2. *Marion County Bankshares, Inc.*, Hamilton, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Hamilton, Hamilton, Alabama.

3. *SunTrust Banks, Inc.*, Atlanta, Georgia; to acquire indirectly through its subsidiary Sun Banks, Inc., Orlando, Florida, 15 percent of the voting shares or assets of Peoples Bank of Lakeland, Lakeland, Florida.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Mercantile Bancorporation Inc.*, St. Louis, Missouri; to acquire 100 percent of the voting shares of Bank of Poplar Bluff, Poplar Bluff, Missouri; and 100 percent of the voting shares of Bank of Marble Hill, Marble Hill, Missouri.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President)

925 Grand Avenue, Kansas City, Missouri 64198:

1. *Intrawest Financial Corporation*, Denver, Colorado; to acquire 100 percent of the voting shares of Intrawest Bank of Arapahoe, N.A., Arapahoe County, Colorado (in organization).

2. *Midwestern Services, Inc.*, Omaha, Nebraska; to acquire 100 percent of the voting shares of First Westside Bank of Omaha, Omaha, Nebraska.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Mustang Financial Corporation*, Rio Vista, Texas; to acquire 100 percent of the voting shares of Johnson County Bank, N.A., Cleburne, Texas, a *de novo* bank.

Board of Governors of the Federal Reserve System, January 18, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-1907 Filed 1-24-85; 8:45 am]

BILLING CODE 6210-01-M

O. C. B. Bancorp, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on any application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 15, 1985.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

A. *O. C. B. Bancorp*, Paoli, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Orange County Bank, Paoli, Indiana.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Fidelity Bancorp, Inc.*, Scottsdale, Arizona; to become a bank holding company by acquiring 100 percent of the voting shares of Fidelity Bank, Scottsdale, Arizona. Comments on this application must be received not later than February 8, 1985.

Board of Governors of the Federal Reserve System, January 18, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-1908 Filed 1-24-85; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) 84-1350—Conseco, Inc.'s proposed acquisition of voting securities of Lincoln American Life Insurance Co. (American General Corp., UPE).	Dec. 31, 1984.
(2) 84-1355—Royal Dutch Petroleum Co.'s proposed acquisition of voting securities of Premix/E.M.S. Inc. (Pentage, Inc., UPE.	Do.
(3) 84-1360—Southlife Holding Co.'s proposed acquisition of assets of Coastal States Life Insurance Co. (Kaufman and Broad, Inc., UPE).	Do.
(4) 84-1361—Reliance Group Holdings, Inc. (Saul P. Steinberg, UPE) proposed acquisition of voting securities of Frank B. Hall & Co., Inc.	Do.
(5) 84-1325—Kuwait Petroleum Corp.'s proposed acquisition of assets of MAPCO, Inc.	Jan. 2, 1985.
(6) 84-1327—Consolidated Natural Gas Co.'s proposed acquisition of assets of MAPCO Inc.	Do.
(7) 84-1348—Super Valu Stores, Inc.'s proposed acquisition of assets of Food Giant Inc. (Etablissements Delhaize Freres et Cie "Le Lion" S.A., UPE).	Do.
(8) 84-1364—Second D. Samson Trust's, c/o Macsteel Holding (Pty) Ltd. proposed acquisition of voting securities of Associated Metals & Minerals Corp.	Do.
(9) 84-1378—American Bakeries Co.'s proposed acquisition of voting securities of Cotton Brothers, Inc. (W.F. Cotton, UPE).	Do.
(10) 84-1305—McLean Industries Inc.'s proposed acquisition of assets of Crowley Maritime Corp. (Thomas B. Crowley, UPE).	Jan. 4, 1985.
(11) 84-1375—Roxboro Investments (1976) Ltd's proposed acquisition of voting securities of Scovill Inc.	Do.
(12) 84-1379—Porex Technologies Corp.'s proposed acquisition of voting securities of Paid Prescriptions Inc. (Computer Sciences Corp., UPE).	Do.
(13) 84-1333—Pacific First Federal Savings Bank's proposed acquisition of voting securities of Transamerica Mortgage Co. (Transamerica Corp., UPE).	Jan. 7, 1985.
(14) 84-1361—Costain Group PLC's proposed acquisition of voting securities of Industrial Fuels Corp. (MidCon Corp., UPE).	Jan. 8, 1985.
(15) 84-1373—Westinghouse Electric Corp.'s proposed acquisition of voting securities of Toshiba Westinghouse Electronics Corp., a newly formed joint venture.	Do.
(16) 84-1374—Toshiba Corp.'s proposed acquisition of voting securities of Toshiba Westinghouse Electronics Corp., a newly formed joint ventura.	Do.
(17) 84-1385—R. Quintus Anderson's proposed acquisition of voting securities of Apollo Metals, Inc.	Do.
(18) 84-1389—Tesoro Petroleum Corp.'s proposed acquisition of voting securities of Funk Exploration, Inc.	Do.
(19) 84-1331—Coca-Cola Bottling Co. Consolidated's (J. Frank Harrison, UPE) proposed acquisition of voting securities of Wometco Coca-Cola Bottling Co. (WEI Associates, L.P., UPE).	Jan. 9, 1985.
(20) 84-1368—Simon Engineering PLC's proposed acquisition of voting securities of Geo-Search Corp.'s (Rodney M. Robinson, UPE).	Do.
(21) 84-1377—Baker International Corp.'s proposed acquisition of assets of CMI Corp.	Do.
(22) 84-1386—Frederick W. Field's proposed acquisition of assets of Panavision Inc. and Cine Production Equipment, Inc. (Warner Communications, Inc., UPE).	Do.
(23) 84-1391—Warburg, Pincus & Co.'s proposed acquisition of voting securities of SFN Companies, Inc.	Do.
(24) 85-0013—The Residence Inn Co.'s proposed acquisition of assets of Hotel Corp. (Jack P. DeBoer, UPE).	Do.
(25) 85-0014—The Residence Inn Co.'s proposed acquisition of assets of Brock Residence Inns, Inc. (Block Hotel Corp., UPE).	Do.
(26) 84-1233—Xidex Corp.'s proposed acquisition of voting securities of Dysan Corp.	Jan. 10, 1985
(27) 85-0005—Super Rite Foods, Inc.'s proposed acquisition of voting securities of Foodarama of Baltimore, Inc.	Do.
(28) 85-0006—Super Rite Foods, Inc.'s proposed acquisition of voting securities of Foodarama G.U., Inc.	Do.

Transaction	Waiting period terminated effective
(29) 85-0007—Super Rite Foods, Inc.'s proposed acquisition of voting securities of Foodarama Group, Inc.	Do.
(30) 85-0008—Super Rite Foods, Inc.'s proposed acquisition of voting securities of Foodarama, Inc.	Do.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, Legal Technician, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 85-1935 Filed 1-24-85; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the list was published on January 18, 1985.

Public Health Service

Centers for Disease Control

Subject: Malaria Survey Among U.S. Travelers—Revision (0920-0154)
Respondents: Individuals
OMB Desk Officer: Fay S. Iudicello

Health Care Financing Administration

Subject: Study of Medicare Case-Mix Increases HCFA-474 New
Respondents: Hospitals
OMB Desk Officer: Fay S. Iudicello

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address:

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn: (name of OMB Desk Officer).

Dated: January 18, 1985.

Wallace O. Keene,

Acting Deputy Assistant Secretary, for Management Analysis and Systems.

[FR Doc. 85-1913 Filed 1-24-85; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 85M-0007]

Repro-Med Systems, Inc.; Premarket Approval of Repro-Med THD

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by REPRO-MED SYSTEMS, INC., Middletown, NY, for premarket approval, under the Medical Device Amendments of 1976, of the Repro-Med THD. After reviewing the recommendation of the Gastroenterology-Urology Devices Panel, FDA notified the applicant that FDA approved the application because the applicant had shown the device to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by February 25, 1985.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Marie R. Reid, Center for Devices and Radiological Health (HFZ-420), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7750.

SUPPLEMENTARY INFORMATION: On January 3, 1984, REPRO-MED SYSTEMS, INC., Middletown, NY 10940, submitted to FDA an application for premarket approval of the Repro-Med THD. The device is a testicular hypothermia device. The device is indicated for use to lower scrotal temperatures in patients with abnormal semen quality attributed to elevated scrotal temperature, and by this means improve semen quality for the purpose of improving fertility. The Gastroenterology-Urology Devices Panel, and FDA advisory committee, reviewed and recommended approval of the application. On December 26, 1984, FDA approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, Center for Devices and Radiological Health.

A summary of the safety and effectiveness data on which FDA based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at the Center for Devices and Radiological Health—contact Marie H. Reid (HFZ-420), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorized any person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA's action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 25, 1985, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 14, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-1890 Filed 1-24-85; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Task Force on Organ Transplantation; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following national advisory body scheduled to meet during the month of February 1984:

Name: Task Force on Organ Transplantation.
Date and Time:
February 11, 1985 8:30 a.m.–4:30 p.m.
February 12, 1985 8:30 a.m.–4:30 p.m.
Place: Stouffer Concourse Hotel, Farragut Room, 2399 Jefferson Davis Highway, Arlington, Virginia 22203.
The entire meeting is open to the public.

Purpose: The Task Force on Organ Transplantation is required to conduct comprehensive examinations of the medical, legal, ethical economic, and social issues presented by human organ procurement and transplantation; including an assessment of immunosuppressive medications used to prevent organ rejection in transplant patients. Reports on these issues are required to be submitted to the Department of Health and Human Services and the Congress later this year.

Agenda: The first meeting will focus on organizational issues. Agenda items include welcome and opening remarks; objectives, role and responsibilities of the Task Force; status report on the implementation of Pub. L. 98–507; election of the Chairperson; identification of issues that the Task Force will consider; departmental studies underway that are relevant to the mission of the Task Force; briefing on the Federal Advisory Committee Act; and discussion of how the Task Force will conduct its business.

Public comment will be permitted on Tuesday, February 12 from 3:00 p.m. to adjournment. Remarks will be limited to five minutes per public speaker. Anyone wishing to make remarks should inform the Executive Director of the Task Force by 10:00 a.m. on Tuesday, February 12.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Ms. Linda D. Sheaffer, Acting Executive Director, Office of Organ Procurement and Transplantation, Office of the Administrator, Health Resources and Services Administration, Room 17–60, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, telephone (301) 443–5911.

Agenda items are subject to change as priorities dictate.

Dated: January 22, 1985.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 85–1999 Filed 1–24–85; 8:45 am]

BILLING CODE 4160–15–M

Social Security Administration

Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (HHS) covers the Social Security Administration (SSA). Sections SDB.00, SDB.10 and SDB.20 describe the mission, organization and functions of the Office of the Regional Commissioner. (These sections were published at 44 FR 52756 (1979), and amended in pertinent part most recently at 48 FR 24460 (1983)). Sections SL.10 and SL.20 describe the organization and functions of the Office Assessment (OA). These sections were published at 44 FR 46324 (1979), and amended at 48 FR 4919 (1983) and 49 FR 4989 (1984)). Notice is given that sections SDB.00, SDB.10 and SDB.20 are revised to add to the Field Assessment Office to the Office of the Regional Commissioner; and sections SL.10 and SL.20 are revised to remove the Field Assessment Office from OA.

The Office of the Regional Commissioner Material is Revised Follows

Section SDB.00 *The Office of the Regional Commissioner—(Mission)*

At the 16th line add, "and the field assessment program." after ". . . security income program." In the last sentence, 4th line from the end, delete "and Office of Assessment."

Section SDB.10 *The Office of the Regional Commissioner—(Organization)*

Add: G. The Field Assessment Office (SD1E–SDXE): The Field Assessment Office, under leadership of the Director, includes:

1. The Division of Payment and Eligibility Quality (SD1E1–SDFXE1).
2. The Division of Adjudication Process Quality (SD1E2–SDXE2).
3. The Evaluation Staff (SD1E3–SDXE3).

Section SDB.20 *The Office of the Regional Commissioner—(Functions)*

Add: G. *The Field Assessment Office* (SD1E–SDXE): The Field Assessment Office (FAO) manages quality assurance and evaluation activities in the field. It conducts independent reviews to determine payment and eligibility error rates in Social Security program, including error in Federally-administered State supplementary payments. The FAO conducts independent reviews to determine the quality of adjudication processes of Social Security programs. The FAO implements study reviews as formulated by OA and provides reports, data and analyses; it assists in identifying error trends and sources and recommends corrective actions. It also performs special assessment surveys and analyses. It includes the following components and functions:

1. *The Division of Payment and Eligibility Quality* (SD1E1–SDXE1): Conducts independent review programs operated through satellite offices in a region to determine the accuracy of payments made in the RSDI and SSI programs. Identifies payment and nonpayment error rates, trends, and sources of errors, and recommends corrective action. Conducts studies and provides reports and analyses to improve payment accuracy. Evaluates the effect of program policies and procedures on regional payment accuracy; recommends changes and improvements to regional operating components and, as appropriate, to central office components of the Office of Assessment responsible for policy and procedure analysis and coordination.

2. *The Division of Adjudication Process Quality* (SD1E2–SDXE2):

a. Carries out programs to assure quality in the adjudication of claims under the RSDI and SSI programs. Identifies error trends and sources of errors in the adjudication process from sample and special reviews; recommends corrective actions necessary to improve process quality. Prepares reports based upon findings providing advice and guidance for operating components.

b. Conducts studies to evaluate the effect of established procedures on the quality of the regional adjudication process; recommends changes and improvements to regional operating components and, as appropriate, to central office components of the Office of Assessment responsible for procedures analysis and coordination.

3. *The Evaluation Staff* (SD1E3–SDXE3): Assesses operational and administrative effectiveness and efficiency of SSA programs. Follows central office evaluation guides in reviewing operations and components. Participates in the development and planning of the SSA evaluation program. Plans and conducts special regional

evaluations, securing input from and coordinating and consulting with appropriate regional offices.

The Office of Assessment material is revised as follows:

Section SL.10 *The Office of Assessment—(Organization)*

G. Omit.

H. Reletter to "G."

Section SL.20 *The Office of Assessment—(Functions)*

G. Omit.

H. Reletter to "G."

Dated: January 17, 1985.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 85-1914 Filed 1-24-85; 8:45 am]

BILLING CODE 4150-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Quarterly Status Tabulation of Water Service and Repayment Contract Negotiations; Proposed Contractual Actions Pending Through March 1985

Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273), and to § 426.20 of the rules and regulations published in the **Federal Register** December 6, 1983, Vol. 48, page 54785, the Bureau of Reclamation will publish notice of proposed or amendatory repayment contract actions or any contract for the delivery of irrigation water in newspapers of general circulation in the affected area at least 60 days prior to contract execution. The Bureau of Reclamation announcements of irrigation contract actions will be published in newspapers of general circulation in the areas determined by the Bureau of Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation requirements do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. The Secretary or the district may invite the public to observe any contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act if the Bureau determines that the contract action may or will have "significant" environmental effects.

Pursuant to the "Final Revised Public Participation Procedures" for water service and repayment contract negotiations, published in the **Federal Register** February 22, 1982, Vol. 47, page 7763, a tabulation is provided below of all proposed contractual actions in each of the seven Reclamation regions. Each proposed action listed is, or is expected to be, in some stage of the contract negotiation process during January, February, or March of 1985. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the Regional Directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved. The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the addresses and telephone numbers given for each region.

This notice is one of the variety of means being used to inform the public about proposed contractual actions. Individual notice of intent to negotiate, and other appropriate announcements, are made in the **Federal Register** for those actions found to have widespread public interest. When this is the case, the date of publication is given.

Acronym Definitions Used Herein

(FR) Federal Register
(ID) Irrigation District
(IDD) Irrigation and Drainage District
(M&I) Municipal and Industrial
(D&MC) Drainage and Minor Construction
(R&B) Rehabilitation and Betterment
(O&M) Operation and Maintenance
(CAP) Central Arizona Project
(CVP) Central Valley Project
(P-SMBP) Pick-Sloan Missouri Basin Program
(CRSP) Colorado River Storage Project
(SRPA) Small Reclamation Projects Act
(SOFAR) Southern Fork American River

Pacific Northwest Region

Bureau of Reclamation, 550 West Fort Street, Box 043, Boise, ID 83724, telephone (208) 334-9011.

1. Boise Cascade Corporation, Columbia Basin Project, Washington; Industrial water service contract; 250 acre-feet; FR notice published April 7, 1980, Vol. 45, page 23531.

2. Boise Project Board of Control, Boise Project, Idaho-Oregon; Irrigation repayment contract; 22,800 acre-feet of stored water in Arrowrock Reservoir.

3. Brewster Flat ID, Chief Joseph Dam Project, Washington; Amendatory repayment contract; Land reclassification of approximately 360 acres to irrigable; Repayment obligation to increase by $189,000.

4. Individual irrigators, M&I, and miscellaneous water users, Pacific Northwest Region, Idaho, Oregon and Washington; Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

5. Rogue River Basin water users, Rogue River Basin Project, Oregon; Water service contracts; $5 per acre-foot or $20 minimum per annum, not to exceed 320 acres or 1,000 acre-feet of water per contractor for terms up to 40 years.

6. Willamette Basin water uses, Willamette Basin Project, Oregon; Water service contracts; $1.25 per acre-foot or $20 minimum per annum, not to exceed 320 acres or 1,000 acre-feet of water annually per contractor for terms up to 40 years.

7. Washington Water Power Company, Inc., Columbia Basin Project, Washington; Industrial water service contract; 32,000 acre-feet of water per year from Franklin D. Roosevelt Lake for the proposed Creston Powerplant; FR notice published December 11, 1982, Vol. 46, page 60658.

8. Cascade Reservoir water users, Boise Project, Idaho; Irrigation repayment contracts; 57,251 acre-feet of stored water in Cascade Reservoir.

9. Boise Water Corporation, Boise Project, Idaho; Short-term (2 years) M&I water service contract; up to 5,000 acre-feet annually from stored water in Lucky Peak Reservoir.

10. Thirty-one Jackson Lake Dam Spaceholders, Minidoka Project, Idaho-Wyoming, Repayment of costs associated with Safety-of-Dams modifications to Jackson Lake Dam.

11. ID's and similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97-293).

12. Greater Wenatchee ID, Chief Joseph Dam Project, Washington; SRPA loan repayment contract; $6,669,000 proposed obligation.

13. Individual water users, Columbia Basin Project, Washington; water service contracts with individuals for groundwater available as a result of project operations, contract term of 20 years, adjustable rate.

Mid-Pacific Region

Bureau of Reclamation (Federal Office Building) 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 484–4680.

1. 2047 Drain Water Users Association, CVP, California; Water right settlement contract.

2. Tuolumne Regional Water District, CVP, California; Water service contract; 3,200 acre-feet from New Melones Reservoir.

3. Calaveras County Water District, CVP, California; Water service contract; 500 acre-feet from New Melones Reservoir; FR notice published February 5, 1982, Vol. 47, page 5473.

4. Individual irrigators, M&I, and miscellaneous water users, Mid-Pacific Region, California, Oregon, and Nevada; Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

5. Mountain Gate Community Services District, CVP, California; Amendatory water service contract providing for increased M&I use to the community of Mountain Gate.

6. Pacheco Water District, CVP, California; Amendatory water service contract providing for a change in point of delivery from Delta-Mendota Canal to the San Luis Canal.

7. El Dorado ID, Sly Park Unit, CVP, California; D&MC contract to allow the District to accomplish the construction work with the remaining funds from the distribution system contract.

8. South San Joaquin ID and Oakdale ID, CVP, California; Operating agreement for conjunctive operation of New Melones Dam and Reservoir on the Stanislaus River; FR notice published June 6, 1979, Vol. 44, page 32483.

9. San Luis Water District, CVP, California; Amendatory water service contract providing for a change in point of delivery from Delta-Mendota Canal to the San Luis Canal.

10. Mid-Valley Water Authority, CVP, California; Temporary water supplies up to 100,000 acre-feet.

11. Solano ID, Solano Project, California; Amendatory loan repayment contract providing for reconveyance and M&I water supply delivery.

12. City of Avenal, CVP, California; Amendment of existing water service contract to provide for furnishing project power to city canalside relift facilities and change the point of diversion.

13. Yuba County Water Agency, South County Irrigation Project, SRPA, California; Loan repayment contract, $18,500,000 proposed obligation.

14. ID's and similar water user entities; Amendatory repayment and water service contracts, including the amending of approximately ten SRPA contracts; Purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

15. United Water Conservation District, SRPA, California; Loan repayment contract, $18,730,000 proposed obligation.

16. State of Hawaii, Molokai Project, SRPA; Contract amendment to provide for use of facilities for M&I purposes.

17. Shasta Dam Area Public Utility District, CVP, California; Amendatory water service contract providing for increased M&I use to the district.

18. State of California, CVP, California, contract(s) for, (1) sale of interim water to the Department of Water Resources for use by the State Water Project Contractors, and (2) acquisition of conveyance capacity in the California Aqueduct for use by the CVP, as contemplated in the current draft of the Coordinated Operations Agreement.

19. City of Lindsay, Friant Division, CVP, California; M&I water service contract for 2,500 acre-feet of class 1 water.

20. Pixley ID, SRPA, California; Loan repayment contract, $12,300,000 proposed obligation.

Upper Colorado Region

Bureau of Reclamation, P.O. Box 11568 (125 South State Street), Salt Lake City, UT 84147, telephone (801) 524–5435.

1. Individual irrigators, M&I, and miscellaneous water users, Upper Colorado Region, Utah, Wyoming, Colorado, and New Mexico; Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Fontenelle Dam (Chevron) State of Wyoming, Seedskadee Project, Wyoming; Water sales contract for 22,500 acre-feet per year for industrial use. Environmental Impact Statement under preparation; approval pending outcome and compliance with Section 7, Endangered Species Act.

3. Animas-La Plata Conservancy District, Animas-La Plata Project, Colorado; Water service contract; 9,200 acre-feet per year for M&I use; 72,200 acre-feet per year for irrigation.

4. La Plata Conservancy District, Animas-La Plata Project, New Mexico; Water service contract; 16,000 acre-feet per year for irrigation.

5. City of Farmington Animas-La Plata Project, New Mexico; M&I water service contract; 19,700 acre-feet per year.

6. City of Aztec; Animas-La Plata Project, New Mexico; M&I water service contract; 5,800 acre-feet per year.

7. City of Bloomfield, Animas-La Plata Project, New Mexico; M&I water service contract; 5,300 acre-feet per year.

8. Central Utah Project, Bonneville Unit, Utah; Supplemental M&I repayment contract for 99,000 acre-feet per year; Negotiations anticipated to be reactivated; FR notice published August 22, 1980, Vol. 45, No. 165, page 56199.

9. Central Utah Project, Bonneville Unit, Utah; $34,000,000 D&MC Contract—Duchesne River Area Canals rehabilitation to meet 1987 construction commitment. Repayment covered under executed repayment contract.

10. Dorchester Coal Company, Blue Mesa Reservoir, Colorado, Colorado River Storage Project; M&I water service contract, 400 acre-feet per year, for 40 years.

11. South Weber Water Improvement District, Weber Basin Project, Utah; Amendatory contract to extend payout period from 21 years to 40 years.

12. State of Wyoming, Seedskadee project, Wyoming; Contract for repayment of reimbursable cost associated with the modification of Fontenelle Dam pursuant to the Reclamation Safety of Dams Amendments of 1984 (Pub. L. 98–404).

13. Miscellaneous water users, upper Colorado Region, Blue Mesa Reservoir, Colorado River Storage Project, Colorado, M&I uses, 20-acre feet and less for 20–40 years.

14. ID's and similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293)

Lower Colorado Region

Bureau of Reclamation, P.O. Box 427 (Nevada Highway and Park Street), Boulder City, NV 89005, telephone (702) 293–8536.

1. Wellton-Mohawk Irrigation and Drainage District, Gila Project, Arizona; Amendatory D&MC contract for improvement of the Gila River within the district's boundaries; $6,000,000 of Federal funds to be utilized on a nonreimbursable basis pursuant to Pub. L. 98–396, August 21, 1984.

2. Agricultural and M&I water users, CAP, Arizona; Water service subcontracts; A certain percent of available supply for irrigation entities

and up to 640,000 acre-feet per year for M&I use.

3. Roosevelt Water Conservation District, Higley, Arizona; R&B loan contract; $7,474,424; FR notice published March 30, 1979, Vol. 44, page 19048.

4. Agricultural and M&I water users, CAP, Arizona; Contracts for repayment of Federal expenditures for construction of distribution systems.

5. Contracts with 16 agricultural entities located near the Colorado River in Arizona; Boulder Canyon Project; Water services contracts for up to 27,894 acre-feet per year total.

6. Gila River Indian Community, CAP, Arizona; Water service contract; Contract for delivery of up to 173,100 acre-feet per year.

7. Yuma-Mesa IDD, North Gila Valley ID, and Yuma ID, Gila Project, Arizona; Amendatory and supplemental contracts to conform to the provisions of Pub. L. 98–530.

8. Hillcrest Water Company, Boulder Canyon Project, Arizona; Contract for delivery of 84 acre-feet of water per year to serve existing mobile home park pursuant to recommendation by Arizona Department of Water Resources.

9. Sunset Mobile Home Park, Boulder Canyon Project, Arizona; M&I water service contract for delivery of 30 acre-feet of water per year pursuant to recommendation of Arizona Department of Water Resources.

10. ID's and similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform to the reclamation Reform Act of 1982 (Pub. L. 97–293).

11. Santa Anna Watershed Authority, Riverside, California; Contract for the repayment of a $14,917,000 SRPA loan.

12. Yuma County Water Users' Association, Valley Division, Yuma Project, Arizona; Amendatory contract for the advancement of $1,500,000 to the association by the United States on a nonreimbursable basis for the construction of new headquarters facilities and accompanying relocation costs.

13. Ak-Chin Indian Community, Maricopa, Arizona; Supplemental contract in accordance with the provisions of Pub. L. 98–530.

Southwest Region

Bureau of Reclamation, Commerce Building, Suite 201, 714 South Tyler, Amarillo, TX 79101, telephone (806) 378–5430.

1. City of Belen, San Juan-Chama Project, New Mexico; M&I water service contract for 500 acre-feet annually.

2. Fort Cobb Master Conservancy District, Washita Basin Project, Oklahoma; Amendatory repayment contract to convert 4,700 acre-feet of irrigation water to M&I use.

3. Foss Reservoir Master Conservancy District, Washita Basin Project, Okahoma; Amendatory repayment contract for remedial work.

4. Vermejo Conservancy District, Vermejo Project, New Mexico; Amendatory contract to relieve the district of further repayment obligation, presently exceeding $2 million, pursuant to Pub. L. 96–550.

5. State of Colorado, Closed Basin Division, San Luis Valley Project; Repayment contract for State's share of costs associated with development of recreation facilities and certain fish and wildlife facilities; Obligation will be negotiated in accordance with the Federal Water Project Recreation Act (Pub. L. 89–72), as amended; FR notice published February 12, 1982, Vol. 47, page 6493.

6. Tom Green County Water Improvement District No. 1, San Angelo Project, Texas; Amendatory repayment contract to defer payment of construction charges associated with the 1984 crop year due to the nonavailability of irrigation water for use by the District's water users.

7. Hidalgo County Irrigation District No. 1, Lower Rio Grande Valley, Texas; Supplemental SRPA loan contract for approximately $13,205,000. The contracting process is dependent upon final approval of the supplemental loan report.

8. ID's similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform with the Reclamation Reform Act of 1982 (Pub. L. 97–293).

Upper Missouri Region

Bureau of Reclamation, P.O. Box 2553, Federal Building, 316 North 26th Street, Billings, Montana 59103, Telephone (406) 657–6413.

1. Individual irrigators, M&I, and miscellaneous water users, Upper Missouri Region, Montana, Wyoming, North Dakota, and South Dakota; Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Nokota Company, Lake Sakakawea, P–SMBP, North Dakota; Industrial water service contract; Up to 16,800 acre-feet of water annually; FR notice published May 5, 1982, Vol. 47, Page 19472.

3. State of Wyoming, Buffalo Bill Dam Modifications, P–SMBP, Wyoming; Contract with State of Wyoming for sharing of costs to construct, operate, and maintain modifications to Buffalo Bill Dam and Reservoir and repayment of reimbursable Federal costs.

4. Helena Valley ID, P–SMBP, Montana; R&B loan repayment contract; Up to $2.2 million.

5. Fort Shaw ID, Sun River Project, Montana; R&B loan repayment contract; Up to $1.5 million.

6. IDs of the Milk River Project, Montana; R&B loan repayment contract; Up to $2.2 million.

7. ID's and similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293)

Lower Missouri Region

Bureau of Reclamation, P.O. Box 25247 (Building 20, Denver Federal Center), Denver, Colorado 80225, telephone (303) 234–3327.

1. H&RW ID, Frenchman-Cambridge Unit, P–SMBP, Nebraska; Amendatory water service contract; $1,200,000 outstanding.

2. Central Nebraska Public Power and ID, Glendo Unit, P–SMBP, Nebraska; Irrigation water service contract; 8,000 acre-feet; FR notice published December 30, 1983, Vol. 48, Page 57632.

3. Purgatoire River Water Conservancy District, Trinidad Project, Colorado; Amendatory repayment contract for extension of the development period and revision of the repayment determination methodology; FR notice published August 6, 1982, Vol. 47, page 34206.

4. Corn Creek ID, Mitchell ID, Earl Michael, Glendo Unit, P–SMBP Wyoming, and Nebraska; Irrigation water service contracts.

5. Webster ID No. 4, Webster Unit, P–SMBP, Kansas; Irrigation water service and repayment contract amendment to adjust payment due to reduced water supply, $970,816 outstanding.

6. Green Mountain Reservoir, Colorado-Big Thompson Project; Proposed contract negotiations for sale of water from the marketable yield to water users within the Colorado River drainage of western Colorado.

7. Individual irrigators, M&I, and miscellaneous water users, Lower Missouri Region, Southeastern Wyoming, Colorado, Nebraska, and northern Kansas; Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

8. Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado; Second

round of proposed contract negotiations for sale of water from the regulatory capacity of Ruedi Reservoir.

9. ID's and similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97-293).

10. Lower South Platte Water Conservancy District, Central Colorado Water Conservancy District, and the Colorado Water Resources and Power Development Authority, P-SMBP, Narrows Unit, Colorado; Water service contracts for repayment of costs and cost sharing agreement.

11. CF&I Steel Corporation (formerly Colorado Fuel and Iron Corporation), Fryingpan-Arkansas Project, Colorado; Amendment of Contract No. 6-07-70-W0089 to include provision for assignment of part of the replacement storage contract to third parties when CF&I Steel Corporation sells storage space.

12. Amity Mutual Irrigation Company, Colorado; SRPA loan repayment contract; $4,223,000 proposed loan obligation.

13. Kirwin ID No. 1, Kirwin Unit, P-SMBP, Kansas; Irrigation water service and repayment contract and Emergency Drought Act loan contract amendment to adjust payments due to reduced water supply, $866,231 outstanding.

Opportunity for public participation and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

(1) Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

(2) Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of the Bureau of Reclamation.

(3) All written correspondence regarding proposed contracts will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

(4) Written comments on a proposed contract or contract action must be submitted to the appropriate Bureau of Reclamation officials at locations and within time limits set forth in the advance public notices.

(5) All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

(6) Copies of specific proposed contracts may be obtained from the appropriate Regional Director or his designated public contact as they become available for review and comment.

(7) In the event modifications are made in the form of proposed contract, the appropriate Regional Director shall determine whether republication of the notice and/or extension of the 60-day comment period is necessary.

Factors which shall be considered in making such a determination shall include, but are not limited to: (i) The significance of the impact(s) of the modification and (ii) the public interest which has been expressed over the course of the negotiations. As a minimum, the Regional Director shall furnish revised contracts to all parties which requested the contract in response to the initial public notice.

Dated: January 18, 1985.

Robert A. Olson,

Acting Commissioner of Reclamation.

[FR Doc. 85-1716 Filed 1-24-85; 8:45 am]

BILLING CODE 4310-09-M

National Park Service

Intention to Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with American Funtier, Inc., authorizing it to continue to provide food and beverage, recreational equipment rental, and merchandising facilities and services for the public at Padre Island National Seashore, Texas, for a period of ten (10) years from August 1, 1985 through July 31, 1995.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which will expire by limitation of time on July 31, 1985, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract as defined in 36 CFR, § 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, Texas, 78418, telephone number 512 937-2621, for information as to the requirements of the proposed contract.

Robert L. Kerr,

Regional Director, Southwest Region.

[FR Doc. 85-1945 Filed 1-24-85; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-1 (Sub-183X)]

Chicago and North Western Transportation Co.; Abandonment Exemption in Hardin County, IA

Applicant has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon its 5.7-mile line of railroad between milepost 6.6 near Eldora and milepost 12.3 near Owasa, in Hardin County, IA.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective February 24, 1985 (unless stayed pending reconsideration). Petitions to stay must be filed by February 4, 1985, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by February 14, 1985, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission must be sent to applicant's

representative: Myles L. Tobin, One North Western Center, Chicago, IL 60606.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: January 22, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-2036 Filed 1-24-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: February 12, 1985, 9:30 a.m., Rm. S4215 A & B Frances Perkins, Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Fernand Lavallee, Executive Secretary, Labor Advisory Committee, Phone: (202) 523-6565, January 14, 1985.

Signed at Washington, D.C. this 15th day of January 1985.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

[FR Doc. 85-1994 Filed 1-24-85; 8:45 am]

BILLING CODE 4510-28-M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to seciton 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assitance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 4, 1985.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 4, 1985.

The petitions filed in this case are available for inspection at the Office of the Director Office of Trade Adjustment Assitance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 14th day of January 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Hoskins Mfg. Co. (workers)	Mio, MI	12/31/84	12/21/84	TA-W-15,675	Resistance & special alloy wire.
Medusa Cement Co. (workers)	Wampum, PA	1/2/85	12/20/84	TA-W-15,676	Cement, portland.
Olin Corp., Chemicals Group (Int'l Chemicals)	Moundsville, WV	12/31/84	12/18/84	TA-W-15,677	Toluene diisocysnate (TDI).
RCA Corp., RCA Records Div. (IBEW)	Indianapolis, IN	1/8/85	1/2/85	TA-W-15,678	Tapes, cassette & records.
Randee-Wyn, Inc., (ILGWU)	New York, NY	12/31/84	12/28/84	TA-W-15,679	Apparel, women's.
S&M Fringing, Inc. (ILGWU)	New York, NY	12/31/84	12/28/84	TA-W-15,680	Tops, tubes.
Sawyer Research Products, Inc. (IAMAW)	Eastlake, OH	1/8/85	12/12/84	TA-W-15,681	Quartz, crystal.
Union Carbide Caribe, Inc. (workers)	Ponce, PR	1/3/85	12/27/84	TA-W-15,682	Chemical products.
United Pants Co., Inc. (ACTWU)	Plymouth, PA	1/8/85	12/20/84	TA-W-15,683	Sportcoats, suitcoats, mens blazers, womens.
Westover Knitting Mills, Inc. (Co.)	Indian Orchard, MA	1/2/85	12/27/84	TA-W-15,684	Circular knit goods.
Westover Knitting Mills, Inc. (Co.)	New York, NY	1/2/85	12/28/84	TA-W-15,685	Sales & showroom.

[FR Doc. 85-1995 Filed 1-24-85; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL CREDIT UNION ADMINISTRATION

Performance Review Board

AGENCY: National Credit Union Administration.

ACTION: Notice of Appointment to Performance Review Board.

SUMMARY: Notice is hereby given of an additional member of the Performance Review Board.

DATES: Effective December 19, 1984.

FOR FURTHER INFORMATION CONTACT: Dorothy W. Foster, Director, Personnel Office, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456; Telephone (202) 357-1156.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of Title 5, U.S.C. requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

The members of the Performance Review Board are:

1. Mr. Charles W. Filson, Director, Office of Programs
2. Mr. Steve Raver, Regional Director, Region I (Boston)

3. Mr. Robert M. Fenner, Director, Department of Legal Services

Dated: January 18, 1985.

E.F. Callahan,

Chairman, National Credit Union Administration Board.

[FR Doc. 85-1927 Filed 1-24-85; 8:45 am]

BILLING CODE 7535-01-M

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

Conservation Project Support Program; Grant Application Notice

AGENCY: Institute of Museum Services, NFAH.

ACTION: Grant Application Notice for Fiscal Year 1985.

This grant application announcement applies only to the Conservation Project Support Program (CP).

Applications are invited by the Institute of Museum Services (IMS) for Conservation Project (CP) awards under 45 CFR Part 1180 for Fiscal Year 1985.

Nature of Program: IMS makes awards under the CP grant program to allow museums to conduct conservation activities that they are not currently performing. The activities include, but are not limited to, the following, as applied to art, history and natural history, science and technology, and living collections:

(1) Technical examination of materials and surveys of environmental and collection conditions;

(2) Provision, insofar as practicable, of optimum environmental conditions for housing, exhibition, monitoring, reformatting, nurturing, and transportation of objects;

(3) Physical treatment of objects, specimens and organisms, for the purpose of stabilizing, conserving and preserving their condition, removal of inauthentic additions or accretions, and physical compensation of losses; species survival activities; and

(4) Research and training in conservation. Section 206 of the Museum Services Act, Title II of Pub. L. 94-462, as amended, contains authority for this program. (20 U.S.C. 965)

Deadline Date for Transmittal of Applications: An application for a grant must be mailed or hand-delivered by May 1, 1985.

Applications Delivered by Mail: An application sent by mail must be addressed to the Institute of Museum Services, 1100 Pennsylvania Avenue, N.W., Room 609, Washington, D.C. 20506.

An applicant must be prepared to show one of the following as proof of timely mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other dated proof of mailing acceptable to the Director of IMS.

If an application is mailed through the U.S. Postal Service, the Director does not accept either of the following as proof of mailing: (1) A private metered postmark; or (2) a mail receipt that is not date-cancelled by the U.S. Postal Service.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the Institute of Museum Services, Old Post Office Building, 1100 Pennsylvania Avenue, N.W., Room 609, Washington, D.C. 20506.

IMS will accept a hand-delivered application between 9:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the deadline date.

Program Information: Program information is contained in the following: final regulations published on January 31, 1984 in **Federal Register** Vol. 49, No. 21, pages 3860-3864; amendments published on April 10, 1984 **Federal Register** Vol. 49, No. 70, pages 14108-14111 and on June 15, 1984 **Federal Register** Vol. 49, No. 117, pages 24731-24733; notice of proposed rulemaking published on October 5, 1984 **Federal Register** Vol. 49, No. 195, pages 39346-39349; and in the application forms and accompanying instructions in the Application Package including proposed guidelines for Fiscal Year 1985. See paragraph on *Application Form.*

Available Funds: An appropriation for the Institute of Museum Services for Fiscal Year 1985 is contained in the FY 1985 continuing resolution, Pub. L. 98-473 Department of the Interior & Related Agencies. This Act appropriates $21,560,000 for the IMS for Fiscal Year 1985, $3,430,000 of which is available for CP Grants.

IMS makes a conservation grant for not more than $25,000 for Fiscal Year 1985. Museums are required to provide a match which is at least equal to the amount of the grant.

Application Forms: IMS is mailing application forms and program information in an Application Packet to museums and other institutions on its General Operating Support mailing list. Applicants may obtain Application Packets by writing to the Institute of Museum Services, 1100 Pennsylvania Avenue, N.W., Room 609, Washington, D.C. 20506.

Applicable Regulations: Final regulations for the Conservation Project grant program were published in the **Federal Register** on January 31, 1984 in FR Vol. 49, No. 21, pages 3860-3864. Amendments to these regulations were published in the **Federal Register** on April 10, 1984 FR Vol. 49, No. 70, pages 14108-14111 and on June 15, 1984 FR Vol. 49, No. 117 pages 24731-24733. The National Museum Services Board has approved the issuance of proposed amendments to regulations published in the **Federal Register** on Oct. 5, 1984, FR Vol. 49, No. 195, pages 39346-39349. These proposed amendments are expected to apply to the Fiscal Year 1985 CP competition.

FOR FURTHER INFORMATION CONTACT: For further information contact Kristine Ramaekers Program Officer, Institute of Museum Services, 1100 Pennsylvania Avenue, N.W., Room 609, Washington, DC 20506. Telephone: (202) 786-0539.

(Catalog of Federal Domestic Assistance No. 45.301 Institute of Museum Services)

Dated: January 18, 1985.

Susan E. Phillips,

Director, Institute of Museum Services.

[FR Doc. 85-1980 Filed 1-24-85; 8:45 am]

BILLING CODE 7036-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-10, 50-237, and 50-249; EA 84-24]

Commonwealth Edison Co. (Dresden Nuclear Power Station); Order Imposing Civil Monetary Penalties

I

Commonwealth Edison Company (the "licensee") is the holder of Operating License Nos. DPR-2; DPR-19; and DPR-25 (the "licenses") issued by the Nuclear Regulatory Commission (the "Commission") which authorize the licensee to operate the Dresden Nuclear Power Station in accordance with the conditions specified therein. The licenses were issued on June 2, 1960, December 22, 1969, and March 2, 1971, respectively.

II

An inspection of the licensee's activities was conducted on November 9-10 and December 5-9, 12, and 20, 1983. Another inspection was conducted on January 23-24 and February 3 and 7, 1984. As a result of these inspections, the NRC Staff had determined that the

licensee had not conducted its activities in full compliance with NRC requirements. Two written Notices of Violation and Proposed Impositions of Civil Penalties were served upon the licensee by letter dated May 8, 1984 as Appendices A and B to that letter. The Notices state the nature of the violations, the requirements of the Commission that the licensee had violated, and the amount of the civil penalties proposed. An answer dated June 15, 1984 to the Notices of Violation and Proposed Impositions of Civil Penalties was received from the licensee.

III

Upon consideration of Commonwealth Edison Company's response and the statements of fact, explanation, and arguments for mitigation contained therein, as set forth in the Appendix to this Order, the Deputy Director, Office of Inspection and Enforcement, has determined that the penalties proposed for the violations designated in Appendix A and Violation No. 1 of Appendix B, should be imposed. However, the civil penalty for Violation 2 of Appendix B should be reduced from $40,000 to $30,000.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay civil penalties in the cumulative amount of One Hundred and Thirty Thousand Dollars ($130,000) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement, USNRC, Washington, D.C., 20555.

V

The license may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, USNRC, Washington, D.C., 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, at the same address. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. If the licensee fails to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection. In the event the licensee requests a hearing as provided above, the issues to be considered as such hearing shall be:

(a) Whether the licensee was in violation of the Commission's requirements as set forth in the Notices of Violation and Proposed Impositions of Civil Penalties referenced in Section II above, and

(b) Whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland this 16th day of January 1985.

For the Nuclear Regulatory Commission.

James M. Taylor,

Deputy Director, Office of Inspection and Enforcement.

Appendix—Evaluation and Conclusion

The licensee's June 15, 1984 response to the Notices of Violation and Proposed Impositions of Civil Penalties, Appendices A and B of the NRC Staff's letter of May 8, 1984 to the licensee, admits that all violations occurred as set forth in the Notices. The Notice designated Appendix A described violations of radiation protection requirements. The Notice designated Appendix B identified violations of 10 CFR 73.71(c) and the licensee's security plan. Although the licensee does not contest the civil penalties for violations in the Notices, the licensee believes that the civil penalty for Violation No. 2 set forth in Appendix B should be fully mitigated because of prompt and extensive corrective action and good prior enforcement history.

The licensee's argument for full mitigation of the civil penalty associated with Violation No. 2 of Appendix B is addressed below.

Licensee's Response

The licensee admitted that the Security Force did not adequately implement the required compensatory measures for the failure of the protected area alarm system. In addition, the licensee stated that the Radiation Protection/Chemistry Foreman should brought the unauthorized access to the attention of appropriate station management.

The licensee noted that the computer system failure which led to this event was reported to the NRC within 5 hours of its occurrence, and the inadequate implementation of compensatory measures was reported within several hours of its later discovery by the Station Security Administrator.

The licensee requested full mitigation of any civil penalty associated with this item based on:

1. The prompt, timely, and extensive corrective action described in the June 15, 1984 response, and

2. The prior good enforcement history of the Dresden Station and its consistent rating of Category 1 in the SALP functional area of security.

NRC Staff Evaluation

The NRC Enforcement Policy provides that unusually prompt and extensive corrective action may result in reducing the proposed civil penalty. In this instance, corrective actions were not initiated until approximately 6 days after the violation. This was because a Radiation Chemistry Supervisor and two other employees who had knowledge of the violation failed to report it to licensee management or to the NRC. We recognize that when security management became aware of the event, a thorough investigation was immediately conducted and extensive corrective actions were initiated and completed in a timely manner. We were aware of the extent of the licensee's corrective actions at the time the civil penalty was originally proposed. After reviewing our response, however, and recognizing that the current Enforcement Policy permits mitigation for past good SALP ratings in the area of concern, we have concluded that partial mitigation of the proposed civil penalty for Violation No. 2 is appropriate. Full mitigation is not appropriate because supervisory personnel were aware of the breakdown in the security program and did not pass on this information to appropriate licensee officials to permit prompt corrective action, and because the event involved two breaches (improper entry and exit by the employee) of the security system. Accordingly, we have reduced the amount of civil penalty for this violation from $40,000 to $30,000.

Conclusion

After considering the licensee's June 15, 1984 response to the Notices of Violations and Proposed Imposition of Civil Penalties, Appendices A and B, the NRC has concluded that the violations set forth in Appendices A and B to the NRC Staff's letter of May 8, 1984 did occur. However, upon further consideration including the licensee's June 15, 1984 response, the NRC has decided to mitigate by twenty-five percent Violation No. 2 set forth in Appendix B. Consequently, the NRC concludes that civil penalties in the cumulative amount of $130,000 should be imposed.

[FR Doc. 85-1966 Filed 1-24-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No.: 50-423]

Availability of Final Environmental Statement; Millstone Nuclear Power Station, Unit No. 3, Northeast Nuclear Energy Co.

Notice is hereby given that the Final Environmental Statement (NUREG-1064) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Millstone Nulcear Power Station, Unit No. 3. The site for this station is located in the Town of Waterford, New London County, Connecticut, on the north shore of Long Island Sound.

The Final Environmental Statement (NUREG-1064) is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C. 20555 and in the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. The Final Environmental Statement is also being made available at the Connecticut State Clearinghouse, Office of Policy and Management Comprehensive Planning Division, 80 Washington Street, Hartford, Connecticut 06115 and at the Regional Metropolitan Clearinghouse, Southeastern Connecticut Regional Planning Agency, 139 Boswell Avenue, Norwich, Connecticut 06360.

The notice of availability of the Draft Environmental Statement (DES) for the Millstone Nuclear Power Station, Unit No. 3 and request for comments was published in the **Federal Register** on August 3, 1984 (49 FR 31183). The comments received from Federal, State and local agencies and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (NUREG-1064) may be purchased by calling (301) 492-9530 or by writing to the Publication Services Section, document Management Branch, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; or purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 11th day of January, 1985.

For the Nuclear Regulatory Commission.

B.J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 85-1969 Filed 1-24-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-483, License No. NPF-25, EA 84-97]

Union Electric Co. (Callaway Plant, Unit 1); Order Imposing Civil Monetary Penalty

I

Union Electric Company (the "licensee") is the holder of Operating License No. NPF-25 (the "license") issued by the Nuclear Regulatory Commission (the "Commission"). The license authorizes the license to operate the Callaway Plant, Unit 1 in accordance with the conditions specified therein. The license was issued on June 11, 1984.

II

A routine inspection of the licensee's activities was conducted during the period July 30 through August 3 and August 13 through 17, 1984. The results of this inspection indicated that the licensee has not conducted its activities in full compliance with the conditions of its license. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the license by letter dated October 19, 1984. The Notice states the nature of the violation, the applicable provisions of the Atormic Energy Act, the requirements of the Nuclear Regulatory Commission regulations or license conditions that were violated, and the amount of civil penalty proposed for the violation. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty with a letter dated November 15, 1984.

III

Upon consideration of Union Electric Company's response (November 15, 1984) and the statements of fact, explanation, and argument regarding mitigation contained therein, as set forth in the Appendix to this Order, the Deputy Director of the Office of Inspection and Enforcement has determined that the penalty proposed for the violation designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2282, Pub L. 96-295, and 10 CFR 2.205, it is hereby ordered that:

The licensee pay a civil penalty in the amount of Twenty-Five Thousand Dollars ($25,000) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Deputy Director of the Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555.

V

The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Deputy Director, Office of Inspection and Enforcement. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. If the licensee fails to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee was in violation of the Commission's requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty referenced in Section II above, and

(b) Whether on the basis of such violation this Order should be sustained.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland this 18th day of January 1985.

James M. Taylor,

Deputy Director, Office of Inspection and Enforcement.

Appendix—Evaluation and Conclusion

The licensee's November 15, 1984 response to the October 19, 1984 Notice of Violation and Proposed Imposition of Civil Penalty for the Union Electric Company, the Callaway Plant, Unit 1, admits that the violation occurred as stated in the Notice. However, the licensee requests mitigation of the entire amount of the civil penalty and provides reasons why it believes mitigation of the penalty is appropriate.

Summary of Licensee's Response

The licensee urges the NRC to consider the comments contained in the mitigation factors that are set forth in Section V.B of Appendix C to 10 CFR Part 2 for adjustment of the civil penalty. The licensee suggests that mitigation is warranted here owing to its timely identification and reporting of the incident, its corrective actions, and good prior performance. The licensee states "this incident regarding the containment

spray valves is the first and only incident of that nature to have occurred at Callaway." Additionally, the licensee quotes from the Commission's General Statement of Policy and Procedure for NRC Enforcement Actions which states that civil penalties "are considered for Severity Level III violations." The licensee submits that the Commission's Policy indicates that a civil penalty may be considered appropriate for the second and subsequent Severity Level III violations of a "similar" nature.

Evaluation of Licensee's Response and Conclusion

The NRC staff has carefully reviewed the licensee's response and has concluded that the licensee did not provide any information that was not already considered in determining the significance of the violation and the appropriate civil penalty. Due to the fact that (1) the violations was identified by the licensee's staff and promptly reported, (2) corrective actions taken by the licensee were prompt and extensive, and (3) the licensee's administrative controls provided an opportunity for discovery of the violation prior to intitial criticality, the amount of the proposed civil penalty was reduced by 50%. However, further mitigation on the basis of good performance is not warranted. Even though the licensee is correct in stating that a specific incident involving containment spray valves had not occurred previously, in view of the short operating experience of the licensee, conclusions regarding the licensee's good performance are difficult to reach. Although the Enforcement Policy allows complete mitigation on the basis of good performance and for mitigation because of prompt reporting and extensive corrective actions, the NRC staff believes that a civil penalty is warranted for this potentially significant event to emphasize that the licensee needs to be cognizant of plant conditions and to pay greater attention to details, particularly during early operation of the facility. Therefore, further mitigation of the proposed civil penalty is not warranted.

[FR Doc. 85-1971 Filed 1-24-85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Nine Mile Point Unit 2; Meeting

The ACRS Subcommittee on Nine Mile Point Unit 2 will hold a meeting on February 20 and 21, 1985, Hotel Syracuse, 500 South Warren Street, Syracuse, NY.

The entire meeting will be open to public attendance. The agenda for subject meeting shall be as follows:

Wednesday, February 20, 1985 — 8:30 a.m. until the conclusion of business

Thursday, February 21, 1985 — 8:30 a.m. until the conclusion of business

The Subcommittee will begin operating license review for Nine Mile Point.

Oral statements may be presented by members of the public with concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. John O. Schiffgens (telephone 202/634-1413) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Date January 22, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85-1966 Filed 1-24-85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Combined Subcommittees on Gessar II and Reliability and Probabilistic Assessment; Meeting

The ACRS Subcommittees on GESSAR II and Reliability and Probabilistic Assessment will hold a combined meeting on February 14 and 15, 1985, Best Western Airport Park Hotel, 600 South Prairie Street, Inglewood, CA.

To the extent practical the meeting will be open to public attendance. However, portions of the meeting will be closed to discuss proprietary information relating to the GESSAR probabilistic risk assessment.

The agenda for subject meeting shall be as follows:

Thursday, February 14, 1985—8:30 a.m. until the conclusion of business

Friday, February 15, 1985—8:30 a.m. until the conclusion of business

The Subcommittees will continue their review of GESSAR II for a Final Design Approval applicable to future plants. The focus of this meeting will be on seismic risk.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittees, their consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the General Electric Company, the NRC Staff, their consultants, and other invited persons regarding this review.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff members, Mr. Richard Major or Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: January 22, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review

[FR Doc. 85-1967 Filed 1-24-85; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 14333; 812-5919]

American Capital Comstock Fund, Inc., et al.; Application for an Order Permitting Certain Offers of Exchange and Exempting Those Exchanges

January 17, 1985.

Notice is hereby given that American Capital Comstock Fund, Inc., American Capital Corporate Bond Fund, Inc., American Capital Enterprise Fund, Inc., American Capital Harbor Fund, Inc., American Capital Over-The-Counter Securities, Inc., American Capital Pace Fund, Inc., American Capital Venture Fund, Inc., and Fund of America, Inc. (collectively, "Load Funds"), American Capital Government Securities, Inc., American Capital High Yield Investments, Inc., and American Capital Municipal Bond Fund, Inc. (collectively, "Reduced Load Funds"), American Capital Reserve Fund, Inc. ("No Load Fund"), and American Capital Marketing, Inc. ("ACM"), principal underwriter or distributor of the Load Funds, the Reduced Load Funds, and the No Load Fund (collectively, "Funds") (ACM, together with the Funds, "Applicants") 2800 Post Oak Boulevard, Houston, TX, 77056 filed an application on August 13, 1984, and amendments thereto on November 12, 1984, and December 14, 1984, for an order of the Commission pursuant to Section 11(a) of the Investment Company Act of 1940 ("Act") approving certain offers of exchange and pursuant to Section 6(c) of the Act exempting those exchanges from the provisions of Section 22(d) of the Act. Applicants also request that the order be made applicable to any open-end investment companies ("Future Funds") for which it may in the future serve as principal underwriter or distributor. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the text of the applicable provisions.

According to the application, each Fund is an open-end investment company registered under the Act. Further, ACM maintains a continuous public offering of shares of the (i) Load Funds at their respective net asset values plus a maximum sales load of 8.5%; (ii) Reduced Load Funds at their respective net asset values plus a maximum sales load of from 4.75% to 6.75%; and (iii) No-Load Fund at net asset value without a sales load. Additionally, ACM intends to offer shares in Future Funds with a maximum sales load of 8.5% or lower, or without a sales load.

Applicants request relief for the following transactions:

(1) Shares of any Load Fund or any Reduced Load Fund which have been held at least 6 months, and shares of any Fund acquired through reinvestment of dividends or capital gains distributions, may be exchanged for shares of any other Fund on the basis of the relative per share net asset value of the respective Fund at the time of the exchange without a sales load;

(2) Shares of any Fund which have been held at least 7 days (or in some cases 30 days) may be exchanged for shares of any other Fund with (i) an equivalent, lower or no sales load on the basis of the relative net asset value per share at the time of exchange without a sales load or (ii) a higher sales load on the basis of relative net asset value per share at the time of exchange plus the difference between the sales and load applicable to the Fund whose shares are being acquired and the sales load previously paid on the shares being exchanged;

(3) Where shares of a Reduced Load Fund or a No Load Fund have been acquired by exchange from a Fund having a higher sales load, the higher sales load shall be considered to have been previously paid in determining whether any additional sales load would be payable if such shares are later exchanged for shares of a Load Fund or a Reduced Load Fund;

(4) Where shares of a No Load Fund have been acquired by exchange from a Fund having a sales load, the sales load previously paid shall be credited to the shareholder in determining whether any additional sales load would be payable if such shares are later exchanged for shares of a Load Fund or a Reduced Load Fund; and

(5) Where shares of a Load Fund or a Reduced Load Fund have been acquired by exchange from a No Load Fund, the sales load applicable to the Fund whose shares are being acquired will be imposed on such exchange and such sales load shall be credited to the shareholder in determining whether any additional sales load would be payable if such shares are later exchanged for shares of a Load Fund or a Reduced Load Fund.

Applicants state that where less than all of an investor's shares are exchanged, those for which no or a lower additional sales load would be payable will be exchanged first. Further, Applicants state that investors eligible for the one-time privilege to reinvest the proceeds of any redemption effected within the preceding 30 days may purchase shares of any Fund at the same sales load, if any, which would have been payable on an exchange of their shares if not redeemed.

Applicants state that while ACM has the exclusive right to distribute shares of the Funds, American Capital Financial Services, Inc. ("ACFS"), an affiliated dealer of ACM, actually sells such shares directly to the public. Applicants believe that a large number of exchanges will be effected on a no load basis, in which case no financial incentive exists for sales representatives to initiate exchanges. Applicants also believe that there is not sufficient financial incentive for an ACFS representative to initiate exchanges for his or her own benefit. Applicants represent that ACFS has established sufficient internal monitoring and review procedures to insure that exchanges are made at the request of an investor and not for the ACFS representative's personal gain. Moreover, where an investor is charged a differential in sales load, the resultant commission would be less than on a direct purchase of shares (except for certain exchanges from a No Load Fund).

Notice is further given that any interested person wishing to request a hearing on the application may, not later than February 12, 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 address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-1922 Filed 1-24-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14329; 811-3731]

Trust for Short-Term Instruments; Application for an Order Declaring That Applicant Has Ceased To Be An Investment Company

January 17, 1985.

Notice is hereby given that Trust For Short-Term Instruments ("Applicant"), 421 Seventh Avenue, Pittsburgh, PA, 15219, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on November 9, 1984, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. 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 applicable provisions thereof.

The application states that Applicant, which registered under the Act and filed a registration statement pursuant to Section 8(b) of the Act on May 4, 1983, has never made a public offering of its securities, and does not propose to make a public offering or engage in business of any kind. The application further states that Applicant does not have any security-holders or assets, that it is not a party to any litigation or administrative proceeding and does not intend to engage in business activities other than those necessary for the winding up of its affairs. Finally, the application represents that the Applicant has been dissolved under state law.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than February 11, 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.

John Wheeler,

Secretary.

[FR Doc. 85-1923 Filed 1-24-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21670; File No. S7-787]

Designation of National Market System Securities Submitted by the National Association of Securities Dealers, Inc.; Summary Effectiveness and Temporary Approval of Proposed Amendments to the Plan

January 17, 1985.

Introduction

On December 18, 1984, the National Association of Securities Dealers, Inc. ("NASD") filed with the Commission pursuant to Rule 11Aa2-1 under the Securities Exchange Act of 1934 ("Act") [1] proposed amendments to its "National Market System Securities Designation Plan with respect to NASDAQ Securities" ("Designation Plan").[2] The Designation Plan provides for the designation of securities meeting the criteria in Rule 11Aa2-1 for designation as National Market System Securities.

The proposed amendments primarily are intended to incorporate language changes reflecting recent amendments to Rule 11Aa2-1 that will result in an expansion of the number of securities eligible for designation.[3] The amendments also delete obsolete language, simplify procedures by which issuers apply for designation, and reflect changes in NASD procedures required to coordinate designation of NASDAQ/NMS Securities with the Federal Reserve Board's administration of its OTC Margin List.[4] The NASD has requested that these proposed amendments be granted summary effectiveness by the Commission pursuant to Section (d)(4) of the Rule to allow designation to begin when amendments to the NMS Securities Rule becomes effective on January 22, 1985.

Description of the proposal

The proposed amendments to Section D of Part II of the Plan provide the NASD with added flexibility in the timing of effectiveness of designation under the voluntary criteria. Although the NASD has been phasing-in current NMS Securities, the authority for such action was contained in temporary phasing rules under the Plan; these rules have now expired. The proposed amendments to the Plan would permit the NASD to continue to schedule the designation of securities under Tier 2 voluntary designation criteria on pre-established dates each month.

The NASD has determined that a maximum of 200 securities shall be designated each month. This rate of designation was chosen in anticipation that a large number of issuers not qualified for designation under the former voluntary designation criteria will request designation upon effectiveness of the amended criteria on January 22, 1985.

The NASD has proposed technical amendments to Part IV, Section D of the Plan, which governs the handling of issuers of NASDAQ/NMS designated securities that have filed for relief under the Bankruptcy Act. These amendments empower a Committee of the NASD Board of Governors to allow the securities of companies that have filed under the Bankruptcy Act to remain designated if they conclude the public interest would be served thereby.

Finally, the proposal contains amendments to the NMS Security maintenance criteria. After designation as a NMS Security, a security must substantially meet the Plan's maintenance criteria to continue to be designated as a NMS Security. The proposed amendments to Part IV, Section B and C of the Plan would alter

[1] 17 CFR 240.11Aa2-1 ("Rule"). Pursuant to the Rule, certain actively-traded over-the-counter ("OTC") securities have been or will be designated as National Market System ("NMS") Securities. Upon designation, a NMS Security is deemed a "reported" security, as the term is defined in Rule 11Aa3-1(a)(94) under the Act, and becomes subject to, among other things, the Commission's last sale reporting rule, Rule 11Aa3-1 under the Act.

[2] The Commission approved the NASD's Designation Plan on January 7, 1982. Securities Exchange Act Release No. 18399 (January 7, 1982), 47 FR 2228. Generally, the Designation Plan provides: (1) Procedures for designation of NMS Securities; (2) procedures for determining substantial compliance with Tier 2 criteria established in the Rule; (3) procedures and criteria for determining or suspending the NMS status of securities; and (4) procedures for publishing lists of NMS Securities.

[3] *See* Securities Exchange Act Release No. 21583 (December 18, 1984), 50 FR 730.

[4] NMS Securities are automatically marginable pursuant to Regulation T under the Act. *See* Federal Reserve Docket R-0512 (August 30, 1984), 49 FR 35756.

the existing maintenance criteria by requiring that a NMS Security have at least two authorized NASDAQ market makers, rather than the current requirement of three market makers. In addition, the present requirement that an NMS Security have at least $1,000,000 in trading volume within the last twelve months has been eliminated; under the proposed amendment there would be no dollar trading volume requirement. Accordingly, once a security is designated as a NMS Security, the maintenance criteria would only require a company to have (i) 200,000 publicly held shares; (ii) market value of those shares of $2,000,000; and (iii) either annual net income of $2,000,000 in the previous fiscal year or in two of the last three fiscal years or net worth of $1,000,000.[5]

Discussion

The Commission generally regards the proposed amendments as a reasonable adjustment to the Designation Plan, at least as interim measures while the Commission and the public have an opportunity to consider permanent amendments to the Plan. The Commission believes summary effectiveness is necessary to allow designation pursuant to the Plan to begin when the amendments to the NMS Securities Rule become effective on January 22, 1985. Accordingly, the Commission has granted the proposed amendments summary effectiveness for a period not exceeding 120 days pursuant to Section (d)(4) of Rule 11Aa2–1, determining that such action is necessary in the public interest, for the protection of investors and the maintenance of fair and orderly markets, and to remove impediments to, and facilitate a national market system.

Nevertheless, the Commission believes that the maintenance criteria proposed by the NASD require further study before they can be approved on a permanent basis, particularly because the criteria are significantly lower than the newly-amended Tier 2 criteria. For example, an issuer must have capital and surplus of $8,000,000; 800,000 publicly held shares; and a market value of publicly held shares of $8,000,000 to qualify for designation as an NMS Security under the second alternative to Tier 2. That issuer, however, need only maintain 200,000 publicly held shares, a market value of those shares of $2,000,000 and net worth of $1,000,000[6] to retain its designation.

In this regard, the Commission notes that the newly-amended Tier 2 criteria are patterned after the current NASDAQ National List criteria, *i.e.*, the list used by the NASD to determine which NASDAQ securities qualify for inclusion in most daily newspapers. Currently, the National List standards contain no separate maintenance criteria. Thus, an issuer must meet the established criteria on a continuous basis.

Traditionally, markets that have incorporated maintenance standards into listing or eligibility criteria have set those standards at levels somewhat lower than, but nevertheless generally related to, initial listing or eligibility standards. This is intended to provide stability by avoiding having marginal firms qualify for and then lose eligibility. In this instance, the proposed maintenance criteria are not closely related to the newly amended NMS Tier 2 criteria. Accordingly, the Commission requests comment on whether the maintenance criteria should resemble the current two alternatives to Tier 2 qualification, although at somewhat reduced levels.[7]

Conclusion

In accordance with the above, it is ordered, pursuant to Section 11A of the Act and paragraph (d)(4) of Rule 11Aa2–1, that the NASD's amendments to the Designation Plan be, and hereby are, effective for a period not exceeding 120 days from the publication of notice of this release. In order to assist the Commission in determining whether to approve permanently the amendments before or upon the expiration of the 120 day period, interested persons are invited to submit their views to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, within 21 days from the date of publication of this notice in the **Federal Register**. The amendments to the Designation Plan will be available for public inspection in the Commission's public reference room, 450 Fifth Street, NW., Washington, D.C. All communications should refer to File No. S7–787.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30–3(a)(37).

John Wheeler,

Secretary.

[FR Doc. 85–1921 Filed 1–24–85; 8:45 am]

BILLING CODE 8010–01–M

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[5] This is in contrast to the amended Tier 2 criteria which require, under the first alternative standard, 350,000 publicly held shares with two million dollars in market value, a three dollar minimum bid price, two market makers, and annual net income in the previous year (or in two of the last three fiscal years) of $300,000. The second alternative criteria would require the company to have been operating for four years, to have eight million dollars in capital and surplus, 800,000 publicly held shares with eight million dollars in market value, and two market makers. Both alternatives would eliminate the present Tier 2 criteria of two million dollars in net tangible assets and $100,000 monthly trading volume.

[6] While the proposed maintenance criteria are similar to the current criteria, the one requirement that has been deleted is the $1,000,000 in annual trading volume. The Commission believes that deletion of this requirement is appropriate in light of the change in emphasis of the Tier 2 criteria from trading characteristics including volume to issuer characteristics. The Commission notes, however, that the dollar volume criteria was the most significant of the maintenance criteria, and, without including new more substantial issuer requirements in the maintenance criteria, the remaining criteria would appear to have only a limited effect.

[7] While the Commission has reservations about the proposed maintenance criteria, the Commission does not believe that it is inappropriate to approve these criteria summarily on a temporary basis. The amendments only will be effective for a maximum of 120 days while this area is studied further. For this reason, and because of the fact that the NASD reviews the financial qualifications of NMS Securities only on a quarterly basis, the Commission believes that there is no reasonable likelihood of harm, even if the Commission ultimately determines that the proposal is inappropriate. Moreover, the Commission believes that it is important to delete the trading volume requirement from the maintenance criteria at this time due to the concurrent effectiveness of the changes in the Tier criteria.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 85–1–9]

Fitness Determination of Trans Pacific Airways d/b/a Air Guam; Commuter Air Carrier Fitness Determination; Order To Show Cause

AGENCY: Department of Transportation.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 85–1–9, Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to find that Trans Pacific Airways d/b/a Air Guam is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards.

Responses: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Special Authorities Division, Room 6420, Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, and serve them on all persons listed in Attachment A to

the order. Responses shall be filed no later than February 19, 1985.

FOR FURTHER INFORMATION CONTACT: Barbara P. Dunnigan, Special Authorities Division, Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590 (202) 755–3812.

Dated: January 18, 1985.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 85–1947 Filed 1–24–85; 8:45 am]

BILLING CODE 4710–62–M

Reports, Forms, and Recordkeeping Requirements; Submittals to OMB December 18, 1984–January 18, 1985

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation, during the period Dec. 18, 1984–Jan. 18, 1985, to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Chandler or Annette Wilson, Information Requirements Division, M–34, Office of the Secretary of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, telephone (202) 426–1887, or Gary Waxman or Sam Fairchild, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, D.C. 20503, (202) 395–7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of Management and Budget (OMB) for initial, approval, or for renewal under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above. Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB from Dec. 18, 1984–Jan. 18, 1985.

DOT No.: 2532
OMB No.: 2132–0529
By: Urban Mass Transportation Administration
Title: Transportation Improvement Program and Transportation Plan (TIP/AE and Plan)
Forms: None
Frequency: Annually/biennially
Respondents: State or local governments

Need/Use: The TIP/AE and Plan is used by State and Metropolitan Planning Organizations as the basis for making investment decisions and as a management tool regarding the use of Federal and Non-Federal capital funds.

DOT No.: 2533
OMB No.: New
By: Federal Aviation Administration
Title: SFAR-Special Flight Authorizations for Noise Restricted Aircraft
Forms: None
Frequency: On occasion
Respondents: Aircraft Operators

Need/Use: Under Part 91, beginning January 1, 1985, operations of large turbojet aircraft are prohibited at U.S. airports unless compliance with the Part 36 noise levels is demonstrated. Therefore, operators (Foreign, Domestic, and Corporate) will need a special flight authorization for U.S. operators to dispose of aircraft or take them to be modified to comply.

DOT No.: 2534
OMB No.: 2115–0025
By: U.S. Coast Guard
Title: Oil Recordbook for Tankers and Non-Tankers
Forms: CG–4602
Frequency: On occasion
Respondents: Owners/Operators of Tankers and Non-Tankers

Need/Use: This information collection requirement is needed to identify potential or actual violations to the Act to prevent pollution from ships and to be sure that the vessel owner/operator complies with the MARPOL 73/78.

DOT No.: 2535
OMB No.: 2115–0086
By: U.S. Coast Guard
Title: Optional simplified tonnage measurement for pleasure and commercial vessels
Forms: CG–5397
Frequency: On occasion
Respondents: Commercial and pleasure vessel owners

Need/Use: Before a vessel can be documented or recorded under U.S. laws, it must be formally measured for tonnage. This information collection allows vessel owners to measure their own vessels.

DOT No.: 2536
OMB No.: New
By: Office of the Secretary
Title: Marine Safety Reporting Program (MSRP)
Forms: Pending
Frequency: On occasion
Respondents: Licensed and unlicensed seamen

Need/Use: The marine incident information is needed to better determine the potential hazards to marine safety prior to their involvement in an accident.

DOT No.: 2537
OMB No.: 2137–0008
By: Research and Special Programs Administration
Title: Application for Designation as an Approval Agency
Forms: None
Frequency: One-time
Respondents: Testing agencies applying to become approval agencies

Need/Use: The information is collected from persons who assure, through product testing, that the design and performance of packings used for shipments of hazardous materials conform to the appropriate specifications or standards. MTB needs this information to evaluate the competency of testing agencies which may be employed by shippers or packaging manufacturers.

The following are the Civil Aeronautics Board's (CAB) information collection requests that were approved before sunset December 31, 1984. The Department of Transportation (DOT) has arranged for them to be listed in the Register.

OMB No.:
Before sunset 3024–0001
After sunset 2106–0001 (Office of the Secretary)
By: Civil Aeronautics Board

Title: Part 208 Term, Conditions, and Limitations of Certificates to Engage in Charter Transportation
Forms: None
Frequency: On occasion
Respondents: Air carriers, travel agents, and charterers

Need/Use: Sets up escrow requirements and other consumer protection provisions. These provisions are needed because passengers pay for their transportation up to 1 year in advance.
OMB No.:
Before sunset 3024–0011
After sunset 2106–0011 (Office of the Secretary)
By: Civil Aeronautics Board
Title: Part 207—Charter Trips and Special Services
Forms: None
Frequency: On occasion
Respondents: Certificated Route Air Carrier and Travel Agents

Need/Use: Under Part 207 carriers must set forth a full description of the proposed service, file a copy of a currently effective agreement made between it and a designated bank (by which escrow accounts are set up). When different carriers are performing outbound and inbound legs of a charter, the carrier performing the outbound leg shall request in writing from the other carrier, confirmation that the latter has also received timely payment. Also, tour operators must submit consumer protection assurances.
OMB No:
Before sunset 3024–0013
After sunset 2138–0013 (Research and Special Programs Administration)
By: Civil Aeronautics Board
Title: Report of Financial and Operating Statistics for Certificated Air Carriers
Forms: Form 41
Frequency: Monthly, quarterly, semi annual and annually
Respondents: Certificated air carriers

Need/Use: Form 41, filed by large certificated air carriers, provides basic financial and traffic data which are used extensively by the DOT in its programs under the Federal Aviation Act of 1958, as amended. In addition, the Department of Commerce, Air Force and Department of Labor are users of Form 41 data along with state governments and the general public.
OMB No:
Before sunset 3024–0017
After sunset 2138–0017 (Research and Special Programs Administration)
By: Civil Aeronautics Board
Title: Passenger Origin—Destination Survey
Forms: Form 2787
Frequency: Quarterly
Respondents: Large U.S. Certificated route carriers.

Need/Use: The passenger origin and destination survey in completed by large U.S. certificated route air carriers and provides data that are used by the DOT in administering its essential air service and international programs. The Department of Labor also uses passenger O&D survey data in developing the airline fare component of the consumer price index.
OMB No:
Before sunset 3024–0031
After sunset 2106–0031 (Office of the Secretary)
By: Civil Aeronautics Board
Title: Part 375 Navigation of Foreign Civil Aircraft within the United States
Forms: None
Frequency: On occasion
Respondents: Foreign air carriers

Need/Use: This information is used to monitor the use and non-use of authority granted to foreign air carriers, and to assure that these operations conform to U.S. law and international agreements.
OMB No:
Before sunset 3024–0056
After sunset 2106–0056 (Office of the Secretary)
By: Civil Aeronautics Board
Title: Part 382—Nondiscrimination on the Basis of Handicapped
Forms: None
Frequency: Occasion
Respondents: Carriers that receive Federal Financial Assistance

Need/Use: Each air carrier applying for Federal Financial Assistance must include in any application of claim an assurance that it does not discriminate on the basis of handicap. Carriers are to review their facilities to determine whether they are reasonably accessible to and usable by handicapped persons. Carriers are to provide a description of this evaluation to the Department of Transportation.
DOT No: 2538
OMB No:2125–0039
Before sunset 3024–0013
By: Federal Highway Administration
Title: Planning Program Financial Status and Performance Report
Forms: None
Frequency: Quarterly
Respondents: State highway agencies
Need/Use: State highway agencies report to the Federal Highway Administration expenditures against approved obligations and work activity progress for line items in the Highway Planning and Research Annual Work Program.

Issued in Washington, D.C. on January 18, 1985.

Jon H. Seymour,

Acting Assistant Secretary for Administration.

[FR Doc. 85–1948 Filed 1–24–85; 8:45 am]

BILLING CODE 4910–62–M

Research and Special Programs Administration

[Docket No. NPDA–2]

City of New York; Application for Non-Preemption Determination; Public Notice and Invitation To Comment; Correction

AGENCY: Research and Special Programs Administration, Materials Transportation Bureau (MTB).

ACTION: Public notice and invitation to comment; Correction.

SUMMARY: This document provides Appendix A to the notice which the MTB published on January 16, 1985 (50 FR 2528). The notice invited public comment on New York City's application for a non-preemption determination with regard to § 175.111(1) of the City Health Code. Appendix A setting forth the text of § 175.111(1) was inadvertently omitted from that notice.

FOR FURTHER INFORMATION CONTACT: Elaine Economides, Office of Chief Counsel, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590. (Tel. 202/755–4972).

Joseph Herning,

Acting Associate Director, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

APPENDIX A

Health Services Administration

DEPARTMENT OF HEALTH

Resolutions Adopted

[Published in "The City Record" Tuesday, January 20, 1976]

At a meeting of the Board of Health of the Department of Health held January 15, 1976, the following resolution was adopted:

Resolved, that section 175.111 of the New York City Health Code, as repealed and reenacted by resolution adopted on the fifteenth day of November, nineteen hundred seventy-three and filed with the City Clerk on the twentieth day of November, nineteen hundred seventy-three, be and the same hereby is amended by adding a new subsection (1) thereto, to follow subsection (k)

thereof, to be printed together with explanatory notes, to read as follows:

(1) Notwithstanding the foregoing provisions of this section, a Certificate of Emergency Transport issued by the Commissioner or his designated representative shall be required for each shipment, to be transported through the City or brought into the City, of any of the following materials:

(1) Plutonium isotopes in any quantity and form exceeding two grams or 20 curies, whichever is less;

(2) Uranium enriched in the isotope U–235 exceeding 25 atomic percent of the total uranium content in quantities where the U–235 content exceeds one kilogram;

(3) Any of the actinides (i.e, elements with atomic number 89 or greater) the activity of which exceeds 20 curies;

(4) Spent reactor fuel elements or mixed fission products associated with such spent fuel elements the activity of which exceeds 20 curies; or

(5) Any quantity of radioactive material specified as a "Large Quantity" by the Nuclear Regulatory Commission in 10 CFR Part 71, entitled "Packaging of Radioactive Material for Transport."

Notes.—Subsection (1) was added by resolution adopted on January 15, 1976, to require the approval of the Commissioner or his designated representative through the issuance of a Certificate of Emergency Transport for the transport or the bringing into this City of specified large quantities of plutonium, enriched uranium and other actinides and spent reactor fuel elements which would present a great hazard to public health in this densely and highly populated City. It is intended that such Certificate will be issued for the most compelling reasons involving urgent public policy or national security interests transcending public health and safety concerns and that economic consideration alone will not be acceptable as justification for the issuance of such Certificate. Such Certificates are also intended to be issued for hectocurie and kilocurie cobalt-60 and cesium-137 teletherapy sources employed in therapeutic radiology and biomedical research or educational purposes and for medical devices designed for individual human application (e.g., cardiac pacemakers) containing plutonium-238, promethium-147 or other radioactive material. This subsection is not intended to apply to small quantities of specified radioactive materials intended for therapeutic radiology and biomedical research or educational purposes.

Resolved, further, that subsection (c) of section 175.111 of the New York City Health Code, as repealed and reenacted by resolution adopted on the fifteenth day of November, nineteen hundred seventy-three and filed with the City Clerk on the twentieth day of November, nineteen hundred seventy-three, be and the same hereby is amended, to be printed together with explanatory notes, to read as follows:

(c) This section shall not apply to radiation sources shipped by or for the United States Government for military or national security purposes or which are related to national defense. Nothing herein shall be construed as requiring the disclosure of any defense information of restricted data as defined in the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974, as amended.

Notes.—Subsection (c) was amended by resolution adopted on January 15, 1976 to conform its provisions with subsection (1) adopted by the same resolution.

Resolved, further, that this resolution shall take effect immediately.

A true copy.

j20

Patricia J. Caruso,

Acting Secretary.

[FR Doc. 85–1893 Filed 1–24–85; 8:45 am]

BILLING CODE 4910-60-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains extensions 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 forms and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389–2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503, (202) 395–7316.

DATES: Comments on the information collections should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: January 22, 1934.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Extensions

1. Department of Medicine and Surgery
2. Former POW Medical History
3. VA Form 10–0048
4. Nonrecurring
5. Individuals or households
6. 10,000 responses
7. 10,000 hours
8. Not applicable

* * * * *

1. Department of Veterans Benefits
2. Request for Information Concerning Medical, Legal or Other Expenses
3. VA Form 21–8416
4. On occasion
5. Individuals or households
6. 56,400 responses
7. 14,100 hours
8. Not applicable

[FR Doc. 85–1920 Filed 1–24–85; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 17
Friday, January 25, 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 Mine Safety and Health Review Commission	1
Federal Reserve System	2, 3
Federal Trade Commission	4
Pacific Northwest Electric Power and Conservation Planning Council	5

1

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

January 18, 1985.

TIME AND DATE: 10:00 a.m., Tuesday, February 5, 1985.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following item:

1. Freeman United Coal Mining Co., Docket No. LAKE 82-3. (Issues include whether the administrative law judge properly concluded that the operator violated 30 CFR 75.301, a mandatory safety standard dealing with ventilation.)

TIME AND DATE: 2:00 p.m., Tuesday, February 5, 1985.

2. Southern Ohio Coal Co., Docket No. LAKE 82-93-R, etc. (Issues include whether close-out conferences at a mine are compensable under Section 103(f) of the Mine Act, 30 U.S.C. 813(f).)

TIME AND DATE: Following oral argument, February 5, 1985.

STATUS: Closed (Pursuant to 5 U.S.C. 552b(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider each of the above cases.

It was determined by a unanimous vote of Commissioners that this meeting be closed.

Any person intending to attend this hearing who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Thus, the Commission may, subject to the limitations of 29 CFR 2706.150(a)(3) and 2706.160(e), ensure access for any handicapped person who gives reasonable advance notice.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5629.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 85-2074 Filed 1-23-85; 3:18 pm]

BILLING CODE 6820-12-M

2

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10:00 a.m., Wednesday, January 30, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street Entrance Between 20th and 21st Street, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Publication for comment on proposed amendments to Regulation J (Collection of Checks and Other Items and Transfers of Funds).

2. Proposed modification of the fractional availability credit option offered to depository institutions for the recovery of interterritory check float. (Proposed earlier for public comment; Docket No. R-0525)

3. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: January 22, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-2009 Filed 1-23-85; 11:10 am]

BILLING CODE 6210-01-M

3

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: Approximately 11:00 a.m., Wednesday, January 30, 1985, following a recess at the conclusion of the open meeting.

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. Implementation of the Board's Program Improvement Project.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Asssitant 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 22, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-2010 Filed 1-23-85; 11:10 am]

BILLING CODE 6210-01-M

4

FEDERAL TRADE COMMISSION

TIME AND DATES: 2:00 p.m., Thursday, January 17, 1985.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Re: Consideration of proposed divestiture in Texaco, Inc., C-3137.

The Commission also voted to hold a special meeting for which one week's advance notice could not be provided.

Commissioners Miller, Bailey, Douglas and Calvani voted in the affirmative. Commissioner Azcuenaga was recused.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information (202) 523-1892; Recorded Message: (202) 523-3806.

Emily H. Rock,

Secretary.

[FR Doc. 85-1919 Filed 1-23-85; 2:46 pm]

BILLING CODE 6750-01-M

5

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

ACTION: Notice of meeting to be held pursuant to the Government in the Sunshine Act (5 U.S.C. 552b).

STATUS: Open. An Executive Session will be held to discuss pending lititgation.

TIME AND DATE: January 30–31, 1985, 9:00 a.m.

PLACE: Federal Office Building, South Auditorium, 915 Second Avenue, Seattle, Washington.

MATTERS TO BE CONSIDERED:

- Status Report on Model Conservation Standards Implementation in Tacoma, Washington
- Staff Presentation on Washington Public Power Supply Systems 1 and 3 Issue Paper
- Council Decision on Letter Supporting U.S./Canada Pacific Salmon Treaty
- Council Decision on Economic and Demographic Forecast Assumptions
- Public Comment on Resource Financial and Economic Assumptions Issue Paper
- Public Comment on Environmental Criteria for Resource Acquisition Issue Paper
- Council Business

Public comment will follow each item.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Wong (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 85–1997 Filed 1–22–85; 5:11 pm]

BILLING CODE 0000-00-M

federal register

Friday
January 25, 1985

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions; Notice

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 9–83, 48 FR 35736 (1983), and 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Order 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Program Operations, Division of Government Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

District of Columbia: DC84–3009	Apr. 6, 1984.
Michigan: MI83–2008	Feb. 11, 1983.
Oregon: OR84–5020	June 22, 1984.
Pennsylvania: PA84–3035	Sept. 21, 1984.
PA84–3042	Dec. 14, 1984.
PA79–3020	July 20, 1979.
Washington: WA 84–5040	Nov. 16, 1984.
West Virginia: WV83–3022	Nov. 18, 1983.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

Illinois: IL83–2051 (IL85–5005)	July 1, 1983.
Mississippi: MS84–1001 (MS85–1002)	Feb. 3, 1983.
Texas: TX84–4020 (TX85–4001)	Apr. 13, 1984.

Signed at Washington, D.C. this 18th day of January 1985.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510-27-M

DECISION NO. DC84-3009 - MOD. #8
(49 FR 13800 April 6, 1984)
District of Columbia, Maryland Montgomery & Prince Georges Counties, The D.C. Training School, Virginia-Independent City of Alexandria & Arilington & Fairfax Counties.

CHANGE:

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Journeyman	15.91	3.06
Helper	6.00	
BRICKLAYERS		
Light commercial	13.00	3.10
All other work	16.30	3.10
IRONWORKERS		
Structural, Ornamental, & Chain Link Fence	15.11	2.93
LABORERS:		
Heavy Constructuction		
Group I	11.63	1.63
Group II	11.82	1.63
Group III	11.90	1.63
Group IV	11.97	1.63
Group V	12.24	1.63
Group VI	12.52	1.63
Group VII	12.685	1.63
Group VIII	13.235	1.63
Tunnel, Raise, & Shaft Laborers (Free Air) for Heavy Construction Only:		
Group I	12.005	1.63
Group II	12.385	1.63
Group III	13.305	1.63
Group IV	13.655	1.63
Compressed Air Laborers for Heavy Construction:		
Guage Pressure Pounds / Work Periods Hours		
1-14 / 7	15.69	1.63
14-18 / 6	16.27	1.63
18-22 / 5 1/2	16.83	1.63
22-26 / 5	17.42	1.63
26-32 / 4	17.99	1.63
32-38 / 3	18.56	1.63
38-44 / 2 1/2	19.14	1.63
PLUMBERS'S LABORERS	12.66	1.63

DECISION NO. MI83-2008 - Mod. #9
(48 FR 6456 - February 11, 1983)
Alger, Baraga, Chippewa, etc., Counties, Michigan

Changes:
Electricians:
Alger & Marquette Counties:
Contracts $75,000 or less:

	Basic Hourly Rates	Fringe Benefits
Electricians	$15.44	2.43 +3%
Cable Splicers	17.44	2.43 +3%
Contracts over $75,000:		
Electricians	12.75	2.45 +3%
Cable Splicers	14.75	2.45 +3%

DECISION NO. OR84-5020 Mod #8
(49 FR 25821 - June 22, 1984)
Statewide Oregon

CHANGE:

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Fringe Benefits (All groups and zones regardless of cost of project)		55.05
TRUCK DRIVERS:		
Fringe Benefits (All Groups and zones regardless of cost of project)		4.64

ADD:
Footnote "C":
Add Cement Masons to list of crafts in Footnote "C", See Mod #4, Nov. 2, 1984, (49 FR 44187)

DECISION NO. PA84-3035 - MOD. #3
(49 FR 27243 - September 21, 1984)
Lackawanna, Susquehanna, Wayne & Wyoming Counties Pennsylvania

CHANGE:

	Basic Hourly Rates	Fringe Benefits
PLUMBERS	15.24	4.40
ROOFERS:		
Composition & Kettleman	14.42	2.53

DECISION NO. PA84-3042 - MOD. #1
(49 FR 48888 - December 14, 1984)
Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford and Venango Counties, Pennsylvania

CHANGE:

	Basic Hourly Rates	Fringe Benefits
LABORERS:		
Zone 2		
Class 6	14.23	204

DECISION NO. WV83-3022 - MOD. #13
(48 FR 52547 November 18, 1983)
Statewide West Virginia excluding the Counties of Barkley, Jefferson and Morgan.

OMIT:
PAINTERS:
Area 8

CHANGE:

AREAS COVERED BY PAINTERS:
Area 5 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Preston, Randolph, Taylor, Upshur & Webster Counties

	Basic Hourly Rates	Fringe Benefits

DECISION NO. PA79-3020 - MOD. #17
(44 FR 42880 - July 20, 1979)
Carbon, Monroe County, Including Lobyhanna Army Depot, and Pike County, Pennsylvania

CHANGE:

	Basic Hourly Rates	Fringe Benefits
IRONWORKERS:		
Zone 2		
Structural	17.75	4.30
Reinforcing	17.50	4.30
PLUMBERS:		
Zone 1	15.24	4.40
Zone 2	18.68	3.94
ROOFERS		
Zone 3		
Composition & Kettleman	14.42	2.53

DECISION NO. WA84-5040 Mod #1
(49 FR 45312 - Nov. 14, 1984)
Statewide Washington

CHANGE:

	Basic Hourly Rates	Fringe Benefits
CEMENT MASONS:		
Area 4:		
(See Footnote "d" regarding cost of Project)		
Cement Masons	$15.49	54.72
Composition Workers and Power Machinery	15.80	4.72
PLUMBERS:		
Area 2	19.43	7.09
SHEET METAL WORKERS:		
Area 7	17.86	3.07
TERRAZZO WORKERS; TILE SETTERS		
Area 1	15.37	3.66
POWER EQUIPMENT OPERATORS:		
Area 3:		
Fringe Benefits (All Groups and Zones regardless of cost of project)		5.05
TRUCK DRIVERS:		
Area 3:		
Fringe Benefits (All Groups and Zones regardless of cost of project)		4.64

SUPERSEDEAS DECISION

STATE: ILLINOIS
DECISION NUMBER: IL85-5005

COUNTIES: DuPage, Grundy, Kane, Kendall, Lake, McHenry & Will
DATE: Date of Publication

Supersedes Decision Number IL85-2051 dated July 1, 1983 in 48 FR 30574.
DESCRIPTION OF WORK: Building & Residential Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$18.00	$3.74
BOILERMAKERS	18.40	4.53+5%
BRICKLAYERS; Stonemasons:		
DuPage & Lake	16.86	2.00
Grundy & Will	17.08	2.52
Kane, Kendall & McHenry	16.86	7.99
CARPENTERS; Millwrights; Pile-drivermen & Soft Floor Layers:		
DuPage & Lake	16.50	3.38
Grundy & Will:		
Building	19.00	2.40
Residential	13.30	2.90
Kane, Kendall & McHenry	16.80	3.28
CEMENT MASONS:		
DuPage	16.45	4.48
Grundy & Will	17.31	4.05
Kane (E. part) & Kendall	16.80	3.81
Kane (S. part) & McHenry	18.15	2.76
Lake	16.50	4.40
ELECTRICIANS:		
DuPage	17.78	28%
Grundy & Will:		
Building:		
Electricians	18.50	2.60+ 3.6%
Cable Splicers	18.90	2.60+ 3.6%
Residential	14.50	1.85+ 3.6%
Kane (N. ½) & McHenry	18.50	20.5%
Kane (S. ½) & Kendall	17.95	3.50
Lake	17.96	25%
ELEVATOR CONSTRUCTORS:		
DuPage, Lake & Will:		
Mechanics	18.66	3.00+ab
Helpers	70%JR	3.00+ab
Probationary Helpers	50%JR	
GLAZIERS:		
DuPage, Kane, Kendall(E. Part) Lake & Will	15.70	2.27
Grundy & Kendall (W. part)	16.41	.90+c
McHenry	10.93	1.49
IRONWORKERS:		
DuPage (Argonne & Vic.), Grundy Kendall (S. Part), & Will	16.49	3.97
IRONWORKERS (Cont'd):		
DuPage (Remainder), Kane, Kendall (N. part) & McHenry (SE ¼)	20.17	3.085
Lake & McHenry (Hebron, Woodstock & E. thereof):		
Reinforcing & Structural	17.68	4.83
Ornamental	17.10	3.84
Metal Fence Erectors:		
Black Book	17.10	3.84
Red Book	12.09	3.84
McHenry (NW part)	17.00	4.375
LATHERS:		
DuPage & Lake	13.82	1.39
MARBLE SETTERS:		
DuPage, Lake & Will	18.66	2.70
MARBLE FINISHERS:		
DuPage & Lake	13.20	2.15
PAINTERS:		
DuPage, Kane, Kendall&McHenry:		
Brush; Drywall Taper/finisher Sandblaster & Spray	14.45	2.71
Grundy & Will:		
Brush; Drywall Taper; Paperhanger & Sign Painter	14.70	2.45
Spray	15.70	2.45
Lake:		
Brush; Decorator; Paperhanger and Taper	14.50	1.87
PLASTERERS:		
DuPage	16.46	2.85
Grundy & Will	15.95	3.10
Kane (S. part) & Kendall	16.80	3.81
Kane (N. part) & McHenry	18.05	2.06
Lake	15.42	4.40
PLUMBERS; Pipefitters & Steamfitters:		
DuPage (Naperville & S.)	17.13	3.57
DuPage (Exclu. Naperville &S) Grundy (W. of Rt 47), Lake, McHenry & Will (Except city limits of Joliet:		
Pipefitter & Steamfitter	16.00	3.60
PLUMBERS; Pipefitters and Steamfitters (Cont'd):		
DuPage (ExclNaperville & S) Plumbers	$17.30	$3.15
Grundy (W. of Rt 47): Plumbers	17.57	2.90
Grundy (E. of Rt 47) & Will (Joliet & Vic.)	18.00	3.60
Kane (Elgin & Vic.)	17.28	3.36
Kane (Aurora & Vic.) & Kendall (Exclu. Yorkville)	17.50	3.20
Kendall (Inclu. Yorkville	17.57	3.04
Lake: Plumbers	16.50	4.65
Will (Except City limits of Joliet): Plumbers	17.05	3.37
ROOFERS:		
Grundy	14.85	2.71
Remaining Counties	17.00	3.00
SHEET METAL WORKERS:		
DuPage	17.47	2.63
Grundy & Will	17.76	2.89
Kane, Kendall & McHenry	17.46	2.64
Lake:		
Building	16.50	4.24
Residential Aluminum Gutter	8.00	4.24
SPRINKLER FITTERS:		
DuPage & Lake (0-30 Mi. radius of Chicago City Hall)	17.38	4.85
Grundy, Kane, Kendall, Lake (remainder), McHenry & Will	16.67	2.83
TERRAZZO WORKERS; Tile Setters:		
DuPage, Grundy, Lake & Will	15.66	2.77
TILE FINISHERS:		
DuPage, Lake & Will	13.85	2.23
LANDSCAPE WORK:		
DuPage, Kane, Lake, McHenry, and Will:		
Plantsman	8.85	fbg
Truck Driver - 2 axles	8.90	fbg
Truck Driver - 3 axles and Equipment Operator	9.35	fbg
LABORERS:		
DuPage, Grundy, Lake & Will:		
Group 1	13.65	2.17
Group 2	13.725	2.17
Group 3	13.75	2.17
Group 4	13.80	2.17
Group 5	13.85	2.17
Group 6	13.875	2.17
Group 7	13.975	2.17
Group 8	14.08	2.17
Group 9	14.10	2.17
Group 10	14.225	2.17
Kane, Kendall & McHenry		
Group 1	13.65	2.66
Group 2	13.75	2.66
Group 3	13.80	2.66
Group 4	13.85	2.66
Group 5	13.90	2.66
Group 6	14.00	2.66
Group 7	14.15	2.66
TRUCK DRIVERS:		
2-3 Axles	15.70	116.00e
4 Axles	15.85	116.00e
5 Axles	16.06	116.00e
6 Axles	16.25	116.00e

POWER EQUIPMENT OPERATORS Building & Residential Construction	Basic Hourly Rates	Fringe Benefits
Group 1	$18.40	5.25
Group 2	17.10	5.25
Group 3	15.45	5.25
Group 4	13.70	5.25

Group 1 - Mechanic; Asphalt Plant; Asphalt Spreader; Autograde; Batch Plant; Benoto; Boiler and Throttle Valve; Caisson Rigs; Central Redi-Mix Plant; Combination Back Hoe Front Endloader Machine; Compressor and Throttle Valve; Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Paver 27E cu. ft.-and under; Concrete Placer; Concrete Pump (Truck Mounted); Concrete Tower; Cranes; Cranes, Hammerhead; Creter Crane; Crusher, Stone, etc; Derricks; Derricks, Traveling; Formless Curb and Gutter Machine; Grader, Elevating; Grouting Machines; Highlift Shovels or Front Endloader 2½ yd. and Over; Hoists, Elevators, Outside Type Rack and Pinion and Similar Machines; Hoists, One, Two, and Three Drum; Hoists, Two Tugger One Floor; Hydraulic Backhoes; Hydraulic Boom Trucks; Locomotive; Motor Patrol; Pile Drivers and Skid Rig; Post Hole Digger; Pre-Stress Machine; Pump Cretes Dual Ram; Pump Cretes; squeeze cretes-screw type pumps Gypsum bulker and pump; Raised and Blind Hole Drill; Rock Drill (self-propelled); Rock Drill (truck mounted); Roto Mill Grinder (36")and over); Roto Mill Grinder (less than 36"); Scoops-Tractor Drawn; Slip-Form Paver; Straddle Buggies; Tournapull; Tractor with Boom, and side boom; & Trenching Machines

Group 2 - Bobcat (over 3/4 cu. yd.); Boiler; Brick Forklift; Broom, Power Propelled; Bulldozers; Concrete Mixer (Two Bag and over); Conveyor, Portable; Forklift Trucks; Greaser Engineer; Highlift Shovels or Front Endloaders under 2½ yd.; Hoists, Automatic; Hoists, Inside Freight Elevators; Hoists, Sewer Dragging Machine; Hoists, Tugger Single Drum; Rollers; Steam Generators; Tractors; Tractor Drawn Vibratory Roller (Receives an additional $.50 per hour); & Winch Trucks with "A" Frame

Group 3 - Air Compressor-Small 150 and under (1 to 5 not to exceed a total of 300 ft.); Air Compressor-Large over 150; Combination-Small equipment operator; Generator-Small 50 kw and under; Generator-Large over 50kw; Heaterr, Mechanical; Hoists, Inside Elevators (rheostat manual controlled); Hoists, Inside Elevators push button with automatic doors; Hydraulic Power Units (pile driving and extracting); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 small electric drill winches; Bobcat (up to and including 3/4 cu. yd); & Brick Forklift

Group 4 - Oilers; Hoists, Inside Elevators (Push button with automatic doors).

LABORERS CLASSIFICATIONS: DuPage, Grundy, Lake, and will Counties
- Group 1 - Common Laborer; Plasterers' Tenders; & Pumps for Dewatering & Other Power equipment.
- Group 2 - Cement Gun
- Group 3 - Chimney over 40 ft.; Scaffold
- Group 4 - Cement Gun Nozzle (Gunite)
- Group 5 - Stone Derrickmen & Handlers
- Group 6 - Jackhammermen; & Power Driven Concrete Saws & Other Power Equipment
- Group 7 - Firebrick & Boiler Setters
- Group 8 - Chimney on Fire Brick; Caisson Diggers; Well Point System Men
- Group 9 - Boiler Setter Plastic
- Group 10 - Jackhammermen on Fire Brick

LABORERS CLASSIFICATIONS: (Kane, Kendall & McHenry Counties
- Group 1 - Common Laborer
- Group 2 - Power Vibrator
- Group 3 - Torchman (demolition), Mortarman
- Group 4 - Power Tamper
- Group 5 - Jackhammer & Airspade, Chainsaw, Swinging Stage and Boatswain Chair, Cement Gun Nozzleman, Hod Carrier, Plaster Tender, and Tunnel Men
- Group 6 - Tile Layers, Bottom Men
- Group 7 - Caisson Laborers, Dynamiters

PAID HOLIDAYS (Where Applicable)
A - New Year's; B - Memorial Day; C - Independence Day; D - Labor Day; E - Thanksgiving Day; F - Day After Thanksgiving Day; & G - Christmas Day

FOOTNOTES:
- a. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years; 6% for less than 5 years
- b. 7 Paid Holidays: A through G
- c. 7 Paid Holidays: A through G
- d. 4 Paid Holidays: B,C,D,&E
- e. Per Week Per Employee
- f. 6 Paid Holidays: A,B,C,D,E,&G
- g. 1 year's service - 1 week's paid vacation; 3 or more years - 2 weeks' paid vacation

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI
DECISION NUMBER: MS85-1002
COUNTIES: **SEE NEXT PAGE
DATE: DATE OF PUBLICATION
Supersedes Decision Number MS84-1001 dated February 3, 1983 in 49 FR 4310.
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (does not include Building Structures in Rest Area Projects and Railroad Construction; Bascule; Suspension; & Spandrel Arch Bridges; Bridges designed for Commercial navigation; Bridges involving Marine Construction and other major Bridges).

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
CARPENTERS	$6.60	$6.50	$6.14	$6.55	$8.43	$6.25
CEMENT FINISHERS/MASONS	6.50	6.50	6.18	6.00	6.00	6.00
ELECTRICIANS	5.85	6.00	10.65	7.00	9.70	6.00
IRONWORKERS	4.00	5.60	5.60	6.00	6.50	9.50
LABORERS:						
Air Tool Operator	----	3.50	4.58	4.56	----	4.10
Asphalt Raker	5.01	4.25	4.85	5.25	5.00	----
Concrete Breaker	----	4.45	----	----	----	----
Concrete Saw Operator	4.50	4.25	----	4.00	4.25	5.00
Grade Checkers	6.00	4.55	6.80	5.50	5.33	4.00
Hydrohammer	----	4.45	----	----	----	----
Mason Tenders	5.13	5.13	4.00	5.25	5.65	5.58
Mulcher	----	3.75	----	5.00	4.00	4.00
Pipelayers	4.50	3.50	4.50	4.00	----	4.00
Unskilled	4.00	3.35	4.00	4.00	4.00	4.00
PAINTERS	4.75	4.50	5.00	6.00	4.00	5.43
PILEDRIVERMEN	5.80	----	----	----	5.50	5.82
TRUCK DRIVER	4.75	4.28	4.25	4.76	4.50	4.50
POWER EQUIPMENT OPERATORS:						
A-Frame Truck (Winch)	----	----	5.00	4.00	6.50	4.50
Aggregate Spreader	----	5.01	4.00	4.63	5.90	4.00
Air Compressor	----	3.35	4.50	4.00	4.88	4.00
Asphalt Distributor & Spreader	6.00	4.74	5.38	5.50	5.38	4.56
Asphalt Plant	4.75	3.35	4.13	5.50	5.75	5.50
Backhoe	6.00	6.25	6.25	6.31	5.25	5.28
Bulldozer	6.25	6.00	6.00	6.50	6.33	6.50
Concrete Batch Plant	5.50	6.00	4.25	4.00	4.50	5.30
Concrete Finishing Machine	5.79	5.55	5.54	5.50	----	8.50
Concrete Paving Machine	4.50	6.50	5.88	5.80	4.00	4.00
Concrete Spreader Machine	5.50	3.35	5.50	4.00	----	4.00
Crane/Dragline	6.85	7.00	6.70	6.14	6.75	6.00
Crusher Feeder	----	3.35	4.25	4.00	4.50	4.00
Earth Auger	4.00	3.35	5.00	4.00	----	4.00
Guard Rail Post Driver	----	3.50	----	4.00	----	4.00
Fireman	5.00	3.35	----	4.00	----	----
Loader	5.45	4.85	5.96	5.50	6.00	5.83

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
POWER EQUIPMENT OPERATORS (CONT'D):						
Mechanic	$6.50	$5.76	$7.00	$6.59	$6.76	$6.51
Mixer	5.00	5.13	4.25	5.25	5.50	5.00
Motor Patrol	6.25	6.50	6.25	6.50	6.54	6.40
Oiler/Greaser	6.00	6.00	6.00	5.50	5.25	6.00
Piledriver	6.25	5.50	4.47	4.25	4.25	6.50
Roller (Self-Propelled)	5.00	4.09	4.85	5.25	4.79	4.67
Scales	----	4.00	4.00	4.00	4.00	4.00
Scraper	6.35	5.00	6.00	5.50	5.00	5.25
Shovel	6.00	6.25	6.25	6.31	5.25	5.28
Spreader	----	3.35	----	4.19	----	----
Striping Machine	6.25	6.50	5.50	6.25	6.25	4.00
Sub Grade Machine	----	4.00	----	----	----	4.00
Tractor (Track Type)	5.00	5.02	4.00	4.00	----	5.00
Tractor (Wheel Type)	4.26	4.00	4.00	4.08	5.00	4.07
Trenching Machine	6.25	3.88	----	4.35	4.35	4.00

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added only after award as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

**COUNTIES:
ZONE 1 - ALCORN, BENTON, CALHOUN, CHICKASAW, CHOCTAW, CLAY, ITTAWAMBA, LAFAYETTE, LEE, LOWNDES, MARSHALL, MONROE, ORTIBBEHA, PONTOTOC, PRENTISS, TIPPAH, TISHOMINGO, UNION & WEBSTER
ZONE 2 - BOLIVAR, CARROLL, COAHOMA, DESOTA, GRENADA, LEFLORE, MONTGOMERY, PANOLA, QUITMAN, SUNFLOWER, TALLAHATCHIE, TATE, TUNICA, WASHINGTON & YALOBUSHA
ZONE 3 - CLAIBORNE, COPIAH, HINDS, HOLMES, HUMPHREYS, ISSAQUENA, MADISON, RANKIN, SHARKEY, SIMPSON, WARREN & YAZOO
ZONE 4 - ATTALA, CLARK, JASPER, KEMPER, LAUDERDALE, LEAKE, NESHOBA, NEWTON, NOXUBEE, SCOTT, SMITH & WINSTON
ZONE 5 - ADAMS, AMITE, COVINGTON, FORREST, FRANKLIN, GREENE, JEFFERSON, JEFFERSON DAVIS, JONES, LAMAR, LAWRENCE, LINCOLN, MARION, PERRY, PIKE, WALTHALL, WAYNE & WILKINSON
ZONE 6 - GEORGE, HANCOCK, HARRISON, JACKSON, PEARL RIVER & STONE

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX85-4001
COUNTIES: Galveston & Harris
DATE: Date of Publication

Supersedes Decision No. TX84-4020, dated April 13, 1984 in 49 FR 14839.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current highway general wage determination for Paving & Utilities Incidental to Building Construction for Galveston (excluding Galveston Island) & Harris Cos.) (DOES NOT APPLY TO ANY WORK ON TREATMENT PLANT SITES IN HARRIS CO.)

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$13.23	$2.23
BOILERMAKERS	16.125	2.95
BRICKLAYERS & STONEMASONS	16.45	2.25
CARPENTERS:		
Carpenters	13.66	2.42
Piledrivermen	13.66	2.42
Millwrights	13.99	2.42
CEMENT MASONS:		
Galveston County	13.47	2.05
Harris County	13.43	2.18
ELECTRICIANS:		
Galveston County:		
Electricians	17.98	1.60 +12%
Cable Splicers	18.98	1.60 +12%
Technicians - performs calibration, loop check, and/or function test of process instrumentation equipment and/or systems on petro-chemical processing plants and/or related storage facilities or utility power-house installations and/or related fuel processing facilities	18.98	1.60 +12%
Harris County	17.98	1.60 +12%
ELEVATOR CONSTRUCTORS:		
Mechanics	16.85	3.00+a
Helpers	70%JR	3.00+a
Helpers (Prob.)	50%JR	
GLAZIERS	13.67	2.50
IRONWORKERS	13.14	3.50
LABORERS:		
GROUP 1 - Unskilled laborers	6.00	1.94
GROUP 2 - All other laborers	10.00	1.94
LATHERS (Harris Co. Only)	15.62	1.08
LINE CONSTRUCTION:		
ZONE 1 - Galveston Co. & that part of Harris Co. from Loop 610 east to State Hwy. 59, north on State Hwy. 59, Hwy. 1960 west on Hwy. 1960 to Hwy. 6, south on Hwy. 6 to State Hwy. 59, southeast on State Hwy. 59 to Loop 610 around Loop 610 to State Hwy. 59 North:		
Linemen & Cable Splicer	$18.88	.80+3½%
Groundman	10.95	.80+3½%
ZONE 2 - Remainder of Harris Co.:		
Linemen & Cable Splicer	18.48	.80+3½%
Groundman	10.72	.80+3½%
MARBLE, TILE & TERRAZZO WORKERS: Galveston Co.	15.41	
Harris Co.	16.42	1.75
MARBLE, TILE & TERRAZZO FINISHERS	9.70	1.05
PAINTERS:		
East Harris County:		
GROUP 1 - All brush, hand rolling & all other work other than that below	18.33	
GROUP 2 - All pneumatic & elec. tools & steam cleaning	18.685	
GROUP 3 - All tape & float on drywall	18.425	
GROUP 4 - All paper & vinyl hanging	18.58	
GROUP 5 - All spray, sandblasting & water-blasting	18.725	
GROUP 6 - Steeple jack work, hot materials	18.99	

	Basic Hourly Rates	Fringe Benefits
PAINTERS (CONT'D):		
Remainder of Harris Co.:		
GROUP 1 - All brush, hand roller, steam cleaning, all pneumatic tools	$15.535	2.725
GROUP 2 - All spray, sandblasting, water-blasting	15.91	2.725
GROUP 3 - Tape, float & drywall	15.66	2.725
GROUP 4 - Steeple jack work, hot materials	16.16	2.725
Galveston County:		
GROUP 1 - Painters on new work	14.945	3.20
GROUP 2 - Painters on swinging stage work or using materials injurious to the skin	15.195	3.20
GROUP 3 - Painters on rework & repaint	14.19	3.20
PIPEFITTERS	15.51	2.53
PLASTERERS	16.55	1.94
PLUMBERS	16.43	2.00
ROOFERS:		
Roofers	12.00	2.08
Kettlemen	10.50	2.08
SHEET METAL WORKERS	$17.44	$2.94 +3%
SOFT FLOOR LAYERS	14.90	2.06
SPRINKLER FITTERS	16.17	3.23
TRUCK DRIVERS:		
GROUP 1 - Under 1½ tons	9.82	2.40
GROUP 2 - 1½ thru 2½ tons; dump less 7 yds.	10.18	2.40
GROUP 3 - Over 2½ tons	10.37	2.40
POWER EQUIPMENT OPERATORS:		
GROUP 1	13.80	2.55
GROUP 2	12.22	2.55
GROUP 3	11.69	2.55
GROUP 4	11.51	2.55
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).		

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTE FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate. Also Seven Paid Holidays A thru G

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
GROUP 1 - Heavy duty mechanic;blade grader,self-propelled bull clam;back filler;derrick-powered(all types);clamshell;draglines;push cat;bulldozer & all types cat tractors;cableway;backhoe;shovel,power operated;crane,power operated(all types);elevating grader,self-propelled;hoist,motor-driven,two drums or more;mixmobile;water well drilling machines, used on construction; building elevator, used on construction;tug boat op.,assigned to construction; winch truck;locomotive crane;concrete mixer, 14 cu. ft. or more;paving mixer(all types);piledriver;scraper,heavy type,over 3 cu. yds.; trenching machine(all sizes);gradall;high-lift;foundation boring machine;gasoline or diesel-driven welding machines,7 or more;pumpcrete machine;turnapulls; DW-10 Caterpillar,5-18 euclid & similar tractors;asphalt plant mixer on job;crusher op. on job;scoopmobiles;forklift used on construction (not including warehousing);well point pump;concrete batch plant;pneumatic rollers, self-propelled

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D):

GROUP 2 - Air compressors;blade grader,towed;flex plane;form grader;concrete mixer,less than 14 cu. ft.;pumps;pulsometer;truck crane driver;gasoline or diesel driven welding machines(on 3 or more, up to 6 machines);hoist,single drum;scraper,3 cu. yd. or less;wagon drill;conveyor;generator gasoline or diesel driven, over 1500 watts;rubber tired farm tractor with attachment; a light equipment op. may run 1 or 2 150 cfm compressors
GROUP 3 - Fireman
GROUP 4 - Oiler

[FR Doc. 85-1844 Filed 1-24-85: 8:45 am]
BILLING CODE 4510-27-C

federal register

Friday
January 25, 1985

Part III

Department of Education

Office of Vocational and Adult Education

34 CFR Parts 400, 401, 407, 408, 409, 410, 411, 412, 414, 415, 416, and 417

State Vocational Education Program and Secretary's Discretionary Programs of Vocational Education; Proposed Rule

DEPARTMENT OF EDUCATION

Office of Vocational and Adult Education

34 CFR Parts 400, 401, 407, 408, 409, 410, 411, 412, 414, 415, 416, and 417

State Vocational Education Program and Secretary's Discretionary Programs of Vocational Education

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend regulations governing the State Vocational Education Program and the Secretary's Discretionary Programs of Vocational Education. These proposed regulations would implement programs authorized by the recently enacted Carl D. Perkins Vocational Education Act. These proposed regulations include information on the States' participation in the program, the types of activities the Secretary supports, and the selection criteria for evaluating applications under the national discretionary programs.

DATES: Comments on these proposed regulations must be received on or before March 26, 1985.

ADDRESSES: Comments should be addressed to Dr. Charles H. Buzzell, Director, Policy Analysis Staff, Office of Vocational and Adult Education, U.S. Department of Education (ROB-3, Room 5600), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-8190.

FOR FURTHER INFORMATION CONTACT: Mrs. Sharon A. Jones, Chairperson, Vocational Education Regulations Task Force, U.S. Department of Education (ROB-3, Room 5600), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-8190.

SUPPLEMENTARY INFORMATION:

Background

The Carl D. Perkins Vocational Education Act ("Act"), which was signed by the President on October 19, 1984, continues Federal assistance for vocational education for five years, through fiscal year 1989. While the Act continues both State and national programs of vocational education, it replaces the Vocational Education Act of 1963 and arrays the Federal involvement in vocational education around two broad themes. First, the Act is intended to make vocational education programs accessible to all persons, including handicapped and disadvantaged persons, single parents and homemakers, adults in need of training and retraining, persons participating in programs designed to eliminate sex bias and stereotyping in vocational education, and incarcerated persons. Second, the Act is intended to improve the quality of vocational education programs in order to give the Nation's workforce the marketable skills needed to improve productivity and promote economic growth.

The programs authorized by the Act reflect these two themes. The State Vocational Education Program has two major components, the basic State grant and the Special Programs authorized by Titles II and III of the Act, respectively. The basic State grant comprises the Vocational Education Opportunities Program, which represents fifty-seven percent of the funds available for programs under the basic State grant, and the Vocational Education Improvement, Innovation, and Expansion Program, which represents forty-three percent. Under the Vocational Education Opportunities Program the States must use funds for vocational education projects for handicapped individuals, disadvantaged individuals, adults in need of training and retraining, single parents and homemakers, individuals who participate in projects designed to eliminate sex bias and stereotyping, and criminal offenders who are serving in a correctional institution. Under the Vocational Education Improvement, Innovation, and Expansion Program, the States must use funds to expand, improve, modernize, or develop high quality vocational education programs, and are given a broad variety of program choices to accomplish these purposes.

There are five Special Programs under the State Vocational Education Program, each funded from a separate State allotment:

(1) State Assistance for Vocational Education Support Programs by Community-Based Organizations;

(2) Consumer and Homemaker Education;

(3) Adult Training, Retraining, and Employment Development;

(4) Comprehensive Career Guidance and Counseling; and

(5) Industry-Education Partnership for Training in High-Technology Occupations.

Collectively, these programs reflect a desire to enhance the overall quality of the Nation's vocational education system by providing needed support services; drawing upon community resources, including those of the private sector; promoting the coordination of vocational education programs with complementary training efforts; and improving the effectiveness of consumer and homemaker education.

At the national level, the Act continues these broad themes in the Secretary's Discretionary Programs. Individuals with limited English proficiency will continue to be served under the Bilingual Vocational Programs, as will Indians and now Hawaiian Natives, under the Indian and Hawaiian Natives Program. In addition to continuing the National Center for Research in Vocational Education, and authorizing the National Institute of Education to conduct a national assessment of vocational education assisted under the Act, the Act also enhances the authority of the Secretary to carry out a comprehensive program of applied research in vocational education, under the National Vocational Education Research Program. Finally, Title IV of the Act also authorizes four new national programs that are designed to serve the vocational education needs of a number of specific populations, and enhance the quality of State programs by making high-technology equipment available to local vocational education projects. These new programs include—

(1) Cooperative Demonstration Program;

(2) State Equipment Pools Program;

(3) Demonstration Centers for the Retraining of Dislocated Workers; and

(4) Model Centers for Vocational Education for Older Individuals.

The proposed regulations include revised Part 400, containing general provisions applicable to all the programs under the Carl D. Perkins Vocational Education Act; a new Part 401, containing the provisions applicable to the State Vocational Education Program; a revised Part 408, containing the provisions applicable to the Bilingual Vocational Instructor Training Program; and a number of new parts applicable to the Secretary's Discretionary Programs of Vocational Education, including: Part 407, the Bilingual Vocational Training Program; Part 409, the Bilingual Vocational Materials, Methods, and Techniques Program; Part 410, the Indian and Hawaiian Natives Program; Part 411, Demonstration Centers for the Training of Dislocated Workers; Part 412, the Cooperative Demonstration Program; Part 414, State Equipment Pools; Part 415, Model Centers for Vocational Education for Older Individuals; Part 416, the Vocational Education Research Program; and Part 417, the National Center for Research in Vocational Education.

Summary of Major Provisions

(1) *State Vocational Education Program.*

(a) *State requirements.* Each State that desires to participate in the State Vocational Education Program must establish a State board of vocational education ("State board") which is the sole State agency responsible for the administation of its State program (§ 401.10). The State board must coordinate the development and implementation of the State's program, evaluate projects and activities under the Act, and consult with the State council on vocational education ("State council") and other appropriate agencies and groups (§ 401.11). In addition, the State board must establish at least two technical committees to advise itself and the State council regarding the development of model curricula (§ 401.12(b)).

Each State that desires to participate in the State Vocational Education Program shall assign one full-time "sex equity coordinator" and any additional staff needed to administer projects for single parents and homemakers as well as projects designed to eliminate sex bias and stereotyping, and to assist the State board by reviewing the State's progress in eliminating sex discrimination in vocational education, and developing appropriate recommendations (§ 401.13(a)).

To participate in the State Vocational Education Program, each State must establish a State council of thirteen members (§ 401.14). The responsibilities of the State council are to consult with and advise the State board and others regarding the administration of the State's program (§ 401.16(b)). Eligible recipients are not required to establish local advisory councils.

Each State must also submit to the Secretary a State plan to participate in the State Vocational Education Program. The first State plan under the Act is for a three program year cycle and the second is for a two program year cycle. Program years under the Act coincide with program years under the Job Training Partnership Act, that is, they run from July 1 to June 30 (§ 401.17). The State board must conduct at least two public hearings regarding the development of the State plan and make a comprehensive assessment of the State's occupational demands, student needs, and program quality (§ 401.18 (b) and (c)). The State plan must contain a variety of assurances and descriptions, including assurances that the State will distribute eighty percent of its basic State grant to eligible recipients (§ 401.19(a)(4)) and one hundred percent of the basic State grant funds reserved for handicapped and disadvantaged individuals (§ 401.19(a)(5)); that the State will evaluate the projects of no less than twenty percent of the eligible recipients each year (§ 401.19(a)(10)); and that the State will maintain levels of expenditure for career guidance and counseling (§ 401.19(a)(15)). The required descriptions include the planned use of Federal funds (§ 401.19(b)(2)); the criteria the State will use to ensure that more funds under the State Vocational Education Program are allocated to eligible recipients in economically depressed areas than to eligible recipients not in such areas (§ 401.19(b)(4)); and how the State will coordinate programs under the State plan with related Federal efforts, such as the Job Training Partnership Act (§ 401.19(b)(6)). The State plan is the only planning document submitted to the Secretary and is the basis upon which the Secretary awards funds to the State.

The State must submit its State plan to the State legislature, State job training coordinating council, and the State council at least sixty days before it submits the plan to the Secretary (§ 401.20 (a) and (b)). The State must submit its State plan to the Secretary by the May 1 preceding the first program year covered by the State plan (§ 401.20(c)). The Secretary approves State plans within 60 days (§ 401.32.(a)(1)).

To participate in the State Vocational Education Program, a State must also maintain its fiscal effort at the State level (§ 401.22). Maintenance of fiscal effort is not required of eligible recipients.

(b) *Allotments.* The Secretary allots funds for the basic State grant and the Special Programs according to a statutory formula that is similar to the one used under the Vocational Education Act of 1963 (§ 401.30). The Secretary may reallot funds to other States if the Secretary determines that any portion of a State's allotment will not be required during that year (§ 401.31).

(c) *Eligible recipients.* Under the Act, eligible recipients are defined as local educational agencies and postsecondary educational institutions (§ 400.4). A State may carry out its State program directly or through awards to eligible recipients, and, in some cases, through awards to entities such as community-based organizations (§ 401.40 (a) through (c)). For the purpose of certain requirements, such as formula distribution requirements, State institutions community-based organizations are treated as if they were eligible recipients (§ 401.40(d)). Eigible recipients must submit local applications to the State board (§ 401.41).

(d) *Vocational Education Opportunities Program.* A State must use a total of fifty-seven percent of funds available for programs under the basic State grant for the Vocational Education Opportunities Program (§ 401.90). The funds reserved for the Vocational Education Opportunities Program must be used for the following populations in the following percentages (expressed as a percentage of the portion of the basic State grant funds available for programs): Handicapped individuals, ten percent; disadvantage individuals, twenty-two percent; adults in need of training and retraining, twelve percent; single parents and homemakers, eight and one-half percent; individuals participating in program to eliminate sex bias and stereotyping, three and one-half percent; and criminal offenders, one percent (§ 401.92).

Funds reserved for handicapped and disadvantaged individuals may be used only for the additional costs of "mainstreamed" or separate classes for such individuals. If separate projects are provided, Federal funds may be used only for costs which exceed the eligible recipient's average per-pupil expenditure for the comparable regular vocational education service or activity (§§ 401.52 and 401.53(a)). Funds reserved for disadvantaged individuals may be used to acquire modern machinery and tools, but only for schools at which at least seventy-five percent of the students enrolled are economically disadvantaged (§ 401.53(b)).

Funds reserved for single parents and homemakers may be used to make subgrants to community-based organizations, in addition to eligible recipients (§ 401.55(c)). Funds reserved for the Vocational Education Opportunities Program may be used to provide basic skills instruction to members of the target populations, and may also be used through arrangements with private vocational training institutions, private postsecondary educational institutions, and empolyers under certain circumstances (§ 401.58(a)).

Funds reserved for handicapped individuals must be distributed among participating eligible recipients according to the relative number of economically disadvantaged individuals enrolled in the preceding year and the relative number of handicapped students served in vocational educations in the preceding year

(§ 401.95). Funds reserved for disadvantaged individuals must be distributed among participating eligible recipients according to the relative number of economically disadvantaged individuals enrolled in the preceding year and the relative number of disadvantaged individuals and individuals with limited English proficiency served in vocational education programs in the preceding year (§ 401.96(a)). Each eligible recipient that receives an award of funds reserved for disadvantaged individuals must use the same proportion of those funds for person with limited English proficiency as the number of limited English proficient individuals it served in vocational education in the preceding year bears to the number of such persons served by all participating eligible recipients in that year (§ 401.96(b)).

Local educational agencies that receive awards for handicapped and disadvantaged individuals must provide information to handicapped and disadvantaged students and their parents concerning the opportunities available in vocational education and take other steps to ensure that such students have "equal access" to vocational education programs (§ 401.101).

(e) *Vocational Education Improvement, Innovation, and Expansion Program.* A State must use forty-three percent of the funds available for programs under the basic State grant for the Vocational Education Improvement, Innovation, and Expansion Program (§ 401.90). All the funds reserved for this program must be used to expand, improve, modernize, or develop high quality vocational education programs or support services. Funds may not be used merely to maintain existing programs (§ 401.59). A State may distribute funds in the manner best suited to carry out the purposes of the State Vocational Education Program in that State, including awards to community-based organizations (§ 401.61).

(f) *Special Programs.* Under the State Assistance for Vocational Education Support Programs by Community-Based Organizations, a State supports joint projects involving eligible recipients and community-based organizations (§ 401.71). A State must use at least one-third of the funds under the Consumer and Homemaker Education Program in economically depressed areas, and may not use more than six percent for State leadership (§ 401.102). A State must use at least twenty percent of the funds under the Comprehensive Career Guidance and Counseling Program to eliminate sex, age, and race bias and to ensure that guidance and counseling activities are accessible to all segments of the population, and may not use more than six percent for State leadership (§ 401.105). Not less than fifty percent of the total cost of projects under the Industry-Education Partnership for Training in High-Technology Occupations Program must be provided from non-Federal sources, and not less than fifty percent of the non-Federal share must be provided by participating businesses and industries (§ 401.19(a)(21)). A State may use no more than ten percent of its funds under the Industry-Education Partnership Program for State and local administration for the first year, and no more than five percent in succeeding years (§ 401.80(b)).

(g) *Fiscal requirements.* A State may reserve for State administration of its State plan no more than seven percent of its allotment under the basic State grant program before setting aside funds for the Vocational Education Opportunities Program and the Vocational Education Improvement, Innovation, and Expansion Program (§§ 401.90 and 401.91). A State must expand at least $60,000 per year to support the sex-equity coordinator (§ 401.13(b)). These funds must be taken from the seven percent reserved for State administration, which for purposes of the requirement that States distribute at least eighty percent of its total basic State grant, is counted against the State's twenty percent share. In general, a State may use a necessary and reasonable amount of funds from its individual allotments for the Special Programs, in addition to the basic State grant funds reserved for State administration, to administer those specific programs. In general, an eligible recipient may use a necessary and reasonable amount of funds from its awards under the basic State grant and the Special Programs to administer its projects (§ 401.93). In general, the Federal share of State and local administration is no more than fifty percent. The Federal share of the costs of programs under the Vocational Education Opportunities Program for handicapped individuals and disadvantaged individuals and adults in need of training or retraining, is no more than fifty percent. The Federal share of the costs of other programs under the Vocational Education Opportunities Program is no more than one hundred percent. The Federal share of the costs of programs under the Vocational Education Improvement, Innovation, and Expansion Program is no more than fifty percent. In general, the Federal share of the costs of programs under the Special Programs is no more than one hundred percent (§ 401.94). In general, a State may not use the value of in-kind contributions to satisfy a cost-sharing requirement (§ 401.94(c)).

(h) *Administrative requirements.* The Act extends the Vocational Data System developed by the secretary under the Vocational Education Act of 1963 and makes significant changes to it which are intended to enhance its utility while reducing data collection and reporting burdens. Each State is required to cooperate with the Secretary in Supplying information for this important endeavor (§ 401.110). In addition, each State must establish a State occupational information coordinating committee (§ 401.11).

(2) *Secretary's Discretionary Programs.*

(a) *Bilingual Vocational Training Program.* The Secretary uses funds reserved for this program to make awards that support bilingual education and training for individuals with limited English proficiency, in order to train individuals for jobs in recognized as well as new and emerging occupations (§ 407.1). Bilingual vocational projects must include instruction in the English language (§ 407.10).

(b) *Bilingual Vocational Instructor Training Program.* The Secretary uses funds reserved for this program to make awards that support training for instructors of bilingual vocational education and training programs (§ 408.1).

(c) *Bilingual Vocational Materials, Methods, and Techniques Program.* The Secretary uses funds reserved for this program to make awards for the development of instructional and curriculum materials, methods, or techniques for bilingual vocational training (§ 409.1).

(d) *Indian and Hawaiian Natives Program.* The Secretary uses funds reserved for this program to make awards to Indian tribal organizations and organizations primary serving Hawaiian natives to plan, conduct, and administer vocational education programs for those populations (§ 410.1).

(e) *Demonstration Centers for the Retraining of Dislocated Workers.* The Secretary uses funds reserved for this program to establish one or more centers for the retraining of dislocated workers (§ 411.1). Eligible applicants include public or private agencies, organizations, or institutions (§ 411.2).

(f) *Cooperative Demonstration Program.* The Secretary uses funds

reserved for this program to support a variety of model projects which demonstrate improved approaches to high quality vocational education programs (§ 412.1). Projects must provide direct service to participating individuals and be capable of wide replication (§ 412.10(b)). Recipients must provide at least twenty-five percent of the cost of projects (§ 412.40).

(g) *State Equipment Pools.* The Secretary uses funds reserved for this program for competitive grants to the State boards for operation of State programs involving the loan of high-technology equipment to local vocational education projects (§§ 414.1 and 414.10). No State may receive funds for more than two consecutive years under this program (§ 414.10(b)).

(h) *Model Centers for Vocational Education for Older Individuals.* The Secretary uses funds reserved for this program to establish model centers which focus greater attention on the special vocational education needs of older individuals and promote their employment opportunities (§ 415.1). Eligible applicants include local educational agencies and postsecondary education institutions (§ 415.2).

(i) *National Vocational Education Research Program.* The Secretary uses funds reserved for this program to conduct applied research in vocational education (§ 416.1). Eligible applicants include public and private institutions, agencies, and organizations, as well as individuals (§ 416.2). The Secretary supports meritorious unsolicited research proposals (§ 416.2(b)), and, in funding research projects, accords a preference to public and private postsecondary institutions (§§ 416.31(h) and 416.32(a)).

(j) *National Center for Research in Vocational Education.* The Secretary uses funds reserved for this purpose to support the National Center for Research in Vocational Education, which is designated by the Secretary once every five years (§ 417.1). Nonprofit entities associated with a public or private nonprofit university are eligible to be designated as the National Center (§ 417.2). The primary purposes of the National Center are to design and conduct research and development projects that are consistent with the purposes of the Act (§ 417.10).

(3) *Other provisions.*

These regulations do not implement all the provisions of the Carl D. Perkins Vocational Education Act. For example, the Act imposes a number of administrative requirements upon the Secretary for which regulations are unnecessary. In addition, the Act directs the Secretary to carry out or support a number of activities, such as the National Assessment of Vocational Education Programs (section 403 of the Act), and the Vocational Education Data System (section 421 of the Act), which the Act describes in some detail. The Secretary is studying the desirability and need for regulations to implement these requirements and may develop regulations for them at a later date.

(4) *Implementation of the Act.*

The Carl D. Perkins Vocational Education Act superseded the Vocational Education Act of 1963 on October 1, 1984. However, House Report No. 98–1192, 98th Cong. 2d Session, p. 101 clarifies that Congress did not intend the provisions of the new Act to be implemented until school year 1985–1986. During the remainder of school year 1984–1985, States must comply with the requirements of the Vocational Education Act of 1963, the regulations in the current 34 CFR Part 400, and their current State plan documents.

The appropriation for the Department for fiscal year 1985, Pub. L. 98–619, was enacted November 8, 1984. Pub. L. 98–619 appropriates funds for the support of vocational education programs during school year 1985–1986, and these funds will become available to the States on July 1, 1985, the start of the first program year under the new Act. To receive their allotments on a timely basis, and to conduct programs after this date, States must be in compliance with the requirements of the new Act by July 1, 1985. Therefore, the Secretary encourages the States to begin planning for the implementation of programs under the Carl D. Perkins Vocational Education Act as soon as possible. It should be noted, for example, that State certifications of the establishment and membership of their State council on vocational education are due to the Secretary no later than March 1, 1985; that State plans under the new law are due to the Secretary no later than May 1, 1985 and must be submitted to the State legislature, the State job training coordinating council, and the State council on vocational education at least sixty days before the State plan is submitted to the Secretary.

The Secretary invites the States to use the provisions of these proposed regulations as guidance when planning their programs under the new Act and developing their State plans. If substantial changes are made to these regulations in light of public comments, States will be given an opportunity, if necessary, to conform their State plans to the final regulations.

Executive Order 12291

These proposed regulations have been reviewed by the Department in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. Under the State Vocational Education Program, grants for vocational education purposes are available only to States and State agencies. States and State agencies are not considered to be small entities under the Regulatory Flexibility Act. To the extent that these regulations have an impact on small entities, they repeat statutory requirements. Federal regulations governing the State grant program do not impose any non-statutory requirements that will have a significant economic impact on the small entities affected. States are authorized to establish individual application requirements under the State program.

The selection criteria for applications reviewed under the Secretary's Discretionary Programs require the minimum amount of information necessary for a fair appraisal of the qualifications and activities proposed by applicants in order to ensure the funding of high quality projects.

Paperwork Reduction Act of 1980

The information collection requirements contained in these proposed regulations will be sent to the Office of Management and Budget for review under the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

Information collection requirements are contained in the following sections: 401.13, 401.16, 401.17, 401.18, 401.19, 401.20, 401.41, 401.72, 401.110, 401.112, 401.113, 407.20, 407.31, 408.20, 408.31, 409.20, 409.31, 410.20, 410.31, 411.20, 411.31, 412.20, 412.31, 414.20, 414.31, 415.20, 415.31, 416.20, 416.30, 416.31, 417.20, and 417.31.

A copy of the comments that pertain *only* to information collection requirements should be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, 17th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20503. Attention: Desk Officer for the U.S. Department of Education.

All other comments regarding these proposed regulations should be sent to the Department of Education at the

address given at the beginning of this preamble.

Intergovernmental Review

The Carl D. Perkins Vocational Education Act programs in 34 CFR Parts 401, 407, 408, 409, 411, 412, 414, 415, 416, and 417 are subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and activities for these programs.

Invitation to Comment

General Comments

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. Written comments, suggestions, and recommendations may be sent to the address given at the beginning of this document. All comments received on or before the 60th day from the date of publication of these proposed regulations will be considered.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 5600, ROB-3, 7th and D Streets, S.W., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week, except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is also invited on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Special Issues

(a) The Secretary particularly invites comments on whether the regulations should provide more explicit guidance on the following matters:

(1) The criteria the Secretary may use to reallot funds under the State Vocational Education Program (§ 401.31(a)).

(2) The use of funds under the Vocational Education Improvement, Innovation, and Expansion Program to "expand, improve, modernize, or develop" high quality vocational programs. For example, for how many years may a program be developed? What activities constitute an expansion, improvement, or modernization (§§ 401.54 and 401.60)?

(3) The vocational education expenditures which form the basis of the maintenance of effort determination (§ 401.22(a)).

(4) The requirement that States provide the non-Federal share of the cost of projects for handicapped individuals and for disadvantaged individuals under the Vocational Education Opportunities Program equitably from State and local resources (§ 401.97).

(5) The application of the excess cost requirement applicable to separate programs conducted for handicapped individuals and disadvantaged individuals under the Vocational Education Opportunities Program (§§ 401.52 and 401.53). Is further guidance needed on the services and activities that may be provided with these funds?

(6) The use of State administrative funds (§§ 404.4, 401.90, 401.91, and 401.93 (a)(1) and (a)(2). For example, should the Secretary define "supervision" and "technical assistance" in § 400.4?

(7) The contents of the State plan § 401.19). For example, should States be required to describe the planned uses of State or local matching funds under § 401.19(b)(2)?

(8) The definition of "economically depressed area." The Secretary has not proposed additional criteria for designating areas as economically depressed, as authorized by the Act. Should the Secretary prescribe additional criteria?

(b) The Secretary also invites comments on these regulatory interpretations:

(1) The Secretary's interpretation of the distribution formulas for funds reserved for handicapped individuals and disadvantaged individuals under the Vocational Education Opportunities Program (§§ 401.95 and 401.96(a)).

(2) The Secretary's interpretation of the formula for reserving funds for individuals with limited English proficiency from funds reserved for disadvantaged individuals under the Vocational Education Opportunities Program (§ 401.96(b)).

(3) The Secretary's interpretation of the "equal access" provisions for handicapped individuals and disadvantaged individuals under the Vocational Education Opportunities Program (§§ 401.19(a)(18) and 401.101).

(4) The Secretary's interpretation of the provisions regarding local administrative costs (§ 401.93 (a)(2) and (b)(2)).

(5) The proposed definition of the term "economically disadvantaged family or individual" (§ 400.4(b)).

Assessment of Educational Impact

The Secretary particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects

34 CFR Part 400

Adult education, Education, Education of disadvantaged, Education of handicapped, Equal education opportunity, Private schools, Schools, Schools construction, Vocational education, Women.

34 CFR Parts 407, 408, and 409

Bilingual education, Vocational education.

34 CFR Part 410

Indian education, Vocational education.

34 CFR Parts 411, 412, 414, and 415

Educational facilities, Vocational education.

34 CFR Parts 416 and 417

Colleges and universities, Educational research, Vocational education.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

Dated: January 18, 1985.

Gary L. Jones,

Acting Secretary of Education.

(Catalog of Federal Domestic Assistance Numbers 84.048 (Basic Grants to the States), 84.049 (Consumer and Homemaker Education), 84.053 (State Advisory Councils), 84.077 (Bilingual Vocational Training), 84.099 (Bilingual Vocational Instructor Training), 84.100 (Bilingual Vocational Materials, Methods, and techniques). Catalog of Federal Domestic Assistance Numbers have not been assigned for: State Assistance for Vocational Education Support Programs by Community-Based Organizations; Adult Training, Retraining, and Employment Development; Comprehensive Career Guidance and Counseling Programs; Industry-Education Partnership for Training in High-Technology Occupations; Demonstration Centers for Training Dislocated Workers; Cooperative Demonstration Programs; State Equipment Pools; Demonstration Centers for Older Individuals; Vocational Research Programs;

and the National Center for Research in Vocational Education.)

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by revising Parts 400 and 408, and by adding Parts 401, 407, 409, 410, 411, 412, 414, 415, 416, and 417.

1. Part 400 is proposed to be revised as follows:

PART 400—VOCATIONAL EDUCATION PROGRAMS—GENERAL PROVISIONS

Subpart A—General

Sec.

400.1 What are the purposes of the Carl D. Perkins Vocational Education Act?
400.2 What programs are authorized by the Carl D. Perkins Vocational Education Act?
400.3 What regulations apply to the Vocational Education Programs?
400.4 What definitions apply to the Vocational Education Programs?

Authority: Carl D. Perkins Vocational Education Act, Pub. L. 98-524, unless otherwise noted.

Subpart A—General

§ 400.1 What are the purposes of the Carl D. Perkins Vocational Education Act?

The purposes of the Carl D. Perkins Vocational Education Act are to—

(a) Assist the States to expand, improve, modernize, and develop quality vocational educational programs in order to meet the needs of the Nation's existing and future work force for marketable skills and to improve productivity and promote economic growth;

(b) Assure that individuals who are inadequately served under vocational edcuation programs are assured access to quality vocational education programs, especially—

(1) Individuals who are disadvantaged;

(2) Individuals who are handicapped;

(3) Men and Women who are entering nontraditional occupations;

(4) Adults who are in need of training and retraining;

(5) Individuals who are single parents or homemakers;

(6) Individuals with limited English proficiency; and

(7) Individuals who are incarcerated in correctional institutions;

(c) Promote greater cooperation between public agencies and the private sector in preparing individuals for employment, in promoting the quality of vocational education in the States, and in making the vocational system more responsive to the labor market in the States;

(d) Improve the academic foundations of vocational students and to aid in the application of newer technologies (including the use of computers) in terms of employment or occupational goals;

(e) Provide vocational education services to train, retrain, and upgrade employed and unemployed workers in new skills for which there is a demand in that State or employment market;

(f) Assist the most economically depressed areas of a State to raise employment and occupational competencies of its citizens;

(g) Assist the States to utilize a full range of supportive services, special programs, and guidance counseling and placement to achieve the basic purposes of the Act;

(h) Improve the effectiveness of consumer and homemaking education and to reduce the limiting effects of sex-role stereotyping on occupations, job skills, levels of competency, and careers; and

(i) Authorize national programs designed to—

(1) Meet designated vocational education needs; and

(2) Strengthen the vocational education research process.

(Sec. 2)

§ 400.2 What programs are authorized by the Carl D. Perkins Vocational Education Act?

The Carl D. Perkins Vocational Education Act authorizes—

(a) The State vocational education program which includes—

(1) The Vocational Education Opportunities Program under the basic State grant, as described in 34 CFR 401.51 through 34 CFR 401.58;

(2) The Vocational Education Improvement, Innovation, and Expansion Program under the basic State grant, as described in 34 CFR 401.59 through 34 CFR 401.61; and

(3) Special Programs which include the—

(i) State Assistance for Vocational Education Support Programs by Community-Based Organizations as described in 34 CFR 401.71 and 34 CFR 401.72;

(ii) Consumer and Homemaker Education Program as described in 34 CFR 401.73;

(iii) Adult Training, Retraining, and Employment Development Program as described in 34 CFR 401.75;

(iv) Comprehensive Career Guidance and Counseling Program as described in 34 CFR 401.76; and

(v) Industry-Education Partnership for Training in High-Technology Occupations Program as described in 34 CFR 401.78; and

(b) National Programs which include—

(1) The Bilingual Vocational Training Program as described in 34 CFR Part 407;

(2) The Bilingual Vocational Instructor Training Program as described in 34 CFR Part 408;

(3) The Bilingual Vocational Materials, Methods, and Techniques Program as described in 34 CFR Part 409;

(4) The Indian and Hawaiian Natives Program as described in 34 CFR Part 410;

(5) Demonstration Centers for the Retraining of Dislocated Workers as described in 34 CFR Part 411;

(6) The Cooperative Demonstration Program as described in 34 CFR Part 412;

(7) The State Equipment Pools Program as described in 34 CFR Part 414;

(8) Model Centers for Vocational Education for Older Individuals as described in 34 CFR Part 415;

(9) The National Vocational Education Research Program as described in 34 CFR Part 416;

(10) The National Center for Research in Vocational Education Program as described in 34 CFR Part 417;

(Titles I, II, III, and IV)

§ 400.3 What regulations apply to the Vocational Education Programs?

In addition to the regulations contained in this part and the applicable program regulations, the programs under 34 CFR Parts 401, 407 through 412, and 414 through 417 are subject to the following regulations:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR—

(1) Part 74 (Administration of Grants);

(2) Part 75 (Direct Grant Programs), which applies only to Parts 407 through 412 and Parts 414 through 417;

(3) Part 76 (State-Administered Programs), which applies only to Part 401;

(4) Part 77 (Definitions that apply to Department Regulations);

(5) Part 78 (Education Appeal Board); and

(6) Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(b) The Federal Interagency Day Care Regulations in 45 CFR Part 71.

(c) The regulations in 45 CFR Part 90 relating to nondiscrimination on the basis of age.

(20 U.S.C. 3474(a))

§ 400.4 What definitions apply to the Vocational Education Programs?

(a) *Definitions in EDGAR.* Unless otherwise provided, the following terms used in this part and 34 CFR Parts 401, 407 through 412, and 414 through 417 are defined in 34 CFR 77.1:

Acquisition
Applicant
Application
Award
Budget
Contract
Department
ED
Expenditure report
Facilities
Federally recognized Indian tribal government
Fiscal year
GEPA
Grant
Nonprofit
Nonpublic
Private
Project
Secondary school
Secretary
State
Supplies

(b) *Other definitions.* The following definitions also apply to this part and 34 CFR Parts 401, 407 through 412, and 414 through 417:

"Act" means the Carl D. Perkins Vocational Education Act.

"Administration" means activities of a State necessary for the proper and efficient performance of its duties under the Act, including supervision, but not including curriculum development activities, personnel development, technical assistance, or research activities.

"Apprenticeship training program" means a program registered with the Department of Labor or the State apprenticeship agency in accordance with the Act of August 16, 1937, known as the National Apprenticeship Act, which is conducted or sponsored by an employer, a group of employers, or a joint apprenticeship committee representing both employers and a union, and which contains all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices.

"Area vocational education school" means—

(1) A specialized high school used exclusively or principally for the provision of vocational education to individuals who are available for study in preparation for entering the labor market;

(2) The department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to individuals who are available for study in preparation for entering the labor market;

(3) A technical institute or vocational school used exclusively or principally for the provision of vocational education to individuals who have completed or left high school and who are available for study in preparation for entering the labor market; or

(4) The department or division of a junior college or community college or university operating under the policies of the State board and which provides vocational education in no less than five different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if, in the case of a school, department, or division described in paragraphs (3) and (4) of this definition, it admits as regular students both individuals who have completed high school and individuals who have left high school.

"Career guidance and counseling" means those programs—

(1) Which pertain to the body of subject matter and related techniques and methods organized for the development in individuals of career awareness, career planning, career decisionmaking, placement skills, and knowledge and understanding of local, State, and national occupational, educational, and labor market needs, trends, and opportunities; and

(2) Which assist individuals in making and implementing informed educational and occupational choices.

"Community-based organization" means a private nonprofit organization of demonstrated effectiveness which is representative of communities or significant segments of communities and which provides job training services (for example, Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, United Way of America, Mainstream, the National Puerto Rican Forum, National Council of La Raza, 70,001, Jobs for Youth, organizations operating career intern programs, neighborhood groups and organizations, community action agencies, community development corporations, vocational rehabilitation organizations, rehabilitation facilities (as defined in section 7(10) of the Rehabilitation Act of 1973), agencies serving youth, agencies serving the handicapped, agencies serving displace homemakers, union-related organizations, and employer-related nonprofit organizations), or an organization of demonstrated effectiveness serving nonreservation Indians (including the National Urban Indian Council), as well as tribal governments and Native Alaskan groups.

(Sec. 4(5) of the Job Training Partnership Act)

"Construction" includes construction of new buildings and acquisition, and expansion, remodeling, and alteration of existing buildings, and includes site grading and improvement and architect fees.

"Cooperative education" means a method of instruction of vocational education for individuals who, through written cooperative arrangements between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, but the two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and employability. Work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

"Criminal offender" means any individual who is charged with or convicted of any criminal offense, including a youth offender or a juvenile offender.

"Correctional institution" means any—

(1) Prison;
(2) Jail;
(3) Reformatory;
(4) Work farm;
(5) Detention center; or
(6) Halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement of rehabilitation of criminal offenders.

"Curriculum materials" means instructional and related or supportive material, including materials using advanced learning technology, in any occupational filed which is designed to strengthen the academic foundation and prepare individuals for employment at the entry level or to upgrade occupational competencies of those previously or presently employed in any occupational field, and appropriate counseling and guidance material.

"Disadvantaged" means individuals (other than handicapped individuals) who have economic or academic disadvantages and who require special services and assistance in order to enable them to succeed in vocational education programs. the term includes individuals who are members of economically disadvantaged families,

migrants, individuals who have limited English proficiency and individuals who are dropouts from, or who are identified as potential dropouts from, secondary school. For the purpose of this definition, an individual who scores below the 25th percentile on a standardized achievement or aptitude test, whose secondary school grades are below 2.0 on a 4.0 scale (where the grade "A" equals 4.0), or fails to attain minimal academic competencies may be considered "academically disadvantaged." The definition does not include individuals with learning disabilities.

(House Report No. 98-1129, 98th Cong., 2d Sess. p. 100)

"Economically depressed area" means an economically integrated area within any State in which a chronically low level of economic activity or a deteriorating economic base has caused such adverse effects as—

(1) A rate of unemployment which has exceeded by 50 per centum or more the average rate of unemployment in the State, or in the National, for each of the three years preceding the year for which such designation is made; or

(2) A large concentration of low-income families, the designation of which is approved by the Secretary as consistent with the purposes of the Act, with these criteria, and with such other criteria as the Secretary may prescribe.

"Economically disadvantaged family or individual" means a family or individual which the State board identifies as low income on the basis of uniform methods that are described in the State plan. A State must use one or more of the following standards as an indicator of low income:

(a) Annual income at or below the official poverty line established by the Director of the Office of Management and Budget;

(b) Eligibility for free or reduced-priced school lunch;

(c) Eligibility for Aid to Families with Dependent Children or other public assistance programs;

(d) Receipt of a Pell Grant or comparable state program of need-based financial assistance; and

(e) Eligibility for participation in programs assisted under Title II of the JTPA.

"Eligible recipient" means a local educational agency or a postsecondary educational institution.

"Handicapped," when applied to individuals, means individuals who are mentally retarded, hard of hearing, deaf, speech or language impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired persons, or persons with specific learning disabilities, who by reason thereof require special education and related services, and who, because of their handicapping condition, cannot succeed in the regular vocational education program without special education assistance.

"High technology" means state-of-the-art computer, microelectronic, hydraulic, pneumatic, laser, nuclear, chemical, telecommunication, and other technologies being used to enhance productivity in manufacturing, communication, transportation, agriculture, mining, energy, commercial, and similar economic activity, and to improve the provision of health care.

"Homemaker" means an individual who—

(1) Is an adult; and

(2) Has worked as an adult primarily without remuneration to care for the home and family, and for that reason has diminished marketable skills.

"Institution of higher education" means an institution of higher education as defined in section 1201 of the Higher Education Act of 1965.

"Insular Area" means the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands. For the purpose of 34 CFR 401.13, the term also includes Puerto Rico.

"JTPA" means the Job Training Partnership Act (Pub. L. 97-300).

"Limited English proficiency", when used with reference to individuals, means individuals—

(1)(i) Who were not born in the United States or whose native language is a language other than English;

(ii) Who come from environments where a language other than English is dominant; or

(iii) Who are American Indian and Alaskan Native students and who come from environments where a language other than English has had a significant impact on their level of English language proficiency; and

(2) Who by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

(20 U.S.C. 3223)

"Local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program.

"Postsecondary educational institution" means an institution legally authorized to provide postsecondary education within a State, or any postsecondary educational institution operated by or on behalf of any Indian tribe which is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934.

"Private vocational training institution" means a business or trade school, or techical institution or other technical or vocational school, in any State, which—

(1) Admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by the institution;

(2) Is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations;

(3) Has been in existence for two years or has been specially accredited by the Secretary as an institution meeting the other requirements of this definition; and

(4) Is accredited—

(i) By a nationally recognized accrediting agency or association listed by the Secretary pursuant to this paragraph; or

(ii) If the Secretary determines that there is no nationally recognized accrediting agency or association qualified to accredit schools of a particular category, by a State agency listed by the Secretary pursuant to this paragraph; or

(iii) If the Secretary determines that there is no nationally recognized or State agency or association qualified to accredit schools of a particular category, by an advisory committee appointed by the Secretary and composed of persons specifically qualified to evaluate training provided by schools of the category, which committee shall prescribe the standards of content, scope, and quality which must be met by those schools and shall also determine whether particular schools meet those standards.

"Program year" means a period beginning on July 1 and ending on the following June 30.

"School facilities" means classrooms and related facilities, including initial

equipment, and interests in lands on which the facilities are constructed. The term does not include any facility intended primarily for events for which admission is to be charged to the general public.

"Single parent" means an individual who—

(1) Is unmarried or legally separated from a spouse; and

(2) Has a minor child or children for which the parent has either custody or joint custody.

"Small business" means for-profit enterprises employing five hundred or fewer employees.

"State" means any of the 50 States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

"State board" means a State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration of vocational education in the State.

"State council" means the State council on vocational education established in accordance with section 112 of the Act.

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary or secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

"Vocational education" means organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, in such fields as agriculture, business occupations, home economics, health occupations marketing and distributive occupations, technical and emerging occupations, modern industrial and agriculture arts, and trades and industrial occupations, or for additional preparation for a career in such fields, and in other occupations requiring other than a baccalaureate or advanced degree and vocational student organization activities as an integral part of the program. For purposes of this paragraph, "organized education program" means only—

(1) Instruction, including career guidance and counseling, related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; and

(2) The acquisition, including leasing, maintenance, and repair of instructional equipment, supplies, and teaching aids; but the term does not mean the construction, acquisition of initial equipment or buildings, or the acquisition or rental of land.

"Vocational student organizations" means those organizations for individuals enrolled in vocational education programs which engage in activities as an integral part of the instructional program. These organizations may have State and national units which aggregate the work and purposes of instruction in vocational education at the local level.

(Sec. 521)

2. A new Part 401 is proposed to be added as follows:

PART 401—STATE VOCATIONAL EDUCATION PROGRAM

Subpart A—General

Sec.

401.1 What is the State Vocational Education Program?
401.2 What regulations apply to the State Vocational Education Program?
401.3 What definitions apply to the State Vocational Education Program?

Subpart B—How Does a State Participate in the State Vocational Education Program?

401.10 What is the State board?
401.11 What are the principal responsibilities of the State board?
401.12 What are the additional responsibilities of the State board?
401.13 What are the personnel requirements regarding the elimination of sex discrimination and sex stereotyping?
401.14 Must a State establish a State council on vocational education?
401.15 What are the membership requirements of the State council on vocational education?
401.16 What are the responsibilities of the State council on vocational education?
401.17 What are the State plan requirements?
401.18 How is the State plan developed?
401.19 What must the State plan contain?
401.20 What procedures does a State use to submit its State plan?
401.21 When are amendments to State plans required?
401.22 What is the maintenance of fiscal effort requirement under the State Vocational Education Program?

Subpart C—How Does the Secretary Make a Grant to a State?

401.30 How does the Secretary make allotments under the State Vocational Education Program?
401.31 How does the Secretary make reallotments under the State Vocational Education Program?
401.32 When does the Secretary approve State plans and amendments?

Subpart D—How Does a State Make an Award to an Eligible Recipient?

401.40 How does a State carry out the State Vocational Education Program?
401.41 What are the local application requirements under the State Vocational Education Program?

Subpart E—What Kinds of Activities Does the Secretary Assist Under the Basic State Grant?

401.50 What are the components of the basic State grant?
401.51 What is the Vocational Education Opportunities Program?
401.52 How many funds under the Vocational Education Opportunities Program be used to serve handicapped individuals?
401.53 How may funds under the Vocational Education Opportunities Program be used to serve disadvantaged individuals?
401.54 How may funds under the Vocation Educational Opportunities Program be used to serve adults who are in need of training or retraining?
401.55 How may funds under the Vocational Education Opportunities Program be used to serve individuals who are single parents or homemakers?
401.56 How may funds under the Vocational Education Opportunities Program be used to serve individuals who participate in programs designed to eliminate sex bias and stereotyping in vocational education?
401.57 How may funds be used under the Vocational Education Opportunities Program for criminal offenders who are serving in a correctional institution?
401.58 In what additional ways may funds under the Vocational Education Opportunities Program be used?
401.59 What is the Vocational Education Improvement, Innovation, and Expansion Program?
401.60 How may funds under the Vocational Education Improvement, Innovation, and Expansion Program be used?
401.61 How may a State distribute funds under the Vocational Education Improvement, Innovation, and Expansion Program?

Subpart F—What Kinds of Activities Does the Secretary Assist Under the Special Programs?

401.70 What are the Special Programs?
401.71 What activities does the Secretary support under the State Assistance for Vocational Education Support by Community-Based Organizations?
401.72 What are the application requirements for the State Assistance for Vocational Education Support by Community-Based Organization Program?
401.73 What activities does the Secretary support under the Consumer and Homemaker Education Program?
401.74 What are the purposes of the Adult Training Retraining, and Employment Development Program?
401.75 What activities does the Secretary support under the Adult Training, Retraining, and Employment Development Program?
401.76 What activities does the Secretary support under the Comprehensive Career Guidance and Counseling Program?

401.77 What are the purposes of the Industry-Education Partnership for Training in High-Technology Occupations Program?
401.78 What activities does the Secretary support under the Industry-Education Partnership for Training in High-Technology Occupations Program?
401.79 What are the special considerations under the Industry-Education Partnership for Training in High-Technology Occupations Program?
401.80 What additional fiscal requirements apply to the Industry-Education Partnership for Training in High-Technology Occupations Program?

Subpart G—What Conditions Must the State Meet Under the State Vocational Education Program?

401.90 How does a State reserve funds under the basic State grant?
401.91 How does a State reserve funds under the basic State grant for State administration?
401.92 How does a State reserve funds under the Vocational Education Opportunities Program?
401.93 What are the administrative cost requirements under the State Vocational Education Program?
401.94 What are the cost-sharing requirments under the State Vocational Education Program?
401.95 How does a State allocate funds for handicapped individuals under the Vocational Education Opportunities Program?
401.96 How does a State allocate funds for disadvantaged individuals under the Vocational Education Opportunities Program?
401.97 How does a State match funds for handicapped individuals and disadvantaged individuals under the Vocational Education Opportunities Program?
401.98 How does an eligible recipient use community-based organizations under the Vocational Education Opportunities Program?
401.99 What kinds of joint projects are authorized under the Vocational Education Opportunities Program?
401.100 How does a State distribute funds not reserved for handicapped or disadvantged individuals under the Vocational Education Opportunites Program?
401.101 What are the "equal access" provisions that apply to handicapped individuals and disadvantaged individuals under the Vocational Education Opportunties Program?
401.102 How must funds be used under the Consumer and Homemaker Education Program?
401.103 How must a State use funds under the Adult Training, Retraining, and Employment Development Program?
401.104 How must a State coordinate programs under the Adult Training, Retraining, and Employment Development Program?
401.105 How must funds be used under the Comprehensive Career Guidance and Counseling Program?

Subpart H—What are the Administrative Responsibilities of a State Under the State Vocational Education Program?

401.110 What are a State's responsibilities regarding the Vocational Education Data System?
401.111 What are a State's responsibilities regarding a State occupational information coordinating committee?
401.112 What are a State's audit responsibilities under the Act?
401.113 What are a State's responsibilities to the National Center for Research in Vocational Education?

Subpart I—What are the Enforcement Procedures Under the State Vocational Education Program?

401.120 What enforcement procedures may the Secretary use?
401.121 How under the Act may an eligible recipient appeal a final action of a State board?

Authority: Carl D. Perkins Vocational Education Act, Pub. L. 98–524, unless otherwise noted.

Subpart A—General

§ 401.1 What is the State Vocational Education Program?

(a) Under the State Vocational Education Program, the Secretary makes grants to States, to assist them, local educational agencies, postsecondary educational institutions, and other agencies and institutions to administer the Federally-assisted vocational education programs that are authorized by the Act.

(b) The State Vocational Education Program consists of the programs under the basic State grant for vocational education authorized by Title II of the Act and the Special Programs authorized by Title III of the Act.

(Titles I, II, and III of the Act)

§ 401.2 What regulations apply to the State Vocational Education Program?

The following regulations apply to the State Vocational Education Program:

(a) The regulations in 34 CFR Part 400.

(b) The regulations in this part.

(Titles I, II, and III of the Act; 20 U.S.C. 3474(a))

§ 401.3 What definitions apply to the State Vocational Education Program?

The definitions in 34 CFR 400.4 apply to the State Vocational Education Program.

(Sec. 521; 20 U.S.C. 3474(a))

Subpart B—How Does a State Participate in the State Vocational Education Program?

§ 401.10 What is the State board?

A State that desires to participate in the programs authorized by the Act shall, consistent with State law, designate or establish a State board of vocational education which shall be the sole State agency responsible for the administration or the supervision of the State's vocational education program.

(Sec. 111(a))

§ 401.11 What are the principal responsibilities of the State board?

The principal responsibilities of the State board shall include—

(a) The coordination of the development, submission, and implementation of the State plan;

(b) The evaluation of the programs, services, and activities assisted under the Act, as required by § 401.19(a) (8) and (9);

(c) The development, in consultation with the State council on vocational education, and the submission to the Secretary of the State plan;

(d) Consultation with the State council on vocational education and other appropriate agencies, groups, and individuals involved in the planning, administration, evaluation, and coordination of programs under the Act;

(e) Convening and meeting as a State board, consistent with State law and procedure, when the State board determines it is necessary to meet to carry out its functions under the Act, but not less than four times annually; and

(f) The adoption of those procedures the State board considers necessary to implement State level coordination with the State job training coordinating council in order to encourage cooperation between programs under the Act and programs under the JTPA.

(Sec. 111(a))

§ 401.12 What are the additional responsibilities of the State board?

(a) The State board shall make available to each private industry council established within the State under section 102 of the JTPA a listing of all programs assisted under the Act.

(b)(1) The State board, in consultation with the State council on vocational education established under § 401.14, shall establish at least two technical committees to advise the State council and the State board on the development of model curricula to address State labor market needs. The technical committees shall develop an inventory of skills that may be used by the State board to define state-of-the-art model curricula. This inventory must identify the type and level of knowledge and skills needed for entry, retention, and advancement in occupational areas taught in the State.

(2) The State board shall establish procedures for membership, operation,

and duration of the technical committees that are consistent with the purposes of the Act. Their membership shall be composed of representatives of—

(i) Employers from any relevant industry or occupation for which the committee is established;

(ii) Trade or professional organizations representing any relevant occupations; and

(iii) Organized labor, where appropriate.

(3)(i) A State may use funds reserved under § 401.90(b)(2) for the Vocation Education Improvement, Innovation, and Expansion Program to support the activities of the technical committees it establishes under paragraph (b)(1) of this section.

(ii) For the purpose of § 401.19(a)(4), regarding the requirement that a State distribute at least eighty percent of its total basic State grant allotment to eligible recipients, a State shall consider the funds used to support the technical committees as part of the State's portion (the portion that may not exceed twenty percent) of the State's allotment.

(c) The State board shall identify as a State imposed requirement any State rule or policy it imposes relating to the administration and operation of programs funded under the Act, including any rule or policy based on the State board's interpretation of any Federal law, regulation, or guideline.

(d) Except for the functions described in § 401.11, the State board may delegate any of its other administrative, operational, or supervisory responsibilities, in whole or in part, to one or more appropriate State agencies.

(Secs. 111 (a), (c), (d), (e), 521(1))

§ 401.13 What are the personnel requirements regarding the elimination of sex discrimination and sex stereotyping?

(a) A State, other than an Insular Area, that desires to participate in the State Vocational Education Program shall assign one individual, within the appropriate agency established or designated by the State board under § 401.12(d) to administer vocational education programs within the State, to work full time to assist the State board to fulfill the purposes of the Act by—

(1) Administering the program of vocational education for single parents and homemakers described in § 401.55 and the sex equity program described in § 401.56;

(2) Gathering, analyzing, and disseminating data on the—

(i) Adequacy and effectiveness of vocational education programs in the State in meeting the education and employment needs of women, including the preparation of women for employment in technical occupations, new and emerging occupational fields, and occupations regarded as nontraditional for women; and

(ii) Status of men and women students and employees in the programs in paragraph (a)(2)(i) of this section;

(3)(i) Reviewing vocational education programs, including career guidance and counseling, for sex stereotyping and sex bias, with particular attention to practices which tend to inhibit the entry of women in high technology occupations; and

(ii) Submitting recommendations for inclusion in the State plan for programs and policies to overcome sex bias and sex stereotyping in the programs in paragraph (a)(3)(i) of this section;

(4) Submitting to the State board an assessment of the State's progress in meeting the purposes of the Act with regard to overcoming sex discrimination and sex stereotyping;

(5) Reviewing proposed actions on grants, contracts, and the policies of the State board to ensure that the needs of women are addressed in the administration of the Act;

(6) Developing recommendations for programs of information and outreach to women concerning vocational education and employment opportunities for women, including opportunities for careers as technicians and skilled workers in technical fields and new and emerging occupational fields;

(7) Providing technical assistance and advice to local educational agencies, postsecondary institutions, and other interested parties in the State, on expanding vocational opportunties for women; and

(8) Assisting administrators, instructors, and counselors in implementing programs and activities to increase access for women, including displaced homemakers and single heads of households, to vocational education and to increase male and female students' enrollment in nontraditional programs.

(d) A State, other than an Insular Area, shall, in accordance with § 401.91(b), expend at least $60,000 in each program year to carry out the provisions of paragraph (a) of this section, including the provision of necessary and reasonable staff support.

(Sec. 111(b))

§ 401.14 Must a State establish a State council on vocational education?

A State, other than an Insular Area, that desires to participate in the State Vocational Education Program shall establish a State council on vocational education, which shall be appointed by the Governor or, in the case of States in which the members of the State board of education are elected, including election by the State legislature, shall be appointed by the State board of education.

(Sec. 112(a); House Report No. 98-1129, 98th Cong., 2d Sess., p. 89)

§ 401.15 What are the membership requirements of the State council on vocational education?

(a) Each State council shall be composed of thirteen individuals, and shall be broadly representative of citizens and groups within the State having an interest in vocational education.

(b) Each State council shall consist of—

(1) Seven individuals who are representative of the private sector in the State and who shall constitute a majority of the membership—

(i) Five of whom shall be representative of business, industry, and agriculture including—

(A) One member who is representative of small business concerns; and

(B) One member who is a private sector member of the State job training coordinating council established pursuant to the section 122 of the JTPA; and

(ii) Two of whom shall be representatives of labor organizations; and

(2) Six individuals, one of whom shall be representative of special education, who are representative of—

(i) Secondary and postsecondary vocational institutions (equitably distributed among such institutions);

(ii) Career guidance and counseling organizations within the State; and

(iii) Individuals who have special knowledge and qualifications with respect to the special educational and career development needs of special populations, including women, disadvantaged individuals, handicapped individuals, individuals with limited English proficiency, and minorities.

(c) In selecting individuals to serve on the State council on vocational education, the State shall give due consideration to the appointment of individuals who serve on a private industry council under the JTPA, or on State councils established under other related Federal programs.

(d) Each State shall certify to the Secretary the establishment and membership of the State council at least 90 days prior to the beginning of each program period described in § 401.17.

(Sec. 112 (a), (b))

§ 401.16 What are the responsibilities of the State council on vocational education?

(a)(1) The State council on vocational education shall meet as soon as practical after the Secretary accepts its certification and shall select from among its membership a chairperson who shall be a representative of the private sector.

(2) The State council on vocational education shall adopt rules that govern the time, place, and manner of meeting, as well as council operating procedures and staffing. The rules must provide for at least one public meeting each year at which the public is given an opportunity to express views concerning the vocational education program of the State.

(b) Each State council on vocational education shall—

(1) Meet with the State board or its representatives to advise on the development of the State plan, or any amendments to the State plan, while the State plan or amendment is being developed;

(2) Advise the State board and make reports to the Governor, the business community, and general public of the State concerning—

(i) Policies the State should pursue to strengthen vocational education, with particular attention to programs for the handicapped; and

(ii) Initiatives and methods the private sector could undertake to assist in the modernization of vocational education programs;

(3) Analyze and report on the distribution of all vocational education funds in the State and on the availability of vocational education activities and services within the State;

(4) Consult with the State board on the establishment of evaluation criteria for vocational education programs within the State;

(5) Submit recommendations to the State board on the conduct of vocational education programs conducted in the State which emphasize the use of business concerns and labor organizations;

(6) Assess the distribution of financial assistance under the Act, particularly the distribution of financial assistance between secondary vocational education programs and postsecondary vocational education programs;

(7) Recommend procedures to the State board to ensure and enhance the participation of the public in the provision of vocational education at the local level within the State, particularly the participation of local employers and local labor organizations;

(8) Report to the State board on the extent to which the individuals described in § 401.51 are provided with equal access to quality vocational education programs; and

(9)(i) At least once every two years—

(A) Evaluate the vocational education program delivery systems assisted under the Act and the JTPA in terms of their adequacy and effectiveness in achieving their respective purposes; and

(B) Make recommendations to the State board on the adequacy and effectiveness of the coordination that takes place between vocational education and the JTPA; and

(ii) Advise, in writing, the Governor, the State board, the State job training coordinating council, the Secretary, and the Secretary of Labor of these findings and recommendations.

(c)(1) Each State council on vocational education is authorized to—

(i) Obtain the services of whatever professional, technical, and clerical personnel are necessary to enable it to carry out its functions under the Act; and

(ii) Contract for whatever services are necessary to enable it to carry out its evaluation functions, independent of programmatic and administrative control by other State boards, agencies, and individuals.

(2) The expenditure of funds awarded to a State council on vocational education by the Secretary shall be solely determined by that State council and may not be diverted or reprogrammed for any other purpose by any State board, agency, or individual. Each State council on vocational education shall designate an appropriate State agency, or other public agency eligible to receive funds under the Act to act as its fiscal agent for purposes of disbursement, accounting, and auditing.

(Sec. 112 (c)–(f))

§ 401.17 What are the State plan requirements?

(a) A State that desires to participate in the State Vocational Education Program shall submit to the Secretary a State plan for a three program year period in the case of the initial plan and a two program year period thereafter, together with any annual amendments the State board determines to be necessary.

(b) Each State shall carry out its programs under the State Vocational Education Program on the basis of program years which coincide with program years under section 104(a) of the JTA.

(Sec. 113(a)(1))

§ 401.18 How is the State plan developed?

(a) In formulating the State plan, and any amendments to the State plan, the State board shall meet with and utilize the State council on vocational education established under § 401.14.

(b) After providing appropriate and sufficient notice to the public, the State board shall conduct at least two public hearings in the State for the purpose of affording all segments of the public and interested organizations and groups an opportunity to present their views and make recommendations regarding the State plan.

(c) In developing the State plan, the State board shall—

(1) Assess the current and projected occupational needs and the current and projected demand for general occupational skills within the State;

(2) Examine the needs of students, including adults, in order to determine how best to improve student skill levels in light of the State's occupational and skill requirements;

(3) Assess the special needs of groups of individuals described in § 401.51 for access to vocational education and vocational services in terms of labor market needs;

(4) Assess the quality of vocational education in terms of—

(i) The pertinence of programs to the workplace and to new and emerging technologies;

(ii) The responsiveness of programs to the current and projected occupational needs in the State;

(iii) The capacity of programs to facilitate entry into, and participation in, vocational education, and to ease the school-to-work and secondary-to-postsecondary transitions;

(iv) The technological and educational quality of vocational curricula, equipment, and instructional materials to enable vocational students and instructors to meet the challenges of increased technological demands of the workplace; and

(v) The capacity of vocational education programs to meet the needs for general occupational skills and the improvement of academic foundations in order to address the changing content of jobs;

(5) Determine the capacity of local educational agencies, with respect to secondary education, and postsecondary educational institutions, to deliver the vocational education services necessary to meet the needs identified through the assessments required by paragraphs (c) (1) through (4) of this section; and

(6) Determine, for each program year, how the services and activities supported under the Act may be expected to assist the State in meeting the needs identified through the

assessments required by paragraphs (c)(1) through (4) of this section.

(Sec. 113(a)(3))

§ 401.19 What must the State plan contain?

(a) *Assurances.* To participate in the programs authorized under the State Vocational Education Program, the State shall include the following assurances in its State plan:

(1) That the State board will comply with the requirements of Titles I, II, III, and V of the Act (including the maintenance of fiscal effort requirement in § 401.22).

(Sec. 113(b)(1))

(2) That the State will comply with the distribution of assistance requirements contained in §§ 401.95 and 401.96.

(Sec. 113(b)(1)(B))

(3) That, to the extent consistent with the number and location of handicapped and disadvantaged individuals who are enrolled in private elementary and secondary schools in the State, the State will provide for the participation of these individuals in the Vocational Education Opportunities Program.

(Sec. 113(b)(1)(C))

(4) That the State will distribute at least eighty percent of its total basic State grant allotment to eligible recipients or combinations of eligible recipients.

(Sec. 113(b)(4))

(5) That the State will distribute all of the State basic grant funds reserved for handicapped and disadvantaged individuals under § 401–92 (a) and (b) to eligible recipients or combinations of eligible recipients, in accordance with §§ 401.95 and 401.96.

(Sec. 113(b)(4))

(6) That in using funds allotted for single parents and homemakers under § 401.92(d)—

(i) The State will emphasize assisting indivuduals with the greatest financial need; and

(ii) That in serving homemakers, the State will give special consideration to homemakers who, because of divorce, separation, or the death or disability of a spouse, must prepare for paid employment.

(Sec. 113(b)(7))

(7) That the State will provide relevant training and vocational education activities to men and women who desire to enter occupations that are not traditionallly associated with their sex.

(Sec. 113(b)(8))

(8) That the State will develop measures for evaluating the effectiveness of programs assisted under the Act in meeting the needs indentified in the State plan, including measurements of such factors as—

(i) The occupations to be trained for, which must reflect a realistic assessment of the labor market needs of the State;

(ii) The levels of skills to be achieved in particular occupations, which must reflect the hiring needs of employers; and

(iii) The basic employment competencies to be used in performance outcomes, which must reflect the hiring needs of employers.

(Sec. 113(b)(9)(A))

(9) That the State will establish appropriate measures for evaluating the effectiveness of programs for the handicapped under the Act, as a component of the measures developed under paragraph (a)(8) of this section.

(Sec. 113(b)(9)(B))

(10) That each program year the State will evaluate all of the projects, services, and activities under this part of at least twenty percent of the participating eligible recipients.

(Sec. 113(b)(9)(C))

(11) That the State will fund programs of personnel development and curriculum development that further the goals identified in the State plan.

(Sec. 113(b)(11))

(12) That the vocational education needs of those identifiable segments of the population in the State that have the highest rates of unemployment have been throughly assessed, and that such needs are reflected in, and addressed by, the State plan.

(Sec. 113(b)(12))

(13) That the State board will cooperate with the State council on vocational education in carrying out the State council's duties under this part.

(Sec. 113(b)(13))

(14) That none of the funds expended under the Act will be used to acquire equipment (including computer software) in any instance in which its acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity, or its employees, or any affiliate of such an organization.

(Sec. 113(b)(14))

(15) That for each program year, expenditures for career guidance and counseling from allotments for the basic State grant authorized by Title II of the Act, and the Comprehensive Career Guidance and Counseling Program under the Special Programs authorized by Title III, Part D of the Act, will not be less than the expenditures for guidance and counseling programs in the State that were assisted under section 134(a) of the Vocational Education Act of 1963 for fiscal year 1984.

(Sec. 113(b)(15))

(16) That Federal funds made available under the Act will be used to supplement, and to the extent practicable, increase the amount of State and local funds that would in the absence of such Federal funds be made available for the uses specified in the State plan, and in no case to supplant such State or local funds.

(Sec. 113(b)(16))

(17) That the State will provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds paid to the State, including Federal funds paid by the State to eligible recipients under the Act.

(Sec. 113(b)(17))

(18) That the State will use the basic State grant funds reserved for vocational education services and activities for handicapped individuals and disadvantaged individuals under § 401.92—

(i) To provide equal access to those individuals—

(A) In recruitment, enrollment, and placement activities; and

(B) To the full range of vocational programs available to nonhandicapped and nondisadvantaged individuals, including occupationally specific courses of study, cooperative education, and apprenticeship programs; and

(ii) To provide vocational education programs and activities for handicapped individuals—

(A) In the least restrictive environment in accordance with section 612(5)(B) of the Education of the Handicapped Act;

(B) Which are included, whenever appropriate, as a component of the individualized education plan required under section 612(4) and section 614(a)(5) of that Act; and

(C) Which are planned through the coordination of appropriate representatives of vocational education and special education.

(Sec. 204(a))

(19) That programs under the Adult Training, Retraining and Employment

Development Program authorized by Title III, Part C of the Act—

(i) Are designed with the active participation of the State council established under § 401.14;

(ii) Make maximum effective use of existing institutions, are planned to avoid duplication of programs or institutional capabilities, and, to the fullest extent practicable, are designed to strengthen institutional capacity to meet the education and training needs addressed by the Adult Training, Retraining, and Employment Development Program;

(iii) Involve close cooperation with and participation by public and private sector employers and public and private agencies working with problems of employment and training and economic development; and

(iv) Involve coordination with programs under the Rehabilitation Act of 1973 and the Education of the Handicapped Act, where appropriate.

(Sec. 322(b)(2))

(20) That funds received under the Industry-Education Partnership for Training in High-Technology Occupations Program authorized by Title III, Part E of the Act—

(i) Will be used solely for vocational education programs designed to train skilled workers and technicians in high-technology occupations, including programs providing related instruction to apprentices, and projects to train skilled workers needed to produce, install, operate, and maintain high technology equipment, systems, and processes; and

(ii) Will be used, to the maximum extent practicable, in coordination with the JTPA to avoid duplication of effort, and to ensure maximum effective utilization of funds under the Act and the JTPA.

(Sec. 342(b) (1), (2))

(21) That not less than fifty percent of the aggregate costs of projects assisted under the Industry-Education Partnership for Training in High-Technology Occupations Program authorized by Title III, Part E of the Act will be provided from non-Federal sources, except as provided in § 401.80(a)(3), and that not less than fifty percent of the non-Federal share of the aggregate costs in the State will be provided by participating business and industrial firms.

(Sec. 342(b)(3))

(22) That projects assisted under the Industry-Education Partnership for Training in High-Technology Occupations Program authorized by Title III, Part E of the Act will be—

(i) Coordinated with similiar programs assisted under the basic State grant program and, to the maximum extent practicable (consistent with the purposes of programs assisted under the basic State grant program), supportive services will be organized to serve both programs; and

(ii) Develop with the active participation of the State council established under § 401.14.

(Sec. 342(b)(4))

(b) *Descriptions.* To participate in the programs authorized under the State Vocational Education Program, the State shall include the following descriptions in its State plan:

(1) The manner in which the State will comply with the requirements for programs for the handicapped and for the disadvantage described in paragraph (a)(18) of this section and § 401.101.

(Sec. 113(b)(1)(A))

(2) The planned uses of Federal funds available for vocational education for each program year for which the State plan is submitted and how the State carried out the requirements of § 401.18(c).

(Sec. 113(b)(1)(2))

(3) The progress the State has made in achieving the goals set forth in each preceding State plan under the Act.

(Sec. 113(b)(3))

(4) The criteria the State board will use in approving applications of eligible recipients and allocating funds under the State Vocational Education Program to eligible recipients. These criteria must ensure that the State allocates more funds under the State Vocational Education Program to eligible recipients in units of local government that are in economically depressed areas (including both urban and rural units), as determined by the State, than it allocates to eligible recipients that are not in economically depressed areas.

(Sec. 113(b)(5))

(5) Whatever methods of administration are necessary for the proper and efficient administration of the Act.

(Sec. 113(b)(6))

(6) The methods proposed for the joint planning and coordination of programs carried out under the Act with programs conducted under the JTPA, the Adult Education Act, Title I of the Elementary and Secondary Education Act of 1965 as modified by Chapter 1 of the Education Consolidation and Improvement Act, the Education of the Handicapped Act, and the Rehabilitation Act of 1973, and with apprenticeship training programs.

(Sec. 113(b)(10))

(7) Any delegation of functions under § 401.12(d).

(Sec. 111(a)(2))

(8) If the Secretary requires, the manner in which the State Board will comply with the requirements of Titles I, II, III, and V of the Act (including the maintenance of fiscal effort requirement in § 401.22).

(Sec. 113(b)(1))

(9) The uniform methods the State board will use to identify economically disadvantaged families and individuals.

(Sec. 521(20))

(10) The appropriate criteria for determining which eligible recipients are exempt from the local application requirements under § 401.41.

(Sec. 115(c)(2))

(11) The methods and procedures the State will use for coordinating vocational education programs, services, and activities under the Adult Training, Retraining, and Employment Development Program authorized by Title III, Part C of the Act with programs of assistance for dislocated workers funded under Title III of the JTPA.

(Sec. 323(a))

(12) The criteria the State uses to designate an economically depressed area.

(Sec. 521(13))

(13) A summary of the recommendations made at the public hearings on the State plan and the State board's response.

(Sec. 113(a)(2)(3))

§ 401.20 What procedures does a State use to submit its State plan?

(a)(1) The State board shall submit its State plan for review and comment to the State legislature and the State job training coordinating council under section 122 of the JTPA not less than sixty days before the State plan is submitted to the Secretary.

(2) If the matters raised by the comments of the State legislature and the State job training coordinating council are not addressed in the state plan, the State board shall submit those comments to the Secretary with the State plan.

(3) If the State legislature is not in session during the sixty-day period described in paragraph (a)(1) of this section, the State board shall submit the

plan to the State legislature for review and comment at its next session, and forward any comments to the Secretary.

(b)(1) The State board shall submit its State plan for review and comment to the State council on vocational education not less than sixty days before the State plan is submitted to the Secretary.

(2) If the State council on vocational education finds that the final State plan is objectionable for any reason including that it does not meet the labor market needs of the State, the State council shall file its objections with the State board.

(3) The State board shall respond to any objections of the State council in submitting the State plan to the Secretary.

(c)(1) The State board shall submit its State plan to the Secretary by the May 1 preceding the first program year for which the plan will be in effect.

(2) The State plan shall be considered to be the general application required by section 435 of the General Education Provisions Act.

(Sec. 114)

§ 401.21 When are amendments to State plans required?

The State board shall submit one or more amendments tothe State plan to the Secretary when required by 34 CFR 76.140 or when changes in program conditions, labor market conditions, funding, or other factors require substantial amendment of an approved State plan. All amendments shall be subject to review by the State job training coordinating council and the State council on vocational education.

(Sec. 113(c)(1))

§ 401.22 What is the maintenance of fiscal effort requirement under the State Vocational Education Program?

(a) The Secretary may not make a payment under the Act to a State for any fiscal year unless the Secretary determines that the fiscal effort per student, or the aggregate expenditures of that State, from State sources, for vocational education for the fiscal year (or program year) preceding the fiscal year (or program year) for which the determination is made, at least equaled its effort or expenditures for vocational education for the second preceding fiscal year (or program year).

(b)(1) If the Secretary makes a determination that a waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the State to meet the requirements of paragraph (a) of this section, the Secretary may waive those requirements for one year only. Examples of exceptional or uncontrollable circumstances affecting the financial ability of the State are a national disaster or an unforseen and precipitous decline in financial resources.

(2) No level of expenditures permitted under a waiver may be used as a basis for computing the fiscal effort required under paragraph (a) of this section for subsequent years. Instead, for subsequent years, fiscal effort shall be computed on the basis of the level of expenditures that would have been required had a waiver not been granted.

(Sec. 503)

Subpart C—How Does the Secretary Make a Grant to a State?

§ 401.30 How does the Secretary make allotments under the State Vocational Education Program?

(a)(1) From funds appropriated under section 3(a) of the Act for the basic State grant and section 3(b) of the Act for the programs that compose the Special Programs, the Secretary allots funds each fiscal year according to the provisions of section 101 of the Act.

(2) Upon approval of its State plan and any annual amendments, the Secretary makes one or more grant awards from those allotments to the State.

(b)(1) From funds appropriated under section 3(c) of the Act, the Secretary allots funds each fiscal year for State councils on vocational education according to the provisions of section 112(f)(1)(A) of the Act.

(2) Upon submission of an annual budget covering the proposed expenditures of the State council on vocational education for the following program year, the Secretary makes an award to the fiscal agent designated under § 401.16(c)(2) of this part.

(Sec. 3)

§ 401.31 How does the Secretary make reallotments under the State Vocational Education Program?

(a)(1) If the Secretary determines that any amount of a State's allotment under § 401.30(a) will not be required for any fiscal year for carrying out the program for which the allotment was made, the Secretary reallots those funds to one or more States who demonstrate a current need for additional funds and the ability to utilize them promptly and effectively upon reallotment.

(2) The Secretary announces in the **Federal Register** the dates on which funds will be reallotted.

(b)(1) No funds reallotted under paragraph (a) of this section may be used for any purpose other than the purposes for which they were appropriated.

(2) Any amount reallotted to a State under paragraph (a) of this section shall remain available for obligation during the succeeding fiscal year and shall be deemed to be part of the State's allotment for the fiscal year in which the reallotted funds are obligated.

(Sec. 101(b))

§ 401.32 When does the Secretary approve State plans and amendments?

(a)(1) The Secretary approves a State plan, or an amendment to a State plan, within sixty days of its receipt if it complies with the requirements of the Act and applicable regulations.

(2) Before the Secretary finally disapproves a State plan, or an amendment to a State plan, the Secretary gives reasonable notice and an opportunity for a hearing to the State board.

(b) In reviewing a State plan, or an amendment to a State plan, the Secretary considers available comments from the State legislature, the State job training coordinating council, and the State council on vocational education.

(Sec. 114)

Subpart D—How Does a State Make an Award to an Eligible Recipient?

§ 401.40 How does a State carry out the State Vocational Education Program?

(a) Unless otherwise indicated in the regulations in this part, a State board shall carry out projects, services, and activities under the State Vocational Education Program directly, or through awards to eligible recipients.

(b) For the purpose of paragraph (a) of this section, a State board acts directly when it—

(1) Carries out projects, services, or activities using its own staff;

(2) Contracts for State-wide projects, services, or activities such as research, curriculm development, and teacher training; or

(3) Supports State-wide or local projects, services, or activities at State institutions such as universities, vocational schools, or correctional institutions.

(c) The regulations in this part also authorize a State to carry out certain projects, services, and activities under the State Vocational Education Program by making an award to an entity other than an eligible recipient, such as a community-based organization or a private vocational training institution.

(d) For the purpose of requirements dealing with local applications (§ 401.41) and the distribution of funds to eligible recipients (§§ 401.19(a) (4) and (5) and 401.19(b)(4)), projects, services, and activities carried out by a State institution under paragraph (b)(3) of this section, or by an entity other than an eligible recipient under paragraph (c) of this section, shall be considered to be carried out by an eligible recipient.

(Secs. 113(b) (4) and (5), 115, 201(f)(3), 201(h)(2), 203(a) and 252(b); House Report No. 98-1129, 98th Cong. 2d Sess. p. 96)

§ 401.41 What are the local application requirements under the State Vocational Education Program?

(a) Except as provided in paragraph (d) of this section, and unless otherwise provided by the regulations in this part, each eligible recipient that desires to receive funds under the State vocational education program shall submit to the State board an application for the use of those funds that—

(1) Satisfies the requirements established by the State board; and

(2) Is for a period of time which is covered by the State plan.

(b) The State board shall establish requirements for local applications, and amendments to local applications, except that each local application must—

(1) Describe the vocational education programs, services, and activities to be funded; and

(2) Describe how the proposed programs, services, and activities will be coordinated with relevant programs under the JTPA and the Adult Education Act, in order to avoid duplication.

(c) The eligible recipient shall make the local application available for review and comment by interested parties, including the appropriate administrative entity under the JTPA.

(d) The State board may exempt an eligible recipient which provides relatively few vocational education programs, services, and activities with a limited total of Federal and State funds, from the requirements of this section.

(Sec. 115)

Subpart E—What Kinds of Activities Does the Secretary Assist Under the Basic State Grant?

§ 401.50 What are the components of the basic State grant?

The basic State grant, authorized by Title II of the Act, consists of two programs—

(a) The Vocational Education Opportunities Program; and

(b) The Vocational Education Improvement, Innovation, and Expansion Program.

(Title II of the Act)

§ 401.51 What is the Vocational Education Opportunities Program?

Each State shall use funds reserved in accordance with §§ 401.90(b) and 401.92 to provide vocational education services and activities designed to meet the special needs of, and enhance the participation of—

(a) Handicapped individuals;

(b) Disadvantaged individuals;

(c) Adults who are in need of training or retraining;

(d) Individuals who are single parents or homemakers;

(e) Individuals who participate in programs designed to eliminate sex bias and stereotyping in vocational education; and

(f) Criminal offenders who are serving in a correctional institution.

(Sec. 201 (a), (b))

§ 401.52 How may funds under the Vocational Education Opportunities Program be used to serve handicapped individuals?

(a) A State shall use funds reserved for handicapped individuals in accordance with § 401.92(a) only for the Federal share of expenditures that are limited to supplemental or additional staff, equipment, materials, and services that are not provided to other individuals in vocational education and that are essential for handicapped individuals to participate in vocational education.

(b) If handicapped students require a separate program, each State may use these funds only for the Federal share of the costs of the services and activities in separate vocational education programs for handicapped individuals which exceed the average per-pupil expenditures for the comparable regular vocational education services and activities of the eligible recipient.

(Sec. 201(c)(1))

§ 401.53 How may funds under the Vocational Education Opportunities Program be used to serve disadvantaged individuals?

(a)(1) A State shall use funds reserved for disadvantaged individuals in accordance with § 401.92(b) only for the Federal share of expenditures that are limited to supplemental or additional staff, equipment, materials, and services that are not provided to other individuals in vocational education and that are essential for disadvantaged individuals to participate in vocational education.

(2) If disadvantaged students require a separate program, each State may use these funds only for the Federal share of the costs of the services and activities in separate vocational education programs for disadvantaged individuals which exceed the average per-pupil expenditures for the comparable regular vocational education services and activities of the eligible recipient.

(b)(1) A State may use funds described in paragraph (a) of this section for—

(i) The improvement of vocational education services and activities designed to provide equal access to quality vocational education to disadvantaged individuals; and

(ii) Services and activities which apply the latest technological advances to courses of instruction for disadvantaged individuals.

(2) A State may also use funds described in paragraph (a) of this section for the acquisition of modern machinery and tools, but only for schools at which at least seventy-five percent of the students enrolled are economically disadvantaged.

(Sec. 201 (c)(2), (d))

§ 401.54 How may funds under the Vocational Education Opportunities Program be used to serve adults who are in need of training or retraining?

(a) A State shall use funds reserved for adults in need of training or retraining in accordance with § 401.92(c) to provide, improve, and expand adult and postsecondary vocational education services and activities to train and retrain adults.

(b) A State may use funds described in paragraph (a) of this section for—

(1) Services and activities developed in coordination with the State agency administering Title III of the JTPA;

(2) Additional training under Title III of the JTPA;

(3) Vocational education programs for training or retraining adults, including programs for older individuals and displaced homemakers;

(4) Services for adults in other vocational education programs, including the costs of instruction and the costs of keeping school facilities open longer;

(5) Individuals who have completed or left high school and who are enrolled in organized programs of study for which credit is given toward an associate or other degree, but which are not designed as baccalaureate or higher degree programs; and

(6) Individuals who have already entered the labor market, or have completed or left high school, and who

are not described in paragraph (b)(5) of this section.

(Sec. 201(e))

§ 401.55 How may funds under the Vocational Education Opportunities Program be used to serve individuals who are single parents or homemakers?

A State shall use funds reserved for individuals who are single parents and homemakers in accordance with § 401.92(d) only to—

(a) Provide vocational education and training activities, including basic literacy instruction and necessary educational materials, that will give single parents and homemakers marketable skills;

(b) Make subgrants to eligible recipients for expanding vocational education services when this expansion directly increases the eligible recipients' capacity for providing single parents and homemakers with marketable skills;

(c) Make subgrants to community-based organizations for the provision of vocational education services to single parents and homemakers, if the State determines that a community-based organization has demonstrated effectiveness in providing comparable or related services to single parents and homemakers, taking into account the demonstrated performance of such an organization in terms of the cost and quality of its training and the characteristics of the participants;

(d) Make vocational education and training programs more accessible to single parents and homemakers by assisting them with child care or transportation services or by organizing and scheduling such programs so that they are more accessible; and

(e) Provide information to single parents and homemakers to inform them of vocational education programs and related supported services.

(Sec. 201(f))

§ 401.56 How may funds under the Vocational Education Opportunities Program be used to serve individuals who participate in programs designed to eliminate sex bias and stereotyping in vocational education?

(a) A State shall use funds reserved for individuals who participate in programs designed to eliminate sex bias and stereotyping in vocational education in accordance with § 401.92(e) for—

(1) Programs, services, and activities to eliminate sex bias and stereotyping in secondary and postsecondary vocational education programs;

(2) Vocational education programs, services, and activities for girls and women aged 14 through 25, designed to enable the participants to support themselves and their families; and

(3) Support services for individuals participating in vocational education programs, services, and activities described in paragraphs (a)(1) and (a)(2) of this section, including dependent-care services and transportation.

(b) A State may waive the age limitations in paragraph (a)(2) of this section whenever the person described in § 401.13(a) determines that the waiver is essential to meet the objectives of this section.

(Sec. 201(g))

§ 401.57 How may funds be used under the Vocational Education Opportunities Program for criminal offenders who are serving in a correctional institution?

A State shall use funds reserved for criminal offenders who are serving in a correctional institution in accordance with § 401.92(f) to meet the special needs of such persons for vocational education services and activities.

(Sec. 201(b))

§ 401.58 In what additional ways may funds under the Vocational Education Opportunities Program be used?

(a) In addition to the services and activities authorized by §§ 401.512 through 401.57, a State may use funds under the Vocational Education Opportunities Program, in accordance with those sections, for—

(1) Basic skills instruction for vocational education students which is related to their instructional program, whenever the State board determines that such instruction is necessary to carry out the purposes of the Vocational Education Opportunities Program;

(2) Vocational education through arrangements with private vocational training institutions, private postsecondary educational institutions, and employers whenever these institutions or employers—

(i)(A) Can make a significant contribution to obtaining the objectives of the State plan; and

(B) Can provide substantially equivalent training at a lesser cost; or

(ii) Can provide equipment or services not available in public institutions; and

(3) Placement services for students who have successfully completed vocational education programs.

(b) To the extent practicable, a State shall include work-site programs, such as cooperative vocational education, work-study, and apprenticeship programs, in the programs it supports with funds under the Vocational Educational Opportunities Program.

(Sec. 201 (h), (i))

§ 401.59 What is the Vocational Education Improvement, Innovation, and Expansion Program?

(a) A State shall use funds allotted under its basic State grant, and reserved in accordance with § 401.90(b)(2), to meet the needs identified in the State plan to expand, improve, modernize or develop high quality vocational education programs or support services that will—

(1) Provide the Nation's existing and future workforce with marketable skills;

(2) Improve productivity; and

(3) Promote economic growth.

(b) Funds must be used under this program to expand, improve, modernize, or develop the services and activities described in § 401.60 and may not be used to maintain existing services or activities.

(Secs. 2(1), 251(a))

§ 401.60 How may funds under the Vocational Education Improvement, Innovation, and Expansion Program be used?

(a) A State shall use funds under the Vocational Education Improvement, Innovation, and Expansion Program to accomplish the purposes described in § 401.59, by supporting—

(1) The improvement of vocational education programs within the State designed to improve the quality of vocational education, including high-technology programs involving an industry-education partnership as described in § 401.78, apprenticeship training programs, and technical assistance;

(2) The expansion of vocational education activities necessary to meet student needs and the introduction of new vocational education programs, particularly in economically depressed urban and rural areas of the State;

(3) The introduction of new vocational education programs, particularly in economically depressed urban and rural areas;

(4) The creation or expansion of programs to train workers in skilled occupations needed to revitalize businesses and industries or to promote the entry of new businesses and industries into a State or community;

(5) Exemplary and innovative programs which stress new and emerging technologies and which are designed to strengthen vocational education services and activities;

(6) The improvement and expansions of postsecondary and adult vocational education programs and related services for out-of-school youth and adults, which may include upgrading the skills of—

(i) Employed workers;

(ii) Workers who are unemployed or threatened with unemployment as a result of technological change or industrial dislocation;

(iii) Workers with limited English proficiency; and

(iv) Displaced homemakers and single heads of households;

(7) The improvement and expansion of career counseling and guidance projects, services, or activities authorized by §§ 401.76 and 401.105;

(8) Programs relating to curriculum development in vocational education within the State, including the application of basic skill training;

(9) The expansion and improvement of programs at area vocational education schools;

(10) The acquisition of equipment and the renovation of facilities necessary to improve or expand vocational education programs within the State;

(11) The conduct of special courses and teaching strategies designed to teach the fundamental principles of mathematics and science through practical applications which are an integral part of the student's occupational program;

(12) The assignment of personnel to work with employers and eligible recipients in a region in order to coordinate efforts to ensure that vocational programs are responsive to the labor market and supportive of apprenticeship training programs;

(13) The activities of vocational student organizations that are carried out as an integral part of the secondary and postsecondary instructional program;

(14) Prevocational programs;

(15) Programs of modern industrial and agricultural arts;

(16) The provision of stipends for students entering or already enrolled in vocational education programs and who have acute economic needs which cannot be met under work-study programs. The amount of such stipends may be the larger of either the minimum wage prescribed by State or local law, or the minimum hourly wage set under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended;

(17) Placement services for students who have successfully completed vocational education programs, including special services for handicapped individuals and cooperative efforts with rehabilitation programs;

(18) Day care services for children of students in secondary and postsecondary vocational education programs;

(19) The construction of area vocational education school facilities in areas having a demonstrated need for such facilities;

(20) The acquisition of high-technology equipment for vocational education programs;

(21) The provision of vocational education through arrangements with private vocational education institutions, private postsecondary educational institutions, and employers whenever these institutions or employers—

(i)(A) Can make a significant contribution to attaining the objectives of the Act; and

(B) Can provide substantially equivalent preparation at a lesser cost; or

(ii) Can provide equipment or services not available in public institutions;

(22) The acquisition and operation of communications and telecommunications equipment for vocational education programs; and

(23) The improvement or expansion of any other vocational education activities authorized under the Vocational Education Opportunities Program that would accomplish the purposes described in § 401.59.

(b) In addition to the uses of funds authorized by paragraph (a) of this section, a State shall use funds under this program for awards to eligible recipients to expand, improve, modernize or develop inservice and preservice training designed to increase the competence of vocational education teachers, counselors, and administrators, with special emphasis on the integration of handicapped and disadvantaged students in regular courses of vocational education.

(Sec. 251)

§ 401.61 How may a State distribute funds under the Vocational Education Improvement, Innovation, and Expansion Program?

(a)(1) Subject to the requirements of §§ 401.59 and 401.60, a State may use funds under the Vocational Education Improvement, Innovation, and Expansion Program in the manner best suited to carry out the purposes of the State vocational education program in that State.

(2) Any project assisted under the Vocational Education Improvement, Innovation, and Expansion Program must be of sufficient size, scope, and quality to give reasonable promise of meeting the vocational education needs of students involved in the project.

(b) In addition to eligible recipients, a State may use funds under the Vocational Education Improvement, Innovation, and Expansion Program to make awards to community-based organizations of demonstrated effectiveness—

(1) In areas of the State in which there is an absence of sufficient vocational education facilities;

(2) In areas of the State in which the vocational education programs do not adequately address the needs of disadvantaged students; or

(3) Wherever the community-based organization can better serve disadvantaged students.

(Sec. 252)

Subpart F—What Kinds of Activities Does the Secretary Assist Under the Special Programs?

§ 401.70 What are the Special Programs?

(a) The Special Programs authorized by Title III of the Act are the—

(1) State Assistance for Vocational Education Support by Community-Based Organizations Program;

(2) Consumer and Homemaker Education Program;

(3) Adult Training, Retraining, and Employment Development Program;

(4) Comprehensive Career Guidance and Counseling Program; and

(5) Industry-Education Partnership for Training in High-Technology Occupations Program.

(b) From the amount appropriated under section 3(b) of the Act for each program in paragraph (a) of this section, the Secretary makes a separate allotment for each State.

(Sec. 3(b) and Title III)

§ 401.71 What activities does the Secretary support under the State Assistance for Vocational Education Support by Community-Based Organizations?

(a) The State shall provide, in accordance with its State plan, and from its allotment for this program, financial assistance to joint projects of eligible recipients and community-based organizations within the State that provide the following special vocational education services and activities—

(1) Outreach programs that facilitate the entrance of youth into a program of transitional services and subsequent entrance into vocational education, employment, or other education and training;

(2) Transitional services such as attitudinal and motivational prevocational training programs;

(3) Prevocational educational preparation and basic skills development, conducted in cooperation with business concerns;

(4) Special prevocational preparations programs targeted to inner-city youth, non-English speaking youth, Appalachian youth, and the youth of other urban and rural areas having a high density of poverty who need special provocational education programs;

(5) Career intern programs;

(6) The assessment of students' needs in relation to vocational education and jobs; and

(7) Guidance and counseling to assist students with occupational choices and with the selection of a vocational education program.

(b) Handicapped individuals who are economically disadvantaged may participate in projects under this program.

(Secs. 302, 521(5))

§ 401.72 What are the application requirements for the State Assistance for Vocational Education Support by Community-Based Organization Program?

(a) Each community-based organization and eligible recipient that desire to participate in this program shall jointly prepare and submit an application to the State board at the time and in the manner established by the State board.

(b) The State board may also establish requirements relating to the contents of the application, except that each application must contain—

(1) An agreement among the community-based organization and the eligible recipients in the area to be served, which includes the designation of a fiscal agent for the project;

(2) A description of how the funds will be used, together with evaluation criteria to be applied to the project;

(3) Assurances that the community-based organization will give special consideration to the needs of severely economically and educationally disadvantaged youth, ages sixteen through twenty-one, inclusive;

(4) Assurances that business concerns will be involved, as appropriate, in services and activities for which assistance is sought;

(5) A description of the efforts the community-based organization will make to collaborate with the eligible recipients participating in the joint project;

(6) A description of the manner in which the services and activities for which assistance is sought will serve to enhance the enrollment of severely economically and educationally disadvantaged youth into the vocational education programs; and

(7) Assurances that the project conducted by the community-based organization will conform to the applicable standards of performance and measures of effectiveness required of vocational education programs in the State.

(Sec. 301)

§ 401.73 What activities does the Secretary support under the Consumer and Homemaker Education Program?

(a) The State shall conduct, in accordance with its State plan, and from its allotment for this program, the consumer and homemaker education projects that may include—

(1) Instructional projects, services, and activities that prepare youth and adults for the occupation of homemaking;

(2) Instruction in the areas of—

(i) Food and nutrition;

(ii) Consumer education;

(iii) Family living and parenthood education;

(iv) Child development and guidance;

(v) Housing and home management; and

(vi) Clothing and textiles.

(b) The State shall use the funds described in paragraph (a) of this section to support projects, services, and activities—

(1) In economically depressed areas;

(2) That encourage the participation of traditionally underserved populations;

(3) That encourage the elimination of sex bias and sex stereotyping;

(4) That improve, expand, and update consumer and homemaker education programs, especially those that specifically address needs described in paragraphs (b) (1), (2), and (3) of this section; and

(5) That address priorities and emerging concerns at the local, State, and national levels.

(c) The State may use the funds described in paragraph (a) of this section for—

(1) Program development and the improvement of instruction and curricula relating to—

(i) Managing individual and family resources;

(ii) Making consumer choices;

(iii) Managing home and work responsibilities;

(iv) Improving response to individual and family crises;

(v) Strengthening parenting skills;

(vi) Assisting aged and handicapped individuals;

(vii) Improving nutrition;

(viii) Conserving limited resources;

(ix) Understanding the impact of new technology on life and work;

(x) Applying consumer and homemaker education skills to jobs and careers; and

(xi) Other needs as determined by the States; and

(2) Support services and activities designed to ensure the quality and effectiveness of programs, including—

(i) The demonstration of innovative and exemplary projects;

(ii) Community outreach to underserved populations;

(iii) The application of academic skills (such as reading, writing, mathematics, and science) through consumer and homemaker education programs;

(iv) Curriculum development;

(v) Research;

(vi) Program evaluation;

(vii) The development of instructional materials;

(viii) Teacher education;

(ix) The upgrading of equipment;

(x) Teacher supervision; and

(xi) State administration and leadership, including the activities of student organizations.

(Secs. 311, 312(a), (b))

§ 401.74 What are the purposes of the Adult Training, Retraining, and Employment Development Program?

The purposes of the Adult Training, Retraining, and Employment Development Program are—

(a) To provide financial assistance to the States to enable them to expand and improve vocational education programs designed to meet urgent needs for training, retraining, and employment development of adults who have completed or left high school and are preparing to enter or have entered the labor market in order to equip adults with the competencies and skills required for productive employment; and

(b) To ensure that such programs are relevant to the labor market needs and accessible to all segments of the population, including women, minorities, handicapped individuals, individuals with limited English proficiency, workers fify-five and older, and economically disadvantaged individuals.

(Sec. 321(b))

§ 401.75 What activities does the Secretary support under the Adult Training, Retraining, and Employment Development Program?

The State shall conduct, in accordance with its State plan and from its allotment for this program, the following adult training, retraining, and employment development projects, services and activities:

(a) Vocational education ands employment development projects, services, and activities that are

authorized under the basic State grant and are designed to meet the needs of—

(1) Individuals who have graduated from or left high school and who need additional vocational education for entry into the labor force;

(2) Unemployed individuals who require training to obtain employment or increase their employability;

(3) Employed individuals who require retraining to retain their jobs, or who need training to upgrade their skills to qualify for higher paid or more dependable employment;

(4) Displaced homemakers and single heads of households who are entering or re-entering the labor force;

(5) Employers who require assistance in training individuals for new employment opportunities or in retraining employees in new skills required by changes in technology, products, or processes; and

(6) Workers fifty-five and older.

(b) Short term retraining projects designed to upgrade or update skills in accordance with changed work requirements.

(c) Education and training projects designed cooperatively with employers, such as—

(1) Institutional and work-site programs, including apprenticeship training programs (or combinations of such programs) especially tailored—

(i) To the needs of an industry or group of industries for skilled workers, technicians, of managers; or

(ii) To assist the existing work force or that industry or group of industries to adjust to changes in technology or work requirements; and

(2) Quick-start, customized training—

(i) For workers in new and expanding industries; or

(ii) To place workers in jobs that are difficult to fill because of a shortage of workers with the requisite skills.

(d) Building more effective linkages between—

(1) Vocational education programs and private sector employers, through a variety of programs including programs in which secondary school students are employed on a part-time basis as registered apprentices, with a transition to full-time apprenticeships upon graduation; and

(2) Eligible recipients and economic development agencies and other public and private agencies providing job training and employment services, in order to serve more effectively the individuals described in paragraph (a) of this section.

(e) Programs involving cooperation between public and private sector employers and economic development agencies, including seminars in institutional or work-site settings designed to improve management and increase productivity.

(f) Entrepreneurship training programs which assist individuals in the establishment, management, and operation of small business enterprises.

(g) Recruitment, job search assistance, counseling, remedial services, and information and outreach programs designed to encourage and assist males and females to take advantage of vocational education programs and services, with particular attention to reaching women, older workers, individuals with limited English proficiency, handicapped individuals, and disadvantaged individuals.

(h) Curriculum development, acquisition of instructional equipment and materials, personnel training, pilot projects, and additional related services and activities required to carry out effectively the Adult Training, Retraining, and Employment Development Program.

(i) The costs of serving adults in other vocational education programs, including paying the costs of instruction, or the costs of keeping school facilities open longer.

(j) Related instruction for apprentices in apprenticeship training programs.

(Sec. 322(b)(1))

§ 401.76 What activities does the Secretary support under the Comprehensive Career Guidance and Counseling Program?

(a) The State shall conduct, in accordance with its State plan and from its allotment for this program, career guidance and counseling projects, services, and activities that are—

(1) Organized and administered by certified counselors; and

(2) Designed to improve, expand, and extend career guidance and counseling programs to meet the career development, vocational education, and employment needs of vocational education students and potential students.

(b) The purposes of the projects, services, and activities described in paragraph (a) of this section must be to—

(1) Assist individuals to—

(i) Acquire self-assessment, career planning, career decisionmaking, and employability skills;

(ii) Make the transition from education and training to work;

(iii) Maintain the marketability of their current job skills in established occupations;

(iv) Develop new skills to move away from declining occupational fields and enter new and emerging fields in high-technology areas and fields experiencing skill shortages;

(v) Develop mid-career job search skills and to clarify career goals; and

(vi) Obtain and use information on financial assistance for postsecondary and vocational education and job training; and

(2)(i) Encourage the elimination of sex, age, handicapping conditions, and race bias and stereotyping;

(ii) Provide for community outreach;

(iii) Reflect the collaboration of the family, the community, business, industry, and labor; and

(iv) Be assessible to all segments of the population, including women, minorities, handicapped individuals, and the economically disadvantaged.

(c) The projects, services, and activities described in paragraph (a) of this section must consist of—

(1) Instructional activities and other services at all educational levels to help students develop the skills described in paragraph (b)(1) of this section;

(2) Services and activities designed to ensure the quality and effectiveness of career guidance and counseling projects, such as—

(i) Counselor education, including the education of counselors working with individuals with limited English proficiency;

(ii) Training support personnel;

(iii) Curriculum development;

(iv) Research and demonstration projects;

(v) Experimental projects;

(vi) The Development of instructional materials;

(vii) The acquisition of equipment;

(viii) State and local leadership; and

(ix) State and local administration, subject to § 401.93(b).

(3) Projects that provide opportunities for counselors to obtain firsthand experience in business and industry; and

(4) Projects which provide students with an opportunity to become acquainted with business, industry, the labor market, and training opportunities, including secondary educational programs that—

(i) Have at least one characteristic of an apprenticeable occupation as recognized by the Department of Labor or the State Apprenticeship Agency, in accordance with the National Apprenticeship Act;

(ii) Are Conducted in concert with local business, industry, labor, and other appropriate apprenticeship training entities; and

(iii) Are designed to prepare participants for an apprenticeable occupation or provide information

concerning apprenticeable occupations and their prerequisites.

(Sec. 332 (a), (b))

§ 401.77 What are the purposes of the Industry-Education Partnership for Training in High-Technology Occupations Program?

The purposes of this program are to—

(a) Provide incentives for business and industry and the vocational education community to develop programs to train the skilled workers needed to produce, install, operate, and maintain high-technology equipment, systems, and processes; and

(b) Ensure that such programs are relevant to the labor market and accessible to all segments of the population, including women, minorities, handicapped individuals, and the economically disadvantaged.

(Sec. 341(b))

§ 401.78 What activities does the Secretary support under the Industry-Education Partnership for Training in High-Technology Occupations Program?

The State shall, in accordance with the State plan, under § 401.19(a) (20) through (22), and from its allotment for this program, establish and operate projects, services, and activities including—

(a) Necessary administrative costs of the State board and of eligible recipients associated with the establishment and operation of projects;

(b) Training and retraining of instructional and guidance personnel;

(c) Curriculum development and the development or acquisition of instructional and guidance equipment and materials;

(d) The acquisition and operation of communications, telecommunications, and other high-technology equipment; and

(e) Other activities authorized under the Special Programs that are essential to the successful establishment and operation of projects, services and activities under the Industry-Education Partnership for Training in High-Technology Occupations Program, including activities and related services to ensure access of women, minorities, handicapped individuals, and economically disadvantaged individuals.

(Sec. 343(a))

§ 401.79 What are the special considerations under the Industry-Education Partnership for Training in High-Technology Occupations Program?

The State board, in approving projects, services, and activities under the Industry-Education Partnership for Training in High-Technology Occupations Program, shall give special consideration to the following:

(a) Level and degree of business and industry participation in the development and operation of the project.

(b) Current and projected demand within the State or relevant labor market area for workers with the level and type of skills the project is designed to produce.

(c) Overall quality of the proposal, with particular emphasis on the probability that prospective trainees will successfully complete the program and the capability of the eligible recipient, with assistance from participating business or industry, to provide high quality training for skilled workers and technicians in high technology.

(d) The extent to which the project will serve all segments of the population, including women, minorities, handicapped individuals, and the ecomomically disadvantaged, as demonstrated by the applicant's special efforts to provide outreach, information, and counseling, and by the provision of remedial instruction and other assistance.

(Sec. 343(b))

§ 401.80 What additional fiscal requirements apply to the Industry-Education Partnership for Training in High-Technology Occupations Program?

(a)(1) The business and industrial share of the costs required by § 401.19(a)(21) may be in the form of either expenditures or the fair market value of in-kind contributions such as facilities, overhead, personnel, and equipment.

(2) The State shall use equal amounts from its allotment under this program and from its basic State grant allotment to provide the Federal share of the cost of projects services and activities under this program.

(3) If an eligible recipient demonstrates, to the satisfaction of the State board, that if is incapable of providing all or a part of the non-Federal portion of the costs of projects, services, and activities under this program, as required by §§ 401.19(a) (20) through (22) and 401.78, the State board may use funds under the Vocational Education Improvement, Innovation, and Expansion Program, authorized by § 401.59, or funds available from State sources, to replace the shortfall in the non-Federal portion.

(b) A State may use no more than a total of ten percent of its allotment under this program for the first year this program is implemented, and a total of five percent of its allotment for each succeeding year, for the administration of this program at both the State and local level.

(Secs. 342(c), 343(c))

Subpart G—What Conditions Must the State Meet Under the State Vocational Education Program?

§ 401.90 How does a State reserve funds under the basic State grant?

From its allotment under the basic State grant program, authorized by Title II of the Act, a State shall reserve—

(a) The amount of funds for State administration described in § 401.91; and

(b) From the remainder—

(1) Fifty-seven percent for the Vocational Education Opportunities Program; and

(2) Forty-three percent for the Vocational Education Improvement, Innovation, and Expansion Program.

(Sec. 102(a))

§ 401.91 How does a State reserve funds under the basic State grant for State administration?

(a) A State shall reserve no more than seven percent of its allotment, subject to paragraph (b) of this section, under the basic State grant program for State administration of the State plan.

(b)(1) From the amount reserved for State administration under paragraph (a) of this section, a State shall reserve the amount it needs to comply with § 401.13, but not less than $60,000.

(2) If the amount reserved under paragraph (b)(1) of this section exceeds one percent of the State's allotment under the basic State grant program, a State may reserve from that allotment an additional amount for State administration which is in excess of the seven percent permitted under paragraph (a) of this section and which equals the amount of that excess.

(c) For purpose of § 401.19(a)(4), regarding the requirement that a State distribute at least eighty percent of its total basic State grant allotment to eligible recipients, a State shall consider the funds for State administration under paragraphs (a) and (b) of this section as part of the State's portion (the portion that may not exceed twenty percent) of the State's allotment.

Example: The allotment of State X under the basic State grant program is $20,000,000. State X determines that $220,000 is needed for it to comply with § 401.13. State X is authorized to reserve seven percent of its basic State grant allotment, or $1,400,000 for State administration. However, because the amount needed to comply with § 401.13 exceeds one percent of its allotment by $20,000, State X may reserve an additional

$20,000 for State administration. (For example, this additional $20,000 may be taken from the funds otherwise reserved for the Vocational Education Improvement, Innovation, and Expansion Program.) Therefore, the total amount available for State administration is $1,420,000. Assuming the State reserves twenty percent of its allotment for State-wide activities under § 401.19(a)(4), or $4,000,000, the State must count the $1,420,000 for State administration against that $4,000,000.

(Secs. 102(b), 113(b)(4), 251(a)(16))

§ 401.92 How does a State reserve funds under the Vocational Education Opportunities Program?

From the amount reserved for the Vocational Education Opportunities Program under § 401.90(b)(1), a State shall reserve the following amounts—

(a) Ten percent of the total amount described in § 401.90(b) for handicapped individuals;

(b) Twenty-two percent of the total amount described in § 401.90(b) for disadvantaged individuals;

(c) Twelve percent of the total amount described in § 401.90(b) for adults who are in need of training and retraining;

(d) Eight and one-half percent of the total amount described in § 401.90(b) for individuals who are single parents and homemakers;

(e) Three and one-half percent of the toal amount described in § 401.90(b) for individuals who are participants in programs designed to eliminate sex bias and stereotyping in vocational education; and

(f) One percent of the total amount described in § 401.90(b) for criminal offenders who are in correctional institutions.

Example: Assuming the same facts in the example under § 401.90(b), State X has available for programs $18,580,000 under the basic State grant after reserving $1,420,000 for State administration. Of this $18,580,000, $7,989,400 ($18,580,000×43%) is reserved for the Vocational Education Improvement, Innovation, and Expansion Program and $10,590,600 ($18,580,000×57%) for the Vocational Education Opportunities Program. Under the latter program, $1,858,000 (18,580,000×10%) is reserved for handicapped individuals; $4,087,600 ($8,580,000×22%) is reserved for disadvantaged individuals; $2,229,600 ($8,580,000×12%) is available for adults who are in need of training and retraining; $1,579,300 ($18,580,000×8.5%) is reserved for individuals who are single parents and homemakers; $650,300 ($18,580,00×3.5%) is reserved for individuals who are participating in programs designed to eliminate sex bias and sex stereotyping in vocational education; and $185,800 ($18,580,000×1%) is reserved for criminal offenders who are in correctional institutions.

(Sec. 202)

§ 401.93 What are the administrative cost requirements under the State Vocational Education Program?

(a) *Basic State grant.* To administer—

(1) Its State plan, including Special Programs, a State shall use the amount reserved under § 401.91; and

(2) Its projects, services, and activities under the basic State grant, an eligible recipient may use no more than the amount of funds from each award that is necessary and reasonable for the proper and efficient administration of the projects, services, and activities for which the award is made.

(b) *Special Programs.* To administer—

(1) Each of the Special Programs under its State plan (other than the Industry-Education Partnership for Training in High-Technology Occupations Program) a State may use, in addition to funds reserved under § 401.91, no more than the amount of funds from its allotment for each program that is necessary and reasonable for the proper and efficient State administration of that program; and

(2) Its projects, services, and activities supported by an award under one of the Special Programs, other than the Industry-Education Partnership for Training in High-Technology Occupations Program, an eligible recipient may use no more than the amount of funds that is necessary and reasonable for the proper and efficient administration of the projects, servies, and activities for which the award is made.

(Sec. 102(b) Title II, Title III, and Sec. 502(a) (1), (2))

§ 401.94 What are the cost-sharing requirements under the State Vocational Education Program?

(a) The Secretary pays no more than the Federal share of costs under the State Vocational Education Program for each fiscal year.

(b) For the purpose of paragraph (a) of this section—

(1) Under the basic State grant, the Federal share of the costs of—

(i) State administration, except under paragraph (b)(5) of this section, is fifty percent;

(ii) The administration of projects, services, and activities by an eligible recipient, is fifty percent;

(iii) Projects, services, and activities for handicapped individuals, disadvantaged individuals, and adults who are in need of training and retraining under the Vocational Education Opportunities Program, is fifty percent;

(iv) Projects, services, and activities for individuals who are single parents and homemakers, individuals who are participants in programs designed to eliminate sex bias and stereotyping in vocational education, and criminal offenders who are in correctional institutions under the Vocational Education Opportunities Program is one hundred percent; and

(v) Projects, services, and activities under the Vocational Education Improvement, Innovation, and Expansion Program is fifty percent;

(2) Under the Special Programs, the Federal share of the costs of—

(i) State administration, is fifty percent;

(ii) The administration of the projects, services, and activities by an eligible recipient is fifty percent; and

(iii) Projects, services, and activities, unless otherwise indicated in the regulations in this part, is one hundred percent;

(3) The Federal share of the cost of the State council on vocational education is one hundred percent; and

(4) The Federal share of the cost of complying with § 401.13 of this part is one hundred percent.

(c) Unless otherwise provided by the regulations in this part, a State or eligible recipient may not use the value of in-kind contributions to satisfy a cost-sharing requirement under the State Vocational Education Program.

Example: Assuming the same facts in the example under § 401.91, the Secretary pays one hundred percent of the $220,000 the State needs to comply with § 401.13. The State would be required to match, dollar-for-dollar the remaining $1,200,000 ($1,420,000 minus $220,000) for State administration of the basic State grant portion of the State plan.

(Sec. 502(a); House Report No. 98-1129. 98th Cong. 2d Sess. p. 98)

§ 401.95 How does a State allocate funds for handicapped individuals under the Vocational Education Opportunities Program?

A State shall allocate reserved for handicapped individuals in accordance with § 401.92(a) to participating eligible recipients according to the following formula—

(a) Fifty percent of the amount reserved must be allocated to participating eligible recipients on the basis of the relative number of economically disadvantaged individuals enrolled in those eligible recipients in the program year proceding the program year in which the allocation is made, compared to the total number of such individuals enrolled in all such eligible recipients within the State in that preceding program year; and

(b) Fifty percent of the amount reserved must be allocated to

participating eligible recipients on the basis of the relative number of handicapped students served in vocational education programs by those eligible recipients in the program year preceding the program year in which the allocation is made, compared to the total number of such individuals served by all such eligible recipients within the State in that preceding program year.

Example: Assume that eligible recipient X enrolls 100 economically disadvantaged individuals and serves in its vocational education program 50 handicapped individuals. Assume further that among all participating eligible recipients, there are 1000 such persons enrolled and 400 such individuals served, respectively. In the succeeding program year, eligible recipient X is eligible to receive under the Vocational Education Opportunities Program an amount for handicapped individuals equal to 1/10 (or 100 economically disadvantaged individuals enrolled by eligible recipient X/1000 economically disadvantaged individuals enrolled in the State) of 1/2 of the amount reserved for such individuals under § 401.92(a) and 1/8 (or 50 handicapped individuals served by eligible recipient X/400 handicapped individuals served in the State) of 1/2 of that same amount.

(Sec. 203(a)(1))

§ 401.96 How does a State allocate funds for disadvantaged individuals under the Vocational Education Opportunities Program?

(a) A State shall allocate funds reserved for disadvantaged individuals in accordance with § 401.92(b) to participating eligible recipients according to the following formula—

(1) Fifty percent of the amount reserved must be allocated to participating eligible recipients on the basis of the relative number of economically disadvantaged individuals enrolled in those eligible recipients in the program year preceding the program year in which the allocation is made, compared to the toatal number of such individuals enrolled in all such eligible recipients within the State in that preceding program year; and

(2) Fifty percent of the amount reserved must be allocated to participating eligible recipients on the basis of the relative number of disadvantaged individuals and individuals with limited English proficiency served in vocational education programs by those eligible recipients in the program year preceding the program year in which the allocation is made, compared to the total number of such individuals served by all such eligible recipients within the State in that preceding program year.

(b) A State shall ensure that funds allocated among participating eligible recipients under paragraph (a) of this section are used by each participating eligible recipient for vocational education services and activities for individuals with limited English proficiency in the same proportion as the number of such individuals served in the vocational education program of that eligible recipient in the program year preceding the program year for which the allocation is made, bears to the total number of such individuals served by all such eligible recipients in tha preceding program year.

Example: Assume that eligible recipient X enrolls 100 economically disadvantaged individuals and serves in its vocational education program 50 disadvantaged and limited English proficient individuals. Assume further that among all participating eligible recipients, there are 1000 such persons enrolled and 400 such individuals served, respectively. In the succeeding program year, eligible recipient X is eligible to receive under the Vocational Education Opportunities Program an amount for disadvantaged individuals equal to 1/10 (or 100 economically disadvantaged individuals enrolled in eligible recipient X/1000 economically disadvantaged individuals enrolled in the State) of 1/2 of the amount reserved for such individuals under § 401.92(b) and 1/8 (or 50 disadvantaged and limited English proficient individuals served by eligible recipient X/400 disadvantaged and limited English proficient individuals served in the State) of 1/2 of that same amount.

Assume further that eligible recipient X serves 25 individuals with limited English proficiency in its vocational education program and that thee are 100 such individuals served among all participating eligible recipients. If eligible recipient X receives an award of $1,000 for disadvantaged individuals under the Vocational Education Opportunities Program in the succeeding program year, eligible recipient X must use $250 (or 25 individuals with limited English proficiency served by eligible recipient X/100 individuals with limited English proficiency served in the State x $1,000) for individuals with limited English proficiency.

(Sec. 203(a) (2), (3))

§ 401.97 How does a State match funds for handicapped individuals and disadvantaged individuals under the Vocational Education Opportunities Program?

A state shall provide the non-Federal share of the cost of projects, services, and activities for handicapped individuals and for disadvantaged individuals under the Vocational Education Opportunities Program equitably from State and local sources, except that the State shall provide the non-Federal share of the cost from State sources if the State board determines that an eligible recipient cannot reasonably be expected to provide for such costs from local sources.

(Sec. 502(b))

§ 401.98 How does an eligible recipient use community-based organizations under the Vocational Education Opportunities Program?

Each local educational agency or other eligible recipient shall, to the extent feasible, use community-based organizations of demonstrated effectiveness to carry out projects, services, and activities under the Vocational Education Opportunities Program in areas of the State in which—

(a) There is an absence of sufficient vocational education facilities;

(b) Vocational education programs do not adequately address the needs of disadvantaged students; or

(c) The eligible recipient determines that the community-based organization can better serve disadvantaged students.

(Sec. 203(a)(4))

§ 401.99 What kinds of joint projects are authorized under the Vocational Education Opportunities Program?

(a) A State board may encourage any eligible recipient within the State that is eligible under the regulations in this part, or under the State plan, to receive an award of no more than $1,000 for any program year under the Vocational Education Opportunities Program, to operate its project, services, or activities jointly with another eligible recipient.

(b) Each local educational agency may use funds allocated under § 401.95 for joint projects with one or more other local educational agencies.

(Sec. 203 (a)(5), (b))

§ 401.100 How does a State distribute funds not reserved for handicapped or disadvantaged individuals under the Vocational Education Opportunities Program?

The State board shall establish the State's criteria for distributing funds under the Vocational Education Opportunities Program (other than those funds reserved for handicapped or disadvantaged individuals under § 401.92 (a) and (b)) to eligible recipients and, under § 401.55(c), to community-based organizations. The State's criteria must be designed to accomplish the purposes of the Vocational Education Opportunities Program.

(Sec. 203(c))

§ 401.101 What are the "equal access" provisions that apply to handicapped individuals and disadvantaged individuals under the Vocational Education Opportunities Program?

(a) Each local educational agency that receives an allocation of funds under

§§ 401.95 and 401.96 shall use those funds to provide information to handicapped and disadvantaged students and their parents concerning the opportunities available in vocational education and the requirements for eligibility for enrollment in vocational education programs, at least one year before the students enter the grade level in which vocational education programs are first generally available in the State, but in no case later than the beginning of the ninth grade.

(b)(1) Each local educational agency described in paragraph (a) of this section shall provide to each handicapped or disadvantaged student that enrolls in a vocational education program—

(i) An assessment of the interests, abilities, and special needs of that student with respect to completing successfully the vocational education program;

(ii) Special services, including adaptation of curriculum, instruction, equipment, and facilities, designed to meet the needs established under paragraph (b)(1)(i) of this section;

(iii) Guidance, counseling, and career development activities conducted by professionally trained counselors who are associated with the provision of such special services; and

(iv) Counseling services designed to facilitate the transition from school to post-school employment and career opportunities.

(2) Consistent with the regulations in this part, a local educational agency may use the funds described in paragraph (a) of this section to pay for the cost of services and activities required by paragraph (b)(1) of this section.

(Sec. 204 (b), (c))

§ 401.102 How must funds be used under the Consumer and Homemaker Education Program?

(a) A State shall use not less than one-third of its allotment under the Consumer and Homemaker Education Program in economically depressed areas for projects, services, and activities designed to assist consumers, and to help improve home environments and the quality of family life.

(b)(1) The State board shall ensure that the experience and information gained through carrying out projects, services, and activities under this program are shared with program administrators for the purpose of program planning.

(2) The State board shall use funds from its allotment under this program, but not more than six percent of that allotment, to provide State leadership that is qualified by experience and preparation in home economics education.

(Secs. 312(c), 313)

§ 401.103 How must a State use funds under the Adult Training, Retraining, and Employment Development Program?

(a) In making a grant to a State, the Secretary informs the State what percentage of its allotment under the Adult Training, Retraining, and Employment Development Program must be used for projects, services, and activities under that program for individuals who are single parents or homemakers.

(b) The full-time person required by § 401.13 may administer the projects, services, and activities supported with the funds described in paragraph (a) of this section.

(Secs. 3(b)(3)(B), 111(b))

§ 401.104 How must a State coordinate programs under the Adult Training, Retraining, and Employment Development Program?

(a) The State board shall consult with the State job training coordinating council established under the JTPA so that the council takes account of projects under the Adult Training, Retraining, and Employment Development Program when it formulates recommendations to the Governor, for the Governor's coordination and special services plan required by section 121 of the JTPA.

(b) In order to achieve the most effective use of all Federal funds through programs that complement and supplement each other, and, to the extent feasible, provide an ongoing and integrated program of training and services for workers in need of such assistance, the State board shall adopt the procedures it considers necessary to encourage coordination between eligible recipients receiving funds under the Adult Training, Retraining, and Employment Development Program and the appropriate administrative entity established under the JTPA, in conducting their respective programs.

(Sec. 323(b))

§ 401.105 How must funds be used under the Comprehensive Career Guidance and Counseling Program?

(a) A State shall use not less than twenty percent of its allotment under the Career Guidance and Counseling Program for projects, services, and activities designed to eliminate sex, age, and race bias and stereotyping under § 401.76(b)(2)(i) to ensure that projects, services, and activities under this program are accessible to all segments of the population, including women, disadvantaged individuals, handicapped individuals, individuals with limited English proficiency, and minorities.

(b)(1) The State board shall ensure that the experience and information gained through carrying out projects, services, and activities under this program are shared with program administrators for the purpose of program planning.

(2) The State board shall use funds from its allotment under this program, but not more than six percent of that allotment, to provide State leadership that is qualified by experience and knowledge in guidance and counseling.

(Secs. 332(c), 333)

Subpart H—What Are the Administrative Responsibilities of a State Under the State Vocational Education Program?

§ 401.110 What are a State's responsibilities regarding the Vocational Education Data System?

A State that receives funds under the Act shall cooperate with the Secretary in supplying the information the Secretary requires, in the form the Secretary requires, and shall comply in its reports with the Vocational Education Data System developed by the Secretary under section 421 of the Act.

(Sec. 421(b)(2))

§ 401.111 What are a State's responsibilities regarding a State occupational information coordinating committee?

(a) A State that receives funds under the Act shall establish a State occupational information coordinating committee composed of representatives of the State board, the State employment security agency, the State economic development agency, the State job training coordinating council, and the agency administering the vocational rehabilitation program.

(b) With funds made available to it by the National Occupational Information Coordinating Committee, the State occupational information coordinating committee shall—

(1) Implement an occupational information system in the State which will meet the common needs for the planning and operation of programs of the State board assisted under the Act and the programs of the administering agencies under the JTPA; and

(2) Use the occupational information system to implement a career information delivery system.

(Sec. 422(b))

§ 401.112 What are a State's audit responsibilities under the Act?

A State shall obtain financial and compliance audits of any funds which it receives under the Act. These audits shall be made public within the State on a timely basis. Audits shall be conducted at least every two years and shall be conducted in accordance with the Comptroller General's Standard for Audit of Governmental Organizations, Programs, Activities, and Functions.

(Sec. 505)

§ 401.113 What are a State's responsibilities to the National Center for Research in Vocational Education?

A State shall forward to the National Center for Research in Vocational Education a copy of an abstract for each new research, curriculum development, or personnel development project it supports, and the final report on each such project.

(Sec. 404(b)(6))

Subpart I—What Are the Enforcement Procedures Under the State Vocational Education Program?

§ 401.120 What enforcement procedures may the Secretary use?

(a) In addition to using the enforcement procedures authorized by Part E of the General Education Provisions Act, the Secretary may withhold funds under the State Vocational Education Program in accordance with the provisions of section 504 of the Act. Hearings under section 504 of the Act are conducted by the Education Appeal Board.

(b)(1) The Secretary conducts any hearings held under section 453 of the General Education Provision Act in connection with funds under the State Vocational Education Program in the State of the affected unit of local government or geographic area within the State.

(2) For the purposes of paragraph (b)(1) of this section—

(i) "Unit of local government" means a county, municipality, town, township, village, or other unit of general government below the State level; and

(ii) "Geographic area within a State" means a special purpose district or other region recognized for governmental purposes within such State which is not a unit of local government.

(Sec. 504 (a), (b), (d) and 20 U.S.C. 1234)

§ 401.121 How under the Act may an eligible recipient appeal a final action of a State board?

In accordance with the provisions of section 504(c) of the Act, an eligible recipient that is dissatisfied with the final action of the State board, or other appropriate State administering agency, with respect to the approval of its local application, may file a petition for the review of that action with United States Court of Appeals for the circuit in which the State is located.

(Sec. 504(c))

3. A new Part 407 is proposed to be added as follows:

PART 407—BILINGUAL VOCATIONAL TRAINING PROGRAM

Subpart A—General

Sec.

407.1 What is the Bilingual Vocational Training Program?
407.2 Who is eligible to apply for assistance under this program?
407.3 What regulations apply to this program?
407.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

407.10 What types of projects may be funded?

Subpart C—How Does One Apply for a Grant?

407.20 What must an application include?

Subpart D—How Does the Secretary Make a Grant?

407.30 How does the Secretary evaluate an application?
407.31 What selection criteria does the Secretary use?
407.32 How does the Secretary select an application for funding?

Authority: Section 441(a) of the Carl D. Perkins Vocational Education Act, Pub. L. 98-524, unless otherwise noted.

Subpart A—General

§ 407.1 What is the Bilingual Vocational Training Program?

The Bilingual Vocational Training Program provides financial assistance for bilingual vocational education and training for individuals with limited English proficiency to prepare these individuals for jobs in recognized occupations and new and emerging occupations.

(Sec. 441(a)(1))

§ 407.2 Who is eligible to apply for assistance under this program?

(a) The following are eligible for grants, contracts, or cooperative agreements under this program:

(1) State agencies.

(2) Local educational agencies (LEAs).

(3) Postsecondary educational institutions.

(4) Private nonprofit vocational training institutions.

(5) Other nonprofit organizations specially created to serve individuals who normally use a language other than English.

(b) Private for-profit agencies and organizations are eligible for contracts under this program.

(Sec. 441(a))

§ 407.3 What regulations apply to this program?

The following regulations apply to the Bilingual Vocational Training Program:

(a) The regulations in 34 CFR Part 400.

(b) The regulations in this part.

(Sec. 441(a); 20 U.S.C. 3474(a))

§ 407.4 What definitions apply to this program?

The definitions in 34 CFR 400.4 apply to this program.

(Sec. 441(a); 20 U.S.C. 3474(a))

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 407.10 What types of projects may be funded?

(a) The Secretary provides assistance through grants, contracts, or cooperative agreements for—

(1) Bilingual vocational training projects for individuals who have completed or left elementary or secondary school and who are available for education in a postsecondary educational institution;

(2) Bilingual vocational education and training projects for individuals who have already entered the labor market and who desire or need training or retraining to achieve year-round employment, adjust to changing manpower needs, expand their range of skills, or advance in employment; and

(3) Training allowances for participants in bilingual vocational training projects.

(b) Bilingual vocational training projects must include instruction in the English language to ensure that participants in such training will be equipped to pursue occupations in an English language environment.

(c) In the Commonwealth of Puerto Rico, the Bilingual Vocational Training Program may provide for the needs of students of limited Spanish proficiency.

(Sec. 441(a), (e)(2))

Subpart C—How Does One Apply for a Grant?

§ 407.20 What must an application include?

(a) An applicant shall submit an application to the Secretary in the form.

at the time, and with the information that the Secretary may require in a notice published in the Federal Register.

(b) An applicant must—

(1) Provide that the activities and services for which assistance is sought will be administered by or under the supervision of the applicant;

(2) Describe a project of a size, scope, and design that will make a substantial contribution toward carrying out the purpose of this program; and

(3) Be submitted to the State board or agency designated or established under section 111 of the Act for review and comment, including comment on the relationship of the proposed project to the State's vocational education program.

(c) An applicant shall include any comments received under paragraph (b)(3) of this section with the application.

(Sec. 441(d) (1), (2))

Subpart D—How Does the Secretary Make a Grant?

§ 407.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 407.31.

(b) The Secretary may award up to 100 points, including a reserved 15 points to be distributed in accordance with paragraph (d) of this section, based on the criteria in § 407.31.

(c) Subject to paragraph (d) of this section, the maximum possible points for each criterion is indicated in parentheses after the heading for each criterion.

(d) For each grant competition, as announced in a notice published in the Federal Register, the Secretary may assign the reserved 15 points among the criteria in § 407.31.

(e) Prior to making an award, the Secretary consults with the State board designated or established under section 111 of the Act to ensure an equitable distribution of assistance among populations of individuals with limited English proficiency within the State.

(Sec. 441 (a), (d)(5); 20 U.S.C. 3474(a))

§ 407.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (20 points)

(1) The Secretary reviews each application for information that shows the need for the proposed training.

(2) The Secretary looks for information that shows—

(i) The need for the proposed project, including—

(A) The employment need to be met;

(B) How that employment need will be met; and

(C) Where appropriate, ongoing and planned activities in the community that pertain to that employment need; and

(ii) The relationship of the project to any appropriate economic development plan.

(b) *Plan of operation.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(c) *Program factors.* (10 points)

(1) The Secretary reviews each application for information that shows the applicant's understanding of key factors.

(2) The Secretary looks for information that shows—

(i) An understanding of the key methodologies and techniques used in bilingual vocational training;

(ii) Procedures for recruiting persons with limited English proficiency who are in the greatest need for bilingual vocational training;

(iii) Procedures for evaluating the skills and needs of trainees;

(iv) An understanding of the importance of appropriate counseling and follow-up activities with former trainees;

(v) That the training will provide opportunities for employment in jobs that have potential for career advancement of opportunities for entrepreneurship; and

(vi) That the project will be coordinated with the State board or agency designated or established under section 111 of the Act.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underreprensented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-Reference. See 34 CFR 75.590 (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(g) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(h) *Private sector involvement.* (5 points)

(1) The Secretary reviews each application for information that shows the involvement of the private sector.

(2) The Secretary looks for information that shows—

(i) Private sector involvement in the planning of the project; and

(ii) Private sector involvement in the operation of the project.

(i) *Employment opportunities.* (10 points)

The Secretary looks for information and documentation of the extent to which more than 65 percent of the trainees will be employed in jobs related to their training upon completion of their training.

(Sec. 441(a); 20 U.S.C. 3474(a))

§ 407.32 How does the Secretary select an application for funding?

(a) After evaluating the applications according to the criteria contained in § 407.31, and consulting with the appropriate State board under § 407.30(e), the Secretary determines whether the most highly rated applications are equitably distributed among populations of individuals with limited English proficiency within the affected State.

(b) The Secretary may select other applications for funding if doing so would improve the equitable distribution of projects under this program within the affected State.

(Sec. 441(d)(5); 20 U.S.C. 3474(a))

4. Part 408 is proposed to be revised as follows:

PART 408—BILINGUAL VOCATIONAL INSTRUCTOR TRAINING PROGRAM

Subpart A—General

Sec.

408.1 What is the Bilingual Vocational Instructor Training Program?
408.2 Who is eligible to apply for assistance under this program?
408.3 What regulations apply to this program?
408.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

408.10 What types of projects may be funded?

Subpart C—How Does One Apply for a Grant?

408.20 What must an application include?

Subpart D—How Does the Secretary Make a Grant?

408.30 How does the Secretary evaluate an application?
408.31 What selection criteria does the Secretary use?
408.32 How does the Secretary select an application for funding?

Authority: Section 441(b) of the Carl D. Perkins Vocational Education Act, Pub. L. 98-524, unless otherwise noted.

Subpart A—General

§ 408.1 What is the Bilingual Vocational Instructor Training Program?

The Bilingual Vocational Instructor Training Program provides financial assistance for conducting training for instructors of bilingual vocational education and training programs for individuals with limited English proficiency.

(Sec. 441(b)(1))

§ 408.2 Who is eligible to apply for assistance under this program?

(a) The following are eligible to apply for grants, contracts, or cooperative agreements under this program:

(1) State agencies.

(2) Public and private nonprofit educational institutions.

(b) Private for-profit educational institutions are eligible for contracts under this program.

(Sec. 441(b)(1))

§ 408.3 What regulations apply to this program?

The following regulations apply to the Bilingual Vocational Instructor Training Program:

(a) The regulations in 34 CFR Part 400.

(b) The regulations in this part.

(Sec. 441(b); 20 U.S.C. 3474(a))

§ 408.4 What definitions apply to this program?

The definitions in 34 CFR 400.4 apply to this program.

(Sec. 441(b); 20 U.S.C. 3474(a))

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 408.10 What types of projects may be funded?

(a) The Secretary provides assistance through grants, contracts, or cooperative agreements for—

(1) Preservice and inservice training for instructors, aides, counselors, or other ancillary personnel participating or preparing to participate in bilingual vocational training programs; and

(2) Fellowships and traineeships for individuals participating in preservice or inservice training.

(b) The Secretary does not make an award under this program unless the Secretary determines that the applicant has an ongoing vocational training program in the field in which participants will be trained and can provide instructors with adequate language capabilities in the language other than English to be used in the project.

(Sec. 441(b) (2), (3))

Subpart C—How Does One Apply for a Grant?

§ 408.20 What must an application include?

(a) An applicant shall submit an application to the Secretary in the form, at the time, and with the information that the Secretary may require in a notice published in the Federal Register.

(b) An application must—

(1) Provide that the activities and services for which assistance is sought will be administered by or under the supervision of the applicant;

(2) Describe the capabilities of the applicant, including vocational training or education courses offered by the applicant, accreditation, and any certification of courses by appropriate State agencies;

(3) Describe the qualifications of principal staff responsible for any project under the Bilingual Vocational Instructor Training Program;

(4) Describe minimum qualifications for individuals participating or to participate in any project, and the selection process for these individuals; and

(5) Contain the projected amount of the fellowships or traineeships, if any; and

(6) Contain sufficient information for the Secretary to make the determination required by § 408.10(b).

(Sec. 441(b) (1), (4))

Subpart D—How Does the Secretary Make a Grant?

§ 408.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 408.31.

(b) The Secretary may award up to 100 points, including a reserve 15 points to be distributed in accordance with paragraph (d) of this section, based on the criteria in § 408.31

(c) Subject to paragraph (d) of this section, the maximum possible points for each criterion is indicated in parenthesis after the heading for each criterion.

(d) For each grant competition, as announced in a notice published in the **Federal Register**, the Secretary may assign the reserve 15 points among the criteria in § 408.31.

(e) Prior to making an award the Secretary consults with the State board designated or established under section 111 of the Act to ensure an equitable distribution of assistance among populations of individuals with limited English proficiency within the State.

(Sec. 441(b), (d)(5); 20 U.S.C. 3474(a))

§ 408.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (20 Points)

(1) The Secretary reviews each application for information that shows the need for the proposed training.

(2) In making this determination the Secretary looks for information that shows—

(i) The need for the proposed training;

(ii) Specifically how the need will be met;

(iii) Ongoing and planned activities in the community that pertain to the need, where appropriate.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(c) *Quality of key personnel.* (20 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualification, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(d) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(e) *Evalation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-Reference. See 34 CFR 75.590 (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(f) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Sec. 441(b); 20 U.S.C. 347(a))

§ 408.32 How does the Secretary select an application for funding?

(a) After evaluating the applications according to the criteria contained in § 408.31, and consulting with the appropriate State board under § 408.30(e), the Secretary determines whether the most highly rated applications are equitably distributed among populations of individuals with limited English proficiency within the affected State.

(b) The Secretary may select other applications for funding if doing so would improve the equitable distribution of projects under this program within the affected State.

(Sec. 441(d)(5); 20 U.S.C. 3474(a))

5. A new Part 409 is proposed to be added as follows:

PART 409—BILINGUAL VOCATIONAL MATERIALS, METHODS, AND TECHNIQUES PROGRAM

Subpart A—General

Sec.

409.1 What is the Bilingual Vocational Materials, Methods, and Techniques Program?
409.2 Who is eligible to apply for assistance under this program?
409.3 What regulations apply to this program?
409.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

409.10 What types of projects may be funded?
409.11 How does the Secretary establish priorities for this program?

Subpart C—How Does One Apply for a Grant?

409.20 What must an application include?

Subpart D—How Does the Secretary Make a Grant?

409.30 How does the Secretary evaluate an application?
409.31 What selection criteria does the Secretary use?

Authority: Section 441(c) of the Carl D. Perkins Vocational Education Act, Pub. L. 98-524, unless otherwise noted.

Subpart A—General

§ 409.1 What is the Bilingual Vocational Materials, Methods, and Techniques Program?

The Bilingual Vocational Materials, Methods, and Techniques Program provides financial assistance for the development of instructional and curriculum materials, methods, or techniques for bilingual vocational training for individuals with limited English proficiency.

(Sec. 441(c)(1))

§ 409.2 Who is eligible to apply for assistance under this program?

(a) The following are eligible to apply for grants, contracts or cooperative agreements under this program:

(1) State agencies.

(2) Educational institutions.

(3) Nonprofit organizations.

(b) The following are eligible for contracts under this program:

(1) Private for-profit organizations.

(2) Individuals.

(Sec. 441(c)(1))

§ 409.3 What regulations apply to this program?

The following regulations apply to the Bilingual Vocational Materials, Methods, and Techniques Program:

(a) The regulations in 34 CFR Part 400.

(b) The regulations in this part.

(Sec. 441(c); 20 U.S.C. 3474(a))

§ 409.4 What definitions apply to this program?

The definitions in 34 CFR 400.4 apply to this program.

(Sec. 441(c); 20 U.S.C. 3474(a))

Subpart B—What Kinds of Activities Does the Secretary Assist Under this Program?

§ 409.10 What types of projects may be funded?

The Secretary provides assistance through grants, contracts, or cooperative agreements for—

(a) Research in bilingual vocational training;

(b) The development of instructional and curriculum materials;

(c) Training projects to familiarize State agencies and training institutions with research findings and with successful pilot and demonstration projects in bilingual vocational education and training; and

(d) Experimental, developmental, pilot, and demonstration projects.

(Sec. 441(c)(2))

§ 409.11 How does the Secretary establish priorities for this program?

(a) The Secretary announces through one or more notices published in the **Federal Register** the priorities for this program, if any, from the types of projects described in § 409.10.

(b) The Secretary may establish a separate competition for one or more of the priorities selected. If a separate competition is established for one or more priorities, the Secretary may reserve all applications that relate to those priorities for review as part of the separate competition.

(Sec. 411; 20 U.S.C. 3474(a))

Subpart C—How Does One Apply for a Grant?

§ 409.20 What must an application include?

(a) An applicant shall submit an application to the Secretary in the form, at the time, and with the information that the Secretary may require in a notice published in the **Federal Register**.

(b) An application must—

(1) Describe the qualifications of staff responsible for the project; and

(2) Provide that the activities and services for which assistance is sought will be administered by or under the supervision of the applicant.

(Sec. 441(d) (1), (3))

Subpart D—How Does the Secretary Make a Grant?

§ 409.30 How does the Secretary evaluate an application?

(a) the Secretary evaluates an application on the basis of the criteria in § 409.31.

(b) The Secretary may award up to 100 points, including a reserved 15 points to be distributed in accordance with paragraph (d) of this section, based on the criteria in § 409.31.

(c) Subject to paragraph (d) of this section, the maximum possible points for each criterion is indicated in parentheses after the heading for each criterion.

(d) for each grant competition, as announced in a notice published in the **Federal Register**, the Secretary may assign the reserved 15 points among the criteria in § 409.31.

(441(c); 20 U.S.C. 3474(a))

§ 409.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (20 points)

(1) Secretary reviews each application for information that shows the need for the proposed services and activities for individuals with limited English proficiency.

(2) The Secretary looks for information that shows—

(i) Specific evidence of the need; and

(ii) Specific information about how the need will be met.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minortiy groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(c) *Quality of key personnel.* (20 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(d) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(e) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-Reference. See 34 CFR 75.590 (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(f) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Sec. 441(c); 20 U.S.C. 3474(a))

6. A new Part 410 is proposed to be added as follows:

PART 410—INDIAN AND HAWAIIAN NATIVES PROGRAM

Subpart A—General

Sec.

410.1 What is the Indian and Hawaiian Natives Program?
410.2 Who is eligible to apply for assistance under this program?
410.3 What regulations apply to this program?
410.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

410.10 What types of projects may be funded?

Subpart C—How Does One Apply for a Grant?

410.20 What must an application include?
410.21 How are applications submitted?

Subpart D—How Does the Secretary Make a Grant?

410.30 How does the Secretary evaluate an application?
410.31 What selection criteria does the Secretary use?
410.32 What are additional factors for declining an award?
410.33 Is the Secretary's decision not to make an award under the Indian Program subject to a hearing?

Authority: Section 103 of the Carl D. Perkins Vocational Education Act, Pub. L. 98-524, unless otherwise noted.

Subpart A—General

§ 410.1 What is the Indian and Hawaiian Natives Program?

(a) The Indian and Hawaiian Natives Program provides financial assistance to Indian tribes and to organizations primarily serving and representing Hawaiian natives to plan, conduct, and administer projects, or portions of projects, that are authorized by and consistent with the Carl D. Perkins Vocational Education Act.

(b) The Secretary is also authorized to use remaining funds under this program to enter into an agreement with the Assistant Secretary of the Interior for Indian Affairs for the operation of vocational education programs authorized by the Act in institutions serving Indians eligible to receiveeducational benefits as Indians from the Bureau of Indian Affairs. The Secretary of the Interior is authorized to receive funds for this prupose.

(Sec. 103 (b)(1), (c))

§ 410.2 Who is eligible to apply for assistance under this program?

(a) The following are eligible for grants, contracts, or cooperative agreements under this program:

(1) The tribal organization of any Indian tribe which is eligible to contract with the Secretary of the Interior under the Indian Self-Determination Act or under the Act of April 16, 1934.

(2) Any organization primarily serving and representing Hawaiian natives which is recognized by the Governor of Hawaii.

(b) Grants, contracts, or cooperative agreements undr paragraph (a)(1) of this section are subject to—

(1) Section 102 of the Indian Self-Determination Act; and

(2) The relevant provisions of sections 4, 5, and 6 of the Act of 1934.

(Sec. 103(b)(1), (c); 25 U.S.C. 450f, 455-457)

§ 410.3 What regulations apply to this program?

The following regulations apply to the Indian and Hawaiian Natives Program:

(a) The regulations in 34 CFR Part 400.

(b) The regulations in this part.

(Sec. 103; 20 U.S.C. 347(a))

§ 410.4 What definitions apply to this program?

The following definitions apply to the Indian and Hawaiian Native Program:

(a) The definitions in 34 CFR 400.4.

(b) The following additional definitions:

"Act of April 16, 1934" means the Act entitled "An Act authorizing the Secretary of the Interior to arrange with States or territories for the education, medical attention, relief of distress, and social welfare of Indians and other purposes."

(Sec. 103(a)(1)(A); 48 Stat. 596; 25 U.S.C. 452-457)

"Hawaiian native" means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

(Sec. 103(a)(1)(B))

"Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indains.

(25 U.S.C. 450b)

"Tribal organization" means the recognized governing body of any Indian tribe or any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by the organization, which includes the maximum participation of Indians in all phases of its activities.

(25 U.S.C. 450b)

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 410.10 What types of projects may be funded?

(a) The Secretary provides assistance through grants, contracts, or cooperative agreements to plan, conduct, and administer projects or portions of projects which are authorized by and consistent with the Carl D. Perkins Vocational Education Act.

(b) Projects for Indians funded under this program are in addition to other programs, services, and activities made available to eligible Indians under other provisions of the Act.

(Sec. 103 (b)(1), (b)(3), and (c))

Subpart C—How Does One Apply for a Grant?

§ 410.20 What must an application include?

An applicant shall submit an application in the form, at the time, and with the information that the Secretary may require in a notice published in the **Federal Register.**

(Sec. 103; 20 U.S.C. 3474 (a))

§ 410.21 How are applications submitted?

An application from a tribal organization must be submitted to the Secretary by the Indian tribe. An application for a project to serve more than one Indian tribe must be approved by each tribe to be served.

(Sec. 103; 25 U.S.C. 450 (b))

Subpart D—How Does the Secretary Make a Grant?

§ 410.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 401.31.

(b) The Secretary may award up to 100 points, including a reserved 15 points to be distributed in accordance with paragraph (d) of this section, based on the criteria in § 410.31.

(c) Subject to paragraph (d) of this section, the maximum possible points for each criterion is indicated in parentheses after the heading for each criterion.

(d) For each grant competition, as announced in a notice published in the **Federal Register**, the Secretary may assign the reserved 15 points among the criteria in § 410.31.

(Sec. 103; 20 U.S.C. 347(a))

§ 410.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (15 points)

(1) The Secretary reviews each application for information that shows the need for the proposed project.

(2) The Secretary looks for information that shows—

(i) Specific evidence of the need for the proposed activity;

(ii) Information which shows the need will be met; and

(iii) Ongoing and planned activities in the community which pertain to the need, where appropriate.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) a clear description of how the objectives of the project relate to the purpose of the program; and

(iv) The way the applicant plans to use its resources and personnel to achieve each objective.

(c) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project; and

(iii) The time that each person referred to in paragraphs (2) (i) and (ii) of this section will commit to the project.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(d) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(e) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross Reference. See 34 CFR 75.590 (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(f) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each applicant for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(g) *Private sector involvement.* (10 points)

(1) The Secretary reviews each applicant for information that shows the involvement of the private sector.

(2) The Secretary looks for information that shows—

(i) The private sector involvement in the planning of the project; and

(ii) The private sector involvement in the operation of the project.

(h) *Quality of training.* (10 points)

(1) The Secretary looks for information and documentation of the extent to which more than 65 percent of the trainees will be employed in jobs related to their training upon completion of their training.

(2) For Indian tribes only, information which shows that this employment is related to the tribal economic development plan.

(Sec. 103; 20 U.S.C. 3474(a))

§ 410.32 What are additional factors for declining an award?

The Secretary may use any of the factors listed below in making a decision whether to award a grant or cooperative agreement to an applicant:

(a) The project duplicates an effort already being made.

(b) Funding the project would create an inequitable distribution among Indian tribes or among organizations serving or representing Native Hawaiians.

(c) The applicant has not performed satisfactorily under a previous Department of Education award.

(Sec. 103)

§ 410.33 Is the Secretary's decision not to make an award under the Indian Program subject to a hearing?

After receiving notice that the Secretary will not award a grant or cooperative agreement to an eligible applicant under § 410.2(a)(1), the Indian tribal organization has 30 calendar days to request, in writing, a hearing to review the Secretary's decision.

(Sec. 103; 25 U.S.C. 450f)

7. A new Part 411 is proposed to be added as follows:

PART 411—DEMONSTRATION CENTERS FOR THE RETRAINING OF DISLOCATED WORKERS

Subpart A—General

Sec.

411.1 What is the Demonstration Centers for the Retraining of Dislocated Workers Program?
411.2 Who is eligible to apply for assistance under this program?
411.3 What regulations apply to this program?
411.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

411.10 What types of projects may be funded?

Subpart C—How Does One Apply for a Grant?

411.20 What must an application include?

Subpart D—How Does the Secretary Make a Grant?

411.30 How does the Secretary evaluate an application?
411.31 What selection criteria does the Secretary use?
411.32 How does the Secretary select an application for funding?

Authority: Section 415 of the Carl D. Perkins Vocational Education Act, Pub. L. 98-524, unless otherwise noted.

Subpart A—General

§ 411.1 What is the Demonstration Centers for the Retraining of Dislocated Workers Program?

(a) The Demonstration Centers for Retraining Dislocated Workers Program provides financial assistance to establish one or more demonstration centers.

(b) These centers retain dislocated workers in order to demonstrate the application of general theories of vocational education to the specific problems of retraining displaced workers.

(Sec. 415)

§ 411.2 Who is eligible to apply for assistance under this program?

Any public or private agency, institution, or organization is eligible to apply for a grant, contract, or cooperative agreement under this program.

(Sec. 415; 20 U.S.C. 3474(a))

§ 411.3 What regulations apply to this program?

The following regulations apply to the Demonstration Centers for the Retraining of Dislocated Workers Program:

(a) The regulations in 34 CFR Part 400.

(b) The regulations in this part.

(Sec. 415; 20 U.S.C. 3474(a))

§ 411.4 What definitions apply to this program?

The definitions in 34 CFR 400.4 apply to this program.

(Sec. 415; 20 U.S.C. 3474(a))

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 411.10 What types of projects may be funded?

(a) The Secretary provides assistance through grants, contracts, or cooperative agreements to establish one or more demonstration centers for the purposes described in § 411.1.

(b) Each demonstration center assisted under this program may—

(1) Provide retraining programs and counseling services;

(2) Seek additional resources;

(3) Disseminate information;

(4) Coordinate its activities with various other entities providing related services and activities; and

(5) Assist in the establishment of additional centers.

(Sec. 415; House Report No. 98-1129, 98th Cong., 2d Sess. p. 87)

Subpart C—How Does One Apply for a Grant?

§ 411.20 What must an application include?

An applicant shall submit an application in the form, at the time, and with the information that the Secretary may require in a notice published in the **Federal Register.**

(Sec. 415; 20 U.S.C. 3474(a))

Subpart D—How Does the Secretary Make a Grant?

§ 411.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 411.31.

(b) The Secretary may award up to 100 points, including a reserved 15 points to be distributed in accordance with paragraph (d) of this section, based on the criteria in § 411.31.

(c) Subject to paragraph (d) of this section the maximum possible points for each criterion is indicated in parentheses after the heading for each criterion.

(d) For each competition, as announced through a notice published in the **Federal Register,** the Secretary may assign the reserved 15 points among the criteria in § 411.31.

(Sec. 415; 20 U.S.C. 3474(a))

§ 411.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (15 points)

(1) The Secretary reviews each application for information that shows the need for the proposed demonstration center.

(2) The Secretary looks for information that shows—

(i) Specific evidence of the need for the proposed demonstration center, including evidence of a high concentration of dislocated workers in the area to be served;

(ii) How the need will be met; and

(iii) Ongoing and planned activities in the community pertaining to the proposed demonstration center, where appropriate.

(b) *Plan of operation.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(c) *Quality of training.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the training to be provided.

(2) The Secretary looks for information that shows that—

(i) The training is appropriate for the trainees in light of the labor market; and

(ii) Trainees will receive appropriate counseling.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (c)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs ae reasonable in relation to the objectives of the projects.

(f) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-Reference. See 34 CFR 75.590 (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(g) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(h) *Private sector involvement.* (5 points)

(1) The Secretary reviews each application for information that shows the involvement of the private sector.

(2) The Secretary looks for information that shows—

(i) The private sector involvement in the planning of the project; and

(ii) The private sector involvement in the operation of the project.

(i) *Employment opportunities.* (5 points)

The Secretary looks for information and documentation of the extent to which trainees will be employed in jobs related to their training upon completion of their training.

(j) *Dissemination.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant has an effective and efficient plan for disseminating information about the project, including the results of the project and any specialized materials developed by the project.

(2) The Secretary looks for information that shows—

(i) The design of the dissemination plan and procedures for evaluating the effectiveness of the dissemination plan;

(ii) A description of the types of materials the applicant plans to make available and the methods for making the materials available;

(iii) Provisions for demonstrating the methods and techniques used by the project;

(iv) Provisions for assisting others to adopt and successfully implement the project or methods and techniques developed by the project; and

(v) Provisions for publicizing the findings of the project at the local, State, or national level.

(Sec. 415; 20 U.S.C. 3474(a))

§ 411.32 How does the Secretary select an application for funding?

(a) After evaluating the applications according to the criteria contained in § 411.31, the Secretary determines whether the most highly rated applications are equitably distributed throughout the Nation.

(b) The Secretary may select other applications for funding if doing so would improve the geographical distribution of projects funded under this program.

(Sec. 417; 20 U.S.C. 3474(a))

8. A new Part 412 is proposed to be added as follows:

PART 412—COOPERATIVE DEMONSTRATION PROGRAM

Subpart A—General

Sec.

412.1 What is the Cooperative Demonstration Program?
412.2 Who is eligible to apply for assistance under this program?
412.3 What regulations apply to this program?
412.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

412.10 What types of projects may be funded?
412.11 How does the Secretary establish priorities for this program?

Subpart C—How Does One Apply for a Grant?

412.20 What must an application include?

Subpart D—How Does the Secretary Make a Grant?

412.30 How does the Secretary evaluate an application?
412.31 What selection criteria does the Secretary use?

Subpart E—What Conditions Must Be Met by a Recipient?

412.40 What cost sharing requirement is imposed under this program?

Authority: Section 411 of the Carl D. Perkins Vocational Education Act, Pub. L. 98-524, unless otherwise noted.

Subpart A—General

§ 412.1 What is the Cooperative Demonstration Program?

(a) The Cooperative Demonstration Program provides financial assistance for—

(1) Model projects providing improved access to quality vocational education programs for certain individuals;

(2) Projects that are examples of successful cooperation between the private sector and public agencies in vocational education;

(3) Projects to overcome national skill shortages; and

(4) Other activities which the Secretary may designate that are related to the purpose of the Act.

(b) Projects eligible for assistance are described in § 412.10.

(Sec. 411(a))

§ 412.2 Who is eligible to apply for assistance under this program?

The following are eligible to apply for assistance under this program:

(a) State educational agencies (SEAs).

(b) Local educational agencies (LEAs).

(c) Postsecondary educational institutions.

(d) Institutions of higher education.

(e) Other public and private agencies, organizations, and institutions.

(Sec. 411(a))

§ 412.3 What regulations apply to this program?

The following regulations apply to the Cooperative Demonstration Program:

(a) The regulations in 34 CFR Part 400.
(b) The regulations in this part.

(Sec. 411; 20 U.S.C. 3474(a))

§412.4 What definitions apply to this program?

The definitions in 34 CFR 400.4 apply to the Cooperative Demonstration Program.

(Sec. 411; 20 U.S.C. 3474(a))

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 412.10 What types of projects may be funded?

(a) The Secretary may support directly or through grants, cooperative agreements, or contracts the following types of projects:

(1) Model projects providing improved access to quality vocational education programs for—

(i) Handicapped individuals;

(ii) Disadvantaged individuals;

(iii) Adults who are in need of training and retraining;

(iv) Individuals who are single parents or homemakers;

(v) Individuals who participate in programs designed to eliminate sex bias and stereotyping in vocational education;

(vi) Criminal offenders who are serving in a correctional institution; and

(vii) Men and women seeking nontraditional occupations.

(2)(i) Projects that are examples of successful cooperation between the private sector, (including employers, consortia of employers, labor organizations, and building trade councils), and public agencies in vocational education, including State boards and eligible recipients.

(ii) The projects described in paragraph (2)(i) of this section must be designed to demonstrate ways in which vocational education and the private sector of the economy can work together effectively to assist vocational education students to attain the advanced level of skills needed to make the transition from school to productive employment, including—

(A) Work experience and apprenticeship projects;

(B) Transitional worksite job training for vocational education students which is related to their occupational goals and closely linked to classroom and laboratory instruction provided by an eligible recipient;

(C) Placement services in occupations which the students are preparing to enter; and

(D) Where practical, projects that will benefit the public, such as the rehabilitation of public schools or housing in inner cities or economically depressed rural areas.

(iii) The projects described in paragraphs (2) (i) and (ii) of this section may include institutional and on-the-job training, support services authorized by the Act, and such other necessary assistance as the Secretary determines to be necessary for the successful completion of the project.

(3) Projects to overcome national skill shortages, as designated by the Secretary in cooperation with the Secretary of Labor, Secretary of Defense, and Secretary of Commerce.

(4) Such other activities which the Secretary may designate which are related to the purposes of the Act.

(b) All projects assisted under the Cooperative Demonstration Program must be—

(1) Of direct service to the individuals enrolled; and

(2) Capable of wide replication by service providers.

(Sec. 411 (a), (b), (c))

§ 412.11 How does the Secretary establish priorities for this program?

(a) The Secretary announces through one or more notices published in the **Federal Register** the priorities for this program, (including any national skill shortages to be addressed) if any, from the types of projects described in § 412.10.

(b) The Secretary may establish a separate competition for one or more of the priorities selected. If a separate competition is established for one or more priorities, the Secretary may reserve all applications that relate to those priorities for review as part of the separate competition.

(Sec. 411; 20 U.S.C. 3474(a))

Subpart C—How Does One Apply for a Grant?

§ 412.20 What must an application include?

An applicant shall submit an application to the Secretary in the form, at the time, and with the information that the Secretary may require in a notice published in the **Federal Register**.

(Sec. 411; 20 U.S.C. 3474(a))

Subpart D—How Does the Secretary Make a Grant?

§ 412.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 412.31.

(b) The Secretary may award up to 100 points, including a reserved 15 points to be distributed in accordance with paragraph (d) of this section based on the criteria in § 412.31.

(c) Subject to paragraph (d) of this section, the maximum possible points for each criterion is indicated in parentheses after the heading for each criterion.

(d) For each grant competition, as announced in a notice published in the **Federal Register**, the Secretary may assign the reserved 15 points among the criteria in § 412.31.

(Sec. 411; 20 U.S.C. 3474(a))

§ 412.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (15 points)

(1) The Secretary reviews each application for information that shows the need for and the soundness of the rationale for the project.

(2) The Secretary looks for information that shows—

(i) A clear description of the need for the proposed project;

(ii) Specific evidence of the need for the project;

(iii) A description of any ongoing and planned activities in the community relative to the need, including, if appropriate, the relationship of any local, regional or State economic development plan;

(iv) Evidence that demonstrates the vocational training to be provided is designed to meet current and projected occupational needs;

(v) A clear statement of what the project seeks to demonstrate; and

(vi) Evidence that the project is likely to serve as a model in the future.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups

that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(c) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(d) *Budget and cost effectiveness. (10 points)*

(1) The Secretary reviews each application for information that shows the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(e) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-Reference. See 34 CFR 75.590 (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(f) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(g) *Private sector involvement.* (5 points)

(1) The Secretary reviews each application for information that shows the involvement of the private sector.

(2) The Secretary looks for information that shows—

(i) Private sector involvement in the planning of the project; and

(ii) Private sector involvement in the operation of the project.

(h) *Employment opportunities.* (5 points) The Secretary looks for information and documentation of the extent to which trainees will be employed in jobs related to their training upon completion of their training.

(i) *Dissemination.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant has an effective and efficient plan for disseminating information about the demonstration project, including the results of the project and any specialized materials developed by the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the dissemination plan and procedures for evaluating the effectiveness of the dissemination plan;

(ii) A description of the types of materials the applicant plans to make available and the methods for making the materials available;

(iii) Provisions for demonstrating the methods and techniques used by the project;

(iv) Provisions for assisting others to adopt and successfully implement the project or methods and techniques used by the project; and

(v) Provisions for publicizing the findings of the project at the local, State, or national level.

(Sec. 411; 20 U.S.C. 3474(a))

Subpart E—What Conditions Must Be Met by a Recipient?

§ 412.40 What cost sharing requirement is imposed under this program?

(a) A recipient shall provide not less than 25 percent of the cost of the demonstration project it conducts under this program.

(b) The non-Federal share may be in the form of cash or in-kind contributions, including the fair market value of facilities, overhead, personnel, and equipment.

(Sec. 411(b)(2))

7. A new Part 414 is proposed to be added as follows:

PART 414—STATE EQUIPMENT POOLS

Subpart A—General

Sec.

414.1 What is the State Equipment Pools Program?

414.2 Who is eligible to apply for assistance under this program?

414.3 What regulations apply to this program?

414.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

414.10 What types of projects may be funded?

Subpart C—How Does One Apply for a Grant?

414.20 What must an application include?

Subpart D—How Does the Secretary Make a Grant?

414.30 How does the Secretary evaluate an application?

414.31 What selection criteria does the Secretary use?

Authority: Section 413 of the Carl D. Perkins Vocational Education Act, Pub. L. 98-524, unless otherwise noted.

Subpart A—General

§ 414.1 What is the State Equipment Pools Program?

The State Equipment Pools Program provides financial assistance for the operation of State programs involving the loan of high-technology, state-of-the-art equipment for use in local vocational education programs.

(Sec. 413)

§ 414.2 Who is eligible to apply for assistance under this program?

State boards are eligible to apply for competitive grant awards under this program.

(Sec. 413)

§ 414.3 What regulations apply to this program?

The following regulations apply to the State Equipment Pools Program:

(a) The regulations in 34 CFR Part 400.

(b) The regulations in this part.

(Sec. 413; 20 U.S.C. 3474(a))

§ 414.4 What definitions apply to this program?

The following definitions apply to the State Equipment Pools Program:

(a) The definitions in 34 CFR 400.4.

(b) For the purposes of this part, "High technology, state-of-the-art equipment" includes, but is not limited to—

(1) Computer-controlled equipment;

(2) Electro-optic equipment;

(3) Electronic testing equipment;

(4) Scientific instrumentation;

(5) Micrographic equipment;

(6) Earth resource equipment;

(7) Telecommunications equipment; or

(8) Computers and peripherals.

(Sec 413; 20 U.S.C. 3474(a))

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 414.10 What types of projects may be funded?

(a) The Secretary awards competitive grants to State boards for the operation of State programs involving the loan of high technology, state-of-the-art equipment to eligible recipients for use in local vocational education programs.

(b) The State board shall establish its own criteria for evaluating applications by eligible recipients and for the effective use of equipment, including the redistribution of equipment, if necessary.

(c) No State may receive funds for more than two consecutive years under this program.

(Sec. 413)

Subpart C—How Does One Apply for a Grant?

§ 414.20 What must an application include?

An applicant shall submit an application to the Secretary in the form, at the time, and with the information that the Secretary may require in a notice published in the Federal Register.

(Sec. 413; 20 U.S.C. 3474(a))

Subpart D—How Does the Secretary Make a Grant?

§ 414.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 414.31.

(b) The Secretary may award up to 100 points, including a reserved 15 points to be distributed in accordance with paragraph (d) of this section, based on the criteria in § 414.31.

(c) Subject to paragraph (d) of this section, the maximum possible points for each criterion is indicated in parentheses after the heading for each criterion.

(d) For each grant competition, as announced is a notice published in the Federal Register, the Secretary may assign the reserved 15 points among the criteria in § 414.31.

(Sec. 413; 20 U.S.C. 3474(a))

§ 414.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (20 points)

(1) The Secretary reviews each application for information that shows the need for and the soundness of the rationale for the project.

(2) The Secretary looks for information that shows—

(i) A clear description of the need for specific high technology, state-of-the-art equipment in local educational agencies and postsecondary educational institutions; and

(ii) Specific evidence of that need.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(c) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the projects, as well as other information that the applicant provides.

(d) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(e) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-Reference. See 34 CFR 75.590 (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(f) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(g) *Private sector involvement.* (10 points)

The Secretary reviews each application for information that shows the involvement of the private sector, including—

(1) Involvement in program planning;

(2) Involvement in program evaluation; and

(3) Other forms of support.

(h) *Cooperative relationships.* (5 points) The Secretary reviews each application for information that shows that in preparing the application, the State board has consulted with local educational agencies and postsecondary educational institutions.

(Sec 413; 20 U.S.C. 3474(a))

10. A new Part 415 is proposed to be added as follows:

PART 415—MODEL CENTERS FOR VOCATIONAL EDUCATION FOR OLDER INDIVIDUALS

Subpart A—General

Sec.

415.1 What is the Model Centers for Vocational Education for Older Individuals Program?
415.2 Who is eligible to apply for an award under this program?
415.3 What regulations apply to this program?
415.4 What definitions apply to this program?

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

415.10 What types of projects may be funded?

Subpart C—How Does One Apply for a Grant?

415.20 What must an application include?

Subpart D—How Does the Secretary Make a Grant?

415.30 How does the Secretary evaluate an application?
415.31 What selection criteria does the Secretary use?
415.32 How does the Secretary select an application for funding?

Authority: Section 417 of the Carl. D. Perkins Vocational Education Act, Pub. L. 98-524, unless otherwise noted.

Subpart A—General

§ 415.1 What is the Model Centers for Vocational Education for Older Individuals Program?

The Model Centers for Vocational Education for Older Individuals Program (Model Centers) provides assistance to establish and operate model centers to focus greater attention on the special vocational needs of older individuals, and to promote employment opportunities for older individuals.

(Sec. 417(a))

§ 415.2 Who is eligible for an award under this program?

Local educational agencies and postsecondary educational institutions are eligible for an award under this program?

(Sec. 417(b))

§ 415.3 What regulations apply to this program?

The following regulations apply to the Models Centers Program:

(a) The regulations in 34 CFR Part 400.

(b) The regulations in this part.

(Sec. 417; 20 U.S.C. 3474(a))

§ 415.4 What definitions apply to this program?

The following definitions apply to the Model Centers for Vocational Education for Older Individuals Program:

(a) The definitions referred to in 34 CFR 400.4 apply to the Model Centers Program.

(b) The following additional definition:

"Older Individual" means an individual fifty-five years of age or older.

(Sec. 417(d); 20 U.S.C. 3474(a))

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 415.10 What types of projects may be funded?

(a) The Secretary provides assistance through grants or cooperative agreements for projects to establish and operate model centers for vocational education for older individuals.

(b) Each model center assisted by the Secretary must—

(1) Provide training or retraining to update older individuals' skills;

(2) Prepare older individuals for new careers when their skills have been rendered obsolete by technological advances;

(3) Promote employment through training or retraining in areas of job potential in growth industries utilizing new technologies;

(4) Provide assistance for later-life career changes, with special emphasis on the needs of older individuals who are displaced homemakers;

(5) Provide information, counseling, and support services to assist older individuals in obtaining employment;

(6) Encourage providers of vocational education, including community colleges and technical schools, to offer more job training opportunities targeted to or easily accessible to older individuals; and

(7) Promote training of paraprofessionals in gerontology and geriatrics.

(Sec. 417b))

Subpart C—How Does One Apply for a Grant?

§ 415.20 What must an application include?

An applicant shall submit an application to the Secretary in the form, at the time, and with the information that the Secretary may require in a notice published in the Federal Register.

(Sec. 417; 20 U.S.C. 3474(a))

Subpart D—How Does the Secretary Make a Grant?

§ 415.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application submitted under this program on the basis of the criteria in § 415.31.

(b) The Secretary may award up to 100 points, including a reserved 15 points to be distributed in accordance with paragraph (d) of this section, based on the criteria in § 415.31.

(c) Subject to paragraph (d) of this section, the maximum possible points in each criterion is indicated in parentheses after the heading for each criterion.

(d) For each competition, as announced through a notice published in the Federal Register, the Secretary may assign the reserved 15 points among the criteria in § 415.31.

(Sec. 417; 20 U.S.C. 3474(a))

§ 415.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Need.* (15 points)

(1) The Secretary reviews each application for information that shows the need for the proposed Model Center.

(2) The Secretary looks for information that shows—

(i) Specific evidence of the need for the proposed model center;

(ii) Ongoing and planned activities in the community supporting the need for the proposed model center; and

(iii) The relationship of the proposed model center to any local or State economic development plan.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective;

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups.

(B) Women; and

(C) Handicapped persons.

(D) The elderly.

(c) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(d) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(e) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-Reference. See 34 CFR 75.590 (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(f) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(g) *Private sector involvement.* (5 points)

(1) The Secretary reviews each application for information that shows the involvement of the private sector.

(2) The Secretary looks for information that shows—

(i) Private sector involvement in the planning of the project; and

(ii) Private sector involvement in the operation of the project.

(h) *Employment opportunities.* (5 points)

The Secretary looks for information and documentation of the extent to which trainees will be employed in jobs related to their training upon completion of their training.

(i) *Dissemination.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant has an effective and efficient plan for disseminating information about the project, including the results of the project and any specialized materials developed by the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the dissemination plan and procedures for evaluating the effectiveness of the dissemination plan;

(ii) A description to the types of materials the applicant plans to make available and the methods for making the materials available;

(iii) Provisions for demonstrating the methods and techniques used by the project;

(iv) Provisions for assisting others to adopt and successfully implement the project or methods and techniques developed by the project; and

(v) Provisions for publicizing the findings of the project at the local, State, or national level.

(Sec. 417; 20 U.S.C. 3474(a))

§ 415.32 How does the Secretary select an application for funding?

(a) After evaluating the applications according to the criteria contained in § 415.31, the Secretary determines whether the most highly rated applications are broadly and equitably distributed throughout the Nation.

(b) The Secretary may select other applications for funding if doing so would improve the geographical distribution of projects funded under this program.

(Sec. 417; 20 U.S.C. 3474(a))

11. A new Part 416 is proposed to be added as follows:

PART 416—NATIONAL VOCATIONAL EDUCATION RESEARCH PROGRAM

Subpart A—General

Sec.

416.1 What are the purposes of the National Vocational Education Research Program?
416.2 Who is eligible for an award under this program?
416.3 What regulations apply to this program?
416.4 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

416.10 What types of projects does the Secretary assist under this program?
416.11 How does the Secretary establish priorities for this program?

Subpart C—How Does One Apply for a Grant?

416.20 What must an application include?

Subpart D—How Does the Secretary Make a Grant?

416.30 How does the Secretary evaluate an application?
416.31 What selection criteria does the Secretary use?
416.32 How does the Secretary select an unsolicited application for funding?

Authority: Sections 401 and 402 of the Carl D. Perkins Vocational Education Act, Pub. L. 98-524, unless otherwise noted.

Subpart A—General

§ 416.1 What are the purposes of the National Vocational Education Research Program?

The purpose of the National Vocational Education Research Program are to:

(a) Improve access to vocational educational programs for handicapped individuals, disadvantaged individuals, women who are entering nontraditional

occupations, adults who are in need of retraining, single parents or homemakers, individuals with limited English proficiency, and individuals who are incarcerated in correctional institutions;

(b) Improve the competitive process by which research projects are awarded;

(c) Encourage the dissemination of findings of research projects assisted under this Act to all States; and

(d) Authorize research activities which are readily applicable to the vocational education setting and are of practical application to vocational education administrators, counselors, instructors, and others involved in vocational education.

(Sec. 401)

§ 416.2 Who is eligible for an award under this program?

(a) Any individual or public or private agency, organization, or institution may apply for an award in response to an application notice published in the **Federal Register.**

(b) Any individual researcher, community college, State advisory council, or State or local educator may submit an unsolicited research application.

(Sec. 402 (a), (b)(2))

§ 416.3 What regulations apply to this program?

The following regulations apply to the National Vocational Education Research Program:

(a) The regulations in 34 CFR Part 400.

(b) The regulations in this part.

(Sec. 401 and 402; 20 U.S.C. 3474(a))

§ 416.4 What definitions apply to this program?

The definitions in 34 CFR 400.4 apply to this program.

(Sec. 401, 402; 20 U.S.C. 3474(a))

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 416.10 What type of projects does the Secretary Assist under this program?

The Secretary directly, or through grants, cooperative agreements, or contracts, funds projects of applied research on aspects of vocational education that are specifically related to the Act, including applied research on—

(a) Effective methods for providing quality vocational education to handicapped individuals, disadvantaged individuals, men and women in nontraditional fields, adults, individuals who are single parents or homemakers, individuals with limited English proficiency, and individuals who are incarcerated in correctional institutions;

(b) Strategies for coordinating local, State, and Federal vocational education, employment training, and economic development programs to maximize their effectiveness;

(c) Strategies for improving worker training and retraining;

(d) The constructive involvement of the private sector in public vocational education;

(e) Successful methods of reinforcing and enhancing basic academic skills in vocational settings;

(f) The development of curriculum materials and instructional methods relating to new and emerging technologies, and assessments of the nature of change in the workplace and its effect on individual jobs;

(g) The identification of institutional characteristics which improve the preparation of youth and adults for employment; and

(h) The development of effective methods for providing quality vocational education to individuals with limited English proficiency, including research related to bilingual vocational training; and

(i) Any other aspect of vocational education that is specifically related to the Act.

(Sec. 402(a))

§ 416.11 How does the Secretary establish priorities for this program?

(a) The Secretary announces, through one or more notices published in the **Federal Register**, the priorities for this program, if any, from the topics described in § 416.10, and the manner in which those priorities will be implemented.

(b) The Secretary may establish a separate competition for one or more of the priorities selected. If a separate competition is established for one or more priorities, the Secretary may reserve all applications that relate to those priorities for review as part of the separate competition.

(c) The Secretary may announce in the **Federal Register** the amount of funds reserved for unsolicited research applications under this program.

(Sec. 402; 20 U.S.C. 3474(a))

Subpart C—How Does One Apply for a Grant?

§ 416.20 What must an application include?

An applicant shall submit an application to the Secretary in the form, at the time, and with the information the Secretary may require in a notice published in the **Federal Register.**

(Sec. 402; 20 U.S.C. 3474(a))

Subpart D—How Does the Secretary Make a Grant?

§ 416.30 How does the Secretary evaluate an application?

(a)(1) The Secretary evaluates an application submitted in response to an application notice in the **Federal Register** on the basis of the criteria in § 416.31.

(2) The Secretary may award up to 100 points including a reserved 15 points to be distributed in accordance with paragraph (a)(4) of this section, based on criteria in § 416.31 of this part.

(3) Subject to paragraph (a)(4) of this section, the maximum possible points for each criterion is indicated in parentheses after its heading.

(4) For each competition, as announced through an application notice published in the **Federal Register**, the Secretary may assign the reserved 15 points among the criteria in § 416.31 of this part.

(b)(1) The Secretary evaluates an unsolicited research application on the basis of the following criteria:.

(i) The extent to which the aspect of applied research proposed is specifically related to the purposes of the Act.

(ii) The extent to which the project addresses an important national need.

(iii) The overall quality of the project, including, as appropriate, the quality of its design and management plan, the quality of key personnel, the adequacy of the applicant's resources, and the cost-effectiveness of the project; and.

(iv) The likelihood that the project will make an important contribution to vocational education.

(2) The Secretary may assign to the criteria in paragraph (b)(1) of this section whatever weight is deemed appropriate.

(Sec. 402)

§ 416.31 What selection criteria does the Secretary use?

The Secretary uses the following criteria to evaluate each application submitted in response to an application notice:

(a) *National need.* (20 Points)

(1) The Secretary reviews each application to what extent it addresses a national need in vocational education.

(2) The Secretary looks for information that shows the extent to which the project would make a contribution of national significance, as measured by factors such as—

(i) The need for the project in relation to any program priority announced in the **Federal Register**; and

(ii) The likelihood that the project will make an important contribution to vocational education.

(b) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and.

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (15 Points)

(1) The Secretary reviews each application for information that shows the qualification of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (2) (i) and (ii) of this section will commit to the project; and.

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped person; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(d) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(e) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-Reference. See EDGAR 34 CFR 75.590 (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(f) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(g) *Dissemination plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the dissemination plan for the project.

(2) The Secretary looks for information that shows—

(i) The extent to which the project is designed to yield outcomes that can be readily disseminated;

(ii) A clear description of the project outcomes; and

(iii) A detailed description of how information and materials will be disseminated.

(h) *Postsecondary institutions.* (5 points.)

The Secretary gives preference to applications submitted by public and private postsecondary institutions.

(Sec. 402; 20 U.S.C. 3474(a))

§ 416.32 How does the Secretary select an unsolicited application for funding?

(a) After evaluating an unsolicited research application on the basis of the criteria in § 416.30(b), the Secretary compares that application to any other unsolicited application the Secretary has received. If unsolicited applications are determined to be of equal quality, the Secretary gives a preference to one submitted by a public or private postsecondary institution.

(b) The Secretary may fund an unsolicited research application at any time during the fiscal year.

(Sec. 402; 20 U.S.C. 3474(a))

12. A new Part 417 is proposed to be added as follows:

PART 417— NATIONAL CENTER FOR RESEARCH IN VOCATIONAL EDUCATION

Subpart A—General

Sec.

417.1 What is the National Center for Research in Vocational Education?
417.2 Who is eligible to apply to be the National Center?
417.3 What regulations apply to the National Center?
417.4 What definitions apply to the National Center?

Subpart B—What Kinds of Activities Does the Secretary Support at the National Center?

417.10 What kinds of activiteies does the National Center carry out?

Subpart C—How Does One Apply to be the National Center?

417.20 What must an application include?

Subpart D—How Does the Secretary Designate the National Center?

417.30 How does the Secretary evaluate an application?
417.31 What selection criteria does the Secretary use?

Subpart E—What Conditions Must Be Met by the National Center?

417.40 Must the National Center have a Director?
417.41 What reports must the National Center submit to the Secretary?
417.42 What activities must be performed during the fifth year of funding?

Authority: Section 404 of the Carl D. Perkins Vocational Education Act, Pub. L. 98-524, unless otherwise noted.

Subpart A—General

§ 417.1 What is the National Center for Research in Vocational Education?

(a) The Secretary supports the operations of the National Center for Research in Vocational Education ("National Center") established by section 404 of the Act and designated by the Secretary once every five years.

(b) In designating the National Center, the Secretary acts with the advice of a panel composed by individuals appointed by the Secretary who are not Federal employees and who are recognized nationally as experts in vocational education administration and research.

(Sec. 404)

§417.2 Who is eligible to apply to be the National Center?

A nonprofit entity associated with a public or private nonprofit university which is prepared to make a substantial financial contribution towards the establishment of the National Cente is eligible to e designated as the National Center.

(Sec. 404)

§ 417.3 What regulations apply to the National Center?

The following regulations apply to the National Cente:

(a) The regulations in 34 CFR Part 400.

(b) The regulations in this part.

(Sec. 404; 20 U.S.C. 3474(a))

§ 417.4 What definitions apply to the National Center?

The definitions in 34 CFR 400.4 apply to the National Center.

(Sec. 404; 20 U.S.C. 3474(a))

Subpart B—What Kinds of Activities Does the Secretary Support at the National Center?

§ 417.10 What kinds of activities does the National Center carry out?

(a) (1) The primary purposes of the National Center are to design and aconduct research and development projects that are consistent with the purposes of the Act, including—

(i) Longitudinal studies which extend over a period of years; and

(ii) Supplementary and short term activities.

(2) The National Center may conduct its research and development projects and activities directly, or through subcontracts and subgrants.

(b) The National Center shall—

(1) Conduct applied researech and development on—

(i) Effective methods for providing quality vocational education to handicapped individuals, disadvantaged individuals, men and women in nontraditional fields, adults, individuals who are single parents or homemakers, individuals with limited English proficiency, and individuals who are incarcerated in correctional institutions;

(ii) The constructive involvement of the private sector in public vocational education;

(iii) Successful methods of reinforcing and enhancing basic academic skills in vocational settings;

(iv) The development of curriculum materials and instructional methods relating to new and emerging technologies;

(v) Assessments of the nature of change in the workplace and its effect on individual jobs; and

(vi) The identification of institutional characteristics which improve the preparation of youth and adults for employment;

(2) Provide leadership development through an advanced study center;

(3) Provide in-service education activities for State and local leaders in vocational education;

(4) Disseminate the results of the research and development projects funded by the Center;

(5) Develop and provide information to facilitate national planning and policy development in vocational education;

(6) Provide technical assistance to programs serving special populations, including handicapped individuals and individuals with limited English proficiency;

(7) Act as a clearinghouse for information on contracts or grants made by the States to carry out research, curriculum, and personnel development activities and on contracts or grants made by the Secretary under Title IV of the Act;

(8) Work with States, local educational agencies, and other public agencies in developing methods of planning and evaluating programs, including follow-up studies of program completers, so that public agencies can offer vocational education programs which are more closely related to the types of jobs available in their communities, States, and regions; and

(9) After consultation with the National Commission for Employment Policy, report annually to the Congress, the Secretary of Education, and the Secretary of Labor on the extent, efficiency, and effectiveness of joint planning and coordination under the Act and the Job Training Partnership Act.

(c) The Secretary awards a grant annually for the operation of the National Center.

(Sec. 404)

Subpart C—How Does One Apply To Be the National Center?

§ 417.20 What must an application include?

(a) An applicant shall submit an application to the Secretary in the form, at the time, and with the information that the Secretary may require in a notice published in the **Federal Register.**

(b) The application must describe the financial contribution the public or private nonprofit university will make towards the establishment of the National Center.

(Sec. 404; 20 U.S.C. 3474(a))

Subpart D—How Does the Secretary Designate the National Center?

§ 417.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 417.31.

(b) The Secretary may award up to 100 points based on the criteria in § 417.31.

(c) The maximum possible points for each criterion is indicated in parentheses after the heading for each criterion.

(Sec. 404; 20 U.S.C. 3474(a))

§ 417.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Required functions.* (40 points) The Secretary reviews each application for information that shows that each of the required services and activities the applicant will conduct under § 417.10(b) will be high quality and effective.

(b) *Management.* (20 points).

(1) The Secretary reviews each application for information that shows the quality of the management plan.

(2) The Secretary looks for information that shows—

(i) The applicant's philosophy of management for the National Center;

(ii) How the applicant will implement that philosophy of management in organizing the National Center, particularly with regard to the public or private nonprofit university with which it is associated;

(iii) The applicant's plan for managing the National Center's activities and personnel, including quality control procedures for its activities and products and procedures for monitoring compliance with timelines; and

(iv) Adequate budgeting, accounting, and recordkeeping procedures.

(c) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use for the National Center.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used for the National Center;

(iii) The time that each person referred to in paragraphs (2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underpresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the National Center, as well as other information that the applicant provides.

(d) *Vocational education experience.* (10 points)

(1) The Secretary reviews each application for information that shows the institutional experience of the applicant.

(2) The Secretary looks for information that shows—

(i) The applicant's experience in conducting applied research and development activities in the field of vocational education of the type described in the Act; and

(ii) The applicant's capacity for conducting applied research and development activities in the field of vocational education of the type described in the Act.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the National Center will have an adequate budget and will be cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the National Center is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(g) *External relations.* (5 points)

(1) The Secretary reviews each application for information that shows that the National Center will have cooperative productive relationships with interested and affected entities.

(2) The Secretary looks for information that explains the National Center's future relationship to—

(i) The National Commission for Employment Policy;

(ii) The advisory committee established under section 404(c) of the Act; and

(iii) Personnel at the State and local level who are working to improve vocational education programs, materials and curricula.

(Sec. 404; 20 U.S.C. 3474(a))

Subpart E—What Conditions Must be Met by the National Center?

§ 417.40 Must the National Center have a Director?

The National Center shall have a Director, who is appointed by the university associated with the National Center and is assisted by the advisory committee established under section 404(c) of the Act.

(Sec. 404(a)(3))

§ 417.41 What reports must the National Center submit to the Secretary?

The National Center shall submit the following to the Secretary:

(a) Minutes of each meeting of the advisory committee established under section 404(c) of the Act, within 30 days after each meeting.

(b) Quarterly performance reports which describe the progress, problems, and future plans for each significant activity of the National Center, within 30 days of the end of each quarter.

(c) Quarterly financial status reports (Standard Form 269), within 30 days of the end of each quarter.

(d) Monthly exception reports which describe—

(1) Any problems, delays, or adverse conditions which materially impair the ability of the National Center to accomplish its purposes, along with an explanation of any action taken or contemplated to resolve the difficulties; and

(2) Any favorable developments which will permit the National Center to accomplish its purposes sooner, at less cost, or more effectively than projected.

(e) Ten copies of all substantive reports and products produced under the grant.

(f) An annual performance report which summarizes the accomplishments of each significant activity of the National Center during that grant year, within 90 days of the end of the grant year. (The annual performance report may be submitted in place of the quarterly financial status reports under paragraph (c) of this section for the fourth quarter of each year.)

(g) A final performance report which summarizes the accomplishments of each significant activity of the National Center during the five year award cycle, within 90 days of the end of that cycle.

(Sec. 404)

§ 417.42 What activities must be performed during the fifth year of funding?

During the fifth year of the award cycle, the National Center shall develop and remain prepared to implement a contingency plan for completing all substantive work by the end of the eleventh month of that year and transferring all projects, services, and activities to a successor during the twelfth month of that year.

(Sec. 404; 20 U.S.C. 3474(a))

[FR Doc. 85-1892 Filed 1-24-85; 8:45 am]

BILLING CODE 4000-01-M

federal register

Friday
January 25, 1985

Part IV

Department of Health and Human Services

Office of Community Services

Availability of Funds and Requests for Applications Under the Community Services Discretionary Authority; Announcement

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Community Services

[Program Announcement No. OCS-85-1]

Availability of Funds and Requests for Applications Under the Community Services Discretionary Authority

AGENCY: Office of Community Services, Department of Health and Human Services.

ACTION: Announcement of availability of funds and requests for applications under the Community Services Discretionary Authority.

SUMMARY: The Office of Community Services (OCS) announces that competing applications will be accepted for new grants pursuant to the Secretary's discretionary authority under section 681 of Title VI of Pub. L. 98-558, the Community Services Block Grant Act. This program announcement consists of four parts. Part I covers general information, discusses the overall purposes of the OCS Discretionary Program, lists the funding authority and briefly describes the FY 1985 competitive review process. Part II describes the program priority areas in which grants will be awarded. Part III describes the application process, who is eligible to apply, what funds are expected to be available and the review and selection criteria. Part IV gives specific guidance on how to prepare and submit an application under each separate published program priority area. Applications must be limited to no more than 100 single-spaced typed pages.

DATE: The closing date for submission of applications is March 29, 1985. Applicants may meet this deadline either by delivering or mailing the application on or before March 29th in accordance with the detailed instructions in Part IV below. Late applications will be returned to the senders without consideration in the competition.

FOR FURTHER INFORMATION CONTACT: OCS/Office of State and Project Assistance/Division of Discretionary Grants, 1200 19th Street, NW., Room 518, Washington, D.C. 20506, (202) 632-6634.

Part I—Overall Guidance

A. Scope of This Program Announcement

Section 681 of the Community Services Block Grant (CSBG) Act authorizes the Secretary of Health and Human Services to make funds available to support program activities of national or regional significance to alleviate the causes of poverty in distressed communities.

Applicants must fully demonstrate that they have successful prior experience in program implementation in one of the specific program activities defined below. Applicants must show that the proposed activity is clearly related to the purposes of the CSBG Act, i.e., to alleviate the causes of poverty in distressed communities.

For purposes of this announcement, the term "national or regional significance" means activities that directly address the causes of poverty in a way that can be replicated in another part of the region or country. Projects under this announcement must result in direct benefits targeted toward low-income people as defined in the most recent Annual Revision of Poverty Income Guidelines, published in the Federal Register, February 27, 1984, pp. 7151-7152. Annual revisions of these guidelines are normally published in February of each year and are applicable to projects being implemented at the time of publication.

The OCS will grant funds for only one year. Accordingly, each applicant must clearly demonstrate its ability to carry out its work plan with the funds awarded without substantial start-up costs and to achieve measurable results within the one year of funding.

An applicant can be engaged in a qualified program activity without having been a recipient of funds from OCS or the former Community Services Administration (CSA). Organizations previously funded by CSA or OCS may apply but such an application would constitute an application for new funding, rather than an application for continued funding. This is a particularly relevant reminder for successful applicants in previous fiscal years under the OCS Discretionary Program. All acceptable applications will be considered in competition with other applications within the pertinent program priority area.

The FY 1985 program will be conducted under the same basic policies established for the previous years for the OCS Discretionary Programs. A project must be targeted to address the needs of a specific segment of low-income people, i.e., urban poor, rural poor, migrant or seasonal farmworkers, etc.

The OCS policy direction for discretionary grants is to promote:

1. Self-sufficiency in terms of jobs;
2. Income and ownership opportunities for low-income community members;
3. A better standard of living for rural low-income individuals in terms of housing, water and waste-water treatment; and
4. The implementation of new and innovative strategies for addressing the special needs of migrant and seasonal farmworkers.

The OCS believes that these policy objectives can be best met at the local level through local organizations that can coordinate linkages with other private and public sector initiatives and enhance private sector involvement.

B. FY 1985 Application Process

The Fiscal Year 1985 discretionary grant process provides for a single application. All timely applications will be initially screened by OCS staff to determine their completeness and conformance with the requirements of this announcement, using the screening factors listed below in Part III. Those applications which pass this screening will be given further consideration by referral to independent field readers for scoring and explicative comment based on the criteria detailed on Part III of this announcement and the speicific requirements contained under each published program priority area. Following the final review by the Director of OCS and staff, it is anticipated that awards under this announcement will be made in September, 1985.

C. General Grant Terms

1. Applicants are reminded that grantees are subject to the provisions of Office of Management and Budget Circular A-122 which prohibits the use of grant funds for (a) electioneering activities at the Federal, State or local level and (b) attempts to influence Federal or State legislation through either grassroots lobbying or direct contacts with Federal or State legislators or their staffs. (This only applies to non-profit grantees but not non-profit sub-grantees.)

2. Applicants are reminded that periodic progress and financial reports, as well as an audit will be required for any project that receives OCS funds. Costs associated with the completion and submission of the required grant audit may be chargeable to the grant but are not considered as part of the up to 10% of the grant that is allowable for administrative costs.

Part II—Program Priority Areas

A. Priority Area 1.0: Urban and Rural Community Economic Development

The purpose of this priority area is to encourage the development of special

programs by which the applicants planning to serve economically depressed urban and rural areas may, with appropriate Federal assistance, initiate programs intended to improve the quality of the economic and social environment of low-income residents of the area they plan to serve. The emphases of projects must be on self-help and mobilization of the community at large and must increase opportunities for employment and/or ownership within the targeted population.

1. Narrative Description

The Office of Community Services will provide funds to a limited number of non-profit corporation or public agencies for business and community development activities at the local level. Funding under this section will be provided for specific projects with up to 10% allowed for administrative purposes and will require the submission of business or community development proposals that meet the test of feasibility.

The purpose of this priority area is not only provision of resources to eligible applicants, but also the broader objectives of arresting tendencies toward dependency, chronic unemployment, and community deterioration in urban and rural areas. To this end, the program seeks to attract additional private capital into distressed communities, including enterprise zones, build and expand the ability of local institutions to better serve the economic needs of local residents, and provide new employment and ownership opportunities for low-income people through business, physical or commercial development.

Projects must further Administration goals of public-private partnerships, and new Federal intitiatives such as urban and rural enterprise zones. OCS is particularly interested in receiving applications that stress public-private partnerships that are directed toward the development of economic self-sufficiency through a focus on economic expansion.

Applications must show significant impact on creating new permanent private sector jobs, and maintaining existing jobs, targeted towards there poverty level residents including employed and underemployed impact area residents. Any funds that are proposed to be used for training purposes must be limited to providing specific job related training to poverty level individuals who have been selected for participation or employment in the grant supported project.

A distressed community enterprise zone is defined as a geographic urban neighborhood or rural community of high unemployment and pervasive poverty. Applicants located in a State or Federally designated enterprise zone, in which a legislative entity has enacted a program of tax and regulatory relief to encourage business development, are encouraged to submit applications. Such applications must be linked wiht a complement enterprise zone initiatives, and may be for either a business venture or a demonstration of innovative ways of involving the poverty community in the implementation of the enterprise zone concept.

Because of the exacerbation of poverty and unemployment along the U.S. – Mexican border resulting from the devaluation of the Mexican peso, OCS will give special emphasis to the issuance of up $3 million worth of grants to applicants proposing economic development projects in the 36 counties of California, Arizona, New Mexico and Texas which border on Mexico.

2. Submission Requirements

Each application submitted under this program priority area must include a valid and complete Business Plan as part of its project narrative as required in Part IV of the Standard Form (SF) 424. This form will be available to applicants as part of the Application Kit (defined in Part III, E. below) (OMB Approval Number 0990–0147, expiration date, 9–30–87).

The Business Plan is one of the major components in the required project narrative that will be evaluated by OCS in terms of feasibility and community benefits. Therefore, the Business Plan must be well prepared and address all the major elements of a business plan as detailed in this program announcement and in the guidelines included in the application kits. The use of these guidelines should produce a complete and professional business plan of not more than 30 single-spaced typed pages that makes an orderly presentation of the facts as required by this program announcement. Common sense should be used in applying the guidelines to develop a business plan for each venture.

Project narratives should contain a full and accurte description of the proposed use of the requested financial assistance, whether it is for a business enterprise or a physical or commercial development project. The project narrative must show how increased employment, income, and ownership opportunities will be provided by the proposed project. The applicant must also clearly document an ability to strengthen linkages with and mobilize additional resources from other private and public sources. Evidence of a commitment on the part of the public or private sector to participate in the proposed project must be fully documented.

The Business Plan must demonstrate to OCS that there is reasonable assurance that the amount of the requested OCS funds, together with other funds available, is adequate for the completion of the project or achievement of the purposes for which an allocation of OCS funds is being requested.

Because the Business Plan guidelines were written to cover a variety of possibilities, rigid adherence to them is not possible nor necessarily desirable for all ventures. For example, a plan for a service business would not require a discussion of manufacturing or product design.

The guidelines include the following twelve sections: Summary Business Plan; The Venture and its Industry; Products and Services; Market Research and Evaluation; Marketing Plan; Design and Development Plans; Manufacturing and Operations Plan; Management Team; Overall Schedule and a Quarterly Work Plan; Critical Risks and Assumptions; Community Benefits (e.g., number of permanent jobs to be saved, number of new jobs to be created for poverty level residents, new ownership opportunities for community residents, specific new services or commercial or industrial infrastructure improvements that result from the project); and the Financial Plan.

Applicants which do not include a Business Plan as part of this application may be found non-responsive and their applications may be disqualified and returned to them.

Any applicant applying under this priority area must document that it has been previously involved in substantial economic development activities and has a record of successful project implementation which justifies a high degree of confidence in the success of the proposed project.

Each applicant must document that it has a firmly established and quantifiable record of performance that shows the following capabilities:

—To plan and implement major activities such as (a) business development, (b) commercial development, (c) physical development, or (d) financial services;
—To mobilize dollars from such sources as (a) the private sector (corporations, banks, etc.), (b) foundations, (c) the public sector, (d) State and local governments, or (e) individuals;

—To establish and maintain relations within the community (with public officials, financial institutions, corporations, other community organizations and residents);
—To maintain an asset base and organizational structure which is sound in terms of (a) net worth, (b) stability, and (c) capability;
—To develop and maintain a stable program in terms of business, physical or community development activities that will provide needed permanent jobs, services and other benefits to community residents, and impact on community-wide economic problems and needs;
—To recruit and maintain both a qualified and demonstrably competent staff and a functioning board of directors that is capable of setting appropriate policy, making necessary program decisions, and providing adequate programmatic oversight;
—To have in place sound administrative and fiscal systems and controls, and;
—To establish and maintain partnerships with the private sector in such forms as financial support, volunteerism, or executives on loan.

Each applicant must also provide a detailed description of the amount, type and sources of funding, as well as other significant support the applicant has received within the past three years from any source. In general, types of assistance can be divided into cash, in-kind contributions, training and technical assistance, etc. Sources might be other Federal, State, local governmental, corporate or other private contributors/project participants.

B. Priority Area 2.0: Assistance For Rural Housing and Community Facilities Development

The purpose of this priority is to target funds in a limited number of low-income rural communities to address two major needs in rural areas—Housing Repair and Rehabilitation and Water and Waste Water Treatment.

Under this OCS Discretionary Grants Program, the eligibility guidelines for participation are the Annual Revision of Poverty Income Guidelines published by Department of Health and Human Services with the most recent edition being dated February 27, 1984. Guidelines covering HUD and Farmers Home Administration low-income eligibility are not applicable.

For purposes of this section, *rural* is defined to include any area that is not within the outer boundary of a metropolitan entity having a population of 25,000 or more and its contiguous communities with population density of 100 persons or more per square mile according to the latest decennial census. Such a entity may be located entirely within one State or made up of contiguous interstate communities.

1. Priority Area 2.1: Rural Housing Repairs and Rehabilitation

The overall purpose of this priority area is to assist low-income residents in rural communities: (a) in rehabilitating or repairing existing substandard housing units; (b) in converting non-residential buildings to residential use; and/or (c) in developing innovative ways to meet housing needs. Applications calling for new construction will only be approved if the application clearly documents that there is insufficient existing housing stock that can be economically rehabilitated.

Funds will not be made available for the repair or rehabilitation of low-income rental housing unless (a) the owner of the properties to be repaired is a private non-profit organization and (b) agreement is entered into that insures continued occupancy by low-income people for at least three years.

Funds will not be made available under this program priority area for establishing or expanding a revolving loan fund.

We will consider applications from such entities as rural housing development corporations, cooperatives and other public and private organizations with proven accomplishments in the area of rural housing.

Proposals should fully describe how the proposed use of funds will result in tangible improvements in the housing conditions of the rural poor, including one or more of the following:
—Interior or exterior structural repairs including weatherization and alternative energy systems;
—Provision of job opportunities to local unskilled residents while assuring quality work;
—Provision of technical assistance and professional services related to housing and community planning by community-based design and planning organizations. Such projects shall be conducted with maximum use of the voluntary services of professional and community personnel;
—Development of innovative housing strategies to help low-income rural residents acquire housing.

Each applicant must include in Part IV, Program Narrative of the SF 424, a full discussion of the project including the following sections:
—*Basic Housing Data for Targeted Area.* Information on the status of housing in the targeted area, including but not limited to vacancy rates, housing deficiencies, characteristics of any housing units to be repaired, new construction inventory, values, rents and mortgage rates. [While specific census data may be included, this information must be project specific.]
—*Analysis of Needs/Priorities.* The nature and extent of the problem addressed with adequate description and documentation which identifies specific housing needs of the rural poor in the area targeted and a rationale for the strategies and priorities for which OCS support is requested.
—*Participant Application Process.* A description of the participant application process, including verification of participant need and income eligibility, proposed diagnostic repair forms and contract bid procedures (where applicable), completion verification and quality workmanship assurance procedures.
—*Types of Work to be Performed.* Specific listing of the types of repairs or rehabilitation work to be performed under an OCS grant, noting which types of work will be done in order to bring properties up to minimum housing code requirements, inspection procedures and construction scheduling.
—*Job Creation.* The number of new permanent direct jobs to be created, and the number of permanent jobs maintained by the proposed project, including the number of unskilled workers residing in the target area to be trained and placed.

2. Priority Area 2.2: Rural Community Facilities Development (Water and Waste Water Treatment Systems Development)

The purpose of this priority area is to help low-income rural communities to develop the capability and expertise to establish and maintain affordable, adequate and appropriate water and waste water treatment facilities.

The OCS will consider applications from Regional Technical Resource Centers and public or private organizations with proven technical expertise and accomplishments in water and waste treatment programs.

Non-profit organizations applying under this program area must include in their board membership or in an advisory body a significant representation of low-income community residents to insure that project efforts are meeting the needs of low-income people in the areas served and to meet the program objective of helping rural low-income communities

to develop expertise in the overall management of water and waste water systems.

Each applicant must include in Part IV of the SF 424, a full discussion of how the proposed use of funds will result in tangible improvements in the quality of water and waste water treatment systems for the rural poor, including one or more of the following:

—assisting rural communities in developing the capability to operate and manage water and waste water facilities;
—increasing local expertise and capability in water and waste water development and engineering services;
—improving the adequacy and dissemination of information on water and waste water programs serving rural communities; and
—coordinating Federal, State and local water and waste water program financing and development to assure improved service to rural communities.

Funds are not available under this area for the construction or hook-up of water and waste water treatment systems, nor for operating subsidies for such systems. However, applicants should coordinate projects with the Farmers Home Administration (FmHA) and other Federal and State agencies to ensure that funds for hardware for local community projects are available.

C. Priority Area 3.0: Assistance to Migrant and Seasonal Farmworkers

The purpose of this priority area is to fund a limited number of projects which focus exclusively on the problems and special needs of migrant and seasonal farmworkers and which will contribute towards improving their quality of life and advancing them toward self-suffiency.

The following are definitions of terms for purposes of this section:

Migrant farmworker means an individual who works in agricultural employment of a seasonal or other temporary nature, and who is required to be absent overnight from his permanent place of residence.

Seasonal farmworker means an individual who works in agricultural employment of a seasonal or other temporary nature and is *not* required to be absent overnight from his permanent place of residence.

Special consideration will be given to projects that emphasize the involvement of the private sector in addressing the unique problems of migrant or seasonal farmworkers, with priority afforded to migrant farmworkers since local commuting farmworkers have greater access to other social services and poverty programs.

Two farmworker needs that applicants are particularly encouraged to address are the need for longer term and permanent employment and for support in the areas of nutrition and housing. With respect to employment problems, OCS encourages the submission of proposals that aim to:

(a) Assist low-income farmworkers directly in improving their job skills so as to qualify them for longer term and permanent full-time employment in agriculture, and (b) assist low-income farmworkers who wish to leave agricultural employment and find jobs in other lines of work.

With respect to farmworkers' needs in the areas of nutrition and housing, OCS will entertain proposals that directly assist in such areas as crisis relief nutritional activities, the development of self-help systems of food production, and activities in the areas of home repair, rehabilitation, and ownership.

Under the Community Services Block Grant Act, States may use block grant funds to provide services and assistance to migrant and seasonal farmworkers. Applications submitted under this discretionary grant priority area must not duplicate services or grants provided by the States through block grant funds in the specific State to be served by the applicant.

Part III—Application Process

A. Eligible Applicants

Any public agency or private nonprofit organization may submit an application under this announcement.

B. Available Funds

The Office of Community Services expects to award approximately $27,000,000 in the fourth quarter of FY 1985 for new grants. The funding available for each program priority area is summarized below:

FUNDING SUMMARY

Program priority area	Availability of fiscal year 1985 funds
1.0 Urban and Rural Community Economic Development	$19,920,000
2.0 Rural Housing and Community Facilities Development	4,050,000
3.0 Assistance for Migrants and Seasonal Farmworkers	3,035,000

The OCS anticipates making approximately 80 new awards pursuant to this announcement. These awards are expected to range from $50,000 to $1,000,000, with a typical award expected to be in the area of $300,000 in economic development. In the area of housing repair and rehabilitation, community facilities development and assistance to migrant and seasonal farmworkers, we would anticipate that the average application request would be approximately $200,000. Actual grants may vary widely and eligible applicants requesting smaller or larger awards should also feel free to apply.

Projects will be funded under this authority for a period not to exceed twelve months, and each project will have a termination date. However, at the discretion of the Director, shorter or longer project periods may be established.

If a project is intended to continue beyond the OCS grant termination date, the applicant must demonstrate that it will be able to continue project operations with other sources of funding.

C. Administrative Costs

The OCS will accept applications that include administrative costs. However, since grant funds are extremely limited, no awards for only administrative costs will be made. No more than 10% of the OCS discretionary funds requested may be used for administrative purposes. Favorable consideration will be given to applications where administrative costs are less than 10% of total project funds from all sources.

Administrative costs are defined to be those costs that are necessary to protect, monitor, properly account for and apply to the approved project, those federal funds awarded. Costs associated with the internal operational management of the approved project are *not* considered to be administrative costs. Administrative costs must be identifiable from the grantee's accounts to allow OCS to be able to verify that the grantee has not exceeded the 10% administrative cost limitation.

In all cases where an applicant has been awarded and claims a current indirect cost rate approved by the Department of Health and Human Services, the Defense Contracting Agency or some other Federal agency, this rate should be documented in the application and will ordinarily be recognized by OCS and applied to any OCS grant award. However, it is understood that both administrative and indirect costs are part of and not in addition to the amount of funds awarded in the subject grant. (In most cases, the indirect cost rate approved will include not only administrative costs but also other allowable costs that were negotiated under the grantee's approved indirect cost rate. Thus, the

approved indirect cost rate may often exceed the normal 16% administrative cost restrictions which otherwise apply to OCS discretionary grants. In such cases, the entire approved indirect cost rate will be accepted.)

D. Matching Funds Requirement

The applicant is required to obtain commitment of minimum prescribed amounts of private or public funds as noted below to match each OCS dollar awarded. This match may be one private sector dollar or two public sector dollars to each dollar of OCS discretionary funds awarded in priority areas 1.0, 2.1 and 2.2. For projects submitted under Program Priority Area 3.0, Assistance to Migrants and Seasonal Farmworkers, a match of one private or public sector dollar to each dollar of OCS discretionary funds awarded is required. The firm commitment of these required matching funds must be documented in the project application. Except in unusual situations, this documentation must be in the form of letters of commitment.

Matching funds must be definite, or contingent only on receipt of the OCS grant. Speculative match, or match based on independent contingencies (such as receipt of another grant) will not be counted towards the matching requirement.

Funds expected to be raised as a result of a grant, whether from program income or otherwise (e.g., from the formation of a Minority Enterprise Small Business Investment Companies [MESBIC] will not be counted, except that for *existing* businesses or projects, projected income based on the realistic extrapolation of past performance will be acceptable. The OCS will also not consider applications that are geared towards the establishment of new, or investment in existing revolving loan funds. Small Business Investment Companies or MESBICS.

Matching funds may be in such forms as loans for construction financing, mortgages, grants from other Federal sources, or from States, counties or municipalities or private organizations. Matching funds might also be in the form of correlated training programs, related water or waste water installations, foundation support, private and charitable contributions and/or in-kind contributions.

In-kind matching contributions must show the bases for computation by indicating such data as (a) number and types of volunteers and rates at which their services are valued, (b) valuation of donated space or equipment, noting rental value, square feet, etc., or (c) bases for determination of depreciated value of any property or equipment that is specifically part of the project.

Matching funds must be expended or obligated during the approved OCS project period. Funds expended or obligated prior to the approved OCS starting date for a grant cannot be considered as matching funds.

Applicants should describe clearly how they plan to use their own resources and requested OCS funds to generate additional private sources of funding support or investment as well as funding support that might be acquired from other government agencies.

Documentation of any commitment of matching funds must be valid at least through September, 1985.

E. Application Procedures

Organizations wishing to compete for an award under this announcement must submit an application by March 29, 1985. Applications received in response to this announcement will be reviewed by OCS staff and independent field readers. *Any application not received, postmarked or identified by a commercial carrier processing date by the above closing date will be disqualified and returned to the applicant.*

1. Availability of Forms

Applications for awards under the OCS Discretionary Program must be submitted on standard forms provided for that purpose. Application kits containing copies of these forms as well as detailed technical instructions for preparing the application may only be obtained by writing to:

Office of State and Project Assistance, Division of Discretionary Programs, Office of Community Services, Room 518, 1200 19th Street, NW., Washington, D.C. 20506, Attn: OCS–85–1–DP.

Your request for an application kit must include a postcard or 3 x 5 card which contains the following information formatted as below:

Name of Requesting Organization
Address (including Zip Code)
Name of Contact Person at Organization
Phone Number
Program Priority Area

Telephone requests for application kits will not be honored. Application kits will be mailed to those requesting them beginning January 31, 1985.

2. Application Submission

An original signed application and six copies must be submitted to:

Office of Grants Management, Office of Community Services, Room 543, 1200 19th Street, NW., Washington, D.C. 20506, Attn: OCS–85–1–DP.

The application cover must contain a Program Priority Area designation in the lower right hand corner. The following Program Priority Area designations must be used:

UR—for Urban and Rural Community Economic Development,
RH—for Rural Housing Repairs and Rehabilitation,
RF—for Rural Community Facilities Development,
MS—for Migrant and Seasonal Farmworker projects.

3 Table of Contents

All applications must include, as the first item, a Table of Contents with page numbers noted for each major section and subsection. A sample of what the Table of Contents should contain and the order of presentation follows.

a. Executive Summary *(not to exceed 5 single-spaced typewritten pages).*

b. Standard Form (SF) 424, Parts I through III, accompoanied by:

(1) A Detailed Budget Breakdown for Part III, Section B,

(2) Documentation of Required Matching Funds, and

(3) Evidence of Applicant Support from other Government and/or Private Sources.

c. Narrative Description of project including, at a minimum, the following:

(1) Description of the Applicant (Organization Capacity)

(a) Organizational Experience in Program Area,

(b) Management History,

*(c) Staffing (Organizational Chart, Job Descriptions, Resumes),

(d) Senior Staff Responsibilities,

*(e) Articles of Incorporation and By-laws,

*(f) Governing Boards and Representational Structure.

(2) Description of Impact Area

(a) Standard Demographic Data,

(b) Participant/Beneficiary Characteristics,

(c) Analysis of Need.

(3) Project Implementation

(a) Project Objectives and Measurable Impact,

(b) Implementation Factors: Resource Coordination, Quarterly Work Plans with Specific Task Timelines, Financial/Business Plans (where applicable), Identification of Problems and Issues, etc.

(4) Evaluation Component.

*These items may be included as appendices to the project proposal.

Please number all pages at the bottom center and *number all pages*

consecutively, including the pages which make up any appendices. (This will facilitate review as well as future referencing once the application becomes part of the Agency's permanent files.)

Applications must be uniform in composition. They must be submitted on 8½ x 11 inch paper only. They must not include colored, oversized or folded materials. (Please do not include organizational brochures or other promotional materials in the proposal unless they have been copied to conform with the size requirements noted above.)

Please submit applications in binders that will allow for easy separation and reassembly. While applications must be comprehensive, we encourage conciseness and brevity in the presentation of materials and caution you to avoid unnecessary duplication of information.

Failure to compy with the above formatting requirements may result in disqualification and return of an application.

4. Intergovernmental Review

The OCS Discretionary Grants Program is covered by Executive Order 12372 which provides for review of proposed Federal assistance by State and local governments.

Therefore applicants for funds under this announcement are subject to the clearance procedures and requirements established by the State(s) in which their projects will be conducted. Consequently, applicants are reminded that clearance action must be initiated by them prior to submittal of applications to OCS. These initial actions must be reported on the Standard Form (SF) 424, Page 1, which is submitted to OCS. Clearance action by States need not be completed before applications are submitted to OCS.

5. Application Consideration

Complete applications that conform to the requirements of this Program Announcement will be reviewed competitively and evaluated by Federal officials and qualified independent field readers. Each complete application will be referred to qualified field readers for a numerical score and explicative comments based solely on responsiveness to program priority area guidelines and review criteria published in this notice. The results of these reviews will assist the Director and OCS program staff in considering competing applications. Evaluation scores will weigh heavily in funding decisions but will not be the only criteria considered. Applications will generally be considered in order of the mean reviewer scores though highly ranked applications are not guaranteed funding.

The Director may consider any factors deemed relevant including, but not limited to:

Comments of reviewers and State and Local officials; staff evaluation and input concerning specific projects; geographical distribution of funding; the previous program performance of applicants, especially those that had previous HHS or Community Services Administration (CSA) grants; audit reports and investigative reports; and applicants' progress in resolving any final audit disallowances owing to OCS or CSA.

The OCS reserves the option of discussing applications with other Federal or non-Federal funding sources to determine the applicant's performance record relating to the above factors.

The official award document is the Notice of Financial Assistance Awarded, which sets forth in writing to the recipient the amount of funds awarded, the purpose of the award, other terms and conditions of the award, the effective date of the award, the budget period for which support is given, the total project period for which support is contemplated and the total recipient participation.

F. Criteria for OCS Screening and Review of All Applications

All applications that meet the published deadline for submission will be screened to determine completeness and conformity to the requirements of this announcement.

Only complete and conforming applications will then be reviewed and evaluated competitively.

1. Screening Requirements

In order for an application to be in conformance it must meet all of the following requirements:

a. *Standard Form 424:* The application must include a SF 424, completed according to instructions. Item 23b of Part I of this form must be signed by an official of the applicant organization having authority to obligate the applicant legally.

b. *Number of copies:* A signed original application and six copies must be submitted.

c. *Executive Summary:* A narrative summary of the project, not to exceed five single space typed pages, must be included in each application, immediately following the table of contents. This summary must directly address the program specifics within this announcement and the evaluation criteria contained below. (Applicants are cautioned that OCS will not accept a 5 page executive summary as the complete application or as a substitute for a properly detailed Part IV, Program Narrative of the SF 424.)

d. *OCS' Priorities:* The project contained in the application must specifically address a single program priority area as stated in the announcement. An application which does not identify one program priority area or which shows multiple program priority areas will be deemed non-conforming and may be disqualified and returned to the applicant.

e. *Multiple Submittals:* A project can only be proposed once under this announcement. Multiple submittals of the same—or essentially the same—project as applications under different priority areas will be deemed non-conforming and may be disqualified and returned to the applicant.

f. *OCS Target Populations:* The application must clearly target the specific outcomes and benefits of the project to low-income participants and beneficiaries eligible under the DHHS Annual Revision of Poverty Guidelines.

g. *Match Requirements:* A match of one contributed private sector or two public sector dollars to each OCS discretionary dollar sought must be documented for all program priority areas, except Migrants and Seasonal Farmworker Programs. The match requirement for Migrant and Seasonal Farmworkers is one private or public sector dollar to each OCS dollar.

h. *Support from other Government Agencies or Private Institutions:* Each applicant must provide a list of all financial assistance (loans, loan guarantees, grants, contracts, cooperative agreements or other investment assistance) received from any government agency (Federal, State or local) or private institution during the three-year period beginning January 1, 1982 and ending December 31, 1984. In the case of applicants which are units of government (e.g. a city or county) which receive extensive assistance from many sources, the funding history need be only for that office or agency which is actually conducting the activities for which the OCS grant is being requested. The list must include the title of the project or program for which assistance was received, the name and address of the governmental agency or private institution which provided the assistance and the name and telephone number of the responsible official or program officer, within the grantor agency or institution, who administered the assistance. The list should be certified by the applicant as accurate

and complete. Where no assistance has been received during the three year period in question, the applicant must specifically so certify.

Special Note.—Failure to provide OCS with the above information by the deadline for submission of an application may disqualify the applicant from further consideration. In addition, should OCS discover that the applicant has omitted or distorted any information submitted as part of its application, it may be grounds for no further review of the application or for the recovery of any grant award already made.

Applications Must Meet All of the Above Requirements to be Considered for Funding

2. Criteria for Review and Evaluation of Applications

Applications which are judged to be in complete compliance with the announcement will be reviewed on a competitive basis. The OCS will use qualified independent field readers other than OCS employees to conduct a formal objective review of the applications.

Each reviewer will give a numerical score for each application reviewed. These numerical scores will be supported by explicative statements on a formal rating form describing major strengths and major weaknesses under each applicable criteria published in this notice. An overall rating will include the reviewer's judgment of each application. The readers will be instructed to assign one of the following ratings to each application consistent with the points given under the evaluation criteria: (a) Not recommended for funding; (b) recommended for funding with conditions; or (c) unconditionally recommended for funding.

The indepth evaluation and review process will use the following criteria coupled with the specific requirements contained under each program priority area.

a. Criterion I: Organizational Capability and Capacity (Maximum: 20 points)

(1) *Organizational Experience in Program Area (sub-rating: 5 points).* Each applicant must document competence in the specific program priority area under which an application is submitted. Where applicant has a history of two or more years of prior achievement in that area, the documentation must address the relevance and effectiveness of projects undertaken, especially their cost effectiveness and the relevance and effectiveness of any services and the permanent benefits provided to the targeted population. Applicants with a history of less than two years of prior achievement in the program areas should so identify themselves. They must also indicate both those activities that they have accomplished in the area in question and the reasons why they feel that they can achieve the project for which they are requesting funding. Documentation provided by these applicants also must address related achievements and competence of each cooperating or sponsoring organization, the commitment of these organizations to the applicant organization and the project and the revelant experiences and achievements of key personnel including board members, executive staff and project management staff.

(2) *Management History (sub-rating: 5 points).* The applicant must fully document a history of sound and effective management practices and if they have been recipients of other Federal or other government grants, they must also document that they have consistently complied with financial and program progress reporting and audit requirements. Applicants with less than 2 years of such corporate management history should so identify themselves. These applicants should submit any available documentation on their management practices and progress reporting procedures along with a certification by a Certified or Licensed Public Accountant to the sufficiency of the applicant's financial management system to protect adequately any Federal funds awarded under the application submitted.

(3) *Staffing and Resources (sub-rating: 5 points).* The application must fully describe the experience and skills of the staff showing that they are not only well qualified but that their professional capabilities are relevant to the successful implementation of the project. It must also show that it has adequate facilities and physical resources to carry out successfully the work plan specified in the project application.

(4) *Staff Responsibilities (sub-rating: 5 points).* The application must describe how the assigned responsibilities of staff are appropriate to the tasks identified for the project. It must show clearly that sufficient time of senior staff will be budgeted to assure timely implementation and cost-effective management of the project.

b. Criterion II: Significant and Beneficial Impact (Maximum: 25 points)

Projects funded under this announcement must produce permanent and measurable results that will reduce the incidence of poverty in the area targeted. Impacts should be quantifiable in terms of program area expectations, i.e., business or physical development accomplished, numbers of jobs saved/created, number of units of housing rehabilitated, etc. The OCS grant funds, in combination with private and other public resources, must be targeted into low-income communities with the goal of increasing the economic and social self-sufficiency of residents. Projects must be designed to achieve the specific program priority area objectives defined in this program announcement.

The following are examples of specific impact measures for the various program priority areas:

(1) Area 1.0: *Urban and Rural Community Economic Development:* The number of new permanent direct jobs to be created and/or the number of jobs maintained; increase in taxes paid; new technical skills development and associated career opportunties for low-income community residents; development of the community's economic and physical assets; the amount of non-Discretionary Program dollars to be mobilized and the degree of involvement by private sector individuals, corporations, and foundations in the implementation of the project.

(2) Area 2.1: *Rural Housing Repair and Rehabilitation:* The number of sub-standard housing units to be repaired and/or rehabilitated; the number of low-income residents who will be helped to purchase or acquire adequate housing; the number of low-income people to be employed in such projects; the number of units to be newly constructed; total non-Discretionary Program dollars mobilized; and justifications for selecting target communities that are based on the housing needs of low-income local residents and which show the types and amounts of assistance that have been provided in the communities in previous years. (In cases where new construction is proposed, new construction will only be approved if the applicant clearly documents that there is insufficient existing housing stock that can be economically rehabilitated.)

(3) Area 2.2: *Rural Community Facilities:* The number of rural communities provided with technical and advisory services; the number of rural poor individuals directly served by applicant supported improved water and waste water systems; the decrease in the number of inadequate water systems related to applicant activity; the number of newly-established and applicant supported treatment systems (all of the above may be expressed in terms of equivalent connections); the increase in local capacity in engineering and other areas of expertise; and the amount of

non-Discretionary Program dollars to be mobilized.

(4) Area 3.0: *Assistance to Migrants and Seasonal Farmworkers:* The number of farmworkers who have improved their agricultural skills and thus improved their agricultural employment situation; the number of farmworkers who have gained longer term or permanent private sector employment in areas outside agriculture; the number of farmworkers who have received help in the areas of nutrition and housing; the number of housing units repaired or rehabilitated; the degree and kind of such help; the amount of non-Discretionary Program dollars mobilized; and the degree of private sector involvement utilized in developing and carrying out projects funded under this announcement.

c. Criterion III: Project Implementation and Evaluation (Maximum: 30 points)

(1) *Project Implementation Component (sub-rating: 25 points).* The application must contain a detailed and specific work plan that is both sound and feasible. It must set forth realistic quarterly time targets by which the various work tasks will be completed. It must define critical issues or potential problems that might impact negatively on the project and it must indicate how the project objectives will be attained notwithstanding any such potential problems.

(2) *Evaluation Component (sub-rating: 5 points).* All proposals should include a self-evaluation component. The evaluation data collection and analysis procedures should be specifically oriented to assess the degree to which the stated goals and objectives are achieved. Qualitative and quantitative measures reflective of the scheduling and task delineation in (1) above should be used to the maximum extent possible. This component should indicate the ways in which the potential grantee would integrate qualitative and quantitative measures of accomplishment and specific data into its final program progress reports that are required by OCS from all grantees.

d. Criterion IV: Public—Private Partnerships (Maximum: 10 points)

All applications must, at a minimum, document that the private and/or public matching funds requirement will be met as part of the grant. This commitment of non-Discretionary Grant funds is necessary for an application to be considered as competitive and if other screening factors are met, will make an application eligible for consideration.

An applicant may be eligible for 10 points under this criteria if, in addition to the required matching funds, it documents that it will mobilize from public or private sources additional project support and assistance which will directly benefit the project and poverty level target area residents.

Projects which are estimated by OCS to have a *very* high potential for success and which show unique private sector involvement may be more favorably considered for funding.

e. Criterion V: Budget Appropriateness and Reasonableness (Maximum: 15 points)

Each applicant should carefully review the requirements of the specific program priority area and the budget submitted must coincide with these requirements.

The proposed request for funds must be commensurate with the level of effort necessary to accomplish the goals and objectives of the project. It must include a detailed budget breakout for each of the budget categories in Part III, Section B of the Form 424. (Please identify any positions for which less than full-time funding is requested.) The estimated cost to the government of the project must also be reasonable in relation to the value of the anticipated results.

The contribution of any other private and/or public sector agencies or organizations must be assured in writing in the application when it is submitted.

Part IV: Instructions for Completing Applications, Closing Date & Delivery of Applications

A. Submission Date

The closing date for applications submitted under this program announcement is March 29, 1985. Applications may be mailed or hand delivered to:

Office of Grants Management, HHS/ Office of Community Services, Room 543, 1200 19th Street, NW., Washington, D.C. 20506, Attn: OCS–85–1–DP.

Hand delivered applications will be accepted during the normal working hours of 8:45 a.m. to 5:30 p.m., Monday through Friday, (excluding Federal legal holiday) up through the closing date of March 29, 1985. All other applications must be postmarked or dated by a commercial carrier not later than midnight, March 29, 1985. An application will be considered to be received on time under either one of the following two circumstances:

1. The application was sent by registered or certified mail or by private commercial carrier no later than the closing date, as evidenced by a U.S. Postal Service date postmark or by commercial carrier dating, unless it arrives too late to be considered by the independent field readers. Applicants are responsible for assuring that the U.S. Post Office or private commercial carrier dates the application package. Applicants should be aware that not all post offices or private commercial carriers provide a dated postmark unless specifically instructed to do so.

2. The application is received on or before the closing date by the Department of Health and Human Services, Office of Community Services in Washington, D.C. at the address indicated above. In establishing the date of receipt of hand delivered applications, reliance will be placed on documentary evidence of receipt maintained by HHS/OCS.

Any application not meeting the above closing date criteria will be disqualified and returned to the applicant.

B. Application Package

Each application must include:

1. A signed original and six additional copies of the application. The original of the application must bear the original signatures of the certifying representative of the applicant organization. Do not include extraneous materials such as agency promotional brochures, slides, tapes, film clips etc. It is not feasible to use such items in the review process, and they will be discarded if included.

2. A self-addressed, stamped postcard so that acknowledgment of receipt can be returned. (This requirement applies even if the application is accompanied by a "return receipt requested card".) All applications will be assigned an identification number which will be noted by OCS on the acknowledgment. This number and the program priority area must be referred to in all subsequent communication with OCS concerning the application. If you do not receive the acknowledgment within three weeks after the deadline date, please notify OCS by telephone (202) 653–9241.

Special Note.—After an identification number is assigned and the applicant has been notified of the number, applications will be filed serially by the number to aid quick retrieval. It is not possible for OCS staff to provide a timely response to inquiries about a specific application unless this number and the program priority area are given along with the applicant's name.

C. Contents of Applications

Each copy of the application must contain in the order listed, each of the following (more detailed instructions are

noted in Part III.E.3, above, and in the OCS Application Kit instructions to applicants.

1. A Table of Contents as noted in Part III, above;

2. Executive Summary no more than the equivalent of 5 single spaced typed pages;

3. Standard Form 424, Part I, Federal Assistance—to be completed according to instructions contained on that form;

4. Standard Form 424, Part II, Project Approval Information—items 1 through 10, with attachments;

5. Standard Form 424, Part III, Budget Information—Sections A. through F with attachments; and

6. Standard Form 424, Part IV, Project Narrative, fully describing the project being proposed in response to this announcement. The narrative should be fully responsive to the specific requirements contained under each program priority area and address the review criteria.

Applications once submitted are considered final and no additions will be accepted by OCS.

Applicants are cautioned to carefully read the specific requirements contained under each program priority area and detailed in the application kit.

Again, applicants are reminded that failure to meet the specific programmatic formatting and submission requirements stated herein may result in the disqualification and return of an application.

Dated: January 22, 1985.

Jerrold B. Speers,

Deputy Director, Office of Community Services.

[FR Doc. 85-1929 Filed 1-24-85; 8:45 am—

BILLING CODE 4150-04-M

federal register

Friday
January 25, 1985

Part V

Department of Labor

Mine Safety and Health Administration

30 CFR Parts 56 and 57

Safety Standards for Loading, Hauling, and Dumping; Extension of Comment Period

Regulations

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

Safety Standards for Loading, Hauling, and Dumping; Extension of Comment Period

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice to extend period for public comment.

SUMMARY: Due to requests from the public, the Mine Safety and Health Administration (MSHA) is extending the period for public comment regarding its proposed rule for loading, hauling, and dumping at metal and nonmetal mines.

DATE: Written comments on the proposed rule must be received on or before March 22, 1985.

ADDRESS: All comments should be sent to: Mine Safety ahd Health Administration, Office of Standards, Regulations and Variances, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, MSHA, phone: (703) 235–1910.

SUPPLEMENTARY INFORMATION: On December 18, 1984, MSHA published a proposed rule (49 FR 49202) revising the loading, hauling, and dumping standards for the metal and nonmetal mining industry. The comment period was scheduled to end on February 19, 1985.

Due to requests from the public, MSHA is extending the time for commenting on this proposed rule. The comment period is extended to March 22, 1985. All interested members of the mining community are encouraged to submit comments prior to that date.

Dated: January 18, 1985.

David A. Zegeer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 85–1933 Filed 1–24–85; 8:45 am]

BILLING CODE 4510–43–M

federal register

Friday
January 25, 1985

Part VI

Department of Health and Human Services

Public Health Service

Availability of Grants for Family Planning Services Delivery Improvement Research; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Announcement of Availability of Grants for Family Planning Services Delivery Improvement Research

AGENCY: Office of Family Planning Programs, PHS, HHS.

ACTION: Notice.

SUMMARY: This is to announce the availability of grant funds for research on topics about which greater knowledge is needed as a basis for improving the delivery of family planning services in this country. Research is invited in eight topical areas: (1) Family planning needs of underserved groups; (2) rural family planning service delivery; (3) family planning staffing arrangements; (4) family planning counseling provision; (5) integration of family planning with other health services (6) infertility services; (7) male involvement in family planning and (8) lessons from other developed countries.

ADDRESSES: Application kits may be obtained from the Grants Management Office, Office of Family Planning, DHHS North Building, Room 1351, 330 Independence Avenue, SW., Washington, D.C. 20201

Applications should be sent or delivered to: Division of Research Grants, National Institutes of Health, Westwood Building, Room 240, 5333 Westbard Avenue, Bethesda, MD 20205.

DATES: Applications must be received at the above NIH address no later than 4:30 p.m. Eastern time, March 22, 1985.

Research proposals will be reviewed using the NIH peer review process. Grant awards decisions will be made during Summer 1985. The earliest start date for grant awards would be September 1, 1985. The latest start date for grant awards would be January 1, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. Patricia Thompson, Office of Family Planning (OFP), at 202/245–0151.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1004(a) of Title X of the Public Health Service Act authorizes grants to public or non-profit private entities for research projects in the field of program implementation related to family planning services (Catalogue of Federal Domestic Assistance No. 13.974). The areas identified for research in this RFA cover a broad range of topics pertinent to those concerned with the improvement of family planning services program implementation.

II. Research Areas

A. What are the particular family planning needs of underserved subgroups of the low-income population? What are the personal, cultural, and institutional factors which influence whether or not individuals in these groups obtain needed family planning services from the public or private sector? To what extent are current efforts made by family planning clinics successfully addressing the problems related to these factors?

B. What particular problems of family planning service delivery exist in rural locations? What are the crucial factors influencing whether or not individuals residing in rural areas obtain family planning services from the public or private sector? Which managerial and organizational patterns hold the most promise for efficient and effective provision of family planning services in rural areas? In what ways must issues of cost be approached differently in rural settings?

C. What various configurations of staff are associated with optimal provision of family planning services for poor women in different clinic settings? What are the problems that family planning clinics experience in establishing and maintaining optimal staffing patterns, including the provision of continuing professional education for staff?

D. What are the different types of counseling available through family planning clinics? What cost variations exist with regard to the different types of counseling approaches? Are there variations in counseling approaches and costs according to client characteristics? How successful are the different counseling approaches in assisting clinic clients to plan their families?

E. What are the implications for the delivery of family planning services when they are integrated with other health services? More specifically, what is the impact on staffing patterns, cost, quality of care, patient recruitment, etc.? Under what conditions is integration most likely to result in desired outcomes on these dimensions? What kinds of arrangements help to offset possible problems that may occur when family planning services are integrated with other health services?

F. What is the current nature of infertility problems among poor women? What factors are associated with this condition? What are the costs and outcomes associated with the treatment of each infertility problem category? How do individual characteristics affect the provision of and effectiveness of infertility services among poor women?

G. What have been the most effective ways of involving males in family planning in the public and private sectors? What are the costs of different modes of male family planning involvement and what are associated differences in outcomes, including the male's influence on his partner's effective use of contraceptives?

H. What insights and lessons can be drawn from the experiences of other developed countries, particularly Canada and Western Europe, in the provision of family planning services for adult women? What are the sources of family planning information and contraceptive services in these countries today? How effective are these nations in providing for the contraceptive needs of their adult women—especially those from low income families? How effective has the provision of family planning services been in reducing the need for and the instance of abortions? What is the role of private physicians in the delivery of family planning services? What are the alternative sites for the delivery of family planning services to adult women in those countries and what are the advantages and disadvantages of the different modes of service delivery?

III. Research Scope

This RFA encourages a variety of social science and other scholarly approaches and methodologies in the study of the research questions posed above. A program goal is to develop a broad research base, but limited available funds may preclude funding in all eight areas. The program is committed to funding only proposals that excel in meeting the review criteria enumerated in Section VI below and that show substantial promise of producing results that will have relevance for policy-makers and service providers.

Applications should include a well-organized statement of the problem to be addressed, the research design, the conceptual framework within which the design has been developed, the methodology to be employed, the evidence upon which the analysis will rely, and the manner in which the evidence will be analyzed. The question of how findings from the proposed study will have general applicability to concerns of family planning services programs in this country should be addressed.

In order to make data available to other interested scholars and policy-makers as quickly and broadly as

possible, copies of data sets and accompanying documentation produced with funds granted through this RFA will be deposited with a public use data archive, such as the Data Archive on Adolescent Pregnancy and Pregnancy Prevention or the Inter-University Consortium for Political and Social Research; alternatively, data sets may be deposited with OFP. Data sets will be deposited only after: (1) Appropriate deletions have been made to protect the personal privacy of subjects and (2) the grantee has had a reasonable length of time, not to exceed 18 months after the final budget period, to complete the study and report its results. The cost of making such data available should be budgeted in the proposal.

IV. Mechanism of Support

Research grants are authorized under section 1004(a) of the Public Health Service Act (42 U.S.C. 300a–2(a)). Direct costs should not exceed approximately $100,000 for each year of the project. OFP expects that awards to established investigators will range from $50,000 to $100,000. OFP also is interested in the development of new investigators to increase the number of researchers and research in the field of family planning. To encourage such development, OFP invites smaller proposals from new investigators ranging from $15,000 to $30,000 for each year of the project. All applications will be evaluated for scientific merit according to the same standards and criteria.

Applicants should specify whether cost sharing will be accomplished through Institutional Agreement or negotiated prior to award. Grant policies of the Public Health Service will prevail. As much as $500,000 dollars may be available for grants in Fiscal Year 1985 under this announcement, and as many as 5–15 research grants may be awarded.

V. Eligibility

This competition is open to any public or private non-profit institution or agency. Salary information for all project personnel should be included in the original application but may be omitted from copies. Confidential business information in applications will be protected from disclosure under provisions of the Freedom of Information Act.

VI. Review Criteria

The review of applications is governed by Title 42, CFR, Part 52. Review criteria include:

(1) Scientific merit and significance of the project;

(2) Competency of proposed staff in relation to the type of research involved;

(3) Feasibility of the project;

(4) Reasonableness of proposed budget period in relation to the proposed research;

(5) Amount of grant funds necessary for completion, and adequacy of applicant's resources available for project;

(6) Adequacy of methodology proposed to carry out the research; and,

(7) The adequacy of the proposed means for protecting against adverse effects upon humans, animals, or the environment, where an application involves activities which could have such effects.

VII. Method of Applying

Applications should be submitted on Form PHS–398. This form may be obtained from university offices of sponsored research or from the Grants Management Office, OFP, Room 1351, 330 Independence Avenue, SW., Washington, D.C. 20201. The instructions in the application kit should be followed. No review is required under E. O. 12372, nor by a Health Planning Agency, unless the proposed research would establish a demonstration project for purposes of collecting data.

Applications must be received before 4:30 p.m. Eastern time, on March 22, 1985. Applications should be sent or delivered to: Division of Research Grants, National Institutes of Health, Westwood Building, Room 240, 5333 Westbard Avenue, Bethesda, Maryland 20205.

Type across the mailing envelope and the top of the application face page: Submitted in response to the RFA Entitled "Family Planning Service Delivery Improvement Research."

Dated: January 22, 1985.

Marjory E. Mecklenburg,

Deputy Assistant Secretary for Population Affairs.

[FR Doc. 85–1934 Filed 1–24–85; 8:45 am]

BILLING CODE 4160–17–M

federal register

Friday
January 25, 1985

Part VII

Environmental Protection Agency

40 CFR Part 60

Standards of Performance for New Stationary Sources; Fossil-Fuel-Fired Steam Generators; Proposed Amendment

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2652-6]

Standards of Performance for New Stationary Sources; Fossil-Fuel-Fired Steam Generators, Proposed Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Amendment to Rule.

SUMMARY: The Central Illinois Public Service Company (CIPS) has petitioned the Environmental Protection Agency (EPA) to amend 40 CFR Part 60, Subpart D, as it applies to sulfur dioxide (SO_2) emissions from the two boilers at its Newton power station in Jasper County, Illinois. The EPA is today proposing to amend Subpart D as it applies to these two boilers. The proposed amendment would yield lower SO_2 emissions and reduce the cost of compliance.

A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentation of data, views, or arguments concerning the proposed amendment.

DATES: *Comments.* Comments on the proposed amendment must be received on or before March 25, 1985.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by February 6, 1985, a public hearing will be held on February 27, 1985, beginning at 9:00 a.m.

ADDRESSES: *Hearing.* The public hearing will be held at EPA Auditorium, Research Triangle Park, N.C. Persons interested in attending the hearing or wishing to present oral testimony should call Ms. Shelby Journigan at (919) 541-5578.

Comments. Comments should be submitted (in triplicate, if possible) to: Central Docket Section (LE-131), Attention: Docket No. A-84-01, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460.

Docket. Docket No. A-84-01, containing information used by EPA in development of the proposed amendment, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C., 20460, and at EPA's Region V Office, 230 S. Dearborn Street, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Ajax, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, telephone number (919) 541-5578.

SUPPLEMENTARY INFORMATION:

Background-Consideration of the Use of Bubbles for Facilities Subject to NSPS

Legal Basis

Section 111 of the Clean Air Act requires the Administrator to establish and enforce "standards of performance for new stationary sources." These new source performance standards (NSPS) are to minimize emissions, consistent with consideration of cost and other impacts. Specifically, NSPS reflect "application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated." Section 111(a)(1). For brevity, such a system is referred to as "best demonstrated technoglogy" or "BDT." *Portland Cement Ass'n.* v. *Ruckelshaus*, 486 F.2d 375 (D.C. Cir. 1973), cert. den. 417 U.S. 921 (1974); *Essex Chemical Corp.* v. *Ruckelshaus*, 486 F.2d 427 (D.C. Cir. 1973), cert. den. 416 U.S. 969 (1974); *Portland Cement Ass'n.* v. *Train*, 513 F.2d 506 (D.C. Cir. 1975), cert. den. 423 U.S. 1025 (1975).

As stated previously, the CIPS boilers are subject to the NSPA for fossil fuel-fired boilers that was promulgated in 1971. The standard requires each coal-fired boiler to meet an emission limit for SO_2 of 1.2 lb/million Btu heat input.

As discussed below, it now appears that the combined emission limit agreed to by CIPS for these boilers, in conjunction with certain monitoring, recordkeeping, and reporting requirements, would achieve lower SO_2 emissions and lower cost, without causing any significant adverse impacts. This combined limit, which is numerically lower than the current limit for single units is, therefore, consistent with Section 111, and EPA is today proposing to revise Subpart D as it applies to the CIPS boilers. Because the combined limit is based on consideration of emissions from the whole plant, as though a "bubble" were placed over the whole plant, it is referred to as a compliance bubble.

Benefits of NSPS Compliance Bubbles

There are several potential advantages associated with the alternative compliance strategy offered by the NSPS bubble. First, where emissions control costs vary significantly from one new facility to another, equal or better environmental results can be obtained at less cost by reducing emissions more at low-control-cost facilities in exchange for less reductions at higher-control-cost facilities.

Second, bubble opportunities give regulated firms direct financial incentives to develop and employ more efficient, effective emission reduction technology than currently required by environmental regulations, including new processess that are inherently less polluting (and hence more reliable). Thus bubbles not only reward innovations in control technology or process changes but can provide working demonstrations which may later serve as reference examples for future NSPS or non-attainment areas. Congress intended Section 111 to promote development and use of more efficient pollution control technology.

In addition, a bubble approach allows individual companies flexibility to capitalize on their own expertise and better tailor control strategies to specific circumstances which may distinguish their plant from the national "Model", while assuring aggregate emission reduction as great at or greater than under the traditional approach. Allowing industry greater flexibility in reducing emissions to comply with NSPS, while not an express goal of the Clean Air Act, is desirable policy as long as such flexibility does not result in more emissions. It is these potential advantages that have led the Administrator to consider allowing specific NSPS compliance bubbles.

Safeguards Against Potential Adverse Impacts

In order to assure that emission reductions under alternative NSPS compiance bubble procedures are at least equivalent to those under traditional application of the NSPS, safeguards must be provided to prevent an increase in either allowable or actual emissions. This means that the difference between the *expected actual performance* of a facility (when subject to traditional application of the NSPS) and the *allowable NSPS limit* for that facility cannot be treated as a source of emission reduction credits to be used for purposes of demonstrating compliance with reduction requirements on another facility.

To fully appreciate the need for this safeguard it is important to realize that the allowable limits of most NSPS are set at levels which are higher than the projected actual emission levels at most facilities complying with the standards. This situation is not unintentional.

Rather it is a recognized, although sometimes difficult-to-predict, outcome of the standard setting process. In developing standards which are applicable to all affected facilities and achievable at each of these facilities, the Agency must establish limits at levels which reflect the performance of BDT under the worst, reasonably-to-be expected situation. If this were not the case, the standards would not meet the Act's mandate that they be consistently achievable.

Furthermore, since the standards are limits that are "never-to-be exceeded," the limits must be higher than the average long-term performance of BDT so that routine variations in operations will not result in an exceedance of the standard. The size of this differential between expected actual emissions and allowable emissions varies substantially from one NSPS to another and even for different facilities subject to the same NSPS. For some industries this difference can be quite significant. For example, the limit of the NSPS for Portland cement plant kilns (36 FR 24880) was set at 0.15 kg/Mg of dry feed. Initial compliance test results for 29 kilns, constructed since the standard was adopted, averaged 0.073 kg/Mg and ranged from 0.013 to 0.142 kg/Mg. (For these kilns, the difference between the 0.15 kg/Mg standard and the 0.073 kg/Mg average performance is approximately 50 tons of particulate emissions per year.)

This differential between the allowable numerical limit of the NSPS and the expected performance of BDT is not normally critical in its effect on emission rates, provided the standard is not so lenient as to allow the installation or operation of a technology inferior to those selected as representative of BDT. In cases where a bubble is to be employed, however, treatment of the differential can be a critical element in the approval of an alternative compliance procedure. Because the difference between the allowable rates and the expected actual emission rates that would be achieved if BDT were applied is a normal consequence of the traditional standard setting process, use of this differential as an emission reduction credit could result in a higher aggregate level of actual emissions that would be reasonably expected under traditional application of the NSPS. For these reasons, any alternative NSPS compliance procedure (i.e., bubble) approved by the Administrator will give credit only for those emission reductions in excess of the reductions otherwise expected through traditional compliance procedures. Where the level of actual emissions expected under traditional application of the NSPS is difficult to predict with precision, an extra margin of safety (in the form of additional emission reductions) may be required to assure against any inadvertent increase.

Special safeguards may also be required to assure the ability to monitor and enforce compliance with alternative limits under an NSPS compliance bubble. Compliance must not be made dependent on undemonstrated or unduly burdensome monitoring and enforcement procedures, and no system will be approved which appears to increase the likelihood of undetected violations. Potential difficulties in determining compliance may be avoided by such safeguards as specific enforceable limits on each affected facility, requiring simultaneous monitoring of each affected facility, combining all affected facilities into a common stack, or other procedures assuring enforeability equivalent to traditional NSPS.

As the above discussion indicates, adequate safeguards are available and can be employed to assure that alternative NSPS compliance limits are applied in a manner to minimize or avoid potential adverse impacts. The Agency will examine all potential adverse impacts and will not approve bubbles in instances where such impacts are not clearly overcome or outweighed by positive environmental factors. Bubbles which are approved will be carefully constructed and restricted in application to assure this result.

Summary of the CIPS Bubble Petition

CIPS operates two 600 megawatt coal-fired steam generating units at its Newton power station in Jasper County, Illinois. Both units are subject to the NSPS for fossil-fuel-fired boilers (Subpart D) which require that SO_2 emissions from each utility boiler built after August 17, 1971, be maintained at or below 1.2 lb SO_2/MBtu. Unit I, which commenced commercial operation in November 1977 has been operated since 1979 with a dual alkali flue gas desulfurization (DAFGD) system to reduce SO_2 emissions to meet the 1.2 lb SO_2/MBtu limit. The second boiler came on-line in December 1982 and has been fueled with a low sulfur compliance coal. Emissions from this unit have averaged approximately 1.0 lb SO_2.

In a petition[1] dated October 1, 1982, and an amendment dated November 30, 1983,[2] CIPS requested that the EPA amend 40 CFR 60, Subpart D, to permit an alternative strategy for determining compliance with the SO_2 limit that would allow emissions from the two units to be aggregated to meet a combined emission limit of 1.2. In subsequent communications, CIPS agreed to a combined emission limit of 1.1. CIPS estimates in its petition that the alternative strategy would result in a $22 million cost savings per year to CIPS and in energy and environmental benefits. CIPS further supports the merits of its petition by stating that the DAFGD system represents innovative technology and is the first full-scale application of this process on a large utility boiler. The system consists of two scrubbing units, each with two trains or scrubber absorbers. Three trains can handle full load operation, leaving the fourth train in reserve as a spare. Based on 1981 monitoring data, the system demonstated the ability to achieve short-term emission rates of 0.45 lb/MBtu at a boiler load of 565 MW. CIPS is confident that the system "is capable of achieving sulfur dioxide emission rates in the range of about 0.6 lb/MBtu, although additional capital expenditures and operating and maintaince costs will be required to ensure consistent and reliable operation at that level."[2] CIPS has indicated a willingness to commit to the capital expenditures (approximately $500,000) if an alternative compliance strategy will be allowed. The improvements to be made include installation of trays or packing and additional sprays to the pre-scrubbers; installation of additional sprays and trays or packing to the scrubbing trains; and installation of screens and filters on the sodium liquor to remove suspended solids to preclude potential scaling problems.

With Unit I operating at an emission rate of approximately 0.6 lb SO_2/MBtu, Unit II could operate at approximately 1.8 lb if the bubble requested by CIPS were provided. Thus, CIPS would be allowed to burn, without scrubbing at Unit II, higher sulfur coal which they indicate is locally available. The cost savings estiamted by CIPS reflect the difference in price between low sulfur (1.2 lb/MBtu) coal transported from western mines and the higher sulfur (1.8 lb/MBtu) coal available in the Illinois/Indiana region.

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[1] "Petition for Rulemaking to Amend 40 CFR Part 60, Subpart D To Adopt An Alternative NSPS Compliance Strategy" submitted by Central Illinois Public Service Co., October 1, 1982, (Docket A-84-01, II-D-7).

[2] ("Supplemental Request of Central Illinois Public Service Company to Amend 40 CFR Part 60, Subpart D To Adopt An Alternative NSPS Compliance Strategy," November 30, 1983, Docket A-84-01, II-D-10).

Basis for Approval of the CIPS Bubble

The Administrator has reviewed the NSPS compliance bubble for CIPS and has made the following findings: that this bubble in conjunction with the proposed additional monitoring, recordkeeping, and reporting requirements, will achieve an emission reduction greater than the emission reduction that would be realized under the current NSPS; that the DAFGD technology applied to Unit I constitutes technology that is essentially different from the technologies selected as representative of BDT during development of Subpart D in 1970–1971; and that continuous monitoring systems, which can accurately measure the combined SO_2 emissions from Units I and II on a continuous basis, will be employed. Based on these findings, the Administrator proposes approval of a bubble provision for CIPS.

Additional Emission Reduction

Revision of Subpart D as it applies to these two boilers could clearly yield significant costs savings and it could also result in lower emissions. As noted above, the purpose of NSPS is to minimize emissions, consistent with consideration of cost and other impacts. Therefore, the revision being proposed today, which yields significant reductions in both emissions and in cost, better implements Section 111.

The bubble provision has two components that cause the emission reduction achieved to be better than the reduction that would be achieved if BDT were applied to each faciality separately. These components are an emission limit set at a numerical value below the value that reflects the application of BDT at each facility and a requirement that periods of control equipment malfunction not be totally exempted from the compliance calculations.

The Administrator reviewed emissions data from typical sources using BDT to comply with the SO_2 limit of Subpart D and from the Newton power station.* These data indicate that the typical facility and the two Newton facilities would be normally controlled, with good precision, to levels slightly below the numerical limit of the NSPS. Emission rates from the typical FGD-equipped utility boiler that is in compliance with the standards would average about 0.9 lb SO_2/MBtu over the long term and vary above this level over the short term. Emission rates from the typical non-FGD-equipped utility boiler burning low sulfur coal to comply with the standard would average about 1.0 lb SO_2/MBtu over the long term. The reasons for the variability in short term emission rates relate to the heterogeneous nature of coal deposits and the inherent variability in FGD performance. Because of the variabiality, the typical operator would have to maintain the average emission rate at an FGD-equipped facility at approximately 0.9 lb/MBtu and the average emission rate at a facility burning low sulfur coal at approximately 1.0 lb/MBtu to ensure compliance with the standard of the 1.2 lb/MBtu.

Emission rates from Newton Unit II currently average about 1.0 lb/MBtu, the rate that would be typical for other facilities using low sulfur coal to comply with Subpart D. Emission rates from Unit I, as indicated by data from CIPS,[2] average 1.0–1.1 lb/MBtu, a rate that is somewhat higher than the 0.9 lb/MBtu rate for other FGD-equipped boilers complying with Subpart D. The reason is that the DAFGDS at the Newton plant operates with an automatic bypass of approximately 10–12 percent of total gas flow. The bypass responds to the monitored emission rate, and CIPS can, therefore, minimize variability and maintain the emission rate within a narrow range just below the limit of the NSPS. This mode of operation minimizes costs buy may result in greater emissions than other control systems in use to comply with Subpart D.

From the review of the emissions data discussed above, the Administrator concluded that the proposed reduction in the numerical limit of the standard would cause concomitant reduction in the long-term-average emission rate and, therefore, an actual emission reduction greater than the reduction achieved at CIPS with the 1.2 limit. The bubble limit being proposed is 1.1 lb SO_2/MBtu, a value that is approximately 10 percent below the 1.2 limit. The Agency anticipates that emissions from Units. I and II together, under the bubble, would have to average 0.95 lb/MBtu, or less, to comply with the 1.1 limit. As a result, the bubble limit should provide additional emission reductions of about 2500 tons per year beyond what would be achieved if the limit were unchanged.

The bubble also contains more restrictions on exempting emissions that occur during a malfunction than the policy under § 60.11(d) of the General Provisions and under § 60.84(c) of the proposed revisions to Subpart D (48 FR 48960, October 21, 1983). This provides further potential for achieving emission reductions greater than would be realized under the facility-by-facility application of Subpart D. Under § 60.11(d) and § 60.48(c), the owner or operator is allowed to exclude all emissions that occur during a control equipment malfunction from the compliance calculations. The CIPS bubble approved would allow the exclusion of only those emissions that occur during the first 250 hours (per calendar year) of malfuctions In addition, for any malfunction that is not corrected within 16 hours, CIPS would be required to begin loading coal from the Unit II coal supply (i.e, coal with expected SO_2 emissions of about 1.8 lb/MBtu) into the Unit I bunker after 16 hours and to continue loading Unit II coal into Unit I for the duration of the malfuction, or the attainment of the 250-hour limit, which ever occurs first. Once 250 hours of malfunction emissions data have been excluded from the compliance calculations, CIPS is required to include all emissions data obtained during malfunctions for the remainder of the calendar year in the compliance calculations.

The Administrator believes that the malfunction provision being proposed will ensure that the emission reduction realized under the bubble provision will be better than the reduction that would be realized under facility-by-facility application of BDT under Subpart D. An emissions increase from Unit II is being permitted under the compliance bubble provision because the Agency believes that this increase will be at least fully offset by a decrease in emissions from Unit I. If the DAFGD system on Unit I is not operated properly on a consistent basis, the necessary offset will not be attained. The 250-hour limit requires 97 percent DAFGD availability, a level that is judged to be reasonable for the scrubber at the Newton facility. CIPS' outage history for the past 3 years (January 1981 through December 1983)[3] supports that 97 percent availability has been achieved at the Newton facility.

Requiring that CIPS begin loading lower sulfur coal (i.e., coal from the Unit II coal supply) after 16 continuous hours of a malfunction further ensures that the emission reduction realized under the bubble will be better than the reduction that would be achieved under facility-by-facility application of BDT under Subpart D. Under the facility-by-facility application of BDT, uncontrolled emissions from Unit I, during malfunctions, would be approximately

* EPA assumes, throughout this notice, that Subpart D would specify that compliance with the 1.2 lb SO_2/MBtu emission limit is determined on a 30-day rolling average basis, as proposed on October 21, 1983. 48 FR 48960.

[3] R. J. Grant, Central Illinois Public Service Company, to L. G. Jones, EPA:SDB, February 1, 1984. Letter with attachment. Docket A-84-01. II-D-12.

4.4 lb SO_2/MBtu, and emissions from Unit II would be approximately 1.0–1.2 lb/MBtu, resulting in a combined average of about 2.7–2.8 lb SO_2/MBtu. Under the bubble provision, once the Unit II coal reaches the combustion chamber of the Unit I boiler (about 48 hours from the time the coal is loaded into the Unit I bunker, assuming full load operating conditions), the combined emissions from Units I and II would be reduced to about 1.8 lb SO_2/MBtu. Thus, even though the malfunction provision allows emissions data to be excluded from the compliance calculations for the first 250 hours per year, some additional emission reduction will be achieved during a portion of the 250 hours. Looking at the malfunction experience at the Newton facility for 1983, had the proposed malfunction provision been in effect, emissions would have been reduced from about 2.8 to about 1.8 lb/MBtu for 120 hours out of the allowable 250 hours. This represents an additional SO_2 emission reduction of over 650 tons per year.

Technology Better Than BDT

The Administrator finds that in this case the DAFGDS used by CIPS on its Unit I represents a technology essentially different from the technologies selected as representative of BDT during development of Subpart D. The dual alkali system installed on Unit I is a technology with higher scrubbing efficiency than the efficiencies of the lime/limestone flue gas desulfurization systems, or scrubbers, that were recognized as BDT. Sulfur oxides absorption efficiency in a dual alkali system is potentially higher than in a limestone system with the same physical dimensions and liquid-to-gas flow rates because the absorption reaction depends on gas/liquid chemical equilibrium and mass transfer rates of sulfur oxides from flue gas to scrubbing liquid (an aqueous solution of soluble alkali) instead of limestone dissolution, the limiting factor in limestone scrubbing. (The addition of lime or limestone occurs outside the scrubber loop in a DAFGDS.)

The DAFGDS installation at the Newton power plant is one of the first full-scale systems to be used in the U.S. on electric utility size boilers. The Newton system was twice as large as either of the other two full-scale systems in existence in 1977. CIPS' decision to operate a dual alkali FGD system instead of a lime/limestone system was based, in part, on potential problems with gypsum scaling with limestone scrubbers treating offgases with high concentrations of halogens, heavy metals, and other tramp-components of coal. CIPS intended to burn locally available high sulur/high chloride coal and was worried about the scaling problems that might be encountered with a limestone system. Scale prevention is achieved in the DAFGDS through segregated collection from the flue gas of coal tramp-components (such as halogens and heavy metals) and by suppression of scrubbing liquid calcium-ion concentration.

In addition, CIPS is committed to making certain improvements to the DAFGD system (stated earlier in the *Summary of the CIPS Bubble Petition* section of this preamble) to increase sulfur dioxide removal efficiency. The Administrator believes that the improved DAFGDS represents technology that will have sulfur dioxide removal capabilities superior to those of conventional limestone slurry scrubbers. Thus, it is, in the Administrator's judgment, appropriate to approve a bubble limit that would allow credit generated from the additional emission reduction (below the expected actual BDT-level of emission) to be applied towards another affected facility.

Ability To Ensure Continuous Compliance **

The Administrator finds that the procedures and equipment proposed to be applied will result in continuous compliance. A major concern regarding compliance bubbles is that bubbles may be more difficult to enforce than the individual NSPS limits. However, in this case, enforceability will be assured by the application of continuous emission monitoring systems on each stack. At the Newton facility, the SO_2 emission rate monitors are available and the monitoring systems include a determination of the heat input to each boiler so that the emissions from each boiler can be prorated according to boiler load. Monitoring performance specifications for these monitoring systems are included in Appendix B and G of Part 60.

CIPS has previously installed a continuous monitoring system on Unit I and has demonstrated an ability to obtain continuous emission data over 90 percent of the time. There is currently no continuous monitoring system on Unit II, but CIPS has indicated their willingness to install the necessary monitoring system on Unit II. CIPS plans to use two computers to continuously compute the emission rate from each unit and the combined emission rate from both units.

Continuous compliance will be determined according to the monitoring requirements in § 60.45 and the additional monitoring requirements in Appendix G that are specific to this bubble provision. These additional monitoring requirements and the additional recordkeeping and reporting requirements are discussed further in the Continuous Emission Monitoring section and in the Recordkeeping and Reporting Requirements section.

Compliance Provisions

In addition to the compliance requirements of Subpart D, the following requirements are proposed to ensure continuous compliance with the bubble limit.

The requirements of this bubble provision shall apply as of 30 days after the Administrator receives written notification of CIPS' intention to comply with the bubble provision. Prior to this date, Newton power plant Units I and II will each continue to be subject to the 1.2 lb SO_2/MBtu limit.

A performance test must start within 60 days after initial operation of the facilities subject to the 1.1 lb/MBtu combined emission limit. After the initial compliance test, compliance will be based on the average emission rate for 30 successive boiler operating days. As for all other facilities subject to Subpart D (under the 30-day average proposal), a separate performance test is to be completed at the end of each boiler operating day, and a new 30-day average rate is to be calculated. This amendment is not proposing to allow an averaging time for Newton Units I and II that is different from the averaging time required for affected facilities subject to Subpart D on a facility-by-facility basis. The averaging time to be used in determining compliance with the combined emission limit will be the same averaging time required in Subpart D. The EPA has proposed a revision to Subpart D (48 FR 48960, October 21, 1983) that would require compliance calculations to be based on a 30-day rolling average, and this amendment is based on that proposed averaging time. However, it is to be clearly understood that if the EPA decides not to revise Subpart D to include a 30-day averaging time, then it cannot be used as the averaging time for Newton Units I and II.

Continuous Emission Monitoring

The continuous monitoring requirements are designed to provide

** Continuous compliance does not mean instantaneous compliance, but rather that compliance with the bubble limit must be determinable over the averaging time of the standard and the bubble limit must be as enforceable as the individual NSPS limits.

CIPS and EPA enforcement personnel with sufficient data to determine whether the CIPS boilers are in compliance, on a continuous basis, with the combined emission limit and to determine whether the DAFGD system is operated properly on a continuous basis. Continuous compliance with the combined emission limit is to be determined according to the proposed revisions to § 60.45 and § 60.48 (48 FR 48960). The combined emission rate from Units I and II will be used to determine compliance with the 1.1 lb SO_2/MBtu limit.To determine the combined emission rate for these units, two alternative approaches were considered. One approach was the arithmetic average of the individual emission rates from Unit I and Unit II. The other was a weighted average based upon the heat inputs to each boiler (MBtu/hour). The latter approach was chosen since the weighted average is more representative of the total amount of sulfur dioxide emitted to the atmosphere (lbs SO_2/hour). This method of weighting ensures that the boiler with the higher emission rate (Unit II) cannot be operated at a heat input rate (firing rate) greater than the heat input rate at Unit I without offsetting adjustments. Offsetting adjustments could include firing a lower sulfur coal in Unit II or operating the DAFGDS on Unit I at higher SO_2 removal levels. Also, because the hourly emission rates from Unit II would continue to be used in the calculation of the 30-day rolling averages during any shutdown of Unit I, compliance with the 1.1 lb SO_2/MBtu bubble limit (or with the 1.2 lb limit under certain circumstances described in Section 3.4 of the regulation) could not be maintained during a prolonged shutdown of Unit I without adjustments in the operation of Unit II (e.g., burning lower sulfur coal).

Two methods of monitoring heat input to the boilers were considered. The heat input can be determined directly by taking coal samples and analyzing for the gross calorific value (Btu/lb) according to EPA Method 19 and proposed Method 19A. Alternatively, the heat input can be determined indirectly by monitoring the boiler steam production rates or unit electrical power outputs as a measure of the heat inputs. This indirect procedure assumes that the heat input to steam production efficiency or the heat input to electrical power production efficiency is relatively constant with load for each unit and that it is relatively the same for Units I and II. The accuracy of this technique is judged to be adequate for prorating the emissions unless the heat input to steam production or heat input to electrical power output efficiency over a given segment of each boiler or generator operating range, respectively, varies by more than 5 percent within the specified operating range, or the efficiencies of the boiler/generator units differ by more than 5 percent. These conditions can be demonstrated based on current historical data, and therefore the indirect monitoring method is being proposed. The measure of heat input can be monitored on an hour-to-hour real time basis.

If the heat input to steam production efficiency or the heat input to electrical power output efficiency varies by more than 5 percent or the efficiencies of the boiler/generator units differ by more than 5 percent, CIPS may be required to determine the heat input by taking coal samples on a real time basis or by using another method approved by the Administrator.

Subpart Da and proposed revisions to Subpart D specify minimum data requirements for monitors of 75 percent of the hours in an operating day for at least 22 out of 30 operating days. These requirements are based upon EPA's experience with the capabilities of all monitoring systems meeting the performance specifications in Appendix B, Part 60. The minimum data requirements for the CIPS Newton monitors are increased to 75 percent of the hours/day for at least 26 out of 30 operating days because the additional data will better ensure continuous compliance with the standard and because CIPS has demonstrated an ability to meet these requirements with currently installed monitoring systems.

Newton Unit I currently operates with a scrubber by-pass that is exhausted to a separate stack. During normal operating under this bubble provision, the by-pass damper will be closed. However, this closed damper can typically leak 3 to 5 percent of the total uncontrolled emissions. Therefore, this leak must be either eliminated or accounted for in the determination of the total emission rates.

CIPS currently monitors the total flow from the boiler and the by-pass stack. They also monitor sulfur dioxide from the scrubber stack and the by-pass stack, and weight the emissions according to the respective flowrates to determine the emission rate from Unit I. This monitoring approach is acceptable provided that the flow in the by-pass stack is sufficiently high to allow accurate measurement. However, with the flow measurement method currently used by CIPS or using EPA established methods, the flowrate resulting from a 5 percent leak rate is not sufficient to allow accurate monitoring.

An alternative to monitoring a low flowrate in the by-pass stack would be to eliminate the flow. At CIPS, this can be done by adjusting the existing induced draft fans on the outlet from the electrostatic precipitator and the booster fans at the inlet to the scrubber so that a negative pressure exists at the by-pass damper. To assure that no flow leakage occurs when the damper is closed, the temperature or SO_2 concentration can be monitored using existing equipment in the by-pass stack, or the static pressure can be monitored between the fans. This alternative of eliminating flow in the by-pass stack was included in the regulation because of the difficulties anticipated in measuring the low flowrates.

Emission monitoring data for Unit I can be excluded from the calculations of each 30-day average if the emissions occurred during periods of startup or shutdown of Unit I; or during the first 250 hours of control equipment malfunctions, provided that efforts are made to minimize emissions in accordance with § 60.11(d) and paragraph 3.5 of Appendix G, and provided that the control equipment failure meets the definition of "malfunction" in § 60.2. This definition includes sudden and unavoidable failure of control equipment from unpreventable causes; thus, reductions in scrubber performance due to routine changes in process operations such as rapid load swings would not qualify as malfunctions.

After 16 continuous hours of a control equipment malfunction, the owner or operator is to begin loading coal from the Unit II coal supply into the Unit I bunker. CIPS must continue loading Unit II coal (or other coal with expected SO_2 emissions of 1.8 lb/MBtu) into the Unit I bunker for the duration of the malfunction provided that the 250-hour exclusion provision is not exceeded. Once 250 hours of emissions data have been excluded from the compliance calculations, all emissions data obtained for the remainder of the calendar year are to be included in the calculations of the 30-day rolling averages used to determine compliance with the 1.1 lb/MBtu combined emission limit.

Monitoring data from Unit II are always to be included in the calculations of the 30-day averages. Sulfur dioxide emissions from Unit II are a function of the coal sulfur content and are not affected by boiler operating conditions; thus, there is no reason to exclude emissions data from Unit II because of boiler conditions. Thus,

during periods when data from Unit I can be excluded from the 30-day averages, as described in the previous paragraph, continuous emission monitoring data from Unit II must continue to be used to calculate all 30-day averages.

Recordkeeping and Reporting Requirements

This provision requires the owner or operator to maintain records of all hourly emissions data (including data obtained during periods of startup, shutdown, or malfunction at Unit I) and heat input data for Units I and II separately and all hourly emissions data and heat input data for Units I and II combined.

The reporting requirements of this provision include all the requirements of the proposed revisions to Subpart D. In addition, each hourly emission rate and hourly heat input rate for Units I and II separately, and averaged together, are to be reported on a quarterly basis.

Miscellaneous

The Paperwork Reduction Act (PRA) of 1980 (Pub. L. 96-511) requires that the Office of Management and Budget (OMB) approve reporting and recordkeeping requirements that qualify as an "information collection request" (ICR). The reporting and recordkeeping requirements associated with this alternative compliance method do not qualify as an ICR since they will affect fewer than 10 firms during the 2 years that they would be effective. Therefore, they do not require approval by OMB.

Under Executive Order 12291, EPA is required to judge whether this action would be a "major rule" and, therefore, subject to certain requirements of the Order. The Agency has determined that the amendment would result in none of the adverse economic effects set forth in Section 1 of the Order as grounds for finding a "major rule." The Agency has, therefore, concluded that this revision would not be a "major rule" under Executive Order 12291. This proposed rule was submitted to OMB for review under E.O. 12291.

Additionally, under Section 317 of the Clean Air Act, the Administrator is required to prepare an economic impact assessment for revisions determined by the Administrator to be substantial. The Administrator has determined that this revision is not substantial and has not prepared an economic impact assessment.

Pursuant to 5 U.S.C. 605(b), the Administrator certifies that this amendment does not have a significant impact on a substantial number of small entities. The proposed revision will not affect small entities since the standard only applies to one power station that is owned by a large electric utility company.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by Reference, Can surface coating, Sulfuric acid plants, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators, Fiberglass Insulation, Synthetic Fibers, Lime.

(Sec. 111 of the Clean Air Act, 42 U.S.C. 7411)

Dated: January 17, 1985.

Lee M. Thomas,

Acting Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

1. In 40 CFR Part 60, § 60.43 is amended by revising paragraph (a)(2) and adding paragraph (e), and § 60.46 is amended by adding paragraph (h) as follows:

§ 60.43 Standard for sulfur dioxide.

* * * * *

(a) * * *

(2) 520 nanograms per joule heat input (1.2 lb per million Btu) derived from solid fossil fuel or solid fossil fuel and wood residue, except as provided in paragraph (e) of this section.

* * * * *

(e) Units I and II (as defined in Appendix G) at the Newton Power Station owned or operated by the Central Illinois Public Service Company will be in compliance with paragraph (a)(2) of this section if each affected facility complies with paragraph (a)(2) or if the combined emission rate from these affected facilities does not exceed 470 nanograms per joule (1.1 lb per million Btu) of combined heat input in Units I and II.

§ 60.46 Test methods and procedures.

* * * * *

(h) When the Central Illinois Public Service Company elects, under § 60.43(e), to comply with the combined SO_2 emission rate of 470 nanograms per joule (1.1 lb per million Btu) of combined heat input from Units I and II, the test methods and procedures to be used are described in Appendix G, "Provisions for an Alternative Method of Demonstrating Compliance with 40 CFR 60.43 for the Newton Power Station of Central Illinois Public Service Company."

2. In 40 CFR Part 60, Appendix G is added as follows:

Appendix G—Provision for an Alternative Method of Demonstrating Compliance With 40 CFR 60.43 for the Newtons Power Station of Central Illinois Public Service Company

1.0 Designation of Affected Facilities.

1.1 The affected facilities to which this alternative compliance method applies are the Unit I and Unit II coal-fired steam generators located at the Central Illinois Public Service Company's Newton Power Station in Jasper County, Illinois. Each of these units is subject to the Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Commenced After August 17, 1971 (Subpart D).

2.0 Definitions.

2.1 All definitions in Subparts D and Da of Part 60 apply to this provision except that a "24-hour period" is defined as the period of time between 12:01 p.m. and 12:00 noon, and a "boiler operating day" is defined as a 24-hour period during which any fossil fuel is combusted in either the Unit I or Unit II steam generator.

3.0 Compliance Provisions.

3.1 When the owner or operator initially elects to comply with the 470 nanograms per joule (ng/J) (1.1 lb/million Btu) of combined heat input emission limit in § 60.43(e), he shall notify the Administrator at least 30 days in advance of the date such election is to take effect, stating the date such operation is to commence. When the owner or operator elects to comply with this limit after one or more periods of reverting to the 520 ng/J heat input (1.2 lb/million Btu) limit of § 60.43(a)(2), as provided under 3.4, he shall notify the Administrator in writing as soon as practical, but in no event later 5 days following the commencement of such operation.

3.2 Withing 60 days after the initial operation subject to the combined emission limit in § 60.43(e), the owner or operator shall conduct an initial performance test, as required by § 60.8, to determine compliance with the combined emission limit. This initial performance test is to be scheduled so that the first boiler operating day of the 30 successive boiler operating days is completed withing 60 days after initial operation subject to the 470 ng/J (1.1 lb/million Btu) combined emission limit.

3.3 Compliance with the sulfur dioxide emission limit set forth in 60.43(e) is based on the average combined hourly emission rate from Units I and II for 30 successive boiler operating days determined as follows:

$$E\ 30\ day\ combined = \frac{1}{n}\sum_{i=1}^{n} E\ 1\ hour\ combined_i$$

where:

n = the number of hourly combined emission rate values in the 30 successive boiler operating days.

E 30 day combined = average combined hourly emission rate for 30 successive boiler operating days.

E 1 hour combined = the hourly combined emission rate from Units I and II.

3.3.1 The average hourly combined emission rate for Units I and II for each hour of operation of either Unit I or II, or both, is determined as follows:

$$E\ 1\ hour\ combined = \frac{(E_{unit\ I})(H_{unit\ I}) + (E_{unit\ II})(H_{unit\ II})}{H_{unit\ I} + H_{unit\ II}}$$

where:

E 1 hour combined = the hourly combined emission rate from Units I and II.

$E_{unit\ I}$ = the hourly emission rate from Unit I as determined from continuous emission monitoring data using the calculation procedures in EPA Method 19A and in Section 4.0 of this Appendix.

$E_{unit\ II}$ = the hourly emission rate from Unit II as determined from continuous emission monitoring data using the calculation procedures in EPA Method 19A.

$H_{unit\ I}$ = the hourly total heat input to Unit I as determined by Section 4.

$H_{unit\ II}$ = the hourly total heat input to Unit II as determined by Section 4.

3.3.2 Compliance is determined by calculating the arithmetic average of all hourly combined emission rates for SO_2 for 30 successive boiler operating days, except for data obtained during startup, shutdown, periods of malfunction during system emergencies as defined in § 60.41a or 250 hours per calendar year of malfunctions, as described in 3.5.

3.3.3 After the initial performance test, compliance with the SO_2 combined emission limit is based on the average combined emission rate for 30 successive boiler operating days. A separate performance test is completed at the end of each boiler operating day after the initial performance test, and a new 30 day average combined emission rate is calculated to show compliance with the standard.

3.4 After the date of initial operation subject to the combined emission limit, the owner or operator shall remain subject to the requirements of this alternative compliance provision unless CIPS elects to revert to the 520 mg/J heat input (1.2 lb/MBtu) limit of § 60.43(a)(2) separately at each unit. The Administrator shall be given written notification from CIPS as soon as practical of their decision to revert to the 520 ng/J heat input (1.2 lb/MBtu) limit of § 60.43(a)(2) separately at each unit instead of with the combined emission limit, but in no event later than 5 days after such operation commences.

3.5 Emission monitoring data for Unit I may be excluded from calculations of the 30-day rolling average only during the following times:

3.5.1 Periods of startup and shutdown.

3.5.2 Periods of malfunctions during system emergencies as defined in § 60.41(a).

3.5.3 250 hours per calendar year of malfunctions of the SO_2 emission control system on Unit I not inlcuded in 3.5.2, provided that (a) at least two of the four scrubber modules are not operational; (b) efforts are made to minimize emissions from Unit I in accordance with § 60.11(d); and (c) if, after 16 hours, CIPS cannot comply with the 470 ng/J (1.1 lb/million Btu) combined emission limit, the plant operator begins loading coal (following the customary loading procedures) from the Unit II coal supply (i.e., coal with expected SO_2 emissions of approximately 1.8 lb/million Btu) into the Unit I bunker.

3.5.4 The malfunction exemption in 3.5.3 may not be applied for more than 250 hours per calendar year. During the 250 hours, except for the initial 16 hours of each malfunction, CIPS shall continue to load Unit II's coal supply in Unit I. For malfunctions of two or more scrubber modules lasting more than 250 hours per calendar year (cumulative), other than those defined in 3.5.2, CIPS shall combust lower sulfur coal or use any other method to comply with the 470 ng/J (1.1 lb/million Btu) combined emission limit.

3.5.5 Emission monitoring data for Unit II are not to be excluded from the 30-day rolling average calculations due to periods of startup, shutdown, or malfunctions of Unit I. During these periods, emissions data from Unit II shall continue to be included in the daily calculation of the 30-day rolling average.

3.5.6 This provision for excluding continuous emission monitoring data for Unit I during the first 250 hours of malfunctions from the daily calculations of the 30-day rolling averages supercedes the provisions of § 60.11(df). However, the general concepts contained in § 60.11(d) have not been superceded (e.g., minimize air pollution emissions even during malfunctions).

4.0 Continuous Emission Monitoring.

4.1 All provisions of Subpart D § 60.45 apply except as follows:

4.2 The owner or operator shall install, calibrate, maintain, and operate continuous emission monitoring systems and monitoring devices for measuring the following:

4.2.1 For Unit I:

4.2.1.1. Sulfur dioxide and oxygen or carbon dioxide for the DAFGDS stack.

4.2.1.2 Sulfur dioxide, oxygen or carbon dioxide, volumetric flow rate, and temperature for the DAFGDS by-pass stack.

4.2.1.3 Volumetric flow rate, static pressure, and temperature at the inlet ducts to the DAFGDS.

4.2.2 For Unit II, sulfur dioxide and oxygen or carbon dioxide.

4.2.3 For Units I and II, the heat input, the steam production rate, or the gross electrical power output from each unit.

4.3 For the Unit I bypass stack and the Unit II stack, the span value of the sulfur dioxide monitoring system is 200 percent of the maximum estimated hourly potential sulfur dioxide emissions of the fuel fired, and for the Unit I DAFGDS stack, the span value is 50 percent of the maximum estimated hourly potential emissions of the fuel fired.

4.4 The monitoring devices required in 4.2 shall be installed, calibrated, and maintained as follows:

4.4.1 The volumetric flow rate monitoring device specified in 4.2.1.2 (DAFGD system bypass stack) shall be installed at the same location as the sulfur dioxide emission monitor.

4.4.2 The volumetric flow rate monitoring devices shall be calibrated using Reference Methods 1 and 2 (Appendix A). The traverse location for Method 2 shall be as near as practicable to the monitoring device location, and such that no gas flow is added or diverted between the measurement sites. The average gas velocity or volumetric flow rate by Method 2 shall be used to calculate a calibration coefficient for the monitoring device. Average gas molecular weight and moisture content may be used to calculate the gas density for use in the velocity or flow rate equations of Method 2.

4.4.3 The volumetric flow rate calibrations shall be conducted prior to the start of the initial performance test required in 3.2, and annually thereafter.

4.4.4 Temperature and pressure monitoring devices shall be calibrated and maintained according to manufacturer's specifications.

4.4.5 Steam production rate or electrical power output monitoring devices shall be calibrated and maintained according to manufacturer's specifications. The data from either of these devices may be used for the heat input rates used in the calculation of the combined emission rate in Section 3.3 unless the heat input to steam production or heat input to electrical power efficiency over a given segment of each boiler or generator operating range, respectively, varies by more than 5 percent within the specified operating range, or the efficiencies of the boiler/generator units differ by more than 5 percent. The heat input may also be calculated based on the fuel firing rates and fuel analysis.

4.5 The calculation procedures of Method 19A, Appendix A are combined with the volumetric flow rate monitoring device results to calculate an emission rate for Unit

1 as follows when leakage or diversion of DAFGDS inlet gas to the bypass stack occurs:

For Unit 1, hourly SO_2 emission rates are calculated as follows:

$$E\ (\text{Unit 1}) = \frac{(Q_i)\ E_{SO_2}\ (\text{DAFGDS}) + Q_o E_{SO_2}\ (\text{bypass})}{Q_i + Q_o}$$

Where:

Q_o = Dry volumetric bypass stack gas flow rate corrected to standard conditions, dscm/hr (dscf/hr).

Q_i = Dry volumetric DAFGDS inlet gas flow rate corrected to standard conditions, dscm/hr (dscf/hr).

E SO_2 (scrubber) = Hourly SO_2 emission rate measured in DAFGDS stack, ng/J (1lb/10^6 Btu).

ESO_2 (bypass) = Hourly SO_2 emission rate measured by bypass stack ng/J (1b/10^6 Btu).

When no leakage through the bypass damper is indicated by either the bypass stack temperature or SO_2 concentration, or when there are negative static pressures at the DAFGDS inlet ducts:

$E\ (\text{Unit I}) = E_{SO_2}\ (\text{DAFGDS})$

4.6 For the continuous emission monitoring systems required for Unit I and Unit II, combined emission data values for at least 75 percent of the boiler operating hours per day for at least 26 out of 30 successive boiler operating days are required.

4.6.1 When minimum SO_2 emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks and zero and span adjustments, emission data are obtained by using an alternate monitoring procedure under Method 19A or by using other monitoring systems as provided by the Administrator as necessary to provide emission data from at least 75 percent of the boiler operating hours per day in at least 26 out of 30 successive boiler operating days.

4.6.2 If an owner or operator has not obtained the minimum quantity of emission data as required under 4.6.1, compliance with the emission requirements under § 60.43 may be determined by the Administrator by following the applicable procedures in Section 6 of Reference Method 19A (Appendix A).

4.7 For each continuous emission monitoring system, a quality assurance plan shall be prepared by Central Illinois Public Service Company and approved by the Administrator. The plan is to be submitted for approval 45 days before initiation of the initial performance test. At the minimum, the plan shall contain the following quality control elements:

4.7.1 Calibration of continuous emission monitoring systems (CEMS).

4.7.2 Calibration drift determination and adjustment of CEMS.

4.7.3 Periodic CEMS relative accuracy determinations.

4.7.4 Preventive maintenance of CEMS (including spare parts inventory).

4.7.5 Data recording and reporting.

4.7.6 Program of corrective action for malfunctioning CEMS.

4.7.7 Criteria for determining when the CEMS are not producing valid data.

4.8 For the purpose of conducting the continuous emission monitoring system performance specification tests as required by § 60.13 and Appendix B, the following conditions apply:

4.8.1 The calibration drift specification of Specification 2, Appendix B shall be determined separately for the Unit I SO_2/diluent systems and the Unit II SO_2/diluent system.

4.8.2 The relative accuracy specification of Specification 2, Appendix B shall apply to the calculated combined emission rate for Unit I and Unit II. The required relative accuracy is +20 percent using the procedures in Specification 2 simultaneously at Unit I and Unit II.

4.8.3 If, during the instrument performance test period, the DAFGDS bypass stack gas volumetric flow rate monitoring device indicates a detectable flow; or if the temperature or SO_2 concentration in the bypass stack indicates that leakage to the bypass is occurring; or if the static pressures in the DAFGDS inlet ducts are positive; then the relative accuracy determination for the Unit I CEMS must include the DAFGD system-bypass combination. To determine the relative accuracy of the Unit I flow combination:

4.8.3.1 Determine the volumetric flow rate using Method 2 at the bypass stack and the DAFGDS inlet ducts concurrently with the Method 6 tests required at the DAFGDS and bypass stacks.

4.8.3.2 Compute "E (Unit I)" (Section 4.5) using the reference method results.

4.8.3.3 Compute "E (Unit I)" using the concurrent CEMS and flow rate monitoring device results.

4.8.3.4 Compute the relative accuracy as outlined in Specification 2 using the results in 4.8.3.2 and 4.8.3.3. The resulting relative accuracy for this separate system must be within +20 percent.

5.0 Recordkeeping Requirements.

5.1 The plant owner or operator shall keep a record of each hourly emission rate and each hourly Btu heat input rate, steam rate, or electrical power output for Unit I and for Unit II, and a record of each hourly weighted aveage emission rate and each hourly weighted average steam rate or electrical power output. These records shall be kept for all period of operation of Unit I or II, including startup, shutdown, and malfunction.

5.2 The plant owner or operator shall keep a record of each hourly gas flow rate to the flue gas desulfurization system and of each hourly stack gas flow rate from the bypass stack during any periods that the DAFGDS bypass damper is opened.

6.0 Reporting Requirements.

The reporting requirements of the proposed revisions to Subpart D (§ 60.49) apply to this provision except as revised below.

6.1 For the purpose of the reports described in § 60.49(a) and (b), each hourly average emission rate and average heat input rate for Unit I, each hourly average emission rate and average heat input rate for Unit II, and each hourly weighted average emission rate and weighted average heat input rate for Units I and II together that is used in calculating each of the 30-day averages are to be reported.

6.2 For the purpose of § 60.49(b)(3), any boiler operating day for which pollutant or diluent data have not been obtained for either Unit I or Unit II is to be identified and justification provided, and a description of corrective actions taken shall be provided.

6.3 The owner or operator is required to report, on a quarterly basis, each hourly gas flow rate to the flue gas desulfurization system and each hourly stack gas flow rate from the bypass stack during any periods that the bypass damper is opened.

[FR Doc. 85-1873 Filed 1-24-85; 8:45 am]

BILLING CODE 6560-50-M

federal register

Friday
January 25, 1985

Part VIII

Department of Health and Human Services

Office of Human Development Services

Head Start Program; Availability of Financial Assistance; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement No. 13600.852]

Head Start Program; Availability of Financial Assistance

AGENCY: Administration for Children, Youth, and Families (ACYF), Office of Human Development Services (OHDS), Department of Health and Human Services (HHS).

ACTION: Announcement of financial assistance to establish or expand Head Start projects.

SUMMARY: The Administration for Children, Youth and Families announces that competing applications will be accepted to establish new Head Start projects or to expand enrollment in current Head Start projects. This announcement takes into consideration comments received on the proposed program announcement published in the **Federal Register** on December 18, 1984 (49 FR 49232).

DATE: The closing date of receipt of application is March 11, 1985.

SUPPLEMENTARY INFORMATION: On December 18, 1984, the Administration for Children, Youth and Families (ACYF) published in the **Federal Register**, and also sent to all Head Start grantees and delegate agencies, a request for comments to a proposed announcement of financial assistance to establish or expand Head Start projects. This document responds to the comments received on the proposed announcement and makes appropriate changes to the final announcement.

A number of comments suggested that some of the funds that ACYF proposed to use for expansion should be redirected to help maintain the service levels and quality of existing Head Start projects. We agree that there are Head Start programs which need assistance in maintaining services to the children they currently serve. Therefore, the amount of funds which will be awarded to expand enrollment has been changed from the $37,800,000, proposed earlier, to $29,400,000. The difference of $8,400,000 will be added to an already planned funding increase to help maintain services in current Head Start grantees and will result in a total of approximately $49,800,000 being available for this purpose in Fiscal Year 1985. These funds will help projects maintain current levels of enrollment and program quality through a 3.5% cost-of-living increase, which equals the rise in the Consumer Price Index during Fiscal Year 1984, and "one-time" program improvements.

Of the $29,400,000 available for expansion, approximately $27,400,000 will be used to initiate or expand conventional Head Start programs and approximately $2,000,000 will be used to support innovative projects.

Various suggestions were made for reallocating the point values assigned to the criteria for competitive review. Because each of the five criteria represents an objective that is important to Head Start, good arguments can be made for placing greater emphasis on each one. We believe that the allocation of points contained in the proposed program announcement still reflects the best balance among these criteria.

It was suggested that ACYF regional offices should be responsible for the review of applications. ACYF has elected to review applications in Washington, D.C. to help achieve more consistency in their review and scoring. There will be considerable involvement of ACYF regional staff in this process. A similar approach was used last year and produced good results.

The remainder of the comments dealt primarily with ways in which the announcement could be made clearer or requested interpretation of specific points in the proposed announcement. After considering these suggestions, we have made the following changes:

- In the criterion regarding the need for services (Section F.1.) we have rephrased the discussion about providing more than one year of service to an individual child.
- In the criterion regarding program quality (Section F.3), we explain that applicants proposing home-based models should not have more then 12 families per Home Visitor.
- In the section discussing Executive Order 12372 (Section J.2), we have explained that applicants from Alaska, Idaho, American Samoa and Guam do not have to take any action concerning the Executive Order.
- In the section that explains how successful applicants will be selected (Section L.), we explain that the Commissioner, ACYF may elect not to fund an applicant if the applicant's proposed costs are unreasonable in relation to the set of services proposed.

In addition:

- In Section D concerning eligible applicants, we have noted that State agencies are eligible for funds to serve migrant children.
- In Section I concerning available funds, we have explained that program innovations will not be funded for more than two years.
- We have revised the wording and format of the application forms, which are published as Appendix D.

We will be sending a coipy of this notice and an application kit to all Head Start grantees and delegate agencies and to all other organizations which have already requested an application kit. Other interested organizations should refer to Section N for information regarding application kits.

A. Scope of This Program Announcement

This announcement solicits applications from local public and private non-profit organizations that wish to compete for $29,400,000 in grants that are available in Fiscal Year 1985 to establish new Head Start programs or to increase funding and enrollment for agencies that already operate Head Start programs. Funds totalling approximately $27,400,000 will be distributed on the basis of a State allotment formula to applicants proposing the development or expansion of conventional Head Start program options including standard, variation in center attendance, double session and home-based programs. The remaining amount of approximately $2,000,000 will not be distributed on a formula basis, but will be awarded through a national competition to applicants which propose innovative methods for the delivery of Head Start services.

The goals of the expansion effort are:

- To provide Head Start services to as many additional children as possible. At least 14,000 additional children are to be served nationally.
- To serve children and families in areas of high need in programs that provide high quality, comprehensive child development services.
- To demonstrate innovative approaches to addressing the needs of Head Start children and families.

B. Program Purpose

Head Start is a national program providing comprehensive developmental services primarily to low-income preschool children, age three to the age of compulsory school attendance, and their families. To help enrolled children to achieve their full potential, Head Start programs provide comprehensive health, nutritional, educational, social and other services. In addition, Head Start programs are required to provide for the direct participation of parents of enrolled children in the development, conduct, and direction of local programs. Head Start currently serves 442,100 children through a network of more than 1,260 grantees.

While Head Start is targeted primarily on children whose families have incomes below the poverty line or are eligible for public assistance, ACYF policy permits up to 10 percent of the Head Start children in local programs to be from families who do not meet these low income criteria. Head Start also requires that a minimum of 10 percent of enrollment opportunities be made available to handicapped children. Such children are expected to be enrolled in the full range of Head Start services and activities in a mainstream setting with their non-handicapped peers, and to receive needed special education and related services.

C. Statutory and Regulatory Authority

The Head Start program is authorized by the Head Start Act, 42 U.S.C. 9831 et seq.

The relevant regulations are:

- 45 CFR Part 1301, Head Start Grant Administration.
- 45 CFR Part 1302, Policies and Procedures for Selection.
- 45 CFR Part 1303, Procedures for Appeal for Head Start Agencies.
- 45 CFR Part 1304, Performance Standards.
- 45 CFR Part 1305, Eligibility.
- 45 CFR Part 74, Grants Administration.

D. Eligible Applicants

Any local public or private non-profit agency or organization within a community, including an existing Head Start grantee, is eligible to apply for funding to establish a new Head Start project or, in the case of existing Head Start grantees, to expand a current project. (State governments may apply for the funds available to serve migrant children.) Applicants may propose serving children in communities where no Head Start project exits or they may propose serving additional children in communities where some children are already being served by Head Start but a need exits for additional children to be served. Except for compelling reasons, to be explained by the applicant, Head Start does not expect to fund new grantees for an enrollment level of less than 60 children.

Eligibility for funding to provide Head Start services to children living on Federally recognized Indian reservations or in Alaskan Native villages is restricted to applicants that are governing bodies of an Indian tribe or Alaskan Native Village, or which are the designated representatives of these bodies.

To be eligible for funding, all applicants must meet the requirements of 45 CFR 1302.1–1302.2 which require evidence of an applicant's legal status and financial viability. Copies of relevant regulations will be included in the application kit discussed in Section N of this announcement.

E. Grantee Share of the Project

Section 640(b) of the Head Start Act requires that at least 20 percent of the total cost of Head Start projects come from sources other than the Federal government. The non-Federal share may be in cash or in-kind, fairly evaluated, including facilities, equipment, or volunteer services.

F. Criteria for Competitive Review of Conventional Projects

Applicants proposing to be funded form the $27.4 million available for projects that provide comprehensive Head Start services through the standard model, variation in center attendance model, double session model or home-based model (as described in Appendix A to the Head Start Performance Standards—45 CFR Part 1304) will be reviewed and evaluated competitively against the following criteria:

(1) The Need for Services (30 points)

This criterion will measure the need for Head Start services in the community an applicant proposes to serve, compared to the need that exists in other communities in a State. It will help direct new Head Start resources to areas in a State that have a combination of the greatest numbers and the highest percentages of unserved children. This criterion will also measure the extent to which the applicant proposes to serve families and children who have the most serious need for Head Start services, such as the poorest families, or adolescent or single parents and their children.

Applicants proposing to serve children for more than one year should justify the need for such services and explain why multiple years of service are necessary to meet the special needs of individual children. Applicants should give priority to serving children for whom public school or other comprehensive developmental services are not available. For example, it is not expected that applicants would propose serving five-year-old children in communities where kindergarten is available for these children.

(a) Twenty points under this criterion will be based on a comparison of the need for Head Start services in different counties in a State. Using nationally consistent 1980 Census data, points will be assigned to each county based on its population of unserved children eligible for Head Start. The points assigned will consider both the absolute number of unserved children in a county and the percentage of eligible children who are unserved in a county. Applicants will receive these points automatically, based on the county in which they propose to operate. As many as five additional points will be assigned to all counties in which there is currently no Head Start program. (Points for projects in more than one county will be prorated based on the number of children to be served in each county.)

This portion of the criterion will not be applied to Indian or migrant projects, or projects in the Virgin Islands and Outer Pacific Islands (i.e., Guam, American Samoa, the Trust Territories of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands). This will result in a maximum score for these projects, which compete only against similar projects (i.e., Indian projects against Indian projects), of 80 points.

(b) Ten points under this criterion will be determined by the extent to which the applicant proposes to target Head Start services on the towns, districts, or neighborhoods in a county (or other appropriate jurisdiction, such as a Federal Indian reservation) that have the greatest need for services, compared to other areas in a county. This also includes the extent to which the applicant proposes to serve families and children who have the most serious need for Head Start services compared to other eligible families and children from the target area.

(2) Program Design (15 points)

This criterion will assess how well the services to be provided by the proposed program meet the needs of the particular children, families and community the applicant proposes to serve. This includes the extent to which the proposed program is available and responsive to the needs of the community and group to be served. This would include elements such as establishing appropriate service hours and staffing patterns, selecting convenient locations, and providing appropriate transportation.

In proposing a program design, applicants must adhere to Head Start regulations concerning program options for the standard head Start model, variations in center attendance, double sessions, and home-based models. (Appendix A to the Head Start Performance Standards—45 CFR Part 1304, options 1–4.) Applicants who propose to operate designs other than the standard, double session, variation

in center attendance or home-based options are encouraged to apply for funding from the $2,000,000 reserved for innovative projects.

Presently, approximately 90% of the children in center-based Head Start programs are provided services for four or more days per week. It is expected that most projects funded through this announcement will also provide services four or more days per week. ACYF is establishing minimum periods of service for children served through this announcement to make sure that the contact between the program and the child is minimally sufficient to allow the time needed to provide the wide range of services that result in long-term benefits for Head Start enrollees. Applicants proposing to implement a standard Head Start model, double sessions or variation in center attendance option must provide a minimum of three and a half hours of services for three days each week during a minimum of 34 weeks of operation or justify why these minimums are inappropriate for the population being served.

Programs implementing a home-based option must provide a minimum of one 90 minute home visit each week and two socialization experiences, lasting at least three and a half hours, each month during a minimum of 34 weeks of operation or justify why these minimums are inappropriate for the population being served.

Applicants must explain the resources, both ACYF and non-ACYF, that will be available to carry out all facets of the program which has been proposed.

(3) Program Quality (20 points)

This criterion will measure the extent to which the application shows a capacity and an intent to provide Head Start services which fully meet the Head Start Program Performance Standards (45 CFR Part 1304) and other Head Start regulations. This includes the provisions made for the direct participation of parents in the planning, conduct and administration of the program, provisions to adequately serve at least 10 percent handicapped children in a "mainstream" setting, the suitability and availability of facilities and equipment proposed to be utilized in carrying out the Head Start program, and provisions to develop and manage training and technical assistance activities which are adequate to meet the needs of the proposed program. (Costs of services to handicapped children should be inlcuded in applicants' proposed budgets.)

In addition to showing how they plan to meet these requirements, applicants must show that the levels of staffing they propose are conducive to sound child development. In developing staffing patterns, applicants should consider the ages and special needs, such as handicapping conditions, of the children they propose to serve. ACYF will not fund applicants which propose to serve more than 20 children per class. Applicants proposing home-based models should not have more than 12 families per Home Visitor, or should justify why this minimum is not appropriate in light of the program design being proposed.

Applicants must show adequate budget support for the proposed level of program quality.

(4) Experience and Capability (20 points)

This criterion will measure the qualifications and experience of the applicant agency and staff in planning, organizing, and providing comprehensive child development services at the community level. This would include: the applicant's potential, based on experience, for administering the program effectively and for exercising sound fiscal management; the extent of involvement of parents and other community members and organizations in the development and planning of the application; the degree of support evidenced from relevant community organizations, service providers and community members; the extent to which classroom teachers to be hired have received appropriate training or have experience in early childhood education; the extent to which staff will be hired whose ethnic or racial backgrounds are reflective of the communities being served, the opportunities to be provided for employment of residents from the service area, and career development and training opportunities for paraprofessional and other staff; and the adequacy of plans to begin providing new services in a timely manner.

(5) Cost Efficiency (15 points)

This criterion will measure the cost of services in terms of ACYF Head Start funds to determine which applicants can operate most efficiently and thereby provide the most services to children. The points under this criterion will be based on the cost of proposed projects in terms of Federal Head Start dollars for the annual cost per child and the hourly cost per child. Points will be assigned using an automated data system by ranking the costs proposed by each applicant against those proposed by other applicants from the same State. Similarly, the costs of an Indian project will be compared to those of other Indian projects and a migrant project's costs compared to those of other migrant projects. Applicants that propose lower costs per child will receive more points and those that propose higher costs per child will receive fewer points.

G. Innovative Projects

Two million dollars is available for applicants which propose innovative methods for the delivery of Head Start services. These projects are intended to serve additional children using program designs that are better suited to meet the needs of individual children and their families in an applicant's community than conventional Head Start designs would be. Innovative projects must conform to requirements in Appendix A of the Head Start Performance Standards concerning Locally Designed Options—45 CFR Part 1304. Innovative projects must adhere to the following guidelines:

(a) The proposed project must represent a more effective approach to meeting the needs of the local community than would be possible through the use of standard models, variation in center attendance models, double sessions models, or home base-based models. Such projects might include, for example, demonstrations of employment-based Head Start programs which would augment existing day care programs to provide or arrange for comprehensive services in cooperation with businesses and industries. This would enable Head Start eligible children to be served while their parents receive job training leading to subsequent employment.

(b) The proposed project must be consistent with good developmental practices.

(c) The proposed project must be consistent with Head Start Performance Standards and must ensure that all components of Head Start are effectively delivered, *except that if the proposed project is operated by a current grantee as an adjunct to a Head Start project which delivers comprehensive services,* the innovative design can represent a special thrust of limited effort such as:

- Demonstrations extending health services to additional children (i.e., siblings of Head Start enrollees or other preschool children of families who are income eligible). Examples of such projects could include extending comprehensive health care to low income families who are not eligible for Medicaid/Early and Periodic Screening.

Diagnosis and Treatment Program (EPSDT) or other third party comprehensive health services or providing dental sealant to protect children's teeth from cavities or providing services in urban areas to homeless families.

- Demonstrations of hearing preservation and the prevention of speech handicaps. In communities where Otitis Media is prevalent, services could be developed to adequately screen and treat children with recurrent ear infections.
- Demonstrations by American Indian grantees which result in their becoming EPSDT providers for Head Start children and their siblings on a reservation.

H. Criteria for Competitive Review of Innovative Projects

Applications proposing to be funded as innovative projects will be reviewed and evaluated against the following criteria:

(1) Need for Proposed Program (20 points)

This criterion will measure the need for the type of Head Start services that is proposed by the applicant. Applicants must indicate who the target population is, where it is located, and why that target population should be given preference over other eligible populations.

(2) Innovative Program Design (25 points)

This criterion will assess how well the services to be provided by the proposed program meet the needs of the particular children, families and community the applicant proposes to serve. This would include elements such as establishing appropriate service hours and staffing patterns, selecting convenient locations, and providing appropriate transportation.

In proposing a program design, applicants must adhere to Head Start regulations on locally designed options (45 CFR part 1304, Appendix A, number 5).

(3) Beneficial Impact (25 points)

This criterion will measure if the services to be provided or the knowledge or methods to be developed can be expected to impact beneficially on the target population. In measuring beneficial impact, applicants will also be assessed on the degree to which provisions have been made for the direct participation of parents in the planning, conduct, and administration of the program and the suitability and availability of facilities and equipment proposed to be utilized in carrying out the Head Start program. Applicants proposing comprehensive Head Start programs (as opposed to adjunct services to a comprehensive program) must fully meet Head Start Program Performance Standards (45 CFR Part 1304), including the provision to adequately serve at least 10% handicapped children in a mainstream setting.

(4) Experience and Capability (20 points)

This criterion will measure the qualifications and experience of the applicant agency and staff in planning, organizing, and providing comprehensive child development services at the community level. This would include: The applicant's potential, based on experience, for administering the program effectively and for exercising sound fiscal management; the extent of involvement of parents and other community members and organizations in the development and planning of the application; the degree of support evidenced from relevant community organizations, service providers and community members; the extent to which classroom teachers to be hired have received appropriate training or have experience in early childhood education; the extent to which staff will be hired whose ethnic or racial backgrounds are reflective of the communities being served, the opportunities to be provided for employment of residents from the service area, and career development and training opportunities for paraprofessional and other staff; and the adequacy of plans to begin providing new services in a timely manner.

(5) Reasonableness of Proposed Cost (10 points)

This criterion will measure whether the cost of the proposed project is commensurate with the anticipated outcomes of the project (i.e., the cost per unit of service is reasonable). The extent to which other organizations are contributing funds for the project will also be considered.

I. Available Funds

In Fiscal Year 1985 Head Start plans to use $29,400,000 to expand Head Start enrollment. Assuming that acceptable applications are received, ACYF expects to award all of these funds to successful applicants responding to this announcement.

The following distribution of $27,400,000 in expansion funds for conventional projects is an estimate based primarily on the allotment formula contained in Section 640 of the Head Start Act. The estimated amounts include the mandatory allotments required by the statute plus, in most cases, funds from the Secretary's reserve portion of the Head Start budget which were distributed by using the population factors contained in the statutory formula. Where necessary, funds from the Secretary's reserve were added to enable States to receive a minimum of $50,000, with the exception of Mississippi. Funds for those programs not covered by the State allocation formula, i.e., the American Indian and migrant programs and programs in the Virgin Islands and the Outer Pacific Islands were computed by giving this group of programs a prorata share, based on this group's total FY 1984 funding level as a percent of the total FY 1984 Head Start funding level. Specific allocations were then made based on an assessment of relative need. Assuming satisfactory programmatic and fiscal performance, ACYF expects to continue to fund successful applicants in future years.

Not included in the funds allotted to States and other jurisdictions is $2,000,000 in discretionary funds from the Secretary's reserve. This money will be used to fund projects that are particularly innovative (See Section II. of this announcement) in their proposed approach to providing Head Start services and without regard to the State in which an applicant is proposing to provide services. ACYF expects to fund successful applicants for innovative projects on an annual basis for a period of one or two years, assuming satisfactory programmatic and fiscal performance. Applicants will not be funded for these projects for more than two years.

The table below shows the amount of funds ACYF estimates will be allotted for expansion in each State, for Indian and migrant projects, and for the Virgin Islands and Outer Pacific Islands.

	Estimated funds for expansion in fiscal year 1985
Region I:	
Connecticut	$50,000
Maine	50,000
Massachusetts	50,000
New Hampshire	50,000
Rhode Island	51,000
Vermont	50,000
Region II:	
New Jersey	543,000
New York	3,050,000
Puerto Rico	1,728,000
Region III:	
Delaware	55,000
Dist. of Columbia	50,000
Maryland	289,000
Pennsylvania	,055,000
Virginia	393,000
West Virginia	114,000

	Estimated funds for expansion in fiscal year 1985
Region IV:	
Alabama	307,000
Florida	1,142,000
Georgia	786,000
Kentucky	50,000
Mississippi	-0-
North Carolina	50,000
South Carolina	425,000
Tennessee	384,000
Region V:	
Illinois	1,646,000
Indiana	440,000
Michigan	1,209,000
Minnesota	93,000
Ohio	1,510,000
Wisconsin	641,000
Region VI:	
Arkansas	212,000
Louisiana	619,000
New Mexico	143,000
Oklahoma	59,000
Texas	1,293,000
Region VII:	
Iowa	194,000
Kansas	159,000
Missouri	330,000
Nebraska	99,000
Region VIII:	
Colorado	137,000
Montana	54,000
North Dakota	70,000
South Dakota	64,000
Utah	137,000
Wyoming	50,000
Region IX:	
Arizona	430,000
California	4,162,000
Hawaii	141,000
Nevada	61,000
Region X:	
Alaska	50,000
Idaho	72,000
Oregon	142,000
Washington	50,000
Virgin Islands and Outer Pacific Islands	100,000
Total, State Funds	25,289,000
American Indian Programs	400,000
Migrant Programs	1,511,000
Reserved for contingencies	200,000
Total for conventional projects	27,400,000
Innovative projects	2,000,000
Total Funds for Expansion	29,400,000

J. The Application Process

1. Submission of Application

Agencies and organizations interested in applying for funds may request application kits from Robert Foster, Head Start Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013.

In order to be considered for a Head Start grant, an application must be submitted on the forms and in the manner required by the Administration for Children, Youth and Families (See Appendix D for Special Application Forms).

The applications must be executed by an individual authorized to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award. Applications must be prepared in accordance with the guidance provided in the announcement and the instructions in the application kit.

An applicant may submit only one application for expansion funds for conventional projects for each of the three funding categories: (1) State funds, (2) American Indian funds, and (3) migrant funds. To compete for funds allocated to innovative programs, a separate application must be submitted. All applications must indicate the appropriate funding category.

One signed original and two copies of the grant application, including all attachments, are required. ACYF encourages the submission of an additional three copies to facilitate the review process. Applicants are encouraged to limit the length of their proposals. Completed applications must be sent to: Head Start Expansion, Office of Human Development Services, Grants and Contracts Management Division, North Building, Room 1740, 330 Independence Avenue, S.W., Washington, D.C. 20201. The program announcement number (13600.852) must be clearly identified on the application.

To help with the ACYF review process, we also request that the applicant send one copy to the ACYF regional office official responsible for your State, or for American Indian or migrant programs, to the Director of the Program Operations Division in Washington, D.C. The addresses of these officials are shown in Appendix A of this announcement.

2. Executive Order 12372—Notification Process

This program is covered under Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." State Processes or directly affected State, area-wide, regional, and local officials and entities have 60 days to comment on the application, starting from the deadline date for application submission to HDS. A Single Point of Contact (SPOC) to fulfill the requirements of E.O. 12372 has been established in all States and territories except Alaska, Idaho, American Samoa and Guam (applicants from these four areas need take no action regarding E.O. 12372). Applicants must submit required material to their SPOCs so HDS can obtain comments from the SPOCs as part of the award process. (Applications for programs to be administered directly by Federally recognized Indian tribes are exempt from the requirements of E.O. 12372.) Applicants should contact their SPOC as soon as possible to alert them of the prospective application and receive specific instructions regarding the process (see Appendix B for addresses). Required material should be sent to the SPOC as early as possible. SPOCs will submit their comments directly to Clennie H. Murphy, Jr., Deputy Associate Commissioner, Head Start Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013. HDS will notify the State of any application received which has no indication that the State Process has had an opportunity for review.

K. Priority for Funding

In selecting applicants that are to receive expansion funding, priority will be given to Head Start grantees who were receiving Head Start funds on October 30, 1984, the date the Head Start Act was reauthorized. An applicant that is a current Head Start grantee would receive priority over a non-Head Start applicant in instances where both propose to serve the same community or geographic area and both score comparably in the competitive review (i.e., within 5 points of each other), unless ACYF makes a finding that the current Head Start grantee fails to meet Head Start program and fiscal requirements.

L. Selection of Successful Applicants

Applicants will be scored against the criteria explained above. The review will be conducted in Washington, D.C. Reviewers will be persons knowledgeable about Head Start and early childhood education and development, including parents of Head Start children (from States other than the one being reviewed), Federal staff, and other experts, such as university staff or staff of child development projects.

Once applications have been scored, they will compete with other applications from the State where services will be provided or, in the case of American Indian projects or migrant projects, against other American Indian or migrant projects. The number of grant awards within each State will depend on the State's allocation and on the number and characteristics of acceptable applications.

The results of the competitive review will be taken into consideration by the Associate Commissioner, Head Start Bureau, who, in consultation with ACYF regional officials, will recommend projects to be funded. The Commissioner of ACYF will make the final selection of applicants to be funded. Applications may be funded in

whole or in part depending on relative need, applicant ranking and funds available. The Commissioner may elect not to fund any applicants that have management, fiscal, or other problems and situations which make it unlikely that they would be able to provide effective Head Start services. For example, this might apply to an applicant which has had large, chronic balances of unspent funds due to poor management, or one that has failed to serve children with programs of adequate quality or in agreed upon numbers. Other examples might be an applicant whose past operations indicate that it would not be able or willing to effectively involve parents in the program, or an applicant that proposes costs which are unreasonable in relation to the set of services proposed. It may also be decided not to fund projects which would require unreasonably large initial start-up costs for facilities or equipment.

Successful applicants will be notified through the issuance of a Notice of Financial Assistance Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which support is given, the non-Federal share to be provided, and the total project period for which support is provided.

M. Closing Date for Receipt of Applications

The closing date for receipt of applications will be 45 days after the final announcement. Applications may be mailed or hand delivered to: Head Start Expansion, Office of Human Development Services, Grants and Contracts Management Division, North Building, Room 1740, 330 Independence Avenue, S.W. Washington, D.C. 20201.

Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date at the HDS Grants and Contracts Management Office, or

2. Sent on or before the deadline date and received by the granting agency in time for submission to the independent review group to be considered during the competitive review and evaluation process. (Applicants must be cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet these criteria are considered late applications and will not be considered in the current competition.

Hand Delivered Applications: Hand delivered applications are accepted at the Office of Human Development Services, Grants and Contract Management Division, North Building, Room 1740, 330 Independence Avenue, S.W., Washington, D.C., during the normal working hours of 8:30 A.M. to 5:00 P.M. Monday through Friday.

N. Availability of Application Forms and Additional Information

Application kits which contain the prescribed application forms and additional instructions for the applicant may be obtained by writing to Robert Foster, Head Start Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013.

(Catalog of Federal Domestic Assistance Program Number 13.600, Project Head Start)

Dated: January 22, 1985.

Dodie Livingston,

Commissioner, Administration for Children, Youth and Families.

Approved: January 22, 1985.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

Appendix A—Regional Program Directors

Region I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
Mr. Richard Stirling, Regional Program Director, Office of Human Development Services, John F. Kennedy Federal Building, Room 2011, Boston, Massachusetts 02203, (617) 223-6450
Region II: New Jersey, New York, Puerto Rico, Virgin Islands
Mr. Dennis Coughlin, Regional Program Director, Office of Human Services, 26 Federal Plaza, Room 4149, New York, New York, (212) 264-2974
Region III: Delaware, Dist. of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
Mr. Alvin Pearis, Regional Program Director, Office of Human Development Services, 3535 Market Street, P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596-0356
Region IV: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
Mr. John Jordan, Regional Program Director, Office of Human Development Services, 101 Marietta Towers, Suite 903, Atlanta, Georgia, 30323, (404) 242-2134
Region V: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Mr. German White, Regional Program Director, Office of Human Development Services, 300 South Wacker Drive, 13th Floor, Chicago, IL 80806, (312) 353-6503
Region VI: Arkansas, Louisiana, New Mexico, Oklahoma, Texas
Mr. Tommy Sullivan, Regional Program Director, Office of Human Development Services, 1200 Main Tower, Room 2040, Dallas, Texas 75202, (214) 729-2976
Region VII: Iowa, Kansas, Missouri, Nebraska
Mr. Hilton Baines, Regional Program Director, Office of Human Development Services, Room 384, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-5401
Region VIII: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
Mr. David Chapa, Regional Program Director, Office of Human Development Services, Federal Office Building, Room 908, Denver, Colorado 80294, (303) 837-3902
Region IX: Arizona, California, Hawaii, Nevada, Outer Pacific Islands
Mr. Roy Fleischer, Regional Program Director, Office of Human Development Services, 50 United Nations Plaza, Room 445, San Francisco, California, 94102, (415) 556-6153
Region X: Alaska, Idaho, Oregon, Washington
Mr. William Hayden, Regional Program Director, Office of Human Development Services, 2901 Third Avenue, Mail Stop 413, Seattle, Washington 98121, (206) 442-0838
American Indian and Migrant Programs Branches
Mr. Robert Foster, Director, Program Operations Division, P.O. Box 1182, Washington, D.C. 20013, (202) 755-8208

Appendix B—State Single Point of Contact Address List

Alabama

Mrs. Donna J. Snowden, SPOC, Alabama State Clearinghouse, Alabama Department of Economic and Community Affairs, 3465 Norman Bridge Road; Post Office Box 2939, Montgomery, Alabama 36105-0939

Alaska

None.

Arizona

Office of Economic Planning and Development State of Arizona.

Note.—Correspondence & questions concerning this State's E.O. 12372 process should be directed to:

Jo Stephens, Director, Local Government Assistance; ATTN: Arizona State Clearinghouse, 1700 West Washington, Rm. 205, Phoenix, Arizona 85007, Tel. (602) 255–5004

Arkansas

State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Tel. (501) 371–2311

California

Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Tel. (916) 445–0282

Colorado

State Clearinghouse, Division of Local Government, 1313 Sherman Street, Rm. 520, Denver, Colorado 80203, Tel. (303) 866–2156

Connecticut

Gary E. King, Under Secretary, Comprehensive Planning Division, Office of Policy and Management, Hartford, Connecticut 06106–4459

Note.— Correspondence & questions concerning this State's E.O. 12372 process should be directed to:

Intergovernmental Review Coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106–4459, Tel. (203) 566–4298

Delaware

Executive Department, Thomas Collins Building, Dover, Delaware 19903, Attn: Franchine Booth, Tel. (302) 736–4204

Florida

Ron Fahs, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32301, Tel. (904) 488–8114

Georgia

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, S.W., Atlanta, Georgia 30334, Tel. (404) 656–3855

Hawaii

Kent M. Keith, Director, Department of Planning and Economic Development, P.O. Box 2359, Honolulu, Hawaii 96804

For Information Contact: Hawaii State Clearinghouse, Tel. (08) 548–3085

Idaho

None.

Illinois

Tom Berkshire, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Tel. (217) 782–8639

Indiana

Ms. Susan J. Kennell, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Tel. (317) 232–5604

Iowa

Office for Planning and Programming, Capital Annex, 523 East 12th Street, Des Moines, Iowa 50319, Tel. (515) 281–6483

Kansas

Kansas Department of Human Resources, Office of the Secretary, Attention: Judy Krueger, 401 Topeka Avenue, Topeka, Kansas 66603, Tel. (913) 296–5075

Kentucky

Kentucky State Clearinghouse, 2nd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Tel. (502) 564–2382

Louisiana

Michael J. Jefferson, Dept. of Urban & Community Affairs, Office of State Clearinghouse, P.O. Box 44455, Capitol Station, Baton Rouge, Louisiana 70804, Tel. (504) 925–3722

Maine

State Planning Office, Attn: Intergovernmental Review Process, State House Station #38, Augusta, Maine 04333, Tel. (207) 289–3154

Maryland

Guy W. Hager, Director, Maryland State Clearinghouse for Intergovernmental Assistance, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201–2365, Tel. (301) 383–7875

Massachusetts

Executive Office of Communities and Development, 100 Cambridge Street, Rm. 1401, Boston, Massachusetts 02202, Tel. (617) 727–7078

Michigan

Carol Hoffman, Director, Office of Business and Community Development, Michigan Department of Commerce, P.O. Box 30004, Lansing, Michigan 48909, Tel. (517) 373–0933

Mississippi

Office of Federal State Programs, Department of Planning and Policy, 1504 Walter Sillers Bldg., 500 High Street, Jackson, Mississippi 39202

For Information Contact: Mr. Marlan Baucum, Department of Planning and Policy Tel. (601) 359–3069

Minnesota

Thomas N. Harren, Minnesota State Planning Agency, Capitol Square Bldg., Rm. 101, St. Paul, Minnesota 55101, Tel. (612) 296–3698

Missouri

Missouri Federal Assistance Clearinghouse, Office of Administration, Division of Budget and Planning, Capitol Bldg., Rm. 129, Jefferson City, Missouri 65102, Tel. (314) 751–4834 or 751–2345

Montana

Anges Fipperian, Intergovernmental Review Clearinghouse, c/o Office of the Lieutenant Governor, Capitol Station, Helena, Montana 59620, Tel. (406) 444–5522

Nebraska

Policy Research Office, P.O. Box 94601, State Capitol, Rm. 1321, Lincoln, Nebraska 68509, Tel. (402) 471–2414

Nevada

Ms. Linda A. Ryan, Director, Office of Community Services, Capitol Complex, Carson City, Nevada 89710, Tel. (702) 885–4420

Note.—Correspondence and questions concerning this State's E.O. 12372 process should be directed to:

John Walker, Clearinghouse Coordinator, Tel. (702) 885–4420

New Hampshire

David G. Scott, Acting Director, New Hampshire Office of State Planning, 2½ Beacon Street, Concord, New Hampshire 03301, Tel. (603) 271–2155

New Jersey

Mr. Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, 363 West State Street, Trenton, New Jersey 08625, Tel. (609) 292–6613

Note.—Corrspondence and questions concerning this State's E.O. process should be directed to:

Nelson S. Silver, State Review Process, Division of Local Government Services—CN 803, Trenton, New Jersey 08625–0803, Tel. (609) 292–9025

New Mexico

Peter C. Pence, Director, Dept. of Finance and Administration, State of New Mexico, 515 Don Gaspar, Santa Fe, New Mexico 87503, Tel. (505) 827–3885

New York

Director of the Budget, New York State

Note.—Correspondence and questions concerning the State's E.O. 12372 process should be directed to:

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Tel. (518) 474–1605

North Carolina

Mrs. Chrys Baggett, Director, State Clearinghouse, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27611, Tel. (919) 733–4131

North Dakota

Office of Intergovernmental Assistance, Office of Management and Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505, Tel. (701) 224–2094

Ohio

State Clearinghouse, Office of Budget and Mangaement, 30 East Broad Street, Columbus, Ohio 43215
For Information Contact: Mr. Leonard E. Roberts, Deputy Director, Tel. (614) 466–0699

Oklahoma

Office of Federal Assistance Management, 4545 North Lincoln Blvd., Oklahoma City, Oklahoma 73105, Tel. (405) 528–8200

oregon

Intergovernmental Relations Division, State Clearinghouse, Executive Building, 155 Cottage Street, N.E., Salem, Oregon 97310, Tel. (503) 373–1998

Pennsylvania

Pennsylvania Intergovernmental Council, P.O. Box 1288, Harrisburg, Pennsylvania 17108, ATTN: Charles Griffiths, Executive Director, Tel. (717) 783–3700

Rhode Island

Daniel W. Varin, Chief, Rhode Island Statewide Planning Program, 265 Melrose Street, Providence, Rhode Island 02907, Tel. (401) 277–2656

South Carolina

Danny L. Cromer, Grant Services, Office of the Governor, 1205 Pendleton Street, Rm. 477, Columbia, South Carolina 29201, Tel. (803) 758–2417

South Dakota

Jeff Stroup, Commissioner of the Bureau of Intergovernmental Relations, Second Floor, Capitol Building, Pierre, South Dakota 57501, Tel. (605) 773–3661

Tennessee

Tennessee State Planning Office, 1800 James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37219, Tel. (615) 741–1676

Texas

bob McPherson, State Planning Director, Office of the Governor, Austin, Texas 78711, Tel. (512) 475–6156

Utah

Michael B. Zuhl, Direcor, Office of Planning and Budget, State of Utah, 116 State Capitol Building, Salt Lake City, Utah 84114, Tel. (801) 533–5245

Vermont

State Planning Office, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Tel. (802) 828–3326

Virginia

Robert H. Kirby, Intergovernmental Review Officer, Dept. of Planning and Budget, P.O. Box 1422, Richmond, Virginia 23211, Tel. (804) 786–1921

Washington

Ken Black, Washington Department of Community Development, Ninth and Columbia Building, Olympia, Washington 09504, Tel. (206) 753–220

West Virginia

Mr. Fred Cutlip, Director, Community Development Division, Governor's Office of Economic and Community Development, Building #6, Rm. 53, Charleston, West Virginia 25305, Tel. (304) 348–4010

Wisconsin

Secretary Doris J. Hanson, Wisconsin Department of Administration, 101 South Webster—GEF 2, Madison, Wisconsin 53702, Tel. (608) 266–1212

Wyoming

Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Tel. (307) 777–7574

Virgin Islands

Toya Andrew, Federal Program Coordinator, Federal Programs Office, Office of the Governor, The Virgin Islands of the United States, P.O. Box 580, Charlotte, Amalie, St. Thomas 00801, Tel. (809) 774–6511, Staff contact: Phyra Budson

District of Columbia

Pauline Schneider, Director, Office of Intergovernmental Relations, Rm. 416, District Building, Washington, D.C. 20004, Tel. (202) 727–6265

Puerto Rico

Nelson Soto, President, Puerto Rico Planning Board, P.O. Box 4119, Minilla Station, San Juan, Puerto Rico 00940, Tel. (809) 724–7900

North Mariana Islands

Planning and Budget Office, Office of the Governor, Saipan, CM 96950

American Samoa

None.

Guam

None.

Appendix C—Checklist of Materials and Forms Required for an Application for Head Start Expansion Funds

The following is a checklist of the items to be submitted in the expansion application. Make sure that each application is complete and all instructions are followed.

—Part I (Standard Form 424)
—Part II, Project Approval Information
—Part III, Budget Information (Twelve Month Line Item Budget) (Start-up Budget)
—Part IV, Program Narrative (Need for Service, Program Design, Program Quality, Experience and Capability, and Cost Effectiveness)
—Part V, Assurances
—Civil Rights Compliance Form (HHS–441)
—Rehabilitation Act Compliance Form (HHS–641)
—Certification of Head Start Administrative Costs Form
—New Grantee Fiscal Certification Form (only for applicants who are not currently receiving HDS grant funds)

Appendix D—Special Application Forms for Head Start Expansion Funds

(These forms are to be used to supplement standard OHDS application forms, which will be provided to applicants)

I. Application to Provide Expansion Services Under a Conventional Design

(Program Narrative: Part IV of Application)

Indicate by checking in the appropriate space if applicant is proposing to serve children in a program supported by funds allotted to the States, Virgin Islands or Outer Pacific Islands ———, an American Indian program ———, or a migrant program ———. Applicants may submit only one application for each category.

Indicate by checking in the appropriate space if applicant is currently a Head Start grantee ——, a delegate ———, or neither a grantee nor a delegate ——.

(1) Need for Service

A. List proposed counties of service and number of children proposed to be served in each county. (Applicants proposing to serve children in Puerto Rico must list number of children by municipalities. Applicants for Indian or migrant funds should complete this section, although it will not be used to assign points. Applicants from the

Virgin Islands or Outer Pacific Islands need not complete this section.)

Use additional lines if necessary.

County	No. of children
1.	
2.	
3.	
4.	
5.	
Total children [1]	

[1] Please be sure that the total number of children is the same in both questions.

B. List number of children to be served by age. Estimate where appropriate. Use the ages of the children as of October 1, 1985.

Age	No. of children
0–2 [2]	
3	
4	
5	
6	
Total children [1]	

[1] Please be sure that the total number of children is the same in both questions.
[2] Applies only to migrant projects.

Discuss location of proposed areas of service within the counties listed above and why these areas were chosen. Discuss which of the eligible children and families in these areas will be served and why these families will be given priority. Indicate the number of children that will be enrolled in each service area. Explain why these areas have the greatest need for Head Start services compared to other areas in each county. Explain the number of years of service proposed for each child. Discuss whether or not kindergarten is available. Be sure to discuss reasons for proposing multiple years of service or for proposing to serve children eligible for kindergarten, as appropriate. Enclose, as a separate document, a map of the county or counties you propose to serve, indicating the areas from which you plan to recruit children, the sites at which centers will be located, and the numbers of children to be served at each site. Applicants that already serve children should show current service areas and sites in these counties and the number of children served at each site.

(2) Program Design

Indicate number of children you are proposing to serve for each Head Start delivery option listed below. Enter zero for options that are not proposed. (Locally Design Options, or LDOs, are not included in the list because they will be funded using the $2 million for innovative projects.)

For each proposed option, indicate below the number of children to be served, the number of hours per day, the number of days per week, and the number of days per year each child is in class (or in a socialization group for Home-Based programs). *In computing the number of days per year, exclude holidays, vacation days or other days when children are not expected to attend the program.* If an applicant is proposing to use the same option but with different hours/day or days/year for different groups of children, indicate the appropriate hours and days for each variation in the space below (A, B, and C).

For each proposed option, indicate below the number of planned home visits per year made by a teacher or home visitor to each child's home. Also, indicate the average time of a home visit. Follow the instructions above if programs for different groups of children have home visits that differ in number or duration.

For each proposed option, indicate the number of classes.

The program options listed below are defined as follows:

• Standard Model—Full Day: Five days per week, six or more hours per day.

(a) Have special needs (e.g., handicapped, emotionally disturbed, etc.) that require full day services of a developmental nature.

(b) Are from homes where stress due to factors such as seriously ill or emotionally disturbed parents is so great as to indicate that full day care for the child is essential.

(c) Have no caregiver at home because parents are employed or in job training.

• Standard Model—Part Day: Five days per week, less than six hours per day.

• Variations in Center Attendance: Less than five days per week.

• Home-Based Model: Primary interaction is with parent(s) and children in the home.

(See Part 1304, Appendix A of the Head Start regulations for further information on program options and requirements associated with various options.)

(A class is a group of children who function as a single unit. Classes which share space should be counted as separate classes, if they function as separate units. For double sessions, count each session as a separate class.)

	Variation A	Variation B	Variation C
Standard model—Full day (Numbers):			
Children			
Hours per day			
Days per week			
Days per year			
Home visits per year			
Average time of home visit			
Classes			
Standard model—Part day (Numbers):			
Children			
Children in double sessions			
Hours per day			
Days per year			
Home visits per year			
Average time of home visit			
Classes			
Variations in center attendance (Numbers):			
Children			
Children in double sessions			
Hours per day			
Days per year			
Home visit per year			
Average time of home visits			
Classes			
Home-based model (Numbers):			
Children			
Hours per day			
Days per year			
Home visits per year			
Average time of home visit			
Classes			

• Explain any special features of your proposed program design. Explain why this design(s) best serves the needs of the community and the families to be served. Include in your discussion elements such as establishing appropriate service hours and staffing patterns, selecting convenient locations, and providing appropriate transportation.

• Provide whatever supplementary information to the application's budget forms may be needed to explain the resources, both ACYF and non-ACYF, that will be available to carry out all facets of the program which has been proposed.

(3) Program Quality

Discuss the basic objectives of your proposed program in terms of providing quality services to Head Start children.

Explain how services will be provided in the following areas:

• Education: Include proposed classroom activities, types of equipment to be used, proposed role of the parents, etc.

• Medical Services: Include type of services to be provided, from whom services will be secured, where services will provided, who will pay for services, etc.

• Dental Services: Include type of services to be provided, from whom services will be secured, where services will be provided, who will pay for services, etc.

• Mental Health Services: Include type of services to be provided, from

whom services will be secured, where services will be provided, who will pay for services, etc.

• Nutrition: Indicate how children will be assured of receiving nutritious meals. Include plans to educate children and parents in proper nutritional habits.

• Social Services: Include type of agencies with which Head Start will be networking and types of services planned, etc.

• Parent Involvement: Discuss the proposed role of parents in planning, conduct, and administration of Head Start program.

• Handicapped: Discuss number of handicapped children to be enrolled, types of handicapping conditions, what kind of special services will be provided, by whom, where, etc.

• Discuss the role of the Policy Council in administering the proposed program.

• If proposing to serve bi-cultural children, explain what types of special services will be provided to these children and their families.

• Discuss proposed plans for use of volunteers; i.e., number, positions, etc.

• Discuss provisions to develop and manage training and technical assistance activities which are adequate to meet the needs of the proposed program.

• Discuss the suitability of the proposed facilities and equipment to be utilized in carrying out the Head Start program.

(4) Experience and Capability

• List staff on the budget sheets that follow. Discuss responsibilities and qualifications of proposed staff, including the extent to which classroom teachers to be hired have received appropriate training or have experience in early childhood education.

• Discuss plans to provide employment opportunities in the Head Start program to persons whose racial or ethnic backgrounds are reflective of the communities being served and to persons who are residents of the communities being served.

• Discuss the involvement of parents and other community members and organizations in development of this application.

• Provide evidence of support from relevant community organizations, service providers and community members.

• Discuss career development and training opportunities for paraprofessional and other staff.

• Explain plans to begin providing new services in a timely manner.

• Discuss previous organizational experience which would suggest capability of carrying out a child development program.

• Discuss organizational experience which shows ability to exercise sound fiscal management and effective program administration.

(5) Reasonableness of Proposed Cost

Complete the budget forms included in the application kit.

II. Application to Provide Expansion Services Under an Innovative Design

(Program Narrative: Part IV of Application)

Indicate by checking in the appropriate space if applicant is currently a Head Start grantee ———, a delegate ———, or neither a grantee nor a delegate ———.

Indicate by checking in the appropriate space if applicant is proposing to provide: comprehensive Head Start services provided in an innovative manner ———; or partial Head Start services as an adjunct to a current Head Start program providing comprehensive services.

(1) Need for Service

A. List proposed counties where services will be provided and the number of children proposed to be served in each county in a format similar to that shown below.

County	No. of children
1.	
2.	
3.	
4.	
5.	
Total children [1]	

B. List number of children to be served by age in a format similar to that shown below. Estimate where appropriate. Use the ages of the children as of October 1, 1985.

Age	No. of children
0–2	
3	
4	
5	
6	
Total children [1]	

[1] Please be sure that the total number of children is the same in both questions.

Discuss why proposed areas of service in counties listed above were chosen. Discuss which of the eligible children and families in these areas will be served and why these families will be given priority. Indicate number of children that will be enrolled in each service area. Explain why these areas have the greatest need for Head Start services compared to other area in each county. Include letters of support from the community. (Enclose, as a separate document, a map of the county or counties you propose to serve, indicating the areas from which you plan to recruit children, and the sites at which centers will be located and the number of children to be served at each site. Applicants that already serve children should show current service areas and sites in these counties.)

(2) Innovative Design

Describe the option(s) you are proposing.

For each proposed option, indicate, using a format similar to that below, the number of children to be served and the number of hours per day, days per week, and days per year each child is in class. Also indicate the proposed number of home visits per year and the average time of each home visit. If proposed delivery options do not lend themselves to the following format, explain the number of child contact hours per day (per child) and indicate what types of services will be provided during these contact hours.

Option	No. children	Hours/day	Hours/week	Days/year
A				
B				
C				
D				
E				

Option	Home visits/year	Average time of home visit
A		
B		
C		
D		
E		

Discuss the reasons for your proposed program design. Explain why this design(s) best serves the needs of the community and families to be served. Include in your discussion elements such as establishing appropriate service hours and staffing patterns, selecting convenient locations, appropriate transportation.

Discuss the enrollment criteria you propose to use (including ages of children). Explain the process by which children will be recruited and selected to participate in program.

(3) Beneficial Impact

Discuss how the services you are proposing to provide, or the knowledge

and methods to be developed, will impact beneficially on your target population.

Explain how services will be provided in the following areas:

(Applicants who are proposing a less than comprehensive Head Start program as an adjunct to a current program are to complete only those sections which are relevant to the applicant's proposed program design. For example, an applicant proposing to provide health services to the siblings of Head Start children would not be expected to complete the section on, for example, social services, unless the applicant's proposed program design was such that the provision of social services was essential to meeting the proposed objectives of the program.)

- Education: Include proposed classroom activities, types of equipment to be used, proposed role of the parents, etc.
- Medical Services: Include type of services to be provided, from whom services will be secured, where services will provided, who will pay for services, etc.
- Dental Services: Include type of services to be provided, from whom services will be secured, where services will be provided, who will pay for services, etc.
- Mental Health Services: Include type of services to be provided, from whom services will be secured, where services will be provided, who will pay for services, etc.
- Nutrition: Indicate how children will be assured of receiving nutritious meals. Include plans to educate children and parents in proper nutritional habits.
- Social Services: Include type of agencies with which Head Start will be networking and types of services planned, etc.
- Parent Involvement: Discuss the proposed role of parents in planning, conduct, and administration of Head Start program.
- Handicapped: Discuss number of handicapped children to be enrolled, types of handicapping conditions, what kind of special services will be provided, by whom, where, etc.
- Discuss the role of the Policy Council in administering the proposed program.
- If proposing to serve bi-cultural children, explain what types of special services will be provided to these children and their families.
- Discuss proposed plans for use of volunteers; i.e., number, positions, etc.
- Discuss provisions to develop and manage training and technical assistance activities which are adequate to meet the needs of the proposed program.
- Discuss the suitability of the proposed facilities and equipment to be utilized in carrying out the Head Start program.

(4) Experience and Capability

- List staff on the budget sheets that follow. Discuss responsibilities and qualifications of proposed staff, including the extent to which classroom teachers to be hired have received appropriate training or have experience in early childhood education.
- Discuss plans to provide employment opportunities in the Head Start program to persons whose racial or ethnic backgrounds are reflective of the communities being served and to persons who are residents of the communities being served.
- Discuss the involvement of parents and other community members and organizations in development of this application.
- Provide evidence of support from relevant community organizations, service providers and community members.
- Discuss career development and training opportunities for paraprofessional and other staff.
- Explain plans to begin providing new services in a timely manner.
- Discuss previous organizational experience which would suggest capability of carrying out a child development program.
- Discuss organizational experience which shows ability to exercise sound fiscal management and effective program administration.

(5) Reasonableness of Proposed Cost

Complete all budget forms included with the application kit. Explain proposed unit costs and why these costs are justified in terms of expected outcomes.

Twelve Month Operating Budget

Check one:
Applicant Budget: ———
Delegate Agency Budget: ———

References in parentheses next to budget items refer to the object class category into which the cost must be placed in Part III, Section B, Column of the application form.

If the applicant proposes to fund delegate agencies, a separate twelve month budget must be completed by each delegate agency using a copy of this form. Applicants should also fill out a separate form and should include delegate agency costs on Line 12. Use of this form is not required for start-up costs.

1. *Personnel* (object class category 6.a.)

Administrative Staff	Number of positions	Average No. wks. employed per year	Average No. hrs. employed per week	ACYF budget cost
Executive Director				$
Fiscal Officer/Accountant				
Head Start Director				
Bookkeeper				
Secretary				
Center Director				
COMPONENT STAFF				
Health Coordinator				
Nurse				
Handicap Services Coordinator				
Education Coordinator				
Teacher				
Teacher Assistant/Aide				
Home Visitor				
Social Service Coordinator				
Social Worker				
Parent Involvement Coordinator				
Cook				
Bus Driver				
1. Total personel				

	ACYF budget cost
2. Total fringe benefits: (6.b)	
3. Occupancy (6.h.) [1]	
Rent	
Utilities	
Telephone	
Bonding and Insurance	
Maintenance and Repair	
Other	
Total occupancy	
4. Child travel (6.h):	
Bus/Van Lease/Rental	
Vehicle Insurance	
Field Trips	
Vehicle Maintenance/Repair	
Other	
Total Child travel	
5. Staff travel:	
Out of Town (6.c.)	
Local (6.h)	
Total staff travel	
6. Food (6.h)	
Children (Do not include food paid for by USDA)	
Staff	
Parent	
Total food:	
7. Furniture and equipment (6.d):	
Office	
Vehicle Purchase	
Classroom	
Playground	
Kitchen	
Other	
Total furniture/equipment	
8. Supplies (6.e):	
Office	
Cleaning	
Classroom	
Medical/Dental	
Kitchen	
Other	

	ACYF budget cost
Total supplies	
9. Other child services (6.h) [3]	
Medical Screening/Care	
Dental Exams/Care	
Mental Health Assessment/Care	
Nutrition Consultant	
Speech Therapy	
Other	
Total other child services	
10. Other parent services:	
Parent Activities (6.h)	
Parent Travel	
Out of town (6.c)	
Local (6.h)	
Total other parent services	
11. Other:	
Audit [2]	
Legal [2]	
Payroll/accounting [2]	
Publications/subscriptions	
Printing/advertising	
Employee medical exams	
Staff training/technical assistance	
Other	
Total other	
12. Total delegate agency budget (6.f) [3]	
13. Total indirect costs (6.j) [4]	
Grand total	

[1] If these services are provided through a contract, enter these costs on line 6.f.

[2] If these services are provided by an individual who is not an employee, enter these cost on line 6.h. If these costs are provided by a firm through a contract, enter these costs on line 6.f.

[3] If this line is applicable, attach a budget for each delegate agency.

[4] If this line is applicable, provide documentation on approved indirect cost rate.

Start-Up Budget

Please fill in the requested amount of start-up funds requested for efforts prior to the provision of direct services to children and their families. One-time start-up costs might include salaries paid to staff during this period, equipment, vehicles, facility renovations, training activities and other goods and services that would not be required again for three years. Start-up costs for salary and fringe benefits will be approved only in special circumstances which must be explained by the applicant. Also provide a justification for these costs as indicated in Section F, page 10 of the "HDS Application Instructions".

START-UP COSTS

Personnel	$
Equipment	
Vehicles	
Renovation of facilities	
Other (please indicate)	
Total	

JUSTIFICATION:

[FR Doc. 85-2031 Filed 1-24-85; 8:45 am]

BILLING CODE 4130-01-M

federal register

Friday
January 25, 1985

Part IX

Department of Commerce

Patent and Trademark Office

37 CFR Part 1

Miscellaneous Patent Provisions; Proposed Rule

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 41269-4169]

Proposed Rules for Miscellaneous Patent Provisions

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Patent and Trademark Office proposes to amend the rules of practice in patent cases, Part 1 of Title 37, Code of Federal Regulations, to provide rules and procedures for the miscellaneous patent provisions enacted into law by Public Laws 98-620 and 98-622, on November 8, 1984, in which statutory invention registrations, changes in appeals to the courts, prior art and joint inventor provisions and PCT international application filing and processing procedures were established or amended. These proposed changes provide specific rules and procedures for the new and amended provisions.

DATES: Comments must be submitted on or before February 8, 1985; a public hearing will be held on February 8, 1985, at 1:30 p.m. Requests to present oral testimony should be received on or before February 4, 1985.

ADDRESSES: Address written comments and requests to present oral testimony to the Commission of Patents and Trademarks, Washington, D.C. 20231, Attention: R. Franklin Burnett, Room 3-11A13. The hearing will be held in Room 11C10, on the 11th floor of Building 3, Crystal Plaza, located at 2021 Jefferson Davis Highway, Arlington, Virginia. Written comments and a transcript of the public hearing will be available for public inspection in Room 11A13 of Building 3, Crystal Plaza at 2021 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: R. Franklin Burnett by telephone at (703) 557-2054 or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: This proposed rule change is designed primarily to establish a set of rules and procedures for the various requirements of Pub. L. 98-620 and 98-622 concerning appeals to the courts, statutory invention registrations, rejections based on prior art and double patenting, and filing of international applications under the Patent Cooperation Treaty.

Background Information

Most of the proposed rule changes contained herein are necessary as a result of Pub. L. 98-620 or 98-622, both of which were signed by President Reagan on November 8, 1984. The following is a summary of the purposes of the various statutory amendments.

Amended 35 U.S.C. 103—Unpublished knowledge of prior art. Pub. L. 98-622 changes a complex body of case law which discourages communication among members of research teams working in corporations, universities or other organizations. It amended 35 U.S.C. 103 by adding a new sentence which provides that subject matter developed by another which qualifies as "prior art" only under subsections 102 (f) or (g) of 35 U.S.C. is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. 103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made.

"Prior art" is the existing body of technical information against which the patentability of an invention is judged. Publicly known information is always considered in determining whether an invention would have been obvious. However, under *In re Bass*, 474 F.2d 1276, 177 USPQ 178 (CCPA 1973), and *In re Clemens*, 622 F.2d 1029, 206 USPQ 289 (CCPA 1980), an earlier invention which is not public could have been treated under 35 U.S.C. 102(g), and possibly under 102(f), as prior art with respect to a later invention made by another employee of the same organization.

New technology often is developed by using background scientific or technical information known within an organization but unknown to the public. Pub. L. 98-622, by disqualifying such background information from prior art, encourages communication among members of research teams, and leads to more public dissemination through patents of the results of team research.

The subject matter that is disqualified as prior art under 35 U.S.C. 103 is strictly limited to subject matter that qualifies as prior art only under 35 U.S.C. 102(f) or 102(g). If the subject matter qualifies as prior art under any other subsection—e.g., subsection 102(a), 102(b) or 102(e)—it will not be disqualified as prior art under the amendment to section 103.

The contents of a patent of the same or different ownership as an application, continues to be available as prior art against the application under section 103 by virtue of section 102(e) as of the application filing date of the patent. If subject matter becomes potential prior art under section 102(e) because a patent application is filed on such subject matter before a commonly owned claimed invention is made the subject matter of a later application, the two applications may be combined into a single application and such subject matter (with the abandonment of the two applications) would no longer constitute potential prior art under section 102(e) or under section 103 since it would not "be described in a patent" while the application is pending.

It is important to recognize that the amendment to the law applies only to consideration of prior art for purposes of section 103. It does not apply to or affect subject matter which qualifies as prior art under section 102. A patent applicant urging that subject matter is disqualified has the burden of establishing that it was commonly owned at the time the claimed invention was made.

Pub. L. 98-622 was not intended to permit anyone other than the inventor to be named in a patent application or patent. Also, the amendment was not intended to enable appropriation of the invention of another.

The Patent Trademark Office has withdrawn the Commissioner's Notice of January 9, 1967, "Double Patenting", 834 O.G. 1615 (Jan. 31, 1967), to the extent that it does not authorize a double patenting rejection where different inventive entities are present. The Office is reinstituting, in appropriate circumstances, the practice of rejecting claims in commonly owned applications of different inventive entities on the ground of double patenting. See 130 Cong. Rec. H10527, column 3 (daily ed. Oct. 1, 1984) (statement of Rep. Kastenmeier); *In re Rogers*, 394 F.2d 566, 567 n. 4, 157 USPQ 569, 570 n. 4 (CCPA 1964). This is in accordance with existing case law and prevents an organization from obtaining two or more patents with different expiration dates covering nearly identical subject matter. See *In re Zickendraht*, 319 F.2d 225, 138 USPQ 22 (CCPA 1963) ("The doctrine is well established that claims in different applications need be more than merely different in form or content; and that *patentable distinction* must exist to entitle applicants to a second patent") and *In re Christensen*, 330 F.2d 652, 141 USPQ 295 (CCPA 1964) (" * * * the correct procedure for double patenting cases is to analyze the claims to determine the inventions defined therein, and then decide whether such inventions, as claimed are *patentably distinct* and therefore qualified to be claimed in separate patents"). In accordance with established patent law doctrines, double patenting rejections

can be overcome in certain circumstances by disclaiming, pursuant to the existing provisions of 37 CFR 1.321, the terminal portion of the term of the later patent and including in the disclaimer a provision that the patent shall be enforceable only for and during the period the patent is commonly owned with the application or patent which formed the basis for the rejection, thereby eliminating the problem of extending patent life.

Information learned from or transmitted to persons outside the organization is not disqualified as prior art.

The term "subject matter" will be construed broadly, in the same manner the term is construed in the remainder of section 103. The term "another" as used in § 103 means any inventive entity other than the inventor and would include the inventor and any other persons. The term "developed" is to be read broadly and is not limited by the manner in which the development occurred. The term "commonly owned" means wholly owned by the same person, persons, or organization at the time the invention was made.

Amended 35 U.S.C. 116—Joint inventor filing.

35 U.S.C. 116 as amended by Pub. L. 98–622 recognizes the realities of modern team research. A research project may include many inventions. Some inventions may have contributions made by individuals who are not involved in other, related inventions.

Amended 35 U.S.C. 116 allows inventors to apply for a patent jointly even though: (i) They did not physically work together or at the same time, (ii) each did not make the same type or amount of contribution, or (iii) each did not make a contribution to the subject matter of every claim of the patent. Items (i) and (ii) adopt the rationale stated in decisions such as *Monsanto* v. *Kamp*, 269 F. Supp. 818, 154 USPQ 259 (D.D.C. 1967). Item (iii) adopts the rationale of cases such as *SAV Industrie AB* v. *Bendix Corp.*, 199 USPQ 95 (E.D. Va. 1978).

Like other patent applications, jointly-filed applications are subject to the requirements of 35 U.S.C. 121 that an application be directed to only a single invention. If more than one invention is included in the application, the Patent and Trademark Office may require the application to be restricted to one of the inventions. In such a case, a "divisional" application complying with 35 U.S.C. 120 would be entitled to the benefit of the earlier filing date of the original application.

It is possible that different claims of an application or patent may have different dates of invention even though the patent covers only one independent and distinct invention within the meaning of 35 U.S.C. 121. When necessary, the Patent and Trademark Office or a court may inquire of the patent applicant or owner concerning the inventors and the invention dates for the subject matter of the various claims.

Amended 35 U.S.C. 120—Benefit of prior U.S. application. 35 U.S.C. 120 was amended by Pub. L. 98–622 to provide that an application can obtain the benefit of the filing date of an earlier application when not all inventors named in the joint application are the same as those named in the earlier application. This amendment permits greater latitude in filing "divisional" applications. For example, if the previously filed application named inventors A and B as the inventors, a later application by either A or B could be filed during the pendency of the previously filed application and claim benefit of the previously filed application. In order for a claim to be entitled to the benefit of an earlier pending application, the subject matter of the claim of the later application would have to be disclosed in the earlier application.

Similarly, if inventor A filed an application on an invention and during the pendency of the application made an improvement on the subject matter of the application as a joint inventor with inventor B, the joint application filed on behalf of inventors A and B could claim the benefit of A's previously filed sole application to the extent that the later filed joint application contained claims directed solely to A's subject matter which was disclosed in the earlier filed pending application in the manner provided by the first paragraph of section 112 of title 35, U.S.C.

Likewise, an application filed by inventors A and C could claim the benefit of an earlier filed pending application of inventors A and B, to the extent that the requirements of section 120 could be met.

Like other patent applications, jointly-filed applications will continue to be subject to the requirement of 35 U.S.C. 121 that an application be directed to only a single invention. If more than one invention is included in the application, the Patent and Trademark Office may require the application to be restricted to one of the inventions. In such a case, a "divisional" application would be entitled to the benefit of the earlier filing date of the original application.

New 35 U.S.C. 157—Statutory Invention Registration (SIR).

This section which is effective on May 8, 1985, establishes an optional procedure by which an inventor may secure protection which is strictly defensive in nature.

Under current law, there is no simple, practical method by which an inventor can protect his or her ability to exploit the invention without obtaining a patent. The new procedure confers on an inventor the same defensive rights that a patent provides to prevent others from patenting the invention. However, it does not permit the holder to exclude others from making, using or selling the invention.

Due to the fact that a SIR does not grant an exclusive right to an inventor, it is not necessary to subject a SIR to the lengthy examination process required for the granting of a patent. Such an examination is necessary if the SIR is subject to an interference proceeding to determine priority of invention. In all other instances, the Patent and Trademark Office will only review the application for adherence to formal printing and fee payment requirements and to ensure that the requirements of 35 U.S.C. 112 are satisfied.

An applicant desiring to have a SIR published will be required to file a regular complete application for a patent and to execute a request including a waiver of enforcement of patent rights. This waiver of the claimed invention will be effectvie at the time of publication. The original application can be abandoned in favor of a continuation or a continuation-in-part application for a patent, claiming the filing date of the earlier filed application, by filing an express abandonment of the original application and a timely petition to withdraw the request for a SIR prior to publication of the SIR, thereby providing the applicant with flexibility during the pendency period of the application. Until the SIR is published the application remains an application for a patent. However, the holder of a SIR will not be able to file a reissue application to recapture the rights to exclusive use that were waived by the initial publication of the SIR.

The waiver of the right to receive a patent, required of all applicants electing to receive a SIR, applies to those remedies provided for the enforcement of a patent under section 183 and sections 271 through 289 of title 35, United States Code. The waiver also applies to remedies under other titles of the United States Code including sections 1337 and 1337a of title 19, section 2356 of title 22, and section 1498 of title 28. This waiver of enforcement applies only to the claimed subject matter of the SIR and not to any foreign patent arising from an application which

might have served as the basis of a priority claim under the Paris Convention for the Protection of Industrial Property. Likewise, the waiver does not prevent the holder of the SIR from asserting any defenses provided in sections 271 through 289 of title 35, U.S.C. with respect to a charge of infringement of any other patient.

The Commissioner of Patents and Trademarks can refue to accept the waiver in certain cases. For example, the waiver could not be accepted if the waiver is not a waiver of all the previously mentioned rights. The Commissioner also has descretion to set time limits on the waiver. This would allow the Commissioner to limit the ability of an inventor to keep inventions secret through a series of continuing patent applications followed by a conversition to a SIR.

The waiver of patent rights in the SIR to the subject matter claimed therein may affect the patentability of a claim in other related applications, particularly divisional applications, since the waiver of patent rights would be effective for all inventions claimed in the SIR and would be effective as a waiver of the right of the inventor to obtain a patent on the invention claimed in the same application or any other application, but not in any patent issued before the date the SIR is published. Where an application containing generic claims is published as a SIR, the waiver in that application applies to any other related applications, including divisions, continuations, and continuations-in-part, to the extent that the same invention claimed in the SIR is also claimed in the other related application.

The Patent and Trademark Office will apply standards similar to those which it applies in making determinations of "same invention" and "obvious type" double patenting for purposes of determining whether or not a waiver by an inventor to claims in a SIR precludes patenting by the same inventor to subject matter in any other related application.

Therefore, the waiver would preclude patenting of an invention claimed by a an inventor in a related application which is the same as, or not patentably distinct from, the invention claimed by the same inventor in the SIR. When making this determination it is the claimed subject matter of the SIR which is compared to the claimed subject matter of the related application. Where the subject matter claimed in the related applications is not patentably distinct from the subject matter waived in the SIR, the claims of the related application will be rejected on the grounds of double patenting as being precluded by the waiver in the SIR and cannot be overcome by a terminal disclaimer. If a divisional application is filed and published as a SIR claiming only a method, publication thereof will not normally effect a waiver on an application for a patent claiming only an apparatus. The waiver in a SIR would not affect any rights in a patent which issued prior to the date of publication of the SIR, but would preclude an already issued patent from being broadened by reissue if the rights to the subject matter to which broadned claims relate have been waived by publication of the SIR. The waiver applies to any rights of the same inventor in any application pending when the SIR is published even if the inventor is a joint applicant in the pending application and was a sole applicant in the application published as a SIR. The waiver would not affect the rights of any other inventor even though those rights are commonly owned by the same person.

The holder of a SIR containing the required waiver will be left without the offensive rights associated with a patent. In other respects a SIR will be the same as a patent, including the application which is published as a SIR serving as the basis for a priority claim in a foreign application under the Paris Convention. A SIR will be treated the same as a U.S. patent for all defensive purposes. The application, and the SIR published therefrom, could become involved in an interference; the SIR would be a "constructive reduction to practice" under 35 U.S.C. 102(g); it will be "prior art" under all applicable sections of 35 U.S.C. 102 including section 102(e); and it will be classified, cross-referenced and placed in the search files, disseminated to foreign patent offices, stored in the Patent and Trademark Office computer tapes, made available in commercial data bases, and announced in the *Official Gazette* of the Patent and Trademark Office. A published SIR is intended to be a fully viable publication for defensive purposes, usable as a reference as of its filling date in the same manner as a patent. A SIR will also serve as a basis to initiate or participate in an interference or priority proceeding under 35 U.S.C. 291 in a manner similar to a patent and can be used as a reference in defense of an infringement suit. A SIR is based on a regularly filed application for a patent. Therefore, the filing date of the application will be a sufficient basis for a priority claim in a foreign application. Article 4, section A(3) of the Paris Convention states:

> By a regular national filing is meant any filing that is adaquate to establish the date on which the application was filed in the country concerned, whatever may be the subsequent fate of the application.

After a SIR is published, markings such as "patent pending" are improper under section 292 of title 35 of the United States Code.

The SIR will serve as a replacement for the current "defensive publication program" which was established by regulation under 37 CFR 1.139. Although publication under the "defensive publication program" was intended to provide rights similar to those of the SIR, publication under that program has been held not to be available as evidence of prior knowledge as of its filing date under section 102(a) of title 35, U.S.C. *(Ex parte Osmond*, 191 USPQ 334 (P.T.O. Bd. App. 1976)). The use of a "defensive publication" as a reference to prevent a patent from issuing on a subsequent application is therefore limited. A SIR, on the other hand, will have a clear statutory basis in title 35, U.S.C. The SIR will be "prior art" and a "constructive reduction to practice" under section 102(a) and section 102(g), respectively, as of the filing date of the application on which it is based.

A SIR will not be subject to reexamination under sections 302 to 307 of title 35, United States Code.

The Commissioner is authorized to issue SIRs for defensive purposes, but is not required to do so. The Commissioner has discretion in determining whether or not a SIR should be issued on a particular application. In circumstances where the subject matter is obviously not an invention, is too informal to print, and so forth, the Commissioner has the right to refuse to publish the SIR.

SIRs will be published sooner than patents because no substantive examination will normally be required for SIRs. To the extent that examination is required, it will be conducted in the same manner as in any other patent application. Maintenance fees will not be charged for SIRs.

Since the fees set by the Commissioner for the new SIR procedure under section 157 of title 35, U.S.C. are not established under section 41(a) or (b) of that title, they are not subject to reduction if the applicant has small entity status.

If the fee for publication is not paid at the time of filing of the waiver of the right to receive a patent, the Commissioner may set a period within which the fee must be paid to prevent abandonment of the application. Such a period would be subject to petitions and fees for extensions of time. If abandonment should occur, the application may be revived.

In the final analysis, the SIR procedures set forth in the law should give inventors a limited form of protection more cheaply than they could get by obtaining a patent. the procedure will allow the government and the private sector to make inventions public knowledge. Last, the SIR would be particularly useful to those with limited resources such as universities and small businesses, who have a new, less expensive alternative to the traditional patenting of inventions.

Amended 35 U.S.C. 361, 366, 371, 372 and 376—Miscellaneous provisions relating to the applications under the Patent Cooperation Treaty.

Section 361(d) of title 35, United States Code, was amended effective May 8, 1985, to provide a one-month grace period from the date of filing an international application for payment of the basic international fee and the transmittal and search fees.

Section 366 of title 35, United States Code, was amended effective May 8, 1985, to clarify the effect of withdrawal of an international application on claims for the benefit of its filing date.

The withdrawal of an international application designating the United States will not deprive an applicant of the right to claim the benefit of the filing date of such an international application in a later filed application, provided the claim for benefit is made before that international application is withdrawn. Stated otherwise, this clarifies that withdrawing the designation of the United States in an international application is comparable to abandoning a national application as far as a claim for an earlier filing date is concerned.

National Stage

As a general proposition, the amendments made to 35 U.S.C. 371 set forth a legislative scheme, effective May 8, 1985, to provide greater flexibility in the Patent and Trademark Office for the handling of international applications. In addition, by relaxing the requirements which international applicants must satisfy by the commencement of the national stage, the amendments give international applicants benefits similar to those given national applications by section 111, 35 U.S.C. as amended by Pub. L. 97–247 with respect to the time for filing the national fee and oath or declaration.

Section 372(b) of title 35, United States Code, is amended, effective May 8, 1985, to authorize the Commissioner to require a verification of the translation of an international application or any other document pertaining thereto if the application or other document was filed in a language other than English. An authorization for the Commissioner to require verification in appropriate cases is necessary since subsection (c)(2) of section 371 was amended to remove the requirement that the translation be verified in all cases.

Section 372(c) of title 35, United States Code, was deleted thereby discontinuing the requirement for payment of a special fee to maintain claims in an international application which were not searched by an international searching authority. This deletion was made to place international applications processed in the national stage on the same footing as purely national applications.

Section 376(a) of title 35, United States Code, was also amended by Public Law 98–622 to delete mention of the special fee in order to conform with the amendment of section 372(c).

Discussion of Specific Rules

Some of the rules to which changes are proposed in this Notice have been changed effective February 11, 1985, by a notice of final rulemaking published on December 12, 1984, at 49 FR 48416–48471. The amendments contained in this notice are being proposed to the rules as they will be effective on February 11, 1985.

Section 1.11, if amended as proposed, would add a reference to published statutory invention registrations in paragraph (a) to indicate that they are available to the public. The portion of present § 1.11(a) which deals with interferences would be transferred to a new paragraph and rewritten.

The proposed amendment to paragraph (b) would delete reference to § 1.139, which is proposed to be deleted in favor of the SIR, and would insert language which would cover opening to the public defensive publications published under § 1.139 as well as other applications laid open to the public such as the previously published abstracts and abbreviatures.

Section 1.11, if amended as proposed, would delete the word "general" before public as unnecessary.

New paragraph (e) of § 1.11, if added as proposed, would cover the availability to the public of all interferences, including those which involved a statutory invention registration. This paragraph applies to interferences declared under the new rules which become effective on February 11, 1985, 49 FR 48416, (Dec. 12, 1984) as well as the rules formerly in effect. The term "award of priority" is intended to refer to those decisions of the Board of Patent Interferences, or Board of Patent Appeals and Interferences, awarding priority in interferences conducted under the former rules. The term "judgment" refers to judgments entered by the Board of Patent Appeals and Interferences in interferences conducted under the new rules.

Section 1.14, if amended as proposed, would delete reference to § 1.139 since that section is proposed to be deleted.

Section 1.17 paragraph (h), if amended as proposed would include the petition fee required by proposed new § 1.295.

Section 1.17, if amended as proposed, would also add new paragraphs (n) and (o) to establish fees for publication of statutory invention registrations. Paragraph (n) would provide a fee for publication of a statutory invention registration where no first examiner's action pursuant to § 1.104 has been issued in the application. The fee for publication is proposed to be $400.00. The amount paid for basic filing fees under § 1.16(a), (f) or (g) would be credited against this amount. For example, if a $300.00 filing fee was paid, only $100.00 additional would be required for publication of a statutory invention registration.

The proposed addition of paragraph (o) to § 1.17 is similar to the addition of paragraph (n) but relates to publication of applications, which have received any examiner's action pursuant to § 1.104, as a statutory invention registration. The substantially higher fee proposed in paragraph (o) is necessary in view of the expenditure of Office resources examining the application prior to the filing of the request for a statutory invention registration.

Section 1.19, if amended as proposed, would provide in paragraph (a)(1) a reference to the cost of a printed copy of a statutory invention registration and in paragraph (e) would provide reference to statutory invention registrations listed by subclass.

Section 1.20, if amended as proposed, would delete the requirement to pay maintenance fees in all plant patents in view of the amendment in Pub. L. 98–622. Paragraph 1.20(m), if amended as proposed, would provide that non-timely payment of maintenance fees may be accepted in patents based on applications filed prior to August 27, 1982, in accordance with Pub. L. 98–622.

Pub. L. 98–622 provides that no maintenance fees are charged for plant patents, regardless of when filed. Without this provision that no maintenance fees be charged for plant patents, plant patent owners whose applications were filed between the dates of enactment of Pub. L. 96–517 and Pub. L. 97–247 (December 12, 1980 to

August 27, 1982) would be subject to payment of maintenance fees, while plant patent owners whose applications were filed outside those dates would not be subject to such fees. Pub. L. 98-622 eliminates that inconsistency.

Section 1.45, if amended as proposed, would reflect the change made by Pub. L. 98-622 in 35 U.S.C. 116. The existing paragraph is proposed to be designated as paragraph (a). Proposed new paragraph (b) incorporates the wording added to 35 U.S.C. 116 by Pub. L. 98-622. Proposed new paragraph (c) would indicate that each named inventor listed in an application must have made a contribution, individually or jointly, to the subject matter of at least one claim of the application and that the application will be considered to be a joint application under 35 U.S.C. 116.

Section 1.48, if amended as proposed, would add a new paragraph (b) which would provide for deleting the names of persons originally properly included as inventors, but whose invention is no longer being claimed in the application. Such a situation would arise where claims have been amended or deleted because they are unpatentable or as a result of a requirement for restriction of the application to one invention, or for other reasons. Pub. L. 98-622 and proposed § 1.48(b) change the result reached in *Ex parte Lyon*, 146 USPQ 222, 1965 Dec. Comm'r. Pat. 362 (Bd. App. 1964).

Section 1.60, if amended as proposed, would include wording which would permit an application to be filed under this section only if it were filed by "the same inventive entity", i.e., the same inventors, who filed and signed the oath or declaration in the prior application. This addition is necessary in view of the new provisions of 35 U.S.C. 120, as amended by Pub. L. 98-622, which permit continuing applications to be filed by different inventors. Under § 1.60 the same inventive entity is required since the oath or declaration from the prior application is relied upon.

Section 1.61 is proposed to be amended to incorporate the ability to file the translation, oath or declaration, and national fee after the 20 month deadline set forth in PCT Article 22(1) for entering the national phase in the United States Patent and Trademark Office.

Pub. L. 98-622 amended 35 U.S.C. 371(a) to provide greater flexibility for the PTO handling international applications. Also, 35 U.S.C. 371(a), by relaxing the requirements which international applicants must satisfy by the commencement of the national stage, gives international applicants benefits similar to those given national applicants under 35 U.S.C. 111 by Pub. L. 97-247 with respect to the time for filing the national fee and oath or declaration.

Paragraph (b) of § 1.61 is proposed to be amended to delete the 2 month time period to conform with the decision concerning PCT Article 22(2) adopted by the Assembly of the International Patent Cooperation Union (PCT Union) on February 3, 1984. The amendment to the Article takes effect on January 1, 1985.

PCT Article 22(2) as amended, reads as follows:

> Where the International Searching Authority makes a declaration, under Article 17(2)(a), that no international search report will be established, the time limit for performing the acts referred to in paragraph (1) of this Article shall be the same as that provided in paragraph (1).

The proposed additional wording to paragrpah (b) of § 1.61 would set forth the ability to comply with the requirements for entering the national phase before the Patent and Trademark Office as a Designated Office within 22 months of the priority date. If the national fee or oath or declaration is submitted later than 20 months after the priority date, a surcharge as proposed in § 1.445(a)(5) is required to be paid. If a required English translation of the international application is filed later than 20 months after the priority date, a processing fee as proposed in § 1.445(a)(6) is required to be paid.

Proposed new paragraph (c) of § 1.61 would provide that any amendments under PCT Article 19 which are not received along with any necessary English translation by the end of 20 months from the priority date will be considered as cancelled. This change is required in view of amended section 371(d) of 35 U.S.C.

Paragraph (d) is proposed to be added to § 1.61 in view of 372(b) of title 35, United States Code, as amended by Pub. L. 98-622, which authorizes the Commissioner to require a verification of the translation of an international application or any other document pertaining thereto if the application or other document was filed in a language other than English. An authorization for the Commissioner to require verification in appropriate cases was necessary since subsection (c)(2) of 35 U.S.C. 371 was amended to remove the requirement that the translation be verified in all cases.

Section 1.62, if amended as proposed, would include wording which would permit an application to be filed under this section only if it were filed by the same inventive entity, i.e., the same inventors, who filed and signed the oath or declaration in the prior application. This addition is necessary in view of the new provisions of 35 U.S.C. 120, as amended by Pub. L. 98-622, which permit continuing applications to be filed by different inventors. Under § 1.62 the same inventive entity is required since the application file and the oath or declaration from the prior application are relied upon.

Section 1.78 is proposed to be amended to provide in paragraph (a) that the inventorship in the continuing application may be different from the inventorship in the prior copending application and that the prior application must disclose the invention claimed in at least one claim of the later filed application in the manner provided by the first paragaph of 35 U.S.C. 112. The requirement that at least one claim be fully supported in the prior application to be entitled to priority benefit is not new, but is included to serve as a reminder that information such as foreign patenting, publication, or public use or sale in the United States which occurred more than one year prior to the filing date of the later application is available as prior art where the claims of the continuation-in-part application are not fully supported by the disclosure of the parent application so as to be entitled to an earlier effective filing date under 35 U.S.C. 120. See *In re Ruscetta*, 255 F. 2d 687, 118 USPQ 101 (CCPA 1958); *In re van Langenhoven*, 458 F. 2d 132, 173 USPQ 426 (CCPA 1972), and Chromalloy American Corp. v. Alloy Surfaces Co., Inc., 339 F. Supp. 859, 173 USPQ 295 (D.Del. 1972).

Paragraph (c) as proposed to be amended would provide for the reply to an examiner's inquiry as to first inventor of conflicting claims in commonly owned applications or an application and a patent to be either: (1) A statement that the inventions were both commonly owned at the time of the invention of the application in which the request for information is being made or (2) an indication of the first inventor. Proposed new paragraph (d) provides for making a double patenting rejection where an application claims an invention which is not patentably distinct from an invention claimed in a commonly-owned patent with the same or different inventive entities. An obviousness-type double patenting rejection could be overcome by the assignee by submitting a terminal disclaimer complying with § 1.321(b).

Section 1.101, if amended as proposed, would delete reference to applications filed under § 1.139 since this section is proposed to be removed.

Section 1.103, if amended as proposed, would refer in paragraph (d) to a request "for a defensive publication" rather than a request "filed under § 1.139" since § 1.139 is proposed to be removed. Paragraph (d), if amended as proposed, would also refer to "patent interference proceedings under Subpart E" rather than to "proceedings under § 1.201(b)" since § 1.201(b) has been removed.

Section 1.104, if amended as proposed, would add a new paragraph (e) to specify the nature of the showing necessary before the examiner would consider co-pending applications to be owned by, or subject to an obligation of assignment to, the same person for purposes of 35 U.S.C. 102(f)/103, 102(g)/103, and proposed paragraph (d) of § 1.106. The proposed rule would permit the necessary showing to be made in different alternative ways. The necessary showing would be considered by the examiner to be present if the application files refer to assignments which are recorded in the Patent and Trademark Office in accordance with § 1.331 as long as the assignments conveyed the entire rights in the applications to the same person or organization. A second alternative which could be used under the proposed rule, if assignments have not been recorded, would permit the examiner to consider copies of unrecorded assignments filed in each of the applications by the applicants as long as the unrecorded assignments convey the entire rights in the applications to the same person or organization. A third alternative contained in the proposed rule would permit an affidvait or declaration to be filed by the common owner stating that there is common ownership and stating facts which explain why the affiant or declarant believes there is common ownership. Under this alternative, sufficient facts would have to be presented in order to enable the examiner to conclude that a prima facie case of common ownership exists. The fourth alternative contained in the proposed rule would permit other evidence to be used which would establish common ownership of the applications, e.g., a court decision determining the owner. The terms "person" and "organization" in the rule would inlcude circumstances where the ownership resided in more than one person and.or organization as long as the applications are owned jointly by the same owners. Paragraph (e), if added as proposed, would also provide that where the common owner is a corporation or other organization an affidavit or declaration averring common ownership may be signed by an official of the corporation or organization who is empowered to act on behalf of the corporation or organization. A mere power of attorney to prosecute a patent application would not make an individual an official of the corporation or organization or empower the individual to act on behalf of the corporation or organization.

The proposed wording of § 1.106(d) amends the rule to reflect the change in 35 U.S.C. 103 and refers to the "entire" rights to the subject matter and the claimed invention to make it clear that the term "commonly owned" means wholly owned by the same person, persons, or organization.

If the person, persons, or organization owned less than 100 percent of the subject matter which would otherwise be prior art to the claimed invention, or less than 100 percent of the claimed invention, then common ownership would not exist. Common ownership requires that the person, persons, or organization own 100 percent of the subject matter and 100 percent of the claimed invention. As long as principal ownership rights to either the subject matter or the claimed invention reside in differnent persons or organizations common owernship does not exist. A license of the claimed invention to another by the owner where basic ownership rights are retained would not defeat ownership. The requirement for common ownership at the time the claimed invention was made is intended to preclude obtaining ownership of subject matter after the claimed invention was made in order to disqualify that subject matter as prior art against the claimed invention. The question of whether common ownership exists at the time the claimed invention was made is to be determined on the basis of the evidence presented and the facts of the particular case in question. Actual ownership of the subject matter and the claimed invention by the same individual or organization or a legal obligation to assign both the subject matter and the claimed invention to the same individual or organization must be in existence at the time the claimed invention was made in order for the subject matter to be disqualified as prior art. A moral or unenforceable obligation would not evidence common ownership.

The burden of establishing that subject matter is disqualified as prior art under the section is intended to be placed and reside upon the person or persons urging that the subject matter is disqualified. For example, the examiner would normally make what appears to be a proper 35 U.S.C. 102(f)/103 or 102(g)/103 rejection and the burden would be on the patent applicant to establish that subject matter is disqualified as prior art because it was commonly owned at the time the claimed invention was made. To place the burden upon the patent examiner would not be appropriate since evidence as to common ownership at the time the claimed invention was made might not be available to the patent examiner, but such evidence, if it exists, should be readily available to the patent applicant or the patentee.

Section 1.108, if amended as proposed, would delete the reference to filing a request under § 1.139, which is proposed to be removed, and insert in its place a reference to a defensive publication.

A new section 1.110 is proposed to be added which would allow the examiner or other Office official to make inquiry as to the invention date, inventors and ownership at the time the invention was made when necessary for purposes of an Office proceeding.

Section 1.131 is proposed to be amended to require that affidavits to overcome a rejection of a claim on a cited patent or publication be by the inventor or inventors of the subject matter of that claim.

Section 1.193, if amended as proposed, would change from twenty days to one month the time for filing a reply brief in response to an examiner's answer which raises new points of argument. This amendment is intended to simplify the docketing of this time period and make it consistent with the time period fixed for requesting an oral hearing in § 1.194(b).

Section 1.293, if added as proposed, would provide who may file a request for a statutory invention registration (SIR) and the requirements of such a request in accordance with 35 U.S.C. 157 added by Pub. L. 98–622. Paragraph (a) of proposed § 1.293 would indicate that a request for publication of a statutory invention registration in a complete pending patent application for an original patent may be filed and be signed by the applicant, and any assignee of record, or the attorney or agent of record in the application. Proposed paragraph (b) would set forth the requirements for a request for a statutory invention registration. Such a request must include:

(1) A waiver of the applicant's right to receive a patent. This waiver would become effective upon the date of publication. Therefore, it would be possible to petition to withdraw a request for publication of a statutory invention registration until such time that publication could not be terminated;

(2) Payment of the fee for publication of a statutory invention registration as set forth in proposed § 1.17(n) or (o). The fee is proposed to be set at two levels to reflect the amount of resources used by the Patent and Trademark Office;

(3) A statement that the application meets the disclosure requirements of 35 U.S.C. 112. This provision is considered desirable in order to prevent publication of defective and insufficient disclosures; and

(4) A statement that the application complies with the formal requirements of the rules of practice relating to printing. This provision is required in order to provide the printer with drawings and specification which are suitable for printing in substantially the same format as a patent.

Paragraph (c) of § 1.293, if added as proposed, would define the effects of a waiver filed with a request for a statutory invention registration. The waiver would be effective, upon publication of the SIR, to waive the inventor's right to receive a patent on the invention claimed in the SIR in any application for an original patent which is pending on, or filed after, the date of publication of the SIR. The waiver would affect pending or later applications the inventor filed as a joint inventor with others, but would not affect an application of another person, even if the application and the SIR were commonly owned. The waiver would affect a reissue application of an earlier patent of the inventor only to the extent that the reissue application sought to enlarge the scope of the claims.

Section 1.294, if added as proposed, would provide in paragraph (a) for a review of the request for publication of a statutory invention registration and the patent application to which it is directed. The request would be examined to determine if the requirements of § 1.293 have been met. The application to which the request is directed will be examined to determine: (1) If the subject matter of the application is appropriate for publication, (2) if the requirements for publication are met, and (3) if the requirements of 35 U.S.C. 112 and § 1.293 are met. Under 35 U.S.C. 157, the Commissioner is authorized to publish a statutory invention registration, but is not required to do so. Thus, the Commissioner has discretion in determining whether or not a statutory invention registration should be issued on a particular patent. In circumstances where the subject matter was obviously not a patentable invention, was too informal to print, and so forth, the request to publish the statutory invention registration would be refused.

Paragraph (b) of proposed § 1.294 provides for notifying applicant of the results of the examination of the request for publication of the statutory invention registration. Paragraph (c) of proposed § 1.294 provides for the issuance of a notice of the intent to issue a statutory invention registration once the request has been examined and approved.

Section 1.295, if added as proposed, would provide for the review of a final refusal to publish a statutory invention registration.

The review would be by petition to the Commissioner for matters other than those arising from a rejection pursuant to 35 U.S.C. 112 and by appeal for a rejection pursuant to 35 U.S.C. 112.

Section 1.296, if added as proposed, would provide that a request for a statutory invention registration which has been filed may be withdrawn only after filing and approval of a petition pursuant to § 1.183 accompanied by the fee set forth in § 1.17(h). Normally, it would be expected that an applicant wishing to withdraw a request for a SIR in order to prosecute the application would accompany the petition to withdraw the SIR by an express abandonment of that application and file a continuing application for purposes of examination.

Section 1.297, if added as proposed, would provide for the publication of the statutory invention registration and of the notice of its publication in the *Official Gazette*.

Sections 1.301, 1.302 and 1.304, if amended as proposed, would delete the requirement to give reasons for appeal when filing an appeal to the Court of Appeals for the Federal Circuit in accordance with section 414(a) of Pub. L. 98-620 which amended 35 U.S.C. 142, 143 and 144.

Section 1.378, if amended as proposed, would delete from paragraph (a) the limitation that only applications filed on or after August 27, 1982 may have the maintenance fee accepted after expiration of the patent. This change follows the change made by section 404(b) of Pub. L. 98-622.

Section 1.431, is proposed to be amended to provide for the later payment directly to the Receiving Office of the basic fee portion of the international fee and the transmittal and search fees within one month of the filing of an international application. The proposed rule follows section 361(d) of title 35, U.S.C. as amended by Pub. L. 98-622, to provide a one-month grace period from the date of filing of an international application for the payment of the basic international fee and the transmittal and search fees.

It should be noted that the designation fees continue to be required by 12 months after the priority date and that no subsequent grace period is provided in the Receiving Office for designation fees.

Proposed new paragraphs § 1.431 (d) and (e) would incorporate into the regulations the provisions of PCT Rule 16 bis. Under these provisions the Receiving Office will charge any unpaid or insufficient fees to a deposit account maintained by the International Bureau. The applicant would then be notified by the International Bureau and be given one month to reimburse the amount charged plus a surcharge of 50%. The surcharge would not be less than 248 Swiss francs or more than 624 Swiss francs under the current fee schedule.

Section 1.445, if amended as proposed, would clarify paragraph (a)(4) to clearly indicate that the national fee is credited by an amount of $250 only one time where a $500 search fee has been paid to the Patent and Trademark Office to act as an international searching authority. This is consistent with current practice. The special fee provisions in paragraph (a)(5) are proposed to be deleted in view of section 402(g) of Pub. L. 98-622 which deleted the fee in 35 U.S.C. 376(a)(5). The proposed wording of § 1.445(a)(5) would set forth the surcharge required for filing of a national fee or oath or declaration later than 20 months from the priority date. Paragraph (a)(6) of § 1.445, if added as proposed, would require a fee of $20.00 for filing an English translation of an international application later than 20 months after the priority date. This would make the practice in international applications consistent with that in national applications where a fee of $20.00 is charged under § 1.17(k) for processing an application filed with a specification in a non-English language.

Section 1.446, if amended as proposed, would clarify the refund of a portion of the $500 search fee toward payment of the national fee.

Section 1.451, if amended as proposed, would correct a rule citation in paragraph (b) and amend paragraph (c) to provide for supplying a copy of the priority document to the Receiving Office in conformance with revised PCT Rule 17.1.

Section 1.461 is proposed to be amended to delete provisions which relate to the applicant transmitting the record copy to the International Bureau. Provisions for such alternative transmittal are deleted from PCT Rule 22, effective January 1, 1985.

Accordingly, since the PCT rules will no longer provide for such transmittal,

the provisions therefor in the U.S. rules are also being proposed for deletion.

Environmental, Energy, and Other Considerations

The proposed rule change will not have a significant impact on the quality of the human environment or conservation of energy resources.

The proposed rule change is in conformity with the requirements of the Regulatory Flexibility Act (Pub. L. 96-354), Executive Order 12291, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

The General Counsel of the Department of Commerce certified to the Small Business Administration that the proposed rule change will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act, Pub. L. 96-354). In fact, the proposed rule change will benefit small entities since the statutory invention registration procedures will provide a new, less expensive alternative to the traditional patenting of inventions in appropriate circumstances. Further, the ability to join multiple inventors in a single application in appropriate circumstances will be of particular benefit to small entities. Other changes, such as the elimination of the reasons for appeal, will also be beneficial to all inventors. See a "section-by-section" analysis submitted for the Record by Representative Kastenmeier during discussion of H.R. 6286 on the floor of the House in which the following statement appears (130 Cong. Rec. H1057 (1984), column 1):

> Last, the SIR would be particularly useful to those with limited resources such as universities and small businesses, who have a new less expensive alternative to the traditional patenting of inventions.

These proposed rules, therefore, would have no significant adverse economic impact on small entities.

The Patent and Trademark Office has determined that this proposed rule change is not a major rule under Executive Order 12291. The annual effect on the economy will be less than $100 million. There will be no major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The information collection requirement contained in these proposed rules has been submitted to OMB for review under Section 3504(h) of the Paperwork Reduction Act. Comments relating to this requirement should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Commerce, Patent and Trademark Office.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Authority delegations (government agencies), Conflict of interests, Courts, Inventions and patents, Lawyers.

Notice is hereby given that pursuant to the authority granted to the Commissioner of Patents and Trademarks by 35 U.S.C. 6, Pub. L. 98-620 and 98-622, the Patent and Trademark Office is proposing to amend Title 37 of the Code of Federal Regulations as set forth below. All proposed additions are printed between arrows and all deletions are shown between brackets.

PART 1—[AMENDED]

1. Section 1.11 is proposed to be amended by revising paragraphs (a) and (b) and adding new paragraph (e) to read as follows:

§ 1.11 Files open to the public.

(a) After a patent has been issued ► or a statutory invention registration has been published ◄, the specification, drawings and all papers relating to the case in the file of the patent ► or statutory invention registration ◄ are open to inspection by the [general] public, and copies may be obtained upon paying the fee therefor. [After entry of a judgement in an interference by the Board of Patent Appeals and Interferences as to all parties, the file of any interference which involved a patent, or an application on which a patent has issued, is similarly open to public inspection and procurement of copies.] See § 2.27 for trademark files.

(b) All reissue applications ►, ◄ [and] all applications in which the Office has accepted a request [filed under § 1.139] ► to open the complete application to inspection by the public ◄, and related papers in the application file, are open to inspection by the [general] public, and copies may be furnished upon paying the fee therefor. The filing of reissue applications will be announced in the *Official Gazette*. The announcement shall include at least the filing date, reissue application and original patent numbers, title, class and subclass, name of the inventor, name of the owner of record, name of the attorney or agent of record, and examining group to which the reissue application is assigned.

* * * * *

► (e) The file of any interference which involved a patent, a statutory invention registration, or an application on which a patent has issued, is open to inspection by the public, and copies may be obtained upon paying the fee therefor, if: (1) The interference has terminated, or (2) any award of priority or judgment has been entered as to all parties and all counts.◄

2. Section 1.14 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.14 Patent applications preserved in secrecy.

* * * * *

(b) Except as provided in § 1.11(b) abandoned applications are likewise not open to public inspection, except that if an application referred to in a U.S. patent, or in an application [which is open to inspection pursuant to § 1.139] ► in which the applicant has filed an authorization to open the complete application to the public ◄, is abandoned and is available, it may be inspected or copies obtained by any person on written request, without notice to the applicant.

* * * * *

3. Section 1.17 is proposed to be amended by revising paragraph (h) and by adding new paragraphs (n) and (o) to read as follows:

§ 1.17 Patent application processing fees.

* * * * *

(h) For filing a petition to the Commissioner under a section of this part listed below which refers to this paragraph—$120.00

Section 1.47—for filing by other than all the inventors or a person not the inventor

Section 1.48—for correction of inventorship

Section 1.182—for decision on questions not specifically provided for

Section 1.183—to suspend the rules

► Section 1.295—for review of refusal to publish a statutory invention registration ◄

Section 1.377—for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of patent

Section 1.378(e)—for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in expired patent

Section 1.644(e)—for petition in an interference
Section 1.644(f)—for request for reconsideration of a decision on petition in an interference
Section 1.666(c)—for late filing of interference settlement agreement
Sections 5.12, 5.13, & 5.14—for expedited handling of foreign filing license
Section 5.15—for changing the scope of a license
Section 5.25—for retroactive license
* * * * *

►(n) For publication of a statutory invention registration prior to the mailing of the first examiner's action pursuant to:
Section 1.104—$400.00 reduced by the amount of the application basic filing fee paid◄

►(o) For publication of a statutory invention registration after the mailing of the first examiner's action pursuant to:
Section 1.104—$800.00 reduced by the amount of the application basic filing fee paid◄

4. Section 1.19 is proposed to be amended by revising paragraphs (a) and (e) to read as follows:

§ 1.19 Document supply fees.

The Patent and Trademark Office will supply copies of the following documents upon payment of the fees indicated:

(a) Uncertified copies of Office documents:

(1) Printed copy of a patent, including a design patent, ►statutory invention registration,◄ or defensive publication document, except color plant patent—$1.00
* * * * *

(e) List of patents in subclass:

(1) For list of all United States patents ►and statutory invention registrations◄ in a subclass, per 100 [patent] numbers or fraction thereof—2.00

(2) For list of United States patents ►and statutory invention registrations◄ in a subclass limited by date or [patent] number, per 50 [patent] numbers or fraction thereof—2.00

5. Section 1.20 is proposed to be amended by revising paragraphs (e), (f), (g) and (m) to read as follows:

§ 1.20 Post-issuance fees.
* * * * *

(e) For maintaining an original or reissue patent, except a design ►or plant◄ patent, based on an application filed on or after December 22, 1980 and before August 27, 1982, in force beyond 4 years; the fee is due by three years and six months after the original grant—$200.00

(f) For maintaining an original or reissue patent, except a design ►or plant◄ patent, based on an application filed on or after December 12, 1980 and before August 27, 1982, in force beyond 8 years; the fee is due by seven years and six months after the original grant—400.00

(g) For maintaining an original or reissue patent, except a design ►or plant◄ patent, based on an application filed on or after December 12, 1980 and before August 27, 1982, in force beyond 12 years; the fee is due by eleven years and six months after the original grant—600.00
* * * * *

(m) Surcharge for accepting a maintenance fee after expiration of a patent for non-timely payment of a maintenance fee [on a patent based on an application filed on or after August 27, 1982,] where the delay in payment is shown to the satisfaction of the Commissioner to have been unavoidable—500.00

6. Section 1.45 is proposed to be revised by labeling the existing paragraph as (a) and by adding new paragraphs (b) and (c) to read as follows:

§ 1.45 Joint inventors.

►(a)◄ * * *

►(b) Inventors may apply for a patent jointly even though:

(1) They did not physically work together or at the same time,

(2) Each inventor did not make the same type or amount of contribution, or

(3) Each inventor did not make a contribution to the subject matter of every claim of the application.◄

►(c) If multiple inventors are named in an application, each named inventor must have made a contribution, individually or jointly, to the subject matter of at least one claim of the application and the application will be considered to be a joint application under 35 U.S.C. 116.◄

7. Section 1.48 is proposed to be amended by labeling the current paragraph as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 1.48 Correction of inventorship.

►(a)◄ * * * *

►(b) If the correct inventors are named in the application when filed and the prosecution of the application results in the amendment or cancellations of claims so that less than all of the originally named inventors are the actual inventors of the invention being claimed in the application, an amendment shall be filed deleting the names of the person or persons who are not inventors of the invention being claimed. The amendment must be diligently made and shall be accompanied by:

(1) A petition including a statement of facts verified by the originally named inventors establishing that the invention of the person or persons being deleted is no longer being claimed in the application,

(2) An oath or declaration by each actual inventor or inventors as required by § 1.63.

(3) The fee set forth in § 1.17(h), and

(4) The written consent of any assignee.◄

8. Section 1.60 is proposed to be revised to read as follows:

§ 1.60 Continuation or divisional application for invention disclosed in a prior application.

(a) A continuation or divisional application (filed under the conditions specified in 35 U.S.C. 120 or 121 and § 1.78(a)), which discloses and claims only subject matter disclosed in a prior application ► of the same inventive entity ◄ may be filed as a separate application before the patenting or abandonment of or termination of proceedings on the prior application.

(b) An applicant may omit signing of the oath or declaration in a continuation or divisional application if (1) the prior application was a complete application as set forth in § 1.51(a) [and] ►, ◄ (2) applicant files a true copy of the prior complete application as filed including the specification (including claims), drawings, oath or declaration showing the [applicant's] signature ► of the same inventive entity ◄ or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application ►, and (3) the applicant in the continuation or divisional application is the same inventive entity as in the prior application ◄. The copy of the prior application must be accompanied by a statement that the application papers filed are a true copy of the prior application and that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein. Such statement must be by the applicant or applicant's attorney or agent and must be a verified statement if made by a person not registered to practice before the Patent and Trademark Office. Only amendments reducing the number of claims or adding a reference to the prior application (§ 1.78(a)) will be entered

before calculating the filing fee and granting the filing date.

9. Section 1.61 is proposed to be amended by revising the section heading and paragraphs (a) and (b) and adding paragraphs (c) and (d) to read as follows:

§ 1.61 Filing of applications in the United States of America [at] ► as ◄ a Designated Office.

(a) To maintain the benefit of the international filing date and obtain an examination as to the patentability of the invention in the United States, the applicant shall furnish to the U.S. Patent and Trademark Office not later than the expiration of 20 months from the priority date: (1) A copy of the international application with any amendments ► under PCT Art. 19 ◄, unless it has been previously [furnished, ► communicated ◄ by the International Bureau or unless it was originally filed in the U.S Patent and Trademark Office; (2) a [verified] translation of the international application and a translation of any amendments ◄ under PCT Art. 19 ► into the English language, if originally filed [elsewhere] in another language; (3) the national fee (see § 1.445(a)(4)); and (4) an oath or declaration of the inventor (see § 1.70).

(b) [Where an International Searching Authority has made a declaration that no international search report will be established because the international application relates to subject matter which it is not required to search, or because the application fails to comply with the prescribed requirements to such an extent that a meaningful search could not be carried out, the time for performing the acts referred to in paragraph (a) of this section is 2 months from the mailing date of the declaration to the applicant.] ► If the translation of the international application, oath or declaration, and national fee have not been submitted by the applicant within twenty (20) months from the priority date, such requirements may be met within twenty-two (22) months from the priority date. The payment of the surcharge set forth in § 1.445(a)(5) is required as a condition for accepting the national fee or the oath or declaration later than 20 months after the priority date. The payment of the processing fee set forth in § 1.445(a)(6) is required for acceptance of an English translation later than 20 months after the priority date. Failure to comply with these requirements will result in abandonment of the application. The provisions of § 1.136 do not apply to the 22 month period of this section. ◄

►(c) If a copy of the amendments under PCT Art. 9 is not communicated by the International Bureau or a copy thereof and any necessary English translation thereof is not received by the end of 20 months from the priority date, such failure will be regarded as cancellation of the amendments under PCT Art. 19 in the international application. ◄

(d) Verification of the translation of the international application or any other document pertaining to an international application may be required where it is considered necessary, if the international application or other document was filed in a language other than English. ◄

10. Section 1.62 if proposed to be amended by revising paragraph (a) to read as follows:

§ 1.62 File wrapper continuing procedure.

(a) A continuation, continuation-in-part, or divisional application, which uses the specification, drawings and oath or declaration from a prior complete application (§ 1.51(a)) ► of the same inventive entity which is ◄ to be abandoned, may be filed before the payment of the issue fee, abandonment of, or termination of proceedings on the prior application. The filing date of an application filed under this section is the date on which a request is filed for an application under this section including identification of the Serial Number, filing date, and applicant's name of the prior complete application.

* * * * *

11. Section 1.78 is proposed to be amended by revising paragraphs (a) and (c) and by adding a new paragraph (d) to read as follows:

§ 1.78 Claiming benefit of earlier filing date and cross-references to other applications.

(a) An application may claim an invention disclosed in [the same applicant's] ► a ◄ prior filed copending national application or international application designating the United States of America. In order for an application to claim the benefit of a prior filed copending national application, the prior application must ► name as an inventor at least one inventor named in the later filed application and disclose the named inventor's invention claimed in at least one claim of the later filed application in the manner provided by the first paragraph of 35 U.S.C. 112. In addition, the prior application must ◄ be (1) complete as set forth in § 1.51, or (2) entitled to a filing date as set forth in § 1.53(b) and include the basic filing fee set forth in § 1.16; or (3) entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(l) within the time period set forth in § 1.53(d). Any application claiming the benefit of a prior filed copending national or international application must contain or be amended to contain in the first sentence of the specification following the title a reference to such prior application, identifying it by serial number and filing date or international application number and international filing date and indicating the relationship of the applications. Cross-references to other related applications may be made when appropriate. (See § 1.14(b)).

* * * * *

(c) Where two or more applications, or an application and a patent naming different inventors and owned by the same party contain conflicting claims, ► and there is no statement of record indicating that the claimed inventions were commonly owned at the time the inventions were made, ◄ the assignee may be called upon to state ► whether the claimed inventions were commonly owned at the time the inventions were made, and if not, indicate ◄ which named inventor is the prior inventor. In addition to making said statement, the assignee may also explain why an interference should ► or should not ◄ be declared [or that no conflict exists in fact].

► (d) Where an application claims an invention which is not patentably distinct from an invention claimed in a commonly owned patent with the same or a different inventive entity, a double patenting rejection will be made in the application. An obviousness-type double patenting rejection may be obviated by filing a terminal disclaimer in accordance with § 1.321(b). ◄

12. Section 1.101 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.101 Order of examination.

(a) Applications filed in the Patent and Trademark Office and accepted as complete applications are assigned for examination to the respective examining groups having the classes of inventions to which the applications relate. Applications shall be taken up for examination by the examiner to whom they have been assigned in the order in which they have been filed except for those applications in which examination has been advanced pursuant to § 1.102 [and those applications in which the Office has accepted a request for waiver of patent rights filed under § 1.139]. International applications which have

complied with the requirements of 35 U.S.C. 371(c) will be taken up for action based on the date on which such requirements were met. However, unless a request has been filed under 35 U.S.C. 371(f), no action may be taken prior to 21 months from the priority date.

* * * * *

13. Section 1.103 is proposed to be amended by revising paragraph (d) to read as follows:

§ 1.103 Suspension of action.

* * * * *

(d) Action on applications in which the Office has accepted a request [filed under §1.139] ► to publish a defensive publication ◄ will be suspended for the entire pendency of these applications except for purposes relating to ► patent interference ◄ proceedings [under § 1.201(b)] ► under Subpart E ◄.

14. Section 1.104 is proposed to be amended by adding a new paragraph (e) immediately following the Note to paragraph (d) to read as follows:

§ 1.104 Nature of examination; examiner's action.

* * * * *

►(e) Co-pending applications will be considered by the examiner to be owned by, or subject to an obligation of assignment to, the same person if: (1) The application files refer to assignments recorded in the Patent and Trademark Office in accordance with § 1.331 which convey the entire rights in the applications to the same person or organization; or (2) copies of unrecorded assignments which convey the entire rights in the applications to the same person or organization are filed in each of the applications; or (3) an affidavit or declaration by the common owner is filed which states that there is common ownership and states facts which explain why the affiant or declarant believes there is common ownership; or (4) other evidence is submitted which establishes common ownership of the applications. In circumstances where the common owner is a corporation or other organization an affidavit or declaration may be signed by an official of the corporation or organization empowered to act on behalf of the corporation or organization. ◄

15. Section 1.106 is proposed to be amended by adding a new paragraph (d) to read as follows:

§ 1.106 Rejection of claims.

* * * * *

►(d) Subject matter which is developed by another person which qualifies as prior art only under 35 U.S.C. 102(f) or (g) may be used as prior art under 35 U.S.C. 103 against a claimed invention unless the entire rights to the subject matter and the claimed invention were commonly owned by the same person or organization or subject to assignment to a common owner at the time the claimed invention was made. ◄

16. Section 1.108 is proposed to be revised to read as follows:

§ 1.108 Abandoned applications not cited.

Abandoned applications as such will not be cited as references except those which have [become abandoned as a result of the filing and acceptance of a request under § 1.139] ► been opened to inspection by the public following a defensive publication ◄.

17. Section 1.110 is proposed to be added to read as follows:

§§ 1.110 Inventorship and date of invention of the subject matter of individual claims.

When more than one inventor is named in an application or patent, the Patent and Trademark Office, when necessary for purposes of an Office proceeding, may require an applicant, patentee, or owner to identify the inventive entity of the subject matter of each claim in the application or patent. Where appropriate, the invention dates of the subject matter of each claim and the ownership of the subject matter on the date of invention may be required of the applicant, patentee or owner. See also §§ 1.78(c) and (d). ◄

18. Section 1.131 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.131 Affidavit or declaration of prior invention to overcome cited patent or publication.

(a) When any claim of an application or a patent under reexamination is rejected on reference to a domestic patent which substantially shows or describes but does not claim the rejected invention, or on reference to a foreign patent or to a printed publication, and the [applicant] ►inventor of the subject matter of the rejected claim◄ or the owner of the patent under reexamination shall make oath or declaration as to facts showing a completion of the invention in this country before the filing date of the application on which the domestic patent issued, or before the date of the foreign patent, or before the date of the printed publication, then the patent or publication cited shall not bar the grant of a patent to the [applicant] ►inventor◄ or the confirmation of the patentability of the claims of the patent, unless the date of such patent or printed publication is more than one year prior to the date on which the [applicant's] ►inventor's◄ or patent owner's application was filed in this country.

* * * * *

19. Section 1.193 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.193 Examiner's answer.

* * * * *

(b) The appellant may file a reply brief directed only to such new points of argument as may be raised in the examiner's answer, within [twenty days] ►one month◄ from the date of such answer. However, if the examiner's answer states a new ground of rejection appellant may file a reply thereto within two months from the date of such answer; such reply may include any amendment or material appropriate to the new ground.

* * * * *

20. A new § 1.293 is proposed to be added to read as follows:

§ 1.293 Statutory invention registration.

(a) An applicant for an original patent may request, at any time during the pendency of applicant's pending complete application, that the specification and drawings be published as a statutory invention registration. Any such request must be signed by: (1) The applicant and any assignee of record or (2) an attorney or agent of record in the application.

(b) Any request for publication of a statutory invention registration must include the following parts:

(1) A waiver of the applicant's reight to receive a patent on the invention effective upon the date of publication of the statutory invention registration;

(2) The required fee for filing a request for publication of a statutory invention registration as provided for in § 1.17(n) or (o);

(3) A statement that, in the opinion of the requester, the application to which the request is directed meets the requirements of 35 U.S.C. 112; and

(4) A statement that, in the opinion of the requester, the application to which the request is directed complies with the formal requirements of this part for printing as a patent.

(c) A waiver filed with a request for a statutory invention registration will be effective, upon publication of the statutory invention registration, to waive the inventor's right to receive a patent on the invention claimed in the statutory invention registration, in any application for an original patent which is pending on, or filed after, the date of publication of the statutory invention registration. A waiver filed with a request for a statutory invention

registration will not affect the rights of any other inventor even if the subject matter of the statutory invention registration and an application of another inventor are commonly owned. A waiver filed with a request for a statutory invention registration will not affect any rights in a patent to the inventor which issued prior to the date of publication of the statutory invention registration unless a reissue application is filed seeking to enlarge the scope of the claims of the patent.◄

21. A new section 1.294 is proposed to be added to read as follows:

§ 1.294 Examination of request for publication of a statutory invention registration and patent application to which the request is directed.

(a) Any request for a statutory invention registration will be examined to determine if the requirements of § 1.293 have been met. The application to which the request is directed will be examined to determine: (1) If the subject matter of the application is appropriate for publication, (2) if the requirements for publication are met, and (3) if the requirements of 35 U.S.C. 112 and § 1.293 of this part are met.

(b) Applicant will be notified of the results of the examination set forth in paragraph (a) of this section. If the requirements of § 1.293 and this section are not met by the request filed, the notification to applicant will set a period of time within which to comply with the requirements in order to avoid abandonment of the application. If the application does not meet the requirements of 35 U.S.C. 112, the notification to applicant will include a rejection under the appropriate provisions of 35 U.S.C. 112. The periods for response established pursuant to this section are subject to the extension of time provisions of § 1.136. After response by the applicant, the application will again be considered for publication of a statutory invention registration. If the requirements of § 1.293 and this section are not timely met, the refusal to publish will be made final. If the requirements of 35 U.S.C. 112 are not met, the rejection pursuant to 35 U.S.C. 112 will be made final.

(c) If the examination pursuant to this section results in approval of the request for a statutory invention registration the applicant will be notified of the intent to publish a statutory invention registration.◄

22. A new § 1.295 is proposed to be added to read as follows:

►**§ 1.295 Review of decision finally refusing to publish a statutory invention registration.**

(a) Any requester who is dissatisfied with the final refusal to publish a statutory invention registration for reasons other than compliance with 35 U.S.C. 112 may obtain review of the refusal to publish the statutory invention registration by filing a petition to the Commissioner accompanied by the fee set forth in § 1.17(h) within one month or such other time as is set in the decision refusing publication. Any such petition should comply with the requirements of § 1.181(b).

(b) Any requester who is dissatisfied with the final rejection of claims pursuant to 35 U.S.C. 112 may obtain review of the final rejection by filing an appeal to the Board of Patent Appeals and Interferences pursuant to § 1.191. If the rejection pursuant to 35 U.S.C. 112 is reversed, the request for a statutory invention registration will be approved and the registration published if all of the other provisions of § 1.293 and this section are met.◄

23. A new § 1.296 is proposed to be added to read as follows:

►**§ 1.296 Withdrawal of request for publication of statutory invention registration.**

A request for a statutory invention registration, which has been filed, may be withdrawn only after filing and approval of a petition pursuant to § 1.183 accompanied by the fee set forth in § 1.17(h).◄

24. A new § 1.297 is proposed to be added to read as follows:

►**§ 1.297 Publication of statutory invention registration.**

(a) If the request for a statutory invention registration is approved the statutory invention registration will be published. The statutory invention registration will be mailed to the requester at the correspondence address as provided for in § 1.33(a). A notice of the publication of each statutory invention registration will be published in the *Official Gazette*.

(b) Each statutory invention registration published will include a statement relating to the attributes of a statutory invention registration. The statement will read as follows:

A statutory invention registration published pursuant to 35 U.S.C. 157 has all of the attributes specified for patents in title 35, United States Code, except those specified in 35 U.S.C. 183 and sections 271 through 289. A statutory invention registration does not have any of the attributes specified for patents in any other provision of law other than title 35, United States Code. The invention with respect to which a statutory invention registration is published is not a patented invention for purposes of the marketing provisions of 35 U.S.C. 292.

25. Section 1.301 is proposed to be revised to read as follows:

§ 1.301 Appeal to U.S. Court of Appeals for the Federal Circuit.

Any applicant or any owner of a patent involved in a reexamination proceeding dissatisfied with the decision of the Board of Patent Appeals and Interferences, and any party to an interference dissatisfied with the decision of the Board of Patent Appeals and Interferences, may appeal to the U.S. Court of Appeals for the Federal Circuit. The appellant must take the following steps in such an appeal: (a) In the Patent and Trademark Office [give notice]► file a written notice of appeal directed ◄ to the Commissioner [and file the reasons fo appeal] (see §§ 1.302 and 1.304); ► and ◄ (b) in the [court] ► Court ◄, file a copy of the notice [and reasons] of appeal and pay the fee for appeal, as provided by the rules of the [court] ► Court ◄. The certified list ► of documents and any original or certified copies of such documents ◄ required by [the rules of] the Court will be transmitted to the Court by the Patent and Trademark Office.

26. Section 1.302 is proposed to be revised to read as follows:

§ 1.302 Notice [and reasons] of appeal.

(a) When an appeal is taken to the U.S. Court of Appeals for the Federal Circuit, the appellant shall give notice thereof to the Commissioner [, and file in the Patent and Trademark Office] within the time specified in § 1.304 [, his or her reasons of appeals specifically set forth in writing].

(b) In interferences, the notice [and reasons] must be served as provided in § 1.646.

27. Section 1.304 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.304 Time for appeal or civil action.

(a) The time for filing the notice [and reasons] of appeal to the U.S. Court of Appeals for the Federal Circuit (§ 1.302) or for commencing a civil action (§ 1.303) is sixty days from the date of the decision of the Board of Patent Appeals and Interferences. If a request for reconsideration or modification of the decision is filed within the time provided under § 1.197(b) or § 1.658(b), the time for filing an appeal of commencing a civil action shall expire at the end of the sixty-day period or thirty days after action on the request, whichever is later. Except for an appeal

from or commencing a civil action after a decision of the Board of Patent Appeals and Interferences in a reexamination procceding or an interference proceeding, the time periods set forth herein are subject to the provisions of § 1.136. See § 1.550(c) for extensions of time to appeal or commence a civil action in a reexamination proceeding. See § 1.645(a) for extensions of time to appeal or commence a civil action in an interference. An examiner-in-chief, upon a showing of excusable neglect, may extend the time for seeking judicial review of a decision of the Board of Patent Appeals and Interferences in an interference case when a request is untimely filed after expiration of the time prescribed by this section.

* * * * *

28. Section 1.378 is proposed to be amended by revising the title and paragraph (a) to read as follows:

§ 1.378 Acceptance of delayed payment of maintenance fee in expired patent to reinstate patent [based on application filed on or after August 27, 1982].

(a) The Commissioner may accept the payment of any maintenance fee due on a patent [based on an application filed on or after August 27, 1982,] after expiration of the patent if, upon petition, the delay in payment of the maintenance fee is shown to the satisfaction of the Commissioner to have been unavoidable and if the surcharge required by § 1.20(m) is paid as a condition of accepting payment of the maintenance fee. If the Commissioner accepts payment of the maintenance fee upon petition, the patent shall be considered as not having expired, but will be subject to the conditions set forth in 35 U.S.C. 41(c)(2).

* * * * *

29. Section 1.431 is proposed to be amended by revising paragraphs (b)(3)(iii) and (c) and by adding new paragraphs (d) and (e) to read as follows:

§ 1.431 International application requirements.

* * * * *

(b) * * *

(3) * * *

(iii) The name of the applicant, as prescribed (note § [1.422] ►§ 1.421–1.424◄);

(c) Payment of the basic portion of the international fee (PCT Rule 15.2) and the transmittal and search fees (§ 1.445) [shall] ►may◄ be made in full at the time the international application papers required by paragraph (b) of this section are deposited ►or within one month thereafter◄. Failure to make full payment [on the same date as] ► within one month of◄ the deposit of the international application papers required by [sub]paragraph (b) of this section will result in the [international application being considered withdrawn (PCT Art. 14(3)(a))] ►fees being charged to the International Bureau under the provisions of paragraph (d) of this section and PCT Rule 16 bis◄.

►(d) The United States Receiving Office will charge to the International Bureau in accordance with PCT Rule 16 bis and will consider as having been timely paid:

(1) The transmittal fee, the basic fee portion of the international fee, or the search fee where these fees have not been fully paid by the applicant within one month of the date of deposit of the international application, and

(2) The designation fee, or the amount necessary to cover all the designations made in the request which have not been paid by the applicant within one year from the priority date.◄

►(e) The International Bureau will notify applicant of any amount charged under paragraph (d) of this section and invite the applicant to pay directly to the International Bureau within one month from the date of the notification, the amount charged, augmented by a surcharge of 50%, provided the surcharge will not be less, and will not be more, than the amounts indicated in the Schedule of Fees appended to the PCT Rules. If the payment needed to cover the transmittal fees, the basic fee, the search fee, one designation fee and the surcharge is not timely made to the International Bureau, the International Bureau will notify the Receiving Office which will declare the international application withdrawn under PCT Article 14(3)(a). If the applicant makes timely payment of the fees referred to in the previous sentence, but the amount paid is not sufficient to cover all the designation fees, the Receiving Office will declare any designations not paid withdrawn under PCT Article 14(3)(b) in accordance with PCT Rule 16 bis. 2(c).◄

30. Section 1.445 is proposed to be amended by revising paragraphs (a) (4) and (5) and adding paragraph (a)(6) to read as follows:

§ 1.445 International application filing and processing fees.

(a) * * *

(4) The national fee, that is, the amount set forth as the filing fee under § 1.16(a) through (d) credited ►one time only◄ by an amount of $250 where an international search fee ►of $500.00◄ has been paid on the corresponding international application to the United States ►Patent and Trademark Office◄ as an International Searching Authority. Where the amount of the credit is in excess of that required for the national fee, a request for a refund of the excess under § 1.446(b) may be filed at the time of paying the national fee. Only one such credit is permitted based on a single ►$500.00◄ international search fee.

(5) [A special fee when required (see 35 U.S.C. 372(c)—$10 per claim.] ►Surcharge for filing the national fee or oath or declaration later than 20 months from the priority date—$100.00.◄

►(6) For filing an English translation of an international application later than 20 months after the priority date (§ 1.61(b))—$20.00◄

* * * * *

31. Section 1.446 is proposed to be amended by revising the title and paragraph (b) to read as follows:

§ 1.446 Refund of international application filing and processing fees.

* * * * *

(b) Refund of a portion of the search fee ►toward payment of the national fee◄ may be made ►one time◄ to the extent set forth in § 1.445(a)(4) if requested at the time of paying the national fee ►provided that a $500 search fee has been paid◄.

* * * * *

32. Section 1.451 is proposed to be amended by revising paragraphs (b) and (c) to read as follows:

§ 1.451 The priority claim and priority document in an international application.

* * * * *

(b) Whenever the priority of an earlier United States national application is claimed in an international application, the applicant may request in a letter of transmittal accompanying the international application upon filing with the United States Receiving Office ►or in a separate letter filed in the Receiving Office not later than 16 months after the priority date◄, that the Patent and Trademark Office prepare a certified copy of the national application for transmittal to the International Bureau (PCT Art. 8 and PCT Rule 17). The fee for preparing a certified copy is stated in § 1.19(a)► (3)◄ [(4)] and (b)(1).

(c) If a certified copy of the priority document is not submitted together with the international application on filing, or, if the priority application was filed in the United States and a request and appropriate payment for preparation of such a certified copy do not accompany the international application on filing ►or are not filed within 16 months of the priority date◄, the certified copy of

the priority document must be [transmitted directly] ►furnished◄ by the applicant to the International Bureau ►or to the United States Receiving Office◄ within the time limit specified in PCT Rule 17.1(a).

33. Section 1.461 is proposed to be amended by removing paragraph (b) and by revising paragraph (a) to read as follows:

§ 1.461 Procedures for transmittal of record copy to the International Bureau.

(a) Transmittal of the record copy of the International application to the International Bureau shall be made[, at the option of the applicant, either] by the United States Receiving Office [or by the applicant]. [Subject to paragraph (b) of this section, any applicant who chooses to make such transmittal personally shall notify the United States Receiving Office to that effect in writing, by way of a notice filed together with the international application. Such notice shall also state whether the applicant wishes to collect the record copy at the United States Receiving Office or to have the record copy mailed directly to him. The record copy of an international application which was filed without being accompanied by such notice will be transmitted to the International Bureau by the United States Receiving Office (PCT Rule 22).]

(b) [An applicant may transmit the record copy to the International Bureau as provided in PCT Rule 22.2 only if the international application is filed with the United States Receiving Office before the expiration of 11 months from the priority date.] [reserved]◄

* * * * *

Dated: December 18, 1984.

Gerald J. Mossinghoff,

Commissioner of Patents and Trademarks.

[FR Doc. 85-2097 Filed 1-24-85; 8:45 am]

BILLING CODE 3510-16-M

federal register

Friday
January 25, 1985

Part X

Department of Commerce

National Oceanic and Atmospheric Administration

Fishery; Conservation and Management; Notice of Receipt of Permit Applications

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Fishery, Conservation and Management; Notice of Receipt of Permit Applications

This document publishes for public review a summary of applications received by the Secretary of State requesting permits for foreign vessels to fish in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act, 16 U.S.C. 1801, *et seq*).

Send comments on applications to:

Fees, Permits and Regulations Division (F/M12), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235

or, send comments to the Fishery Management Council(s) which review the application(s), as specified below:

Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01906, 617/231–0422

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building Room 2115, 300 South New Street, Dover, DE 19901, 302/674–2331

David H.G. Gould, Executive Director, South Atlantic Fishery Management Council, Southpark building, Suite 306, 1 Southpart Circle, Charleston, SC 29407, 803/571–1366

Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Banco De Ponce Building, Suite 1108, Hato Rey, PR 00818, 809/753–6910

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Blvd., Tampa, FL 33609, 813/228–2815

Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 SW. Mill Street, Portland, OR 97201, 503/221–6352

Jim H. Branson, Executive Director, North Pacific Fishery Management Council, 411 W. Fourth Avenue, Suite 2D, Anchorage, AK 99510, 907/271–4060

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 164 Bishop Street, Room 1405, Honolulu, HI 96813, 808/523–1368

FOR FURTHER INFORMATION CONTACT:

Shirley E. Whitted

or John D. Kelly (Fees, Permits, and Regulations Division, 202–634–7432).

The Magnuson Act requires the Secretary of State to publish a notice of receipt of all applications for such permits summarizing the contents of the application in the **Federal Register**. The National Marine Fisheries Service, under the authority granted in a memorandum of understanding with the Department of State effective November 29, 1983, issues the notice on behalf of the Secretary of State.

Individual vessel applications for fishing in 1985 have been received between January 17, 1985 and January 22, 1985 from the Government(s) shown below.

Dated: January 25, 1985.

Samuel W. McKeen,

Chief, Management and Budget, National Marine Fisheries Service.

Fishery codes and designation of Regional Fishery Management Councils which review applications for individual fisheries are as follows:

	Code Fishery	Regional fishery management councils
ABS	Atlantic Billfishes and Sharks.	New England, Mid Atlantic, South Atlantic, Gulf of Mexico, and Caribbean.
BSA	Bering Sea and Aleutian Islands Groundfish.	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic Ocean	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, and Caribbean.
SMT	Seamount Groundfish	Western Pacific.
SNA	Snails (Bering Sea)	North Pacific.
WOC	Pacific Groundfish (Washington, Oregon and California).	Pacific.
PBS	Pacific Billfishes and Sharks.	Western Pacific.

Activity codes which specify categories of fishing operations applied for are as follows:

Activity code	Fishing operations
1	Catching, processing and other support.
2	Processing and other support only.
3	Other support only.
4	"Joint venture" in support of U.S. vessels.

Nation, vessel, name, and vessel type	Application No.	Fishery	Activity
Government of Iceland:			
Snorri Sturluson R.E., Medium Stern Trawler.	IC–85–0001	BSA, GOA	2(4)
Grindvikingur GK, Medium Stern Trawler.	IC–85–0002	BSA, GOA	2(4)
Hilmir Su, Purse Seiner.	IC–85–0003	BSA, GOA	2(4)
Government of Japan:			
Etsuyoh, Cargo/Transport.	JA–85–0089	BSA, GOA, NWA, SMT, SNA.	3
Kaiyo Maru, Cargo/Transport.	JA–85–0068	BSA, GOA, NWA, SMT, SNA.	3
Khalij Cooler, Cargo/Transport.	JA–85–0069	GOA, NWA, SMT.	3
Yoko Maru, Cargo/Transport.	JA–85–0067	BSA, GOA, NWA, SMT, SNA.	3
Government of the Polish People's Republic: *Tatry*, Tanker Fuel/Water.	PL–85–0108	GOA, WOC	3
Government of Portugal: *Praia Sa Comenda*, Stern Trawler.	PO–85–0027	NWA	1(4)
Government of the USSR:			
Bereg Nadezdy, Cargo/Transport.	UR–85–0754	BSA, GOA, WOC.	3
Chukotskiy Bereg, Cargo/Transport.	UR–85–0749	BSA, GOA, WOC.	3
Grumant, Factory Ship.	UR–85–0778	NWA	2(4)
Kamchatskie Gory, Cargo/Transport.	UR–85–0260	BSA, GOA, WOC.	3
Konstantin Olshanskiy, Cargo/Transport.	UR–85–0364	NWA	3
Mys Silina, Large Stern Trawler.	UR–85–0163	BSA, GOA	1
Ostrov Litvinskogo, Cargo/Transport.	UR–85–0254	BSA, GOA, WOC.	3
Ostrov Shmidta, Cargo/Transport.	UR–85–0256	BSA, GOA, WOC.	3
Ostrov Shokalskogo, Cargo/Transport.	UR–85–0257	BSA, GOA, WOC.	3
Ostrov Ushakova, Cargo/Transport.	UR–85–0258	BSA, GOA, WOC.	3
Pioner Murmana, Cargo/Transport.	UR–85–0348	NWA	3
Sovetsk, Factory Ship.	UR–85–0777	NWA	2(4)
Tuapsyi Bereg, Cargo/Transport.	UR–85–0770	BSA, GOA, WOC.	3
Valentine Serov, Cargo/Transport.	UR–85–0367	NWA	3
Vasiliy Surikov, Cargo/Transport.	UR–85–0362	NWA	3

Nation, vessel, name, and vessel type	Application No.	Fishery	Activity
Zvezdnyi, Berys, Cargo/ Transport.	UR-85-0726	BSA, GOA, WOC	3
Taiwan: *Shin Chyun No. 7,* Longliner.	TW-85-3120	PBS	1

Joint Venture

Japan—The Government of Japan has submitted applications for three joint ventures in Alaska. The operations for three Japanese companies with the same American partner, Alaska Contact, Ltd., 750 West Second Avenue, Suite 203, Anchorage, Alaska 99501. A notice of receipt of application for the Japanese vessels involved in these joint ventures was published December 3, 1984, at 49 FR 47298. Thie initial applications were for directed fishing. The operation with the *Anyo Maru No. 18* requests a total of 2,100 mt of pollock including by catch species and will operate in the GOA fishery January to March, 1985. The operations with the *Akebono Maru No. 22* and the *Kaiyo Maru No. 11* both request a total of 5,650 mt of Alaskan pollock and other species and both will operate in the BSA and GOA fisheries and operate February to May 1985 and July to November 1985.

Portugal—The Government of Portugal has applied for fishing vessel pemits to engage in joint venture activities in the NWA fishery. The application requests that the *Praia da Comenda* receive transshipments of *Illex* (3,000 mt) and *Loligo* (500 mt) from U.S. vessels. The American partner is Scan Ocean, Inc., 42 Rogers Street, Gloucester, MA 01930. The expected period for this operation is April 1, 1985 to March 31, 1986.

USSR—The Government of the Union of the Soviet Socialist Republics has applied for fishing vessel permits to authorize joint venture activities in the NWA fishery. The application requests that the *Grumant* and the *Sovetsk* receive transshipments of Atlantic mackerel and silver hake (not to exceed 11,000 mt) and red hake (up to 6,000 mt) from U.S. vessels. The American Partner is RNS Enterprises, Inc., 36 Summer Street, Kennebunk, Maine 04043. The expected period of operation is April–August, 1985.

Italy—The Government of Italy has applied for fishing vessel permits to authorize joint venture activities in the NWA fishery. A notice of receipt of application for the 11 Italian vessels involved in this joint venture was published December 3, 1984, at 49 FR 47298. The initial applications were for directed fishing. The application requests that the vessels receive transshipments in the amounts of 2,000 mt *Loligo* squid and 3,000 mt *Illex* squid from U.S. vessels. The American partner is the International Seafood Trading Corporation, Inc. (ISTC), P.O. Box 555, Cape May, New Jersey 08204. The application covers the entire fishing year April 1, 1985 to March 31, 1986. However, most operations will be conducted from May through October for both species.

Iceland—The Government of Iceland has applied for fishing vessel permits to authorize joint venture activities in the BSA and the GOA fisheries. The application requests that the *Grindvikingur GK, Hilmir,* and the *Snorri Sturluson R.E.* receive transshipment of 7,500 mt of Pacific cod in the Bering Sea and Aleutian Islands and 5,000 mt of Pollock and 2,500 mt of Pacific cod in the Gulf of Alaska. The American partner is Ocean Equities, Homer, Alaska 99603. The expected period of operation is January–November 1985.

[FR Doc. 85-2174 Filed 1-24-85; 12:24 pm]
BILLING CODE 3510-22-M

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