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Federal Register

Tuesday
April 16, 1985

Selected Subjects

Air Pollution Control
Environmental Protection Agency

Anchorage Grounds
Coast Guard

Aviation Safety
Federal Aviation Administration

Fisheries
National Oceanic and Atmospheric Administration

Flood Insurance
Federal Emergency Management Agency

Geothermal Energy
Land Management Bureau

Imports
Animal and Plant Health Inspection Service

Mortgage Insurance
Housing and Urban Development Department

National Parks
National Park Service

Quarantine
Animal and Plant Health Inspection Service

Radio Broadcasting
Federal Communications Commission

Rent Subsidies
Housing and Urban Development Department

Television Broadcasting
Federal Communications Commission

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Contents

Federal Register
Vol. 50, No. 73
Tuesday, April 16, 1985

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 50, No. 73
Tuesday, April 16, 1985

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 85-030]

Importation of Horses From Australia

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations concerning the importation into the United States of certain horses by removing Australia from the list of countries in which contagious equine metritis (CEM) exists. It has been determined that CEM no longer exists in Australia. This action relieves restrictions on the importation into the United States of certain horses from Australia.

EFFECTIVE DATE: April 16, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. Allan A. Furr, Import-Export Animals and Products Staff, VS, APHIS, USDA, Room 846, Federal Building, 6305 Belcrest Road, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR 92 (referred to below as the regulations) regulate the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various diseases, including contagious equine metritis (CEM). CEM is a venereal disease of horses that affects fertility and breeding.

In a document published in the **Federal Register** on February 13, 1985 (50 FR 5999-6000), the Department proposed to amend the regulations by removing Australia from the list of countries in which CEM exists. Comments were solicited concerning the proposal for a 30-day period ending March 15, 1985. No comments were received. Based on the rationale set forth in the proposal, the regulations are amended as proposed.

The effect of this rule is to relieve restrictions on the importation of certain horses from Australia.

Effective Date

This final rule is made effective on the date of publication. The final rule relieves certain restrictions which have been found to be unnecessary. Accordingly, prompt action should be taken to delete these restrictions.

Executive Order 12291 and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." The Department has determined that this rule will not have a significant annual effect on the economy; will not cause a major increase in costs or prices for consumers, individuals industries, Federal, State, or local government agencies, or geographic regions; and will have no significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

No significant change in the number of horses imported into the United States or in the number of persons importing horses into the United States is anticpated as a result of this rule.

Based on the circumstances explained above, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Therefore, 9 CFR Part 92 is amended as follows:

§ 92.2 [Amended]

1. In § 92.2(i)(1) "Australia" is removed.

2. In § 92.2(i)(2)(iii) "and Standardbred horses from Australia" is removed and "and" is inserted before "France".

Authority: 21 U.S.C. 111, 134c, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 11th day of April 1985.

G. J. Fichtner,

Acting, Deputy Administrator, Veterinary Services.

[FR Doc. 85-9069 Filed 4-15-85; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-CE-36-AD; Amdt. 39-5040]

Airworthiness Directives; Piper Models PA-31/PA-31-300, PA-31-325, PA-31-350, PA-31-350 T-1020, PA-31P, PA-31T, PA-31T1, PA-31T2 and PA-31T3 T-1040 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain models of Piper PA-31 series airplanes which requires visual inspection of the main and nose landing gear struts and the replacement of upper bearing retaining pins. Field reports have been received of distorted, distressed or sheared landing gear upper bearing retaining pins which resulted in separation of the strut piston tube and wheel. Additionally, certain airplanes may have main and nose landing gear upper bearings with rough surfaces or ridges which could score strut housing walls, generate aluminum dust and cause premature wear of strut

components. The inspections and pin replacement will prevent strut damage or separation.

DATES: *Effective date:* May 20, 1985. *Compliance:* Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

ADDRESSES: Piper Service Bulletin (S/B) No. 779A, dated July 16, 1984, applicable to this AD may be obtained from Piper Aircraft Corporation, 3000 Medulla Road, Lakeland, Florida 33803. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Charles L. Perry, ACE-120A, Aerospace Engineer, Airframe Branch, Atlanta Aircraft Certification Office, FAA 1075 Inner Loop Road, College Park, Georgia 30337; Telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations was issued to include an AD requiring replacements of the main and nose landing gear strut upper bearing retaining pins, visual inspection of the main and nose landing gear strut assemblies and if necessary, replacement of the upper bearings or housing assembly on certain Piper Models PA-31/PA-31-300, PA-31-325, PA-31-350, PA-31-350 T-1020, PA-31P, PA-31T, PA-31T1, PA-31T2, PA-31T3 T-1040 and PA-42 airplanes. This proposal was published in the **Federal Register** on January 4, 1985 (50 FR 479). The proposal resulted from two instances of main landing gear separation on Piper Model PA-31-350 airplanes. The FAA determined that the landing gear strut upper bearings, which also are strut extension stops, had separated when the upper bearing retaining pins failed. The failure of these pins allows the bearing to separate from the piston tube and permits unrestricted extension of the piston from the strut housing. Loss of the piston tube and wheel results. In addition, it was determined by the manufacturer that other models of the PA-31 series airplanes may have main and nose landing gear upper bearings with rough surfaces or ridges which may score strut housing walls, generate aluminum dust and cause premature wear of strut components. This damage can cause fluid leakage, loss of strut pressure and shock absorbing capability.

Interested persons have been afforded an opportunity to comment on the proposal. No comments or objections were received on the proposal or the FAA determination of the related cost to the public. Subsequent to the issuance of the proposal the manufacturer has advised the FAA that Piper Model PA-42 airplanes already comply with the corrective action prescribed by the AD. Accordingly, this model is being deleted from the applicability statement of the AD. Therefore, except as mentioned above, the proposal is adopted without change.

The cost of compliance with the AD is so small that it will not have a significant economic impact on any small entities operating these airplanes.

Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Piper: Applies to Models PA-31/PA-31-300 and PA-31-325 (S/Ns 31-2 through 31-8312014); PA-31-350 (S/Ns 31-5001 through 31-8352042); PA-31-350 T-1020 (S/Ns 31-8153001 through 31-8353007); PA-31P (S/Ns 31P-1 through 31P-7730012); PA-31T (S/Ns 31-7400002 through 31T-8120104); PA-31T1 (S/Ns 31T-7804001 through 31T-8304003 and 31T-1104004 through 31T-1104006; PA-31T2 (S/Ns 31T-8166001 through 31T-8166071, 31T-8166073, and 31T-8166076) and PA-31T3 T-1040 (S/Ns 31T-8275001 through 31T-8275003) airplanes certificated in any category.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished. To preclude loss of the main and nose landing gear, accomplish the following:

(a) On all applicable airplanes, remove each piston tube assembly from its strut housing in accordance with instructions in the appropriate Maintenance Manual.

(1) Inspect the interior walls of each strut housing for abnormal wear or damage (gouges, scoring, ridges, non-concentric wear). Replace housing assembly if such wear or damage is indicated.

(2) Remove and replace the retaining pins connecting the upper bearing to the piston tube in accordance with either paragraph (a)(4)(i) or (a)(4)(ii) of this AD. The bearing and piston tube are drilled to allow slip fit, and the pins should come out easily. Seizing or deformation of pins is an indication of the damage described in paragraph (a)(4)(i), below.

(3) On Models PA-31/PA-31-300 and PA-31-325 (S/Ns 31-2 through 31-8312014); PA-31-350 (S/Ns 31-5001 through 31-8352042); PA-31P (S/Ns 31P-1 through 31P-7730012); PA-31T (S/Ns 31-7400002 through 31T-8020088); PA-31T1 (S/Ns 31T-7804001 through 31T-8004005); PA-31T2 (S/Ns 31T-8166001 through 31T-8166013) airplanes only:

Remove the upper bearing and inspect the area shown in Sketch A of Piper Service Bulletin No. 779A dated July 16, 1984. If ridges are found in the designated inspection area, replace the bearing. Inspect replacement bearings in accordance with Sketch A prior to installation.

(4) Visually inspect the pin holes in the piston tube.

(i) If holes are found to be elongated, deformed, chamferred, or out of tolerance (holes should be concentric with nominal dimension of .250-.251), or if standard Piper Part Number 01821-06 or 0821-07 pins cannot be pressed easily into holes, install oversize pins in accordance with either Piper Kit 764 417 or Piper Kit 764 418.

(ii) If holes are acceptable, replace pins with new harder retaining pins, Piper Part Number 01821-06 or 0821-07, as applicable for the strut involved.

(5) Reassemble the strut, replacing all seals, rings and wipers with new parts per applicable parts catalog and reinstall landing gear in accordance with appropriate Maintenance Manual.

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

(c) An equivalent method of compliance with this AD may be used if approved by the Manager, Atlanta Aircraft Certification Office, ACE-115A, FAA Central Region, 1075 Inner Loop Road, College Park, Georgia 30337; Telephone (404) 763-7428.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a) 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and section 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

This amendment becomes effective on May 20, 1985.

Issued in Kansas City, Missouri, on April 4, 1985.

Murray E. Smith,

Director, Central Region.

[FR Doc. 85-9051 Filed 4-15-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 205

[Docket No. R-85-1174; FR-1779]

Mortgage Insurance for Land Development (Title X) Refinancing of Existing Mortgage

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

ACTION: Final rule.

SUMMARY: This rule makes final the proposed rule providing for HUD-insured refinancing of existing mortgages insured under Title X of the National Housing Act. The provision for refinancing provides relief to mortgagors when interest rates decline and reduces the risk of foreclosure to the Department.

EFFECTIVE DATE: May 17, 1985.

FOR FURTHER INFORMATION CONTACT: Brian J. Chappelle, Acting Director, Single Family Development Division, Department of Housing and Urban Development, Room 9270, 451 Seventh Street, SW., Washington, D.C. 20410; telephone (202) 755-6720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 1002 of the National Housing Act, 12 U.S.C. 1749bb (the "Act") authorizes the Secretary to insure mortgages for the acquisition and development of real property to be used for residential purposes. The regulations governing eligibility of these mortgages for insurance are contained in 24 CFR Part 205. Although section 223(a)(7) of the Act authorizes the Secretary to refinance an existing mortgage insured under the Act, there have been no provisions in the regulations to govern the refinancing of existing mortgages insured under Title X.

On June 12, 1984, the Department published a proposed rule in the **Federal Register** (49 FR 24147), proposing to amend 24 CFR Part 205 by adding a new § 205.68 to allow Title X mortgagors to refinance their mortgages. A technical correction was also proposed to § 205.47(b)(3) to correct a misnomer. This section was intended to provide that a maturity in excess of 10 years may be approved in order to avoid undue hardship to the *mortgagor*, not the mortgagee.

After a 60-day comment period and a review of the public comments received during that period, the Department is now making final the proposed rulemaking without change. Two comments were received (one from a mortgage company and one from the National Association of Home Builders). Both comments were very favorable. Below is a discussion of two recommendations included in the comments, and the Department's responses to each.

1. Section 205.68 should allow the inclusion of any cost involved to complete the land development. This would accommodate any unpaid bills and possible liens.

The purpose of § 205.68 is to allow refinancing of Title X mortgages to secure the benefits of lower interest rates, when such rates are available. The Department believes that, under those circumstances, refinancing could provide relief to mortgagors whose mortgages are current. This rule is not intended to provide a mechanism for refinancing of troubled projects. Troubled projects already have recourse to relief through forbearance, mortgage modification or other workout solutions. Refinancing should not be a technique for increasing the allowable mortgage for a troubled project.

2. The regulations should allow for a cash payoff in case of an assignment, instead of a debenture payoff.

24 CFR 207.259(a) (cross referenced in Part 205) allows the Federal Housing Commissioner to determine whether insurance claims will be paid in cash or in debentures. The current policy of the Commissioner is in favor of cash payments upon assignment of Title X mortgages. A mortgagee receiving a commitment while this policy is in effect will be paid in cash upon assignment, even if a future Commissioner adopts a debenture payment policy applicable to future commitments.

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

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

This rule is listed at 49 FR 41704 as item number 61 in the Department's Semiannual Agenda of Regulations published on October 22, 1984 (49 FR 41684), under Executive Order 12291 and the Regulatory Flexibility Act.

In accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act) the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because there are only a few projects that carry mortgages at higher interest rates and that would contemplate refinancing.

The Catalog of Federal Domestic Assistance program number is 14.125—Mortgage Insurance—Land Development and New Communities (Title X).

List of Subjects in 24 CFR Part 205

Community facilities, Mortgage insurance, Land development.

PART 205—[AMENDED]

Accordingly, 24 CFR Part 205 is amended as follows:

1. By revising § 205.47(b)(3) as follows:

§ 205.47 Mortgage amortization and maximum maturity.

* * * * *

(b) * * *

(3) In a case where the Commissioner determines that unusual or unforseen circumstances make such longer maturity necessary in order to avoid undue hardship to the mortgagor.

2. By adding a new § 205.68, to read as follows:

§ 205.68 Eligibility of refinancing transactions.

A mortgage given to refinance an existing insured mortgage may be insured under this subpart. The principal amount and the term of the new mortgage shall not exceed the unpaid amount and the unexpired term of the existing insured mortgage.

Authority: Sec. 223(a)(7), National housing Act, 12 U.S.C. 1715n.

Dated: April 10, 1985.

Shirley McVay Wiseman,

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

[FR Doc. 85-9109 Filed 4-15-85; 8:45 am]

BILLING CODE 4210-27-M

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24 CFR Part 888

[Docket No. R-85-1154; FR-1904]

Section 8 Housing Assistance Payments Program; Fair Market Rent Schedules for Existing Housing and Moderate Rehabilitation

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

ACTION: Final rule.

SUMMARY: The United States Housing Act of 1937 requires the Department to publish at least annually Fair Market Rents (FMRs) for its Section 8 Housing Assistance Payments Programs. The Department published an interim rule on July 5, 1984, establishing FMRs for the Section 8 Existing Housing and Moderate Rehabilitation Programs, including space rentals by owners of manufactured homes. These FMRs were effective October 1, 1984, but the Department also requested comments on the rent levels. Today's document adopts as final the interim rents, with changes made in rent levels where local data submitted in response to the interim rule justified a change in the FMR level. The FMRs also are used as the basis for the Payment Standard for the Department's Section 8 Housing Voucher Program.

EFFECTIVE DATES: The interim rents were effective on October 1, 1984. Changes to the interim rents, published at the end of this document, will be effective May 17, 1985. The effective date for purposes of calculating the Public Housing Agency earned administrative fee was March 29, 1984.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Existing Housing Division, Office of Elderly and Assisted Housing, telephone (202) 755-5720. For technical information on the development of schedules for specific areas or the method used for the rent calculations, contact Ellis V. St. Clair, Economic and Market Analysis Division, Office of Economic Affairs, telephone (202) 755-5590. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

Section 8 of the United States Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes a housing assistance program to aid lower income families in renting decent, safe and sanitary housing. This program, which includes housing assistance payments for moderate rehabilitated housing and existing housing, is administered by Public Housing Agencies (PHAs) under regulations found in 24 CFR Part 882. (The existing housing program includes assistance to the owner of a manufactured home for renting a manufactured home space.) Section 8(c)(1) of the Act requires HUD to publish the Fair Market Rents (FMRs) at least annually in the **Federal Register**. The Department published interim rents on July 5, 1984, which were effective on October 1, 1984, and which reflect estimated rent levels as of April 1, 1985. (see 49 FR 27658.)

The interim rents included FMRs for existing housing and for manufactured home spaces. (The FMRs for the Moderate Rehabilitation Program are 120 percent of the FMRs for existing housing.) The rents were determined by using the same criteria adopted by the Department in 1983. These criteria (HUD's measure of modest housing) include: (1) The 45th percentile rent (*i.e.*, the rent below which 45 percent of the standard quality rental housing units are distributed); (2) rents based on units occupied by recent movers (households who move within two years before the date of the survey data used in the rent calculations); and (3) the exclusion from the data base of all public housing units and recently completed housing (units completed within two years of the survey dates.) In addition, the rents included proportionally larger increases for unit sizes of three bedrooms or more. FMRs also are used as the basis for establishing the payment standard for the Housing Voucher Program.

While the interim FMRs announced an effective date of October 1, 1984, the Department solicited comments on FMR levels for specific areas. The comments and responses to the comments are discussed below.

Public Comment

HUD received 45 comments on the FMRs, including seven from HUD Field Offices and 38 comments from PHAs, including joint comments from contiguous PHAs, and housing advocates.

All the comments concerned the adequacy of the FMR levels, while several raised related program issues. All but one comment stated that the FMRs are too low. All public comments concerning rent levels were reviewed initially by HUD Field Office staffs who are familiar with current housing market conditions and trends in the localities within their jurisdictions. Field Office-initiated evaluations and recommendations (which in seven cases included Field Office recommendations for increased limits for particular jurisdictions) were reviewed by Regional and Headquarters Economic and Market Analysis staff to ensure that all available market data and program guidelines were adequately considered. Where the re-evaluation in light of data submitted justified a revision in the interim FMRs (determined by HUD review) the FMR schedules have been revised.

Thirteen commenters stated that the 45th percentile rent, published for the commenter's Metropolitan Statistical Area (MSA), Primary Metropolitan Statistical Area (PMSA) or non-metropolitan area (all generally referred to throughout the rest of this document as FMR area) is *lower* than the 45th percentile rent for the commenter's specific jurisdiction. Some of these commenters indicated that they thought it might be appropriate to further break down the designation of the area covered by the FMR determination.

While the Department recognizes that portions of a FMR area may have rent levels that exceed the FMR, and that this may create specific problems for a Family seeking a unit within the FMR area, each FMR reflects a rent level generally appropriate for a designated housing market area. The Department (with many other Federal agencies (has used and will continue to use the definitions of metropolitan and non-metropolitan areas adopted by the Office of Management and Budget. (For a discussion of a recent revision in these definitions, see the September 23, 1983 final rule on the FMRs, 48 FR 43578.) For administrative practicability and utility, the Department has determined that these OMB determinations constitute a rational basis for determining housing market areas. Since FMRs in any geographic area reflect the number below which 45 percent of the rents will fall, actual rents will vary within each area, with one portion having higher rents than the average and another portion having actual rents below the average.

Several commenters criticized the Department for its method of granting exception rents. These commenters stated that they lose several months each year trying to catch up with the changing FMRs. Under the Department's

current regulations (24 CFR 882.106), a PHA may approve Gross Rents on a unit-by-unit basis (for up to 20 percent of its authorized units) that exceed the FMR by up to ten percent. The PHA may also request that HUD permit the PHA to approve Gross Rents of up to 20 percent above the applicable FMR for all units of a given size or type in an area, or to meet unique needs of a Family. Beyond this, the Section 8 Existing Handbook (HUD Handbook 7420.3) allows a PHA to choose the new FMR or its already-approved exception rent, whichever is higher. New exception rents, keyed, to new FMRs, must go through the request and approval procedure provided for in 24 CFR 882.106. The Department does not believe that this is unduly burdensome for PHA, since exception rents are discretionary and must be justified in each case by the particular facts.

One PHA stated that it was unfair to operate under an exception rent, while having its administrative fee based on the published two-bedroom FMR. The Department believes that keying the administrative fee to the published two-bedroom FMR is a valid method of determining the administrative fee. The rent is used as an indicator of costs in the area. The Department will continue to use the two-bedroom FMR as the basis for relative cost comparison area-to-area and as the basis for the administrative fee. However, as stated previously, the Department is continuing to evaluate different methods of determining the administrative fee to provide more equitable compensation to the PHAs based on specific circumstances applicable to individual PHAs.

In addition to the above comments, there were several miscellaneous comments. Four commenters observed that the new FMRs are lower than older FMRs adjusted by the Annual Adjustment Factors and that this can lead to the seemingly incongruous result of a new unit in a building not qualifying for the program because of too-high rents, while existing Section 8 Families already in the building can stay in the program, operating under the older FMRs with Annual Adjustments.

The situations described in these comments can exist. The long-term Families in the building probably began in the Section 8 program when different criteria were used by the Department (50th percentile rent levels). These units are entitled to adjustments using the Annual Adjustment Factors. Assuming the units meet the test of rent reasonableness (see 24 CFR 882.106(b)), it is possible that the authorized rents for these units will be higher than the most recently published FMRs. In 1983, the Department determined that the 45th percentile of standard quality units in the survey provides a sufficient inventory of units for the program. Any unit which came into the program under the previous 50th percentile level will potentially have a higher rent cap.

One PHA criticized the Department for using December 1983 CPI data instead of June 1984 CPI data. According to this comment, using 1983 data results in one percent lower FMRs. It was not possible for the Department to use June 1984 data and publish the rents, as it did, on July 5, 1984. The complete listing of rents takes several months to prepare, and the December 1983 data was the most current data the Department could use and still publish during the 1984 calendar year. Any cost increases indicated in the June 1984 CPI data most likely will be reflected in next year's rents.

Three commenters noted that too-low FMR levels will affect two related HUD programs—the Housing Voucher Program and the Rental Rehabilitation Program. Since the payment standard used in the Housing Voucher Program is based on the FMR, there was some concern that too-low FMRs would result in an ineffectual Housing Voucher demonstration. The comment on the Rental Rehabilitation Program expressed concern about the chances of success for the program if the FMRs are too low. The Department affirms what it said last year, which is that the participants in the Rental Rehabilitation Program are expected to deliver at least 80% of the rehabilitated units at rents *below* the FMRs. Local officials are responsible for selecting appropriate buildings and neighborhoods and for developing methods to finance the rehabilitations that ensure affordability for 80 percent of the units.

One commenter requested the ability to deny a program participant access to luxury units. The Section 8 Certificate FMR limits are intended to make available decent, safe and sanitary modest (non-luxury) housing, and the Department believes that cases in which a Family can rent a luxury unit within the FMR limit (and subject also to the rent reasonableness limitation) will be exceedingly rare.

Finally, one commenter requested that the Department return to the 50th percentile of rent (rather than the 45th percentile) to determine FMRs, to attempt to get more units meeting housing quality standards into the survey. The Department's experience is inconsistent with this commenter's. The Department has determined that the 45th percentile of standard quality units provides sufficient inventory of housing to run the Section 8 program in a cost-effective and successful manner.

The Document

This rule adopts as final the interim rents published on July 5, 1984, and effective October 1, 1984. The FMRs that are adopted without change are not reprinted. Areas that have new FMRs are set out in Schedules B and D at the end of this document.

Other Matters

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321–4347) is unnecessary since the Section 8 Existing Housing program is categorically excluded under HUD regulations at 24 CFR 50.20(d).

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

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Secretary hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities, because FMRs reflect the rents for similar quality units in the area. Therefore, FMRs do not change the rent from that which would be charged if the project were not in the Section 8 program.

This rule was listed as item 119 under the Office of Housing in the Department's Semi-Annual Agenda of Regulations published on October 22, 1984 (49 FR 41684, 41715) under Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (Section 8).

List of Subjects in 24 CFR Part 888

Rent subsidies.

Accordingly, 24 CFR Part 888 is amended as follows:

The interim rule published on July 5, 1984 (49 FR 27658) is adopted as final without change, except as indicated in the list of specific new rents appearing in Schedules B and D at the end of this document.

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 8 U.S. Housing Act of 1937 (42 U.S.C. 1437f).

Dated: April 10, 1985.

Shirley McVay Wiseman,

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

SCHEDULE B—FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 022585 FMR AREA BY HUD JURISDICTION

[SEE NOTES AT END OF SCHEDULE]

	0 bedrooms	1 bedroom	2 bedrooms	3 bedrooms	4 bedrooms
Region 1, Hartford, Connecticut Office.					
MSA: Bristol, CT	285	350	410	510	575
MSA: Norwalk, CT	390	475	560	700	780
MSA: Stamford, CT	400	490	575	720	800
Region 2, New York, New York Office					
MSA: Nassau-Suffolk, NY	385	470	550	690	770
MSA: Poughkeepsie, NY	315	360	450	560	630
Region 2, Newark, New Jersey Office					
PMSA: Atlantic City, NJ	310	375	440	550	615
PMSA: Philadelphia, PA-NJ	310	375	440	550	615
PMSA: Trenton, NJ	370	445	525	650	735
PMSA: Vineland-Millville-Bridgeton, NJ	295	355	420	525	585
PMSA: Allentown-Bethlehem, PA-NJ	275	325	380	475	530
PMSA: Jersey City, NJ	280	340	400	500	560
PMSA: Middlesex-Somerset-Hunterdon, NJ	350	425	500	625	700
PMSA: Newark, NJ	325	385	450	560	630
Region 3, Baltimore, Maryland Office					
MSA: Washington, DC-MD-VA-Columbia (U) MD	340	415	485	595	650
	400	485	570	690	765
Region 3, Philadelphia, Pennsylvania Office					
PMSA: Allentown-Bethlehem, PA-NJ	275	325	380	475	530
PMSA: Philadelphia, PA-NJ	310	375	440	550	615
Region 3, Richmond, Virginia Office					
MSA: Washington, DC-MD-VA	340	415	485	595	650
Region 3, Washington, D.C. Office					
MSA: Washington, DC-MD-VA	340	415	485	595	650
Region 4, Atlanta, Georgia Office					
MSA: Albany, GA	235	275	325	375	425
Region 5, Columbus, Ohio Office					
County: Tuscarawas, OH	215	265	310	385	435
Region 6, Dallas, Texas Office					
MSA: Las Cruces, NM	230	280	330	415	460
County: Hunt, TX	225	270	320	400	450
County: Nacogdoches, TX	217	261	309	379	420
Region 6, Oklahoma City, Oklahoma Office					
County: Carter, OK	195	235	275	345	385
Region 7, Kansas City, Missouri Office					
MSA: Kansas City, MO-KS	270	325	380	475	525
County: Harvey, KS	210	250	300	375	420
Region 7, St. Louis, Missouri Office					
County: Phelps, MO	235	285	335	425	475
Region 9, Los Angeles, California Office					
MSA: Santa Barbara-Santa Maria-Lompoc, CA	385	465	550	690	770
County: Yuma, AZ	260	340	400	490	545
MSA: Anaheim-Santa Ana, CA	400	490	575	750	830
Region 9, San Francisco, California Office					
MSA: Oakland, CA	395	470	560	730	795
MSA: San Jose, CA	450	510	595	775	850
MSA: Santa Rosa-Petaluma, CA	400	450	526	648	755

Note.—Calculation of FMRS for five- or more Bedroom units. The FMRS for unit sizes larger than four-bedrooms shall be calculated by adding 15 percent to the four-bedroom FMR for each additional bedroom. To illustrate the Calculation of the FMR for a five-bedroom unit would be 1.15 times the four-bedroom FMR, and the calculation of FMR for a six-bedroom unit would be 1.30 times the four-bedroom FMR, etc.

Schedule D—Fair Market Rents for Manufactured Home Spaces

[Section 8 Existing Housing Program]

	Single wide space	Double wide space
Baltimore, Maryland Office: Exception County: St Marys	145	145
San Francisco, California Office: PMSA: San Jose	215	270

[FR Doc. 85-9159 Filed 4-15-85; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Alaska State Plan; Final Approval Determination; Correction

AGENCY: Department of Labor, Occupational Safety and Health Administration (OSHA).

ACTION: Final State plan approval.

SUMMARY: In FR Doc. 84-25840 published September 28, 1984 (49 FR 38252), OHSA announced an affirmative final approval determination on the Alaska State plan under section 18(e) of the Occupational Safety and Health Act, and amended 29 CFR Part 1952 to reflect this decision and to make related revisions. The document which redesignated § 1952.241 as § 1952.245 inadvertently omitted the deletion of the previously codified § 1952.245, which related to approval of miscellaneous plan changes. This is to correct that omission.

EFFECTIVE DATE: September 26, 1984.

FOR FURTHER INFORMATION CONTACT: James Foster, (202) 523-8148.

Accordingly, Subpart R of 29 CFR Part 1952 is hereby amended as follows.

PART 1952—[AMENDED]

Former § 1952.245, Changes to approved plans, is removed.

(Sec. 18, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR Part 1902, Secretary of Labor's Order No. 9-83 (48 FR 35736))

Signed at Washington, D.C. this 9th of April 1985.

Robert A. Rowland,

Assistant Secretary of Labor.

[FR Doc. 85-8869 Filed 4-15-85; 8:45 am]

BILLING CODE 4510-26-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Action 1511, 1512, 1533; A-7-FRL-2819-2]

Approval and Promulgation of State Implementation Plans; MO

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves two revisions to the State air pollution control regulations as part of the Missouri State Implementation Plan (SIP). The approved revisions regulate volatile organic compounds (VOC) emissions from paint manufacturing and from painting of plastic parts in the St. Louis ozone nonattainment area. Approval of a third regulation is deferred at State request.

EFFECTIVE DATE: This action will be effective May 16, 1985.

ADDRESSES: Copies of the State submission, an additional letter from the State and the EPA Technical Support memo are available at the Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, and at the Missouri Department of Natural Resources, 1101 Rear Southwest Boulevard, Jefferson City, Missouri 65101. A copy of the State's submission is also available at the Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C., and The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler at (816) 374-3791, FTS 758-3791.

SUPPLEMENTARY INFORMATION: On October 24, 1984 (49 FR 42749), EPA proposed to approve three new regulations as part of the required SIP for St. Louis ozone nonattainment area. The State developed these regulations to meet the Clean Air Act requirement that all major sources be required to install reasonably available control technology (RACT).

The rules proposed for approval set a limit of 1 pound of VOC emissions per gallon applied (minus water) for deadeners and adhesives, set a limit of 3.5 lb/gal (minus water) for plastic parts painting and require a series of equipment specifications and work practices to be applied to the paint manufacturing industry. For a fuller discussion, the reader should refer to the October 24, 1984, proposal.

During the comment period, the State requested that EPA delay the final rulemaking on the deadeners and adhesives rule until the State can reevaluate and, if necessary, revise the limit set. No public comments were received.

This State submission constitutes a proposed revision to the Missouri SIP. The Administrator's decision to approve or disapprove a proposed revision is based on the comments received and on a determination of whether or not the revision meets the requirements of Sections 110 and 172 of the Clean Air Act, of 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans, and of the 1982 SIP policy (46 FR 7184, January 22, 1981).

In accordance with these criteria, I hereby find that the paint manufacturing and plastic parts painting revisions are approvable. In accordance with the State request, I am deferring action on the deadeners and adhesives regulation. I find that this deferral has no effect on the approval status of the Missouri SIP or on the final attainment date for the ozone air quality standard in the St. Louis area. The State has committed to submit, by August 1, 1985, a revised demonstration containing all additional control strategies necessary to attain the standard by December 31, 1987. (See 49 FR 40164, October 15, 1984.) The revised demonstration will either reaffirm the adhesives and deadeners limit, revise it, or determine that it is not reasonable to control this category of source and provide the needed emission reductions from other categories. When the State has completed its reevaluation and formally notified EPA of its intent, with respect to the adhesives and deadeners regulation, EPA will publish a notice approving the regulation, proposing a revised regulation or withdrawing the existing proposal, as appropriate.

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements.

The Office of Management and Budget (OMB) has exempted this rule from the requirements of section 3 of Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of Missouri was approved by the Director of the Office of the Federal Register on July 1, 1982.

This notice of final rulemaking is issued under the authority of sections 110 and 301 of the Clean Air Act (42 U.S.C. 7410 and 7601).

List of Subjects in 40 CFR Part 52

Air Pollution Control, Ozone, Hydrocarbons, Incorporation-by-reference.

Dated: April 9, 1985.

Lee M. Thomas,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart AA—Missouri

1. Section 52.1320 is amended by adding a new paragraph (c)(50) as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(50) The Missouri Department of Natural Resources submitted an amendment to Rule 10 CSR 10-5.330 "Control of Emissions from Industrial Surface Coating Operations," limiting emissions from surface coating of plastic parts and new Rule 10 CSR 10-5.370 "Control of Emissions from the Application of Deadeners and Adhesives" on January 24, 1984; and new Rule 10 CSR 10-5.390, "Control of Emissions from Manufacture of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products" and an amendment to 10 CSR 10-6.020, "Definitions" on April 10, 1984. (Approval action was deferred on 10 CSR 10-5.370.)

[FR Doc. 85-9080 Filed 4-15-85; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-10-FRL-2819-3]

Approval and Promulgation of State Implementation Plans; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves amendments to the Oregon Department of Environmental Quality (ODEQ) civil penalty rules as revisions to the Oregon State Implementation Plan (SIP). These amended rules were submitted on

December 10, 1984, after adequate opportunity for public, private and industry input.

EFFECTIVE DATE: This action will be effective on June 17, 1985 unless notice is received before May 16, 1985 that someone wishes to submit adverse or critical comments. If such a notice is received, EPA will open a formal thirty-day comment period on this action.

ADDRESSES: Copies of materials submitted to EPA may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Air Programs Branch (10A-84-4), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 SW. Fifth, Yeon Building, Portland, Oregon 97207

Copy of the State's submittal may be examined at: The Office of the Federal Register, 1101 L Street NW., Room 8401, Washington, D.C.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone (206) 442-4253, (FTS) 399-4253.

SUPPLEMENTARY INFORMATION:

I. Plan Revisions

On December 10, 1984, DEQ submitted amendments to its rules for civil penalties (OAR 340-12) which delete Sections 005 through 025, and 052 through 068; revise Sections 030, 040 and 050; add Sections 070 and 075; and retain Sections 035 and 045. The amended civil penalty rules now apply consistently to air, water and hazardous waste violations and have uniform penalty schedules from $25 to the maximum allowed by statute ($20,000).

II. Summary of Action

EPA views as noncontroversial and routine the approval of state regulations which do not allow increases in actual emissions or are only procedural in nature. EPA today is therefore approving, without prior proposal, the following as revisions to the Oregon SIP:

In OAR 340-12—

(1) Deleting Sections 005 to 025 and 052 to 068;

(2) Revising Sections 030 (Definitions), 040 (Notice of Violation), 050 (Air Quality Schedule of Civil Penalties); and

(3) Adding Sections 070 (Written Notice of Assessment of Civil Penalty; When Penalty Payable) and 075 (Compromise or Settlement of Civil Penalty by Director).

Sections 035 (Consolidation of Proceedings) and 045 (Mitigating and Aggravating Factors) are retained as previously approved.

The public should be advised that this action will be effective on June 17, 1985. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on any or all of the revisions approved herein, the action on those revisions will be withdrawn and to subsequent notices will be published before the effective date. One notice will withdraw the final action on those revisions and another will begin a new rulemaking by announcing a proposal of the action on those revisions and establishing a comment period.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 17, 1985. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Act.)

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under sections 110, 161, and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities.

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

(Sec. 110(a) and 301(a) of the Clean Air Act (42 U.S.C. 7410(a) and 7601(a)))

List of Subjects in 40 CFR Part 52

Intergovernmental relations, Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Incorporation by reference.

Note: Incorporation by reference of the State Implementation Plan for the State of Oregon was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 9, 1985.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart MM—Oregon

1. In § 52.1970, paragraph (c)(70) is added as set forth below:

§ 52.1970 Identification of plan

* * * * *

(c) * * *

(70) On December 10, 1984, the Oregon Department of Environmental Quality submitted revisions to its Civil Penalty Rules (OAR 340-12) which deleted Sections 005 through 025 and 052 through 068; amended Sections 030, 040 and 050; and added Sections 070 and 075. Sections 035 and 045 were retained.

[FR Doc. 85-9086 Filed 4-15-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA 6653]

44 CFR Part 64

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, 500 C Street, Southwest, FEMA—Room 509, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction

from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will will be published in the **Federal Register**.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not not have a significant economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and County	Location	Community Number	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Special Flood Hazard Area Identified	Date certain Federal Assistance no longer Available in Special Flood Hazard Areas
Region I					
Maine: Cumberland	South Portland, city of	230053D	Oct. 15, 1974, Emerg.; Aug. 17, 1981, Reg.; Apr. 17, 1985, Susp.	Feb. 22, 1974, Sept. 3, 1976, July 6, 1979 and Aug. 17, 1981.	Apr. 17, 1985.
Massachusetts: Barnstable	Chatham, city of	250004C	July 9, 1975, Emerg.; Aug. 1, 1980, Reg.; Apr. 17, 1985, Susp.	May 31, 1974, Feb. 7, 1978 and Aug. 1, 1980.	Do.
Region II					
New Jersey:					
Morris	Danville, township of	345292B	July 10, 1970, Emerg.; June 25, 1971, Reg.; Apr. 17, 1985, Susp.	June 25, 1971, July 1, 1974 and Dec. 5, 1975.	Do.
Middlesex	Monroe, township of	340269B	Feb. 25, 1973, Emerg.; Apr. 17, 1985, Reg.; Apr. 17, 1985, Susp.	Mar. 8, 1974 and Jan. 7, 1977	Do.
New York:					
Sullivan	Bloomingburg, village of	361473B	Nov. 28, 1975, Emerg.; Apr. 17, 1985, Reg.; Apr. 17, 1985, Susp.	Nov. 15, 1974 and June 11, 1976.	Do.
Westchester	Cortlandt, town of	360906B	May 23, 1975, Emerg.; Apr. 17, 1985, Reg.; Apr. 17, 1985, Susp.	May 31, 1974 and Aug. 13, 1976.	Do.
Region IV					
Louisiana: LaFourche Parish.	Unincorporated area	225202C	July 24, 1970, Emerg.; Apr. 17, 1985, Reg.; Apr. 17, 1985, Susp.	May 8, 1971, Jan. 10, 1978 and Oct. 1, 1983.	Do.
Minimal Conversions					
New York:					
Washington	Fort Ann, town of	361231	Feb. 2, 1976, Emerg.; Apr. 17, 1985, Reg.; Apr. 17, 1985, Susp.	Dec. 6, 1974	Apr. 17, 1985.
Do.	Jackson, town of	361444	Dec. 16, 1975, Emerg.; Apr. 17, 1985, Reg.; Apr. 17, 1985, Susp.	Jan. 17, 1975	Do.
Madison	Smithfield, town of	361294A	Nov. 24, 1975, Emerg.; Apr. 17, 1985, Reg.; Apr. 17, 1985, Susp.	Oct. 25, 1974 and June 18, 1976.	Do.
Washington	White Creek, town of	361238	Mar. 1, 1977, Emerg.; Apr. 17, 1985, Reg.; Apr. 17, 1985, Susp.	Oct. 18, 1974 and July 23, 1976.	Do.
Region III					
Maryland:					
Worcester	Berlin, town of	240141	Mar. 21, 1978, Emerg.; Apr. 17, 1985, Reg.; Apr. 17, 1985, Susp.	Jan. 21, 1977	Do.
Washington	Clear Spring, town of	240072	Sept. 21, 1977, Emerg.; Apr. 17, 1985, Reg.; Apr. 17, 1985, Susp.	Feb. 18, 1977	Do.

State and County	Location	Community Number	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Special Flood Hazard Area Identified	Date certain Federal Assistance no longer Available in Special Flood Hazard Areas
Pennsylvania:					
Lycoming	Mifflin, township of	422590	Sept. 15, 1975, Emerg.; Apr. 17, 1985, Reg.; Apr. 17, 1985, Susp.	Dec. 13, 1974	Do.
Crawford	Hydetown, borough of	420350	May 13, 1975, Emerg.; Apr. 17, 1985, Reg.; Apr. 17, 1985, Susp.	May 21, 1976	Do.

Code for reading 4th column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator, Federal Insurance Administration)

Issued: April 10, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85-9055 Filed 4-15-85; 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA 6654]

44 CFR Part 64

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

EFFECTIVE DATES: The date listed in the fourth colum of the table.

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

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Reduction, Federal Insurance Administration, (202) 646–2717, 500 C Street, Southwest, FEMA—Room 509, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

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

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

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subject in 44 CFR Part 64

Flood insurance, flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

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

§ 64.6 List of eligible communities.

State and County	Location	Community	Effective dates of authorization/ cancellation of sale of Flood Insurance in community	Special Flood Hazard Areas Identified
Maine: Hancock	Brooklin, town of	230275	Mar. 8, 1985, Emerg	Dec. 24, 1976.
Pennsylvania:				
Mifflin	Menno, township of	421681A	do	Nov. 22, 1974 and Mar. 4, 1982.
Fayette	Chicopyle, borough of	421615A	do	Jan. 31, 1971 and Mar. 19, 1976.
West Virginia: McDowell	Keystone, town of	5401198	May 21, 1975, Emerg.; Feb. 1, 1985, Reg.; Feb. 1, 1985, Susp.; Mar. 6, 1985 Rein.	May 17, 1974 and June 4, 1976.
Missouri: Moniteau	Lupus, city of	290239	Mar. 13, 1985, Emerg	
Utah: Cache	Millville, city of	490021	do	Oct. 22, 1976.
Michigan: Jackson	Blackman, township of	260714B	May 23, 1978, Emerg.; Dec. 18, 1984, Reg.; Dec. 18, 1984, Susp.; Mar. 13, 1985, Rein.	Feb. 9, 1979.
Louisiana: Allen Parish	Elizabeth, town of	220324	Mar. 19, 1985, Emerg	July 25, 1975.
Michigan: Allegan	Wayland, city of	260744-New	do	
Oklahoma: Stephens	Unincorporated areas	400498A	do	Apr. 20, 1982.
Texas: Knox	Knox City, city of	480690A	do	Aug. 15, 1975 and July 23, 1976.

State and County	Location	Community	Effective dates of authorization/ cancellation of sale of Flood Insurance in community	Special Flood Hazard Areas Identified
Region II				
New York: Orange	Greenville, town of	360615B	Mar. 4, 1985, Suspension withdrawn	Jan. 8, 1977.
	Wawayanda, town of	360639B	do	May 10, 1974 and Sept. 24, 1976.
Region III				
West Virginia:				
Raleigh	Mabscott, town of	540286B	do	Nov. 20, 1981.
Wood	Unincorporated areas	540213A	do	Jan. 17, 1975.
Region IV				
North Carolina: Cateret	Indian Beach, town of	370433A	do	
Region V				
Ohio:				
Defiance	Defiance, city of	390144D	do	May 17, 1974, July 23, 1976, June 1, 1979 and Apr. 17, 1984.
Delaware	Powell, village of	390626B	do	Oct. 18, 1974 and June 4, 1976.
Logan	West Liberty, village of	390343D	do	Apr. 12, 1974 July 30, 1976, Dec. 24, 1976 and Dec. 5, 1980.
Wisconsin: Sauk	Reedsburg, city of	550402C	do	Dec. 17, 1973, May 28, 1976 and Oct. 26, 1979.
Region VI				
Texas:				
Calhoun	Port Lavaca, city of,	480099B	do	July 27, 1971, Aug. 27, 1971, July 1, 1974 and Sept. 5, 1975.
Aransas	Rockport, city of	485504D	do	July 2, 1977, July 1, 1974, Sept. 9, 1977 and Jan. 16, 1979.
Region VII				
Missouri: Wright	Hartville, city of	290454B	do	June 28, 1974 and Oct. 10, 1975.
Region I				
Massachusetts:				
Dukes	Edgartown, town of	250069D	Mar. 18, 1985, suspension withdrawn	May 31, 1974, Oct. 22, 1976, July 2, 1980 and Oct. 1, 1983
Do	Oak Bluffs, town of	250072C	do	Mar. 22, 1974, July 19, 1977 and July 2 1980.
Bristol	Westport, town of	255224B	do	July 16, 1971, July 1, 1977, May 14, 1976 and Oct. 1, 1983.
Region II				
New York: Allegany	Scio, town of	360034C	do	May 3, 1974, June 3, 1977 and Oct. 24, 1975.
Region III				
West Virginia: Kanawha	Unincorporated areas	540070B	do	Apr. 25, 1975, Dec. 12, 1975 and Dec. 24, 1982.
Region V				
Illinois: LaSalle	LaSalle, city of	170401B	do	Mar. 22, 1974 and Mar. 19, 1976.
Region VI				
Texas:				
Refugio	Bayside, city of	481586A	do	
San Patricio	Ingleside, city of	485480C	do	June 26, 1971, July 1, 1974, May 2, 1975.
Matagorda	Unincorporated areas	485489C	do	May 1, 1971, July 1, 1974, Mar. 5, 1976 and Oct. 1, 1983.
Nueces	do	485494C	do	Sept. 27, 1972, Nov. 30, 1973, July 1, 1974 and Sept. 3, 1976.
Nueces	Port Aransas, city of	485498E	do	June 26, 1971, Sept. 8, 1972, July 1, 1974, Aug. 13, 1976 and Dec. 8, 1976.
Refugio	Unincorporated areas	485501C	do	Oct. 22, 1971, July 1, 1974 and Sept. 17, 1976.
San Patricio	do	485506C	do	Nov. 27, 1971, July 1, 1974 and May 2, 1975.
Calhoun	Seadrift, city of	480100C	do	Dec. 4, 1970, July 1, 1974 and May 2, 1975.
Region VII				
Missouri: Taney	Hollister, city of	290437B	do	June 7, 1974 and Nov. 14, 1975.
Region I				
Rhode Island: Washington	New Shoreham, town of	440036B	April 3, 1985, suspension withdrawn	Jan. 3, 1975 and Oct. 1, 1983.
Region II				
New Jersey: Essex	North Caldwell, township of	340190B	do	June 7, 1974 and June 11, 1976.
New York:				
Oneida	Kirkland, town of	360531B	do	Aug. 2, 1976 and May 14, 1976.
Onondaga	Lafayette, town of	360581B	do	Aug. 2, 1974 and July 16, 1976.
Orange	Minisink, town of	360620C	do	Apr. 12, 1974 and July 9, 1976.
Madison	Sullivan, town of	360409B	do	Oct. 8, 1976.
Region V				
Indiana: Allen	Fort Wayne, city of	180003	do	Feb. 15, 1974 and Jan. 30, 1076.
Ohio:				
Champaign	Unincorporated areas	390055B	do	Dec. 23, 1977.
Hamilton	Harrison, city of	390020C	do	Feb. 15, 1974, May 21, 1976 and Dec. 24, 1976.
Region VI				
Texas: Tarrant	Euless, city of	480593B	do	Mar. 22, 1974 and Dec. 17, 1976.

State and County	Location	Community	Effective dates of authorization/ cancellation of sale of Flood Insurance in community	Special Flood Hazard Areas Identified
Region VII				
Missouri:				
Butler	Unincorporated areas	290044B	do	Sept. 1, 1985.
Warren	Unincorporated areas	290443B	do	Sept. 1, 1983.
Nebraska: Gage	Barneston, village of	310090B	do	Sept. 6, 1974 and Nov. 21, 1975.
Region X				
Oregon: Linn and Benton	Albany, city of	410137C	do	Feb. 22, 1974, Feb. 11, 1977 and Apr. 4, 1978.

Code for reading 4th column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension; Rein.—Reinstatement.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator, Federal Insurance Administration)

Issued: April 10, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85–9056 Filed 4–15–85; 8:45 am]

BILLING CODE 6718–03–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

[Docket No. 41270–5026]

Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Notice of size limit adjustment and request for comment.

SUMMARY: NOAA issues this notice of size limit adjustment for the surf clam fishery for the 1985–1986 fishing year. This action is necessary because the Regional Director has determined that the minimum size limit for surf clams of 5¼ inches is necessary to achieve the Mid-Atlantic Fishery Management Council's objective of reducing discard rates to below 30 percent, on average, of trip catches.

EFFECTIVE DATE: April 12, 1985. Comments will be accepted until May 1, 1985.

ADDRESS: Send comments to Monique Rutledge, Northeast Regional Office, NMFS, NOAA, State Fish Pier, Gloucester, MA 01930–3097. Mark on the outside of the envelope, "Comments of Surf Clam size limit."

FOR FURTHER INFORMATION CONTACT: Monique Rutledge, 617–281–3600, ext. 351.

SUPPLEMENTARY INFORMATION: Amendment 5 to the Fishery Management Plan for Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) (50 FR 11166; March 20, 1985) made effective a minimum size limit for surf clams of 5½ inches in length in all areas of fishery and implemented an FMP frame work management measure which allows adjustment of this minimum size limit for surf clams by authorizing the Director of the Northeast Region, NMFS (Regional Director), in consultation with the Mid-Atlantic Fishery Management Council (Council), to select minimum size limit for surf clams from among the following values: 5½, 5¼, 5, and 4¾ inches. The size limit is selected to reduce discards of surf clams to less than 30 percent, on average, of trip catches. The Regional Director monitors current stock assessments, catch reports, and other relevant information concerning the size distribution of the surf clam resource in determining if any adjustment in the size limit is appropriate.

The current minimim size limit of 5¼ inches for surf clams was implemented by emergency interim rule on October 17, 1984 (49 FR 40580), and extended on January 16, 1985 (50 FR 2292). The emergency interim rule expires on April 12, 1985.

Analysis of discarding patterns indicates that the implementation of the 5¼ inch minimum size limit has resulted in substantial reductions in the discard rate of undersized surf clams and has achieved the Council's objective of reducing discard rates to below 30 percent, on average, of trip catches. Copies of the documents used in this analysis are available from the Regional Director at the above ADDRESS.

The Council votes at its March 1985 meeting to recommend that the Regional Director keep the minimum size limit for surf clams at 5¼ inches.

The Regional Director has determined that the minimum size limit for surf clams should continue to be 5¼ inches. NOAA therefore issues this notice to continue the minimum size limit of 5¼ inches in all areas of the surf clam fishery. Comments on this action are invited from the public, and will be accepted for 15 days following the publication of this notice. After consideration of public comments, the Secretary may publish notice in the **Federal Register** of any changes in this size limit.

List of Subjects in 50 CFR Part 652

Fisheries, Fishing.

Dated: April 11, 1985.

[FR Doc. 85–9107 Filed 4–11–85; 5:06 p.m.]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 50, No. 73
Tuesday, April 16, 1985

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 85

[Docket No. 83-061]

Pseudorabies; Interstate Dissemination Prevention Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This document proposes to amend portions of the pseudorabies regulations which regulate the interstate movement of livestock to prevent the interstate dissemintion of pseudorabies. It is proposed to provide an alternative method by which a herd of swine can be removed from the "known infected herd" classifiction; to provide an alternative method by which a herd of swine can attain or regain status as a qualified pseudorabies negative herd; to provide an improved method by which the pseudorabies disease status of swine in pseudorabies controlled vaccinated herds can be monitored; to give shippers alternative means by which swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies can be moved interstate to approved livestock markets, quarantined feedlots, and quarantined herds; and to give shippers alternative means by which swine infected with or exposed to pseudorabies can be moved interestate for slaughter. The intended effect of this action is to clarify the regulations and allow more latitude for the interstate movement without increasing the danger of spreading pseudorabies.

This proposed rule is a proposal, with certain changes, of a proposed rule published in the **Federal Register** on November 3, 1982.

DATE: Written comments must be received on or before May 31, 1985.

ADDRESS: Written comments conecerning this proposed rule should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, 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. Also, copies of the proposed rule of November 3, 1982, may be obtained from the same address.

FOR FURTHER INFORMATION CONTACT: Dr. L. W. Schnurrenberger, Special Diseases Staff, VS, APHIS, USDA, Room 822, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8487.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

In accordance with the Paperwork Act of 1980 (44 U.S.C. 3507), the reporting and recordkeeping provisions that are included in this proposed rule have been cleared by the Office of Management and Budget (OMB). The information collection provisions have been given the OMB clearance number 0579–0069.

Background

Pseudorabies, also known as Aujeszky's disease, mad itch, and infectious bulbar paralysis, is primarily a disease of swine caused by a herpes virus. Pseudorabies regulations (contained in 9 CFR Part 85 and referred to below as the regulations) were initially established in 1979 (See 44 FR 10306–10313) for the purpose of helping to prevent the interstate spead of pseudorabies. On November 3, 1982, the Department published a document in the **Federal Register** (referred to below as the first proposal and set forth at 47 FR 49930–49937) proposing numerous amendments to the regulations; however, a final rule has not been promulgated. Considerable time had elapsed since persons had an opportunity to comment on the first proposal. It has been determined that another opportunity should be for persons to comment concerning what changes should be made to regulations before final action is taken in order to help ensure that the final rule includes any changes that should be made based on reevaluation of the proposal. Under these circumstances, this document reproposes the first proposal with changes based on the comments that were submitted in response to the first proposal.

The document of November 3, 1982, proposed to provide an alternate method by which a herd of swine can be removed from the "known infected herd" classification; to provide an alternate method by which a herd of swine can attain or regain status as a qualified pseudorabies negative herd; to provide an improved method by which the pseudorabies disease status of swine in psuedorabies controlled vaccinated herds can be monitored; to give shippers alternate means by which swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies can be moved interstate to approved livestock markets, quarantined feedlots, feedlots, and quarantined herds; and to give shippers alternate means by which swine infected with or exposed to pseudorabies can be moved interstate for slaughter.

The first proposal invited the submission of written comments on or before January 3, 1983. Thirty-one comments were received. These comments were from State Departments of Agriculture, individual pork producers, veterinary associations, and other representatives of the swine and farm industry and related groups. All of these comments have been carefully considered. Further, all of the comments, except for those comments indicating approval of the first proposal without any basis for approval beyond the rationale contained in the first proposal, are discussed below. Except as explained below, the provisions in the first proposal are reproposed by this document.

General Comments

Several commenters suggested that the pseudorabies regulations be rescinded, based on assertions that the program is uneforceable and that a "funded and established program is not possible." No changes from the first proposal are made based on these comments. The pseudorabies program established under the regulations is funded. Further, it appears that an effective and enforceable pseudorabies program can be maintained.

Known Infected Herd

Section 85.1(l) of the current regulations, among other things, provides two methods by which a herd of swine which is classified as a "known infected herd" may be removed from that classification. One of these methods requires, among other things, that, after the positive swine are removed from the premises all exposed swine in the herd must be subjected to an official pseudorabies serologic test and found negative. In the first proposal it was proposed to amend these provisions by exempting pigs which are nursing from their mothers from the testing provisions.

Several commenters suggested that all swine under six months of age should be exempted from the testing provisions instead of only pigs nursing from their mothers. The suggestions were based on the assertion that including any swine under six months of age in the testing would be costly and impractical and would give no better indication of infection than testing swine over six months of age for a period of time. Another commenter suggested that a sampling of swine under six months of age should be subject to testing and that otherwise swine under six months of age should be exempted from the testing provisions. It was asserted that the results of the sample would reflect the status of the entire group.

No changes from the first proposal are made based on these comments. Accordingly, it is proposed that only pigs nursing from their mothers be exempt from the testing provisions. Although this would be more costly than the adoption of either of the commenters' suggestions because more swine would be included in the testing, it appears that the proposed provisions are necessary to help ensure that pseudorabies no loger exists in a herd removed from classification as a known infected herd. Based on the rationale set forth in the first proposal, it appears that it would not be necessary to subject pigs nursing from their mothers to the testing requirement. In this connection, the first proposal stated at 47 FR 49931 that:

> The result of an official pseudorabies serologic test on a mother of a nursing pig constitutes sufficient evidence of the pseudorabies disease status of the nursing pig to forego the test on such pig. If the mother of a nursing swine was infected with pseudorabies during gestation, the pig would acquire maternal antibodies and would react to pseudorabies tests in the same manner as the mother swine. The disease status of the mother of a nursing swine, even if a positive status is acquired after gestation, constitutes a good indication of the pseudorabies disease status of the nursing swine because they are maintained in the same environment and are in frequent physical contact with their mother.

It appears that all other swine under six months of age must be tested in order to determine whether the herd is free of pseudorabies, since, based on Departmental expertise, it appears that any of such swine could be infected without other swine in the herd being infected. Accordingly, it appears that if all pigs under six months of age were exempt from the testing requirement or if such pigs were merely subjected to testing based on sampling, the test results would not be adequate to determine the pseudorabies status of the herd.

In the first proposal, it was proposed to amend § 85.1(1)(2) by providing an additional method for removing certain swine herds from the "known infected herd" classification. In this connection, it was proposed that a herd of swine would be eligible to be removed from classification as a "known infected herd" if the herd of swine has been released from pseudorabies quarantine in accordance with the following provisions:

> In a herd of swine in which swine are positive to an official pseudorabies serologic test but no swine are positive at titers greater than 1:8, all titered swine are subjected to another official pseudorabies serologic test and found negative; and all other swine in the herd which an epidemiologist, approved by the State animal health official and the Area Veterinarian in Charge, requires to be subjected to an official pseudorabies serologic test are tested and found negative.

One commenter suggested that the serologic titer response to trigger possible further testing should be 1:4 instead of 1:8, based on the assertion that experience has shown that a titer of 1:8 has always been evidence of infection with pseudorabies and that animals can be tested to the 1:4 standard without excessive numbers of false positives. No changes from the first proposal are made based on this comment. The Department does not agree with the assertion that a titer of 1:8 has always been evidence of infection with pseudorabies. As stated in the first proposal (47 FR 49931), it is possible that questionable (false positive) laboratory results can be encountered when testing for pseudorabies at dilutions of 1:8 or less. Certain animals may have nonspecific titers from other antigens and have a low titer (1:8 or less) response for pseudorabies.

Another commenter suggested the following as an additional method by which a herd of swine could be released from known infected herd status: "require all swine in a quarantined herd to be vaccinated with an approved vaccine for six months. If no clinical signs are found, ten percent of the progeny four months of age or older must be tested with an official pseudorabies test each month for six months and all found negative." No changes from the first proposal are made based on this comment. It appears that the adoption of the suggestion would allow vaccinated but potentially infected or exposed swine to remain in the herd. Vaccinated swine can be infected with pseudorabies and can spread infection. Since the pseudorabies infection status of vaccinated swine cannot be determined, it appears that there would be no means of determining whether swine in the herd were pseudorabies infected or free. Further, it appears that testing ten percent of the progeny four months of age or older each month for six months would not be an adequate indication of the absence of the disease in the progency, since as noted above, any swine in a herd could be infected without other swine in the herd being infected.

From Known Infected Herd to Qualified Pseudorabies Negative Herd

In the proposal it was proposed to amend the procedures in § 85.1(ee) for attaining qualified pseudorabies negative herd status to require that such status could not be attained by a herd which has been classified as a "known infected herd" within 30 days days of the test necessary to qualify the herd as a qualified pseudorabies negative herd. One commenter suggested that the 30 day requirement be changed to 90 days, apparently based on the assertion that under the provisions of §§ 85.1(ee) and 85.1(l)(2)(i) this proposed change would allow a herd determined to have been infected with pseudorabies to become a pseudorabies negative herd within a minimum of 30 days after having had infected swine in the herd. Further, in this connection, it was asserted that 30 days would not provide a sufficient safeguard against the possibility that pseudorabies would be dormant in the herd or on the premises. No changes from the first proposal are made based on this comment.

Under the proposed provisions of §§ 85.1(ee) and 85.1(l)(2)(i), a previously infected herd could not become a qualified pseudorabies negative herd for a minimum of 60 days. A herd determined to have had pseudorabies would not be eligible to be removed from "known infected herd" status unless swine in the herd were tested and found negative 30 days or more

after removal of the infected swine. Then it would take an additional 30-day period before a herd could be tested to qualify as a "qualified pseudorabies negative herd." Based on Departmental expertise, it appears that these procedures for changing the designation of herds would be adequate to allow such herds to be designated as "qualified pseudorabies negative herd" without the herds having a significant risk that pseudorabies would be present in the herd or on the premises.

Qualified Pseudorabies Negative Herd

Section 85.1(ee) of the current regulations requires that the herd premises be cleaned and disinfected in accordance with § 85.13 after swine found positive to an official pseudorabies test conducted in a qualified pseudorabies negative herd or to attain qualified pseudorabies negative herd status are removed. In the first proposal it was proposed to delete the cleaning and disinfection requirements.

In support of deleting the cleaning and disinfecting requirements, the first proposal (47 FR 49932) stated that:

> This document proposes the deletion of this requirement because it is not productive. An effective cleaning and disinfecting procedure cannot be conducted unless all or most of the swine are removed from a premises and removal of all swine is not a requirement for attaining or regaining qualified pseudorabies negative herd status; and in many situations most of the swine are not removed to attain or regain qualified pseudorabies negative herd status.

One commenter cited such cleaning and disinfection as a good management practice but agreed with the proposed deletion. Another commenter opposed the proposed deletion, based on the assertion that such a requirement is necessary for sound disease control. Upon further consideration, it appears that such a requirement is necessary for sound disease control. Therefore, this document does not propose to remove the cleaning and disinfection provisions. Based on a reassessment, it appears that, although such a cleaning and disinfection procedure is not easily accomplished, cleaning and disinfecting adequate to prevent further spread of the disease can be accomplished in accordance with the provisions of the regulations regardless of whether all or most of the swine are removed from the premises.

Section 85.1(ee) of the current regulations provides, among other things, that after the test positive swine are removed, qualified pseudorabies negative herd status is attained or regained by subjecting all swine over six months of age to an official pseudorabies serologic test, and finding all swine so tested negative. In the first proposal it was proposed to amend this provision to require that to attain or regain qualified pseudorabies negative herd status, all swine in the herd, regardless of age, except pigs nursing from their mother, must be subjected to an official pseudorabies serologic test and found negative.

One commenter recommended that all swine 16 weeks or younger, rather than only pigs nursing from their mother, be exempt from the testing provisions. This recommendation was based on the assertion that pigs that have maternal antibodies for pseudorabies normally do not lose their maternal antibodies for pseudorabies until they are 14 to 16 weeks old. No changes from the first proposal are made based on this comment. Swine 16 weeks of age or younger could not only test positive because of maternal antibodies from an infected or vaccinated mother but could also test positive because of being infected. A herd would not qualify for designation as a qualified pseudorabies negative herd if any of the swine were found to be infected with pseudorabies or if any of the swine had been vaccinated. As explained above, it does not appear to be necessary to subject pigs nursing from their mothers to the testing provisions. However, it is necessary to subject the other swine 16 weeks of age or younger to the testing provisions since they could be the only infected swine in the herd. Therefore, the commenter's recommendation is not included in this proposal.

It was further asserted that the amendment would require testing of such large numbers of swine as to make attaining qualified pseudorabies negative herd status impractical. Another commenter opposed the inclusion of any swine under six months of age in the testing requirement, based on the assertion that such testing is burdensome and counterproductive to encouraging producer participation in the pseudorabies program. This comment recommended:

> testing all swine 6 months of age or older and 10 percent or a statistically significant number of swine held separate and apart in facilities or premises. After attaining the qualified pseudorabies negative herd status, recertification tests of the breeding herd should be 10 percent per month for 6 months. The producer can then choose the approved recertification testing schedule he desires.

This comment was based on the assertion that experience indicates that after pseudorabies infection, the presence of serologic response is relatively uniform in groups of animals held together. No changes from the first proposal are made based on these comments.

As indicated above, exempting all swine 16 weeks or younger, rather than only pigs nursing from their mother, from the testing requirement would not provide an adequate assessment of the pseudorabies status of the herd since swine 16 weeks or younger could be the only infected swine in the herd and subsequent to the herd test could spread pseudorabies to other swine in the herd. Swine so exposed could be moved to another herd without testing and could further spread pseudorabies.

With respect to the assertion that such testing is burdensome and counterproductive to encouraging producer participation in the pseudorabies program, the Department acknowledges that this is the perception of some producers. However, many pork producers have indicated that it is worth the effort to ensure that herds have qualified pseudorabies negative herd status because the value of swine from such herds is higher than for swine from other herds.

Section 85.1(ee) of the current regulations provides, in part, that all additions to the qualified pseudorabies negative herd must test negative on two official pseudorabies tests not less than 30 days or more than 60 days apart before being added to the herd or be from another qualified pseudorabies negative herd.

In the first proposal it was proposed to amend these provisions as follows:

> All swine intended to be added to a qualified pseudorabies negative herd shall be isolated until the swine have been found negative to two official pseudorabies serologic tests, one conducted 30 days or more after the swine have been placed in isolation, the second test being conducted 30 days or more after the first test; except (i) swine intended to be added to a qualified pseudorabies negative herd directly from another qualified pseudorabies negative herd may be added without isolation or testing; (ii) swine intended to be added to a qualified pseudorabies negative herd from another qualified pseudorabies negative herd, but with interim contact with swine other than those from a single qualified pseudorabies negative herd, shall be isolated until the swine have been found negative to an official pseudorabies serologic test, conducted 30 days or more after the swine have been placed in isolation; (iii) swine returned to the herd after contact with swine other than those from a single qualified pseudorabies negative herd shall be isolated until the swine have been found negative to an official pseudorabies serologic test conducted 30 days or more after the swine have been placed in isolation.

One commenter suggested that any swine that are required to be tested as a condition of being added to a qualified pseudorabies negative herd should only be subjected to one test. This suggestion was based on the assertion that the risk of infection with pseudorabies was the same for all of these swine. Another commenter asserted that producers know the penalty for introducing the disease and that testing requirements do not belong in the regulations. No changes from the first proposal are made based on these comments. The Department does not agree with the assertion that the risks are the same or that such requirements are unwarranted. Experience has shown that even though producers are aware of the need for testing, some have not tested merely on their own initiative. The swine required to be tested would have had an opportunity to have become exposed to pseudorabies and thereby introduce pseudorabies into the herd if allowed to be added without testing. The requirement for two negative tests for swine of unknown status appears to be necessary because these swine present much more of a risk of carrying pseudorabies compared to the other swine which come from qualified pseudorabies negative herds.

Several commenters asserted that the isolation and testing practices in proposed § 85.1(ee)(3) would be excellent herd health management, but that they should not be included as a requirement because they would be difficult to enforce. No changes from the first proposal are made based on these comments. It appears that these requirements are needed in order to help prevent the introduction of pseudorabies into a herd. Further, it is anticipated that most affected persons would readily comply with the provision if adopted.

One commenter requested that the regulations include a definition of "contact" with respect to these requirements. Contacts was intended to mean "direct access to other swine, their excrement, or discharges; or sharing a building with a common ventilation system with other swine; or being within ten feet of other swine if not sharing a building with a common ventilation system." Therefore, a definition of the term "contact" is added to the proposal to correspond with the intended meaning.

Also, as noted above, § 85.1(ee)(3) contains provisions concerning "isolation." Several comments requested a definition of the term "isolation." "Isolation" was intended to mean "separation of swine by a physical barrier in such a manner that other swine do not have access to the isolated swine's body, excrement, or discharges; not allowing the isolated swine to share a building with a common ventilation system with other swine; and not allowing the isolated swine to be within ten feet of other swine if not sharing a building with a common ventilation system." Therefore, a definition of the term "isolation" is added to the proposal to correspond with the intended meaning.

Pseudorabies Controlled Vaccinated Herd

The provisions of § 85.1(ff) for attaining and maintaining pseudorabies controlled vaccinated herd status require, among other things, that all swine over six months of age in pseudorabies controlled vaccinated herds be vaccinated for pseudorabies. In the first proposal it was proposed to amend these provisions to provide that a minimum of ten percent of the swine over six months of age in a pseudorabies controlled vaccinated herd be unvaccinated swine.

Two commenters suggested that the current provisions be retained but that the proposed provision be added as an alternate method of attaining pseudorabies controlled vaccinated herd status. Several commenters objected to the proposed provision, based on assertions that such a provision could create unnecessary burdens without improving herd surveillance, and that unvaccinated animals susceptible to pseudorabies could propagate the virus and jeopardize the immunity of the rest of the herd. One commenter suggested an alternate testing procedure for maintaining pseudorabies controlled vaccinated herd status by suggesting that consideration should be given to testing ten percent of the swine four months and older and allowing vaccination of all adult swine. The provisions in the first proposal to provide that a minimum of ten percent of the swine over six months of age be unvaccinated swine are included in this proposal. This change appears to be necessary to secure an improved means of determining the pseudorabies status of the herd. It appears that without this change, there frequently would be insufficient swine in the herd that could be tested to determine herd status. Positive serologic findings are not unusual on vaccinates and the offspring of vaccinates until they reach 16 weeks of age. Also, it is not unusual for a herd to have no swine in the herd between four months and six months old. It appears that under the proposed provisions the pseudorabies disease status of the herd could readily be monitored by testing the ten percent of the swine over six months of age that must remain unvaccinated and their offspring.

Two commenters objected to provisions that would require that a minimum of ten percent of the swine over six moths of age in a pseudorabies controlled vaccinated herd be unvaccinated swine, based on the assertion that such a policy would be at variance with other disease control programs. No changes from the first proposal are made based on these comments. It appears that without these provisions there would be more of a chance of spread of pseudorabies since pseudorabies might be undetected in a vaccinated herd.

Section 85.1(ff) of the current regulations also sets forth procedures for attaining or regaining pseudorabies controlled vaccinated herd status if any swine tested are found positive to pseudorabies on the qualifying official pseudorabies serologic test or any subsequent official pseudorabies test. Section 85.1(ff) provides, in part, that after the test positive swine are removed, pseudorabies controlled vaccinated herd status is attained or regained by tests conducted on all swine over six months of age, and finding all swine so tested negative. In the first proposal it was proposed to amend § 85.1(ff) to require that to attain or regain pseudorabies controlled vaccinated herd status, all swine in the herd over 16 weeks of age must be subjected to official pseudorabies serologic testing and found to be negative.

One commenter suggested that the requirement be changed to require a serologic test of ten percent or a statistically significant number of progeny, based on the assertion that such a requirement would achieve the same results without causing undue hardship on producers or compromising the information received. No changes from the first proposal are made based on this comment. It appears that the suggested procedure would not be adequate because there is no statistically sound procedure for determining with assurance the absence of pseudorabies in a herd based on testing a limited group of swine.

In the first proposal it was also proposed to amend § 85.1(ff) to require that all swine intended to be added to the pseudorabies controlled vaccinated herd must be isolated until found negative to the required official pseudorabies serologic test. Several comments requested that the regulations clarify what is meant by "must be

isolated." This proposed rule includes a definition of the term "isolation," as explained above.

Official Pseudorabies Serologic Test

The regulations in § 85.1(q) list official pseudorabies tests. These include the Microtitration Serum-Virus Neutralization Test. One commenter suggested that criteria be established to provide that animals reacting positive with a titer of 1:4 or greater to the Microtitration Serum-Virus Neutralization Test be classified as official reactors. The criteria for the Microtitration Serum-Virus Neutralization Test are referred to in a footnote to § 85.1(q) and, as explained in the footnote to § 85.1(q), are available upon request from Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. These criteria already provide that reactions at 1:4 or greater indicate exposure to pseudorabies antigens and are presumptive evidence of infection.

Interstate Movement of Infected Swine or Exposed Swine

With respect to the interstate movement of infected or exposed swine for slaughter, § 85.5(a)(3) of the current regulations requires that the permit or owner-shipper statement, which must accompany such swine, list the identification tag, tattoo, earnotch recognized by a breed association, or similar identification of each animal being moved. In the first proposal it was proposed to amend § 85.5(a)(3) to provide that if such swine are moved interstate and the identity of the farm of origin of each swine is maintained, the permit or owner-shipper statement need not list the identification of the swine if the swine are identified to the farm of origin at the recognized slaughtering establishment or the first slaughter market.

Several commenters objected to the proposed amendment. Some asserted that swine should be individually identified at the farm of origin. Others contended that such identification is not needed for any swine, based on the assertion that cost and practicality make identification to the farm of origin unrealistic. Other commenters suggested that the requirement in § 85.5(a)(3) for owner-shipper statements be removed, based on the assertion that such statements are already required by other regulations, and the assertion that removal of the requirement would reduce paperwork and reduce confusion about necessary statements for interstate movements.

No changes from the first proposal are made based on these comments. Without the requirement for a permit or owner-shipper statement, infected or exposed swine moved interstate for slaughter would no longer be required to comply with uniform identification provisions. It appears necessary that swine be identified so that if an animal is found to be infected with pseudorabies, its movement can be traced back through marketing channels to its herd of origin and thereby help identify the source and extent of spread of the disease. However, it appears that this can be accomplished if the swine are merely identified to the farm of origin. Further, the Department does not agree with the assertion that cost and practicality make identification to the farm of origin unrealistic.

Some commenters questioned the enforceability of provisions of § 85.5(a)(3) discussed above, with or without the proposed change. No changes from the first proposal are made based on these comments. The proposed requirement contained in this document appears to be a reasonable requirement, and it is anticipated that affected persons would comply. Further, it appears that this provision would be no more difficult to enforce than other aspects of the regulations.

Interstate Movement of Swine Not Vaccinated for Pseudorabies and Not Known To Be Infected With or Exposed to Pseudorabies

Section 85.7 of the regulations sets forth requirements for the interstate movement of swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies. The current provisions in § 85.7(b) allow such swine to move interstate from any source to an approved livestock market and then directly to a feedlot, quarantined feedlot, or quarantined herd. In the first proposal it was proposed to amend this provision to allow swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies to move from a farm of origin through two approved livestock markets before being moved to a feedlot, quarantined feedlot, or quarantined herd. Several commenters objected to this proposed amendment based on the assertion that it would increase the potential for spreading pseudorabies. No changes from the first proposal are made based on these comments. Additional movements through additional approved livestock markets would increase the risk of swine becoming infected with pseudorabies. However, in the normal course of business, it is frequently necessary that the swine move through more than one approved livestock market, and it appears on balance that such swine can be moved through two approved livestock markets without significantly increasing the risk of spread of pseudorabies.

The current provisions in § 85.7(b) require that swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies be identified to the farm of origin prior to movement and be accompanied by a certificate. In the first proposal it was further proposed to amend these provisions to allow such swine to move interstate from a farm of origin to an approved livestock market when accompanied by an owner-shipper statement in lieu of a certificate. The swine would then be identified to the farm of origin by an identification tag after arrival at the first approved livestock market.

Commenters opposed this requirement concerning the owner-shipper statement, based on the assertion that such a requirement would be duplicative and unproductive. It was also stated that the use of such a statement would only result in collecting bad information, based on the assertion that such statements would be signed by drivers who simply want to unload swine from their trucks. Also, one commenter suggested that changes should be made to allow the owner-shipper to sign the market check-in slip or equivalent document at the place of consignment in lieu of providing an owner-shipper statement. No changes from the first proposal are made based on these comments. It appears that the owner-shipper statement is essential to identify a shipment of animals. The statement would be required to be signed by the owner or shipper of the swine. Such persons would have knowledge of the status and origin of the swine. A driver, unless that person is the owner or shipper, would not be eligible to sign the owner-shipper statement. The Department would take action to enforce the requirement that such statements be signed only by owners or shippers. Also, it appears that it is necessary that the owner-shipper statement accompany the swine from the farm of origin. Otherwise, there would be no assurance that the swine would be identified during interstate movement.

Section 85.7(c) of the current regulations contains provisions for the interstate movement of swine not vaccinated for pseudorabies and not known to be infected with or exposed to

pseudorabies if moved other than for slaughter and other than directly to a feedlot, quarantined feedlot, quarantined herd or if moved to an approved livestock market for subsequent movement directly to a feedlot, quarantined feedlot, or quarantined herd. Consistent with the first proposal this document proposes to amend the regulations to allow such swine to be moved interstate to any destination if:

(1) The swine are accompanied by a certificate and such certificate is delivered to the consignee; and

(2) The certificate, in addition to the information described in § 85.1(cc), states: (i) The identification tag, tattoo, earnotch recognized by a breed association, or similar identification of each animal being moved; and (ii) that each animal to be moved: (A) Was subjected to an official pseudorabies serologic test within 30 days prior to the interstate movement and was found negative, the test date and the name of the laboratory conducting the test; or (B) is part of a currently recognized qualified pseudorabies negative herd and the date of the last qualifying test; or, (C) is part of a pseudorabies controlled vaccinated herd and is one of the offspring that was subjected to the official pseudorabies serologic test to achieve or maintain the status of the herd as a pseudorabies controlled vaccinated herd, and the date of the last test to maintain said status.

One commenter objected to these provisions based on the assertion that the requirement that the swine originate in a qualified pseudorabies negative herd or be individually tested is too stringent. No changes from the first proposal are made based on this comment. The commenter did not suggest alternatives, and the Department is not aware of other feasible methods for allowing the interstate movement of such swine to any location without presenting a significant risk of causing the spread of pseudorabies.

Permits and Certificates

In the first proposal it was proposed to amend § 85.10(b) to read as follows:

A copy of each permit or certificate issued in accordance with this part shall be sent by the person issuing such document to the State animal health official of the State of destination in accordance with instructions issued by the State animal health official of the State of origin within 3 days of the issuance of the document.

The proposed language is included in this proposal except for "in accordance with instructions issued by the State animal health official of the State of origin." These words are not included in this proposed rule because not all States have established such instructions. In addition to complying with this regulation, accredited veterinarians must comply with any additional instructions, consistent with the regulations which are issued by the State animal health official or the Area Veterinarian in Charge regarding the distribution of such documents, such as also sending copies of the permit or certificate to the State of origin. However, in every instance the regulation requires the person issuing the certificate or permit to send a copy of the certificate or permit to the State animal health official of the State of destination within three days of its issuance.

Miscellaneous

Also, nonsubstantive changes are included in this proposed rule for purposes of clarity.

Availability of Proposal of November 3, 1982

Copies of the proposed rule of November 3, 1982, may be obtained from Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

Executive Order 12291 and Certification Under the Regulatory Flexibility Act

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

This document proposes to provide an alternate method by which a herd of swine which has been classified as a known infected herd could be removed from such classification; to provide an alternate method by which a herd of swine could attain or regain status as a qualified pseudorabies negative herd; to provide alternate methods by which swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies could be moved interstate to approved livestock markets, quarantined feedlots, quarantined herds, and feedlots; and to provide an alternate method by which shippers could move swine infected with or exposed to pseudorabies to slaughter.

The Department believes that the above-mentioned proposed amendments would, if adopted, result in a small economic impact upon swine producers on some occasions. This document also proposes to restrict the interstate movement from an approved livestock market of certain swine which are not vaccinated for or known to be infected with or exposed to pseudorabies. Few shippers of swine would be affected by this restriction. This document also proposes to add testing requirements to maintain qualified pseudorabies negative herd status. Fewer than one percent of the swine herds in the country are qualified pseudorabies negative herds. This document further proposes to provide an improved method by which the pseudorabies disease status of a pseudorabies controlled vaccinated herd could be monitored. Fewer than one percent of the swine herds in the country are pseudorabies controlled vaccinated herds.

The alternatives considered are:

1. Do not amend the present regulations. This would continue known inequities in the present regulations and provide no relief to affected persons. Therefore, this alternative was not adopted.

2. Rescind the regulations. This would permit the disease to spread unchecked. Therefore, this alternative was not adopted.

3. Amend the regulations as set forth in the text portion of this document. This alternative would relieve the affected persons of some regulatory burdens which do not appear to be necessary for the prevention of the interstate dissemination of pseudorabies. Therefore, this alternative was adopted.

Under the circumstances explained above, the Administrator of the Animal and Plant Health Inspection Service has determined that this proposal if adopted would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Part 85

Animal diseases, Livestock and livestock products, Quarantine, Transportation, Pseudorabies.

PART 85—PSEUDORABIES

Accordingly, it is proposed to amend 9 CFR Part 85 in the following respects:

1. In § 85.1, paragraph (l) would be revised and footnote 1 and a reference thereto would be added to read as follows:

§ 85.1 **Definitions.**

* * * * *

(l) *Known infected herd.* Any herd in which any livestock has been determined to be infected with pseudorabies by an official pseudorabies test or diagnosed by a veterinarian as having pseudorabies.

(1) A herd of livestock, other than swine, shall no longer be classified as a known infected herd after 10 days since the last clinical case of pseudorabies in the herd.

(2) A herd of swine which has been released from pseudorabies quarantine in accordance with the following provisions shall no longer be classified as a known infected herd if:

(i) All swine positive to an official pseudorabies test have been removed from the premises; all swine which remain in the herd, except swine nursing from their mother, are subjected to an official pseudorabies serologic test and found negative 30 days or more after removal of swine positive to an official pseudorabies test; and no livestock on the premises have shown clinical signs of pseudorabies after removal of the positive swine; or

(ii) All swine have been depopulated for 30 days and the herd premises have been cleaned and disinfected in accordance with § 85.13; or

(iii) In a herd of swine in which are positive to an official pseudorabies serologic test but no swine are positive at titers greater than 1:8, all titered swine are subjected to another official pseudorabies serologic test and found negative; and all other swine in the herd which an epidemiologist, approved by the State animal health official and the Area Veterinarian in Charge, requires to be subjected to an official pseudorabies serologic test are tested and found negative.[1]

[1] The epidemiologist shall consider the following epidemiologic evidence to determine which swine in the herd, in addition to the titered swine must be subjected to an official pseudorabies serologic test and found negative: (a) The percentage and number of titered swine in the herd; (b) the number of titered swine as compared to the number of swine tested; (c) the extent of the contact of members of the herd with the titered swine; (d) the prevalence of pseudorabies in the area; (e) the herd management practices and (f) any other reliable epidemiologic evidence.

* * * * *

2. In § 85.1, paragraph (n) would be amended by removing the term "21 consecutive days" and inserting the term "10 consecutive days" in lieu thereof.

3. In § 85.1, paragraph (q) would be amended by changing the number of footnote 1 and the reference thereto to 1a.

4. In § 85.1, paragraph (v) would be amended by removing the words "pseudorabies test" and inserting the words "pseudorabies serologic test" in lieu thereof.

5. Section 85.1(dd) would be revised to read as follows:

* * * * *

(dd) *Owner-shipper statement.* A statement signed by the owner or shipper of swine which states: (1) The number of swine to be moved; (2) the points of origin and destination; (3) the consignor and consignee; and (4) any additional information required by the applicable sections of this part.

* * * * *

6. In § 85.1, paragraph (ee) would be revised to read as follows:

* * * * *

(ee) *Qualified pseudorabies negative herd.* (1) Qualified pseudorabies negative herd status is attained by subjecting all swine over 6 months of age to an official pseudorabies serologic test and finding all swine so tested negative. The herd must not have been a known infected herd within the past 30 days. A minimum of 90 percent of the swine in the herd must have been on the premises and part of the herd for at least 90 days prior to the qualifying official pseudorabies serologic test or have entered directly from another qualified pseudorabies negative herd.

(2)(i) If on a qualifying official pseudorabies serologic test or any subsequent official pseudorabies test, any swine so tested are positive, qualified pseudorabies negative herd status is attained or regained by: removing all positive swine and cleaning and disinfecting the herd premises in accordance with § 85.13; subjecting all swine in the herd, except swine nursing from their mother, to an official pseudorabies serologic test 30 days or more after removal of the positive swine and finding all swine so tested negative; and after an interval of 30 to 60 days after the first such negative official pseudorabies serologic herd test, subjecting all swine in the herd, except swine nursing from their mother, to another official pseudorabies serologic test and finding all swine so tested negative; or

(ii) If on any qualifying official pseudorabies serologic test or any subsequent official pseudorabies serologic test, any swine so tested are positive, but no swine are positive at titers greater than 1:8, qualified pseudorabies negative herd status is attained or regained by: subjecting all titered swine and all other swine required to be tested by an epidemiologist, approved by the State animal health official and the Area Veterinarian in Charge, to an official pseudorabies serologic test and finding all such swine negative.[1]

(3) Qualified pseudorabies negative herd status is maintained by subjecting all swine over 6 months of age in the herd to an official pseudorabies serologic test at least once each year (this must be accomplished by testing 25 percent of swine over 6 months of age every 80–105 days and finding all swine so tested negative, or by testing 10 percent of the swine over 6 months of age each month and finding all swine so tested negative; no swine shall be tested twice in 1 year to comply with the 25 percent requirement or twice in 10 months to comply with the 10 percent requirement). All swine intended to be added to a qualified pseudorabies negative herd shall be isolated until the swine have been found negative to two official pseudorabies serologic tests, one conducted 30 days or more after the swine have been placed in isolation, the second test being conducted 30 days or more after the first test; except (i) swine intended to be added to a qualified pseudorabies negative herd directly from another qualified pseudorabies negative herd may be added without isolation or testing; (ii) swine intended to be added to a qualified pseudorabies negative herd from another qualified pseudorabies negative herd, but with interim contact with swine other than those from a single qualified pseudorabies negative herd, shall be isolated until the swine have been found negative to an official pseudorabies serologic test, conducted 30 days or more after the swine have been placed in isolation; (iii) swine returned to the herd after contact with swine other than those from a single qualified pseudorabies negative herd shall be isloted until the swine have been found negative to an official pseudorabies serologic test conducted 30 days or more after the swine have been placed in isolation.

* * * * *

7. In § 85.1, paragraph (ff) would be revised to read as follows:

* * * * *

(ff) *Pseudorabies controlled vaccinated herd.* (1) Pseudorabies controlled vaccinated herd status is attained by subjecting all swine over 6 months of age to an official pseudorabies serologic test and finding all swine so tested negative. The herd must not have been a known infected herd within the past 30 days. Any swine in the herd over 6 months of age may be vaccinated for pseudorabies within 15

days after being subjected to an official pseudorabies serologic test and found negative; *Provided that,* at least 10 percent of the swine in the herd over 6 months of age remain unvaccinated.

(2) If on the qualifying official pseudorabies serologic test or any subesequent official pseudorabies test, any swine so tested are positive, pseudorabies controlled vaccinated herd status is attained or regained by: removing all positive swine; cleaning and disinfecting the herd premises in accordance with § 85.13; subjecting all swine in the herd over 16 weeks of age to an official pseudorabies serologic test 30 days or more after removal of the positive swine and finding all swine so tested negative; and after an interval of 30 to 60 days after the first such negative official pseudorabies serologic herd test, subjecting all swine in the herd over 16 weeks of age to another official pseudorabies serologic test and finding all swine so tested negative.

(3)(i) Pseudorabies controlled vaccinated herd status is maintained by subjecting all unvaccinated swine over 6 months of age in the herd to an official pseudorabies serologic test every 80–105 days and finding all swine so tested negative or by subjecting 25 percent of the offspring between 16 and 20 weeks of age to an official pseudorabies serologic test and finding all swine so tested negative.

(ii) Any swine in the herd over 6 months of age may be vaccinated for pseudorabies within 15 days after being subjected to an official pseudorabies serologic test and found negative; *Provided that,* at least 10 percent of the swine in the herd over 6 months of age remain unvaccinated.

(iii) All swine intended to be added to a pseudorabies controlled vaccinated herd shall be isolated until the swine have been found negative to an official pseudorabies serologic test conducted 30 days or more after the swine have been placed in isolation. Not more than 90 percent of the swine over 6 months of age added to the herd may be vaccinated for pseudorabies. All additions to the herd which are to be vaccinated for pseudorabies shall be vaccinated within 15 days after being subjected to such official pseudorabies serologic test. All additions to the herd shall be added to the herd within 30 days after such official pseudorabies serologic test.

(iv) Swine which have not been vaccinated for pseudorabies shall be mingled with, penned with, or randomly interspersed with pseudorabies vaccinates so that the pseudorabies vaccinates can physically touch nonvaccinates or so that the pseudorabies vaccinates are within 10 feet of nonvaccinates while sharing a direct common ventilation system with such nonvaccinates.

* * * * *

8. Section 85.1 would be amended by adding new paragraphs (jj), (kk) (ll), and (mm) to read as follows:

* * * * *

(jj) *Official pseudorabies serologic test.* An official pseudorabies test, as defined in paragraph (q) of this section, conducted on swine serum to detect the presence or absence of pseudorabies antibodies.

(kk) *Area veterinarian in charge.* The veterinary official of Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, who is assigned by the Deputy Administrator to supervise and perform official animal health work of the Animal and Plant Health Inspection Service in the State concerned.

(ll) *Contact.* Direct access to other swine, their excrement, or discharges; or sharing a building with a common ventilation system with other swine; or being within ten feet of other swine if not sharing a building with a common ventilation system.

(mm) *Isolation.* Separation of swine by a physical barrier in such a manner that other swine do not have access to the isolated swine's body, excrement, or discharges; not allowing the isolated swine to share a building with a common ventilation system with other swine; and not allowing the isolated swine to be within ten feet of other swine if not sharing a building with a common ventilation system.

9. In § 85.4, paragraph (b) would be revised to read as follows:

§ 85.4 Interstate movement of livestock.

* * * * *

(b) Livestock that have been exposed to an animal showing clinical evidence of pseudorabies shall not be moved interstate within 10 days of such exposure.

* * * * *

10. In § 85.5, paragraph (a)(3) would be revised to read as follows:

§ 85.5 Interstate movement of infected swine or exposed swine.

* * * * *

(a) * * *

(3) The permit, in addition to the information in § 85.1(bb), or the owner-shipper statement, in addition to the information in § 85.1(dd), lists the identification tag, tattoo, earnotch recognized by a breed association, or similar identification of each swine being moved; *except* if the swine are moved interstate and the identity of the farm of origin of each swine is maintained, the permit or the owner-shipper statement need not list the individual identification required by this paragraph, if such swine are identified to the farm of origin at the recognized slaughtering establishment or the first slaughter market; and

* * * * *

11. In § 85.5, paragraph (b)(5)(iii) would be amended by removing the words "pseudorabies test" and inserting the words "pseudorabies serologic test" in lieu thereof.

12. In § 85.7, paragraph (b) would be revised to read as follows:

§ 85.7 Interstate movement of swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies.

* * * * *

(b) *Movement to a feedlot, quarantined feedlot, quarantined herd, or approved livestock market.* Swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies may be moved interstate only if:

(1) The swine are moved from a qualified pseudorabies negative herd directly to a feedlot, quarantined herd or approved livestock market; or

(2) The swine are moved directly to a feedlot, quarantined feedlot, quarantined herd, or to an approved livestock market for subsequent movement to a feedlot, quarantined feedlot or quarantined herd in accordance with paragraph (c) of this section; or

(3) The swine are moved from a State which requires the State animal health official of that State to be immediately notified of any suspected or confirmed case of pseudorabies in that State and which requires that exposed or infected livestock be quarantined, such quarantine to be released only after having met quarantine release standards no less restrictive than those in § 85.1(l), and

(i) The swine are accompanied by an owner-shipper statement and are moved from a farm of origin directly to an approved livestock market, and

(A) The owner-shipper statement is delivered to the consignee, and

(B) The swine are identified at the approved livestock market to the farm of origin by an identification tag, or

(ii) The swine are accompanied by a certificate and such certificate is delivered to the consignee; the certificate, in addition to the information in § 85.1(cc), states the identification of

the farm of origin of each swine being moved by an earnotch recognized by a breeding association, identification tag, tattoo, or similar identification, and approval for the interstate movement has been issued by the State animal health official of the State of destination prior to the interstate movement of the swine, and

(A) The swine are moved directly to a feedlot, quarantined feedlot, quarantined herd or approved livestock market from a farm of orgin; or

(B) The swine are moved directly to a feedlot, quarantined feedlot, quarantined herd or approved livestock market from an approved livestock market which received the swine directly from a farm of orgin, or

(C) The swine are moved directly to a feedlot, quarantined feedlot or quarantined herd from an approved livestock market, which received the swine from another approved livestock market, which received the swine directly from a farm of origin.

* * * * *

13. In § 85.7, the introduction to paragraph (c) would be revised to read as follows:

* * * * *

(c) *General movements.* Swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies may be moved interstate only if:

* * * * *

14. In § 85.7, paragraph (c)(2)(ii)(A) would be amended by removing the words "pseudorabies test" and inserting the words "pseudorabies serologic test" in lieu thereof.

15. In § 85.7, paragraph (c)(2)(ii)(C) would be amended by removing the words "official test" and inserting the words "official pseudorabies serologic test" in lieu thereof.

§ 85.9 [Amended]

16. Section 85.9 would be amended by removing the words "pseudorabies test" and inserting the words "pseudorabies serologic test" in lieu thereof.

17. In § 85.10, paragraph (b) would be revised to read as follows:

§ 85.10 Permits and certificates.

* * * * *

(b) A copy of each permit or certificate issued in accordance with this part shall be sent by the person issuing such document to the State animal health official of the State of destination within 3 days of the issuance of the document.

Authority: 21 U.S.C. 111, 112, 113, 115, 117, 120, 121, 123–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 11th day of April, 1985.

G.J. Fichtner,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 85–9070 Filed 4–15–85; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84–ASO–32]

Proposed Alteration of VOR Federal Airway V–51—Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign Federal Airway V–51 from Alma, GA, Direct to Jacksonville, FL. This action would improve flight planning and reduce the flight time between Macon, GA, and Jacksonville, FL.

DATE: Comments must be received on or before May 27, 1985.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Southern Region, Attention: Manager, Air Traffic Division, Docket No. 84–ASO–32, Federal Avaition Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO–230), Airspace—Rules and Aeronautical Information, Division Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8626.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 84–ASO–32." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future MPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign V–51 in the vicinity of Jacksonville, FL. Traffic between Jacksonville and Macon is normally routed V–267 and operates without radar coverage and with opposite direction traffic. In order to avoid this situation when possible, controllers routinely route southbound traffic over Alma, GA, direct to Jacksonville. The action would provide an airway in an area where aircraft are vectored. This action would aid flight planning, reduce controller workload and improve safety. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in

Handbook 7400.6A dated January 2, 1985.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact of a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

VOR Federal airways, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

V–51 [Amended]

By removing the words "Waycross, GA; Alma, GA; and substituting the words "Alma, GA;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.65)

Issued in Washington, D.C., on April 5, 1985.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85–9050 Filed 4–15–85; 8:45 am]

BILLING CODE 4910–13–M

Coast Guard

33 CFR Part 110

[CGD8–85–02]

Anchorage Ground, Lower Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering amending the anchorage regulations on the Lower Mississippi River by establishing a permanent anchorage in the vicinity of Kenner, Louisiana. It will be called the Lower Kenner Bend Anchorage. This action is necessary to provide needed additional anchorage space for deep draft vessels.

DATE: Comments must be received on or before May 31, 1985.

ADDRESS: Comments should be mailed to Captain of the Port, New Orleans, LA, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, LA 70117. The comments will be available for inspection or copying at the above address. Normal office hours are between 7:00 a.m. and 3:30 p.m. Monday through Friday, except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: LCDR L.L. Hereth, Port Safety Officer, Captain of the Port, New Orleans, LA, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, LA 70117, Tel: (504) 589–7118.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD8–85–02), the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this notice are LTJG K. D. Christopher, project officer, c/o Commander, Eight Coast Guard District (mps) and LT R. M. Wallar, project attorney, Eight Coast Guard District Legal Office.

Discussion of Proposed Rule

In recent years, the Lower Mississippi River in general, and the New Orleans to Baton Rouge segment in particular, has experienced a considerable increase in commercial development.As a result, anchorages are needed near these areas of commercial development. Because of the nature of the Lower Mississippi River, a narrow, twisting waterway which is affected by strong currents and in an effort to ease navigation in the area, and to increase safety and facilitate commerce, it is necessary that anchorages be relatively close to, and downriver from, the berths they serve. Because it is extremely difficult to predict when a vessel will actually vacate a berth, an incoming vessel may find no open berths upon arrival.

Anchoring above a facility creates an unnecessary element of risk. When a vessel is left with no downstream anchorage space, a hazardous situation results when a vessel is required to anchor upriver. Anchoring upriver from a facility is unacceptable because the vessel would then have to "round down" and proceed past the facility and then turn back upriver. Rounding a vessel on a major waterway is an inherently hazardous maneuver that should be avoided when possible. In addition, the greater the distance between the anchorage and the berth, the greater the amount of non-productive time involved while the berth awaits arrival of the next vessel.

The establishment of the Lower Kenner Bend Anchorage will increase anchorage space downriver from an area that contains many facilities. In addition, establishing the Lower Kenner Bend Anchorage will reduce overcrowding of the anchorages between New Orleans and Baton Rouge. The greater the occupancy of the anchorage, the closer together vessels must anchor. Because of the limited maneuverability of most merchant vessels, the risk of accident increases as vessels anchor closer to each other.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This anchorage is not expected to have any significant effect on navigation and therefore it is determined that the impact will be minimal. It is believed, however, that any economic impacts provided by this regulation are expected to be positive as the establishment of this anchorage should decrease vessel transit time and facilitate midstream cargo operations.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations, by amending § 110.195 as follows:

1. In § 110.195, paragraph (a) is amended by redesignating (a)(17) through (a)(29) as (a)(18) through (a)(30) and by adding a new paragraph (a)(17) to read as follows:

§ 110.195 Mississippi River below Baton Rouge, LA including South and Southwest Passes.

(a) * * *

(17) *Lower Kenner Bend Anchorage.* An area 0.8 miles in length along the right descending bank of the river, 700 feet wide, extending from mile 113.5 to mile 114.3 above Head of Passes.

* * * * *

Authority: 33 U.S.C. 471; 49 CFR 1.46; and 33 CFR 1.05–1(g).

Dated: April 8, 1985.

T.T. Matteson,

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

[FR Doc. 85–8970 Filed 4–15–85; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 61

[AD–FRL–2789–4]

Equipment Leaks of VOC From Synthetic Organic Chemical Manufacturing Industry, Petroleum Refineries; Equipment Leaks of Benzene; Benzene Emissions From Coke By-Product Recovery Plants; Distillation Unit Operations; Volatile Organic Liquid Storage Vessels; and General Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Grant of petition for reconsideration and proposed rules.

SUMMARY: The EPA is granting a petition for reconsideration of one aspect of the standards of performance for equipment leaks of volatile organic compounds (VOC) in the synthetic organic chemical manufacturing industry (SOCMI). Based on new data on flare performance, EPA is proposing a change in the exit velocity limits for flares covered by these standards. The EPA is proposing a change in the exit velocity limits for flares covered by several other standards: Subparts VV, GGG, NNN, and Kb of 40 CFR Part 60 and Subparts L and V of 40 CFR Part 61. In addition, EPA is proposing to place flare requirements in the General Provisions of Part 60 for easy reference by all subparts in Parts 60 and 61.

DATES: *Public Hearing.* If anyone contacts EPA requesting to speak about the proposed rule at a public hearing by April 25, 1985, a public hearing will be held on May 8, 1985, beginning at 9:00 a.m. Persons interested in attending the hearing should call Ms. Shelby Journigan at (919) 541–5578 to verify that a hearing will occur.

Request to Speak at Hearing. Persons wishing to present oral testimony about the proposed rule must contact EPA by May 1, 1985.

Comments. Comments about the proposed rule must be received by June 17, 1985.

ADDRESSES: *Comments.* Comments about the proposed rule should be submitted (in duplicate, if possible) to: Central Docket Section (A–130), Attention: Docket No. OAQPS–A–79–32, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Public Hearing. If a public hearing is held (see **DATES:** *Public Hearing*), the public hearing will be held at the Environmental Research Center, corner of Alexander Drive and Hwy 54, Research Triangle Park, N.C. Persons interested in attending the hearing should call Ms. Shelby Journigan at (919) 541–5578 to verify that a hearing will occur.

Persons wishing to present oral testimony about the proposed rule should notify Ms. Shelby Journigan, Standards Development Branch (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–5578.

Docket. The docket, No. A–79–32, containing supporting information used in developing the proposed revision is available for public inspection and copying between 8:00 a.m. and 4:30 p.m., Monday through Friday, at Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

Documents. The background information documents (BID's) for the current standards for equipment leaks of VOC within SOCMI may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, telephone number (703) 487–4650. Please refer to "VOC Fugitive Emissions in Synthetic Organic Chemicals Manufacturing Industry: Background Information for Proposed Standards," (EPA–450/3–80–033a, PB81–152167); "Fugitive Emission Sources of Organic Compounds: Additional Information on Emissions, Emission Reductions and Costs," (EPA–450/3–82–010, PB82–217126); and "VOC Fugitive Emissions in Synthetic Organic Chemicals Manufacturing Industry: Background Information for Promulgated Standards," (EPA–450/3–80–033b, PB84–105311). The document mainly considered in evaluating the proposed changes to the standards is "Evaluation of the Efficiency of Industrial Flares: Test Results," (EPA–600/2–84–095, PB84–199371).

FOR FURTHER INFORMATION CONTACT: Mr. Fred Dimmick or Mr. Gil Wood, Standards Development Branch [telephone number (919) 541–5578] concerning policy and regulatory matters and Mr. Leslie B. Evans or Mr. Robert Rosensteel [telephone number (919) 541–5671], Chemicals and Petroleum Branch concerning technology information; Emission Standards and Engineering Division; U.S. Environmental Protection Agency; Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

Background

Standards of performance under section 111 of the Clear Air Act were proposed and comments were requested on January 5, 1981 (46 FR 1136) for equipment leaks of VOC in SOCMI. After proposal of the standards, several relevant reports concerning equipment leaks became available. A **Federal Register** notice was published (46 FR 21789) to announce the availability of and inviting comments on these reports. Based on a review of these reports and the comments on them, EPA published its findings in an additional information document (AID) and requested comments on the AID in the **Federal Register** (47 FR 19724). After review of public comments on the proposed standards and on the AID, EPA promulgated the final standards of performance as Subpart VV of 40 CFR Part 60 on October 18, 1983 (48 FR 48328).

On December 15, 1983, CMA submitted to EPA a petition to reconsider. The petition took issue with the appropriateness of the exit velocity limitations on flares used as control devices under Subpart VV of 40 CFR Part 60. The CMA stated that some flares currently in use would not be allowed by the current exit velocity

limitations even though CMA thought the flares were effective VOC control devices. The CMA further stated that a recent study of flares demonstrates that flares with high velocities are effective VOC control devices, and, therefore, should be allowed by the standards. After reviewing CMA's petition, reviewing the additional information in the study, and meeting with CMA for additional clarification of the issue, EPA decided to convene a proceeding to reconsider the exit velocity limitation set forth at 40 CFR 60.482–10(d)(4).

Criteria for Review of the Petitions for Reconsideration

The petitioners have requested reconsideration under section 307(d)(7)(B) of the Clean Air Act. This action is limited both in time and scope. Specifically, section 307(d)(7)(B) provides that EPA shall convene a proceeding to reconsider the rule in question if a person raising an objection can demonstrate that: (1) It was impractical to raise such an objection during the comment period or that the grounds for such an objection arose after the comment period but within the time specified for judicial review under section 307(b); 42 U.S.C. 7607(b)(1); and (2) such an objection is of central relevance to the outcome of the rule. The EPA has consistently held that such objections are of central relevance only if they provide substantial support for the argument that the standards should be revised. *See:* Denial of Petition to Revise NSPS for Stationary Gas Turbines, 45 FR 81653, 81654 (December 11, 1980); Denial of Petitions for Reconsideration of Final Regulations for Electric Utility Steam Generating Units, 45 FR 8210 (February 6, 1980); and decisions cited therein.

CMA Petition and EPA Response

Issue. The CMA asked EPA for reconsideration of the exit velocity limitation placed on flares affected by the standards of performance for equipment leaks of VOC in SOCMI. The CMA considers high velocity flares to be effective VOC control devices and thus thinks they should be allowed. Because CMA believes that the recent study on flare efficiencies supports their view of high velocity flares, they are asking EPA to reconsider this limitation. In addition, CMA requested that EPA clarify how to determine the actual exit velocity for flares.

Response. After review of CMA's petition and the recent study of flare control efficiencies, EPA determined that new information is available and that this information provides substantial support for a change in the current requirements that ensure efficient flare operation and is, therefore, of central relevance to the exit velocity limitation. Because the flare control efficiency study was completed at the end of the initial rulemaking, EPA was unable to include the study results in earlier considerations. Therefore, EPA decided to review the study to determine if high velocity flares are as effective in controlling VOC as the technologies selected as the "best demonstrated technology" during the initial rulemaking. Accordingly, EPA has decided to convene a proceeding to reconsider the exit velocity limitation on flares.

The CMA requested that EPA reconsider the exit velocity limitation in light of a study (Docket No. VII–B–1) recently completed by EPA's Office of Research and Development (ORD). After review of the new information generated in the ORD study of flares, EPA determined that the current exit velocity limitations should be revised. The new limitations would allow more existing flares to be used in achieving compliance with the exit velocity requirements by allowing higher exit velocities to be used in flaring gases with sufficiently high heating values. The revision to the standard would allow steam-assisted and nonassisted flares that are designed and operated with any exit velocity less than 122 m/sec (400 ft/sec) to be used in complying with the standards if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf). Thus, EPA is proposing these requirements as additional provisions to those already included in the standards.

The EPA's reconsideration of the flare exit velocity restriction is based on review of currently available flare efficiency data, including an analysis of results recently obtained from a study of the combustion efficiency of flares conducted on behalf of EPA. The EPA will continue to evaluate all relevant data concerning flare efficiency and, as further information becomes available, willl continue to review the propriety of restrictions on the use of flares in the NSPS in light of such information. The EPA will, if such information warrants, revise the NSPS as appropriate.

The petitioner requested that EPA clarify that the velocity limitations at § 60.482–10(d)(4) apply only during representative performance of flares and not during startup, shutdown, and malfunction conditions. Methods 2, 2A, 2C, or 2D (see § 60.485(g)(4)) are used in performance tests to determine the actual exit velocity of flares. These tests must be performed under representative flare operating conditions. Exceedances of velocity limitations during periods in which one or more processes (that vent to the flare) start up, shut down, and malfunction are not considered a violation (see § 60.8(c)). These tests are used to ensure that the flare is designed to be and capable of being operated within the velocity limitation during representative process conditions. During nonperformance test periods, operators must maintain and operate flares used to comply with Subpart VV in a manner consistent with good air pollution control practices for minimizing emissions, even during periods of startup, shutdown and malfunction (see § 60.11(d)).

The petitioner requested that EPA clarify the appropriate method for determining exit velocity of a flare. The formula specified at § 60.485(g) requires that Method 2, 2A, 2C, or 2D be used as the test method to determine the volumetric flowrate. This flowrate should be determined in the flare header or headers that feed the flare because the volumetric flowrate determined in these headers reflects the flowrate in the flare. After this flowrate is determined, an operator would use design and engineering principles to determine the unobstructed cross sectional area of the flare tip. With these two factors, the actual exit velocity is determined.

Flare Provisions for Other Standards

Several other standards of performance have been recently proposed or promulgated with flare limitations. The EPA knows no reason that the flare limitations for those standards should not be the same as the flare limitations being proposed here. The EPA's analysis shows that all flares meeting these limitations can achieve the best demonstrated technology levels selected by EPA for other standards in Part 60 and Part 61. Therefore, EPA is proposing the same limitations for the other standards that include flare provisions. The other standards for which EPA is proposing to add the same limitations are:

—Standards of Performance for New Stationary Sources; VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI); Distillation Unit Operations—proposed on December 30, 1983 (48 FR 57538–57561)

—Standards of Performance for New Stationary Sources; Equipment Leaks of VOC; Petroleum Refineries—promulgated on May 30, 1984 (49 FR 22598–22608)

—National Emission Standards for Hazardous Air Pollutants; Equipment

Leaks (Fugitive Emission Sources)—promulgated on June 6, 1984 (49 FR 23498–23520)

–National Emission Standards for Hazardous Air Pollutants; Benzene Emissions from Coke By-Product Recovery Plants—proposed on June 6, 1984 (49 FR 23522–23555)

–Standards of Performance for New Stationary Sources; Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) constructed after July 23, 1984—proposed on July 23, 1984 (49 FR 29698–29718)

Because several standards in 40 CFR Part 60 would contain the same requirements for flares, EPA believes that it would be administratively prudent to locate these requirements in one place in 40 CFR Part 60. The flare requirements reflect EPA's judgment concerning the "best demonstrated technology" level for flares and, therefore, could apply to all VOC standards requiring minimum VOC destructions less than or equal to 98 percent. Thus, EPA believes the flare requirements should appropriately be placed in the General Provisions (Subpart A) of the 40 CFR Part 60, and is accordingly proposing to do so. When EPA promulgates flare requirements in the General Provisions, the requirements in the specific subparts will be deleted and a reference to the General Provisions will be added.

Miscellaneous

Under Executive Order 12291, the Administrator is required to judge whether a regulation is a "major rule" and, therefore, subject to certain requirements of the Order. The Administrator has determined that this regulation would result in none of the adverse economic impacts set forth in section 1 of the Order as grounds for finding a regulation to be a "major rule." This proposal makes complying with the existing standards less expensive, and thus would serve to decrease the economic impact. The Administrator has concluded that this rule is not "major" under any of the criteria established in the Executive Order.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB to EPA and any EPA responses to those comments are available for public inspection, in Docket No. A–79–32, Central Docket Section, at the address given in the **ADDRESS** section of this preamble.

The Administrator certifies that a regulatory flexibility analysis under 5 U.S.C. 601 *et seq.*, is not required for this rulemaking because the rulemaking would not have significant impact on a substantial number of small entities. This proposal has no significant cost impact.

The information collection requirements in this proposed rule have been submitted for review to OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* However, burden estimates have not been made for this action. Instead, burden estimates are made for each of the standards to which flare provisions apply. Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements.

List of Subjects in 40 CFR Parts 60 and 61

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Benzene, 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, Vinyl chloride.

Dated: March 27, 1985.

Lee M. Thomas,

Administrator.

It is proposed to amend 40 CFR Part 60 and Part 61 as follows:

PART 60—[AMENDED]

§ 60.482–10 [Amended]

1. By revising paragraph (d)(4) of § 60.482–10 of Subpart VV of Part 60 as follows:

* * * * *

(d) * * *

(4) (i) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity, as determined by the methods specified in § 60.485(g)(4), less than 18 m/sec (60 ft/sec), except as provided in paragraph (d)(4)(ii).

(ii) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity, as determined by the methods specified in § 60.485(g)(4), equal to or greater than 18 m/sec (60 ft/sec) but less than 120 m/sec (400 ft/sec) are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).

* * * * *

(Sec. 111, 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7601 (a)))

§ 60.662 [Amended]

2. By revising paragraph (b)(4) of § 60.662 of Subpart NNN of Part 60 as follows:

* * * * *

(b) * * *

(4) (i) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity, as determined by the methods specified in § 60.664(c), less than 18 m/sec (60 ft/sec), except as provided in paragraph (d)(4)(ii).

(ii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in § 60.664(c), equal to or greater than 18 m/sec (60 ft/sec) but less than 120 m/sec (400 ft/sec) are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).

* * * * *

(Sec. 111, 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7601 (a)))

§ 61.242–11 [Amended]

3. By revising paragraph (d)(4) of § 61.242–11 of Subpart V of Part 61 as follows:

* * * * *

(d) * * *.

(4)(i) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity, as determined by the methods specified in § 60.245(e)(4), less than 18 m/sec (60 ft/sec), except as provided in paragraph (d)(4)(ii).

(ii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in § 61.245(e)(4), equal to or greater than 18 m/sec (60 ft/sec) but less than 120 m/sec (400 ft/sec) are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

* * * * *

(Sec. 111, 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7601 (a)))

§ 60.112b [Amended]

4. By revising paragraph (a)(3)(ii) (B) and (C) of § 60.112b of Subpart Kb of Part 60 as follows:

* * * * *

(a) * * *

(3) * * *

(ii) * * *

(B) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity, as

determined by the methods specified in § 60.113b(d)(4), less than 18 m/sec (60 ft/sec), except as provided in paragraph (3)(ii)(c).

(C) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in § 60.113b(d)(4), equal to or greater than 18 m/sec (60 ft/sec) but less than 120 m/sec (400 ft/sec) are allowed if the net heating value of the gas being combusted, as determined by methods specified in § 60.113(b)(d)(3), is greater than 373 MJ/scm (1,000 Btu/scf).

* * * * *

(Sec. 111, 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7601 (a)))

PART 61—[AMENDED]

§ 61.132–14 [Amended]

5. By revising paragraph (a)(3)(ii) (B) and (C) of § 61.132–14(d)(4) of Subpart L of Part 61 as follows:

* * * * *

(3)(ii)(B) Steam-assisted and nonassisted flares shall be designed and operated with an exit velocity, as determined by the methods specified in § 60.113b(d)(4), less than 18 m/sec (60 ft/sec), except as provided in paragraph (3)(ii)(c).

(C) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in § 60.113b(d)(4), equal to or greater than 18 m/sec (60 ft/sec) but less than 120 m/sec (400 ft/sec) are allowed if the net heating value of the gas being combusted, as determined by methods specified in § 60.113(b)(d)(3), is greater than 373 MJ/scm (1,000 Btu/scf).

* * * * *

(Sec. 112, 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7601 (a)))

6. By adding § 60.18 to Part 60 as follows:

§ 60.18 General control device requirements.

(a) *Introduction.* This section contains requirements for control devices used to comply with applicable Subparts of Part 60 and Part 61. The requirements are placed here for administrative convenience and only apply to facilities covered by subparts referring to this section.

(b) *Flares.* Paragraphs (c) through (f) apply to flares.

(c)(1) Flares shall be designed for and operated with no visible emissions as determined by the methods specified in paragraph (f), except for periods not to exceed to total of 5 minutes during any 2 consecutive hours.

(2) Flares shall be operated with a flame present at all times, as determined by the methods specified in paragraph (f).

(3) Flares shall be used only with the net heating value of the gas being combusted being 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or with the new heating value of the gas being combusted being 7.45 MJ/scm or greater if the flare is nonassisted. The net heating value of the gas being combusted shall be determined by the methods specified in paragraph (f).

(4)(i) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4), less than 18.3 m/sec (60 ft/sec), except as provided in paragraph (a)(4)(ii) and (iii).

(ii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4), equal to or greater than 18.3 m/sec but less than 122 m/sec are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

(iii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(g)(4), less than the velocity, V_{max}, as determined by the method specified in paragraph (f)(g)(5), and less than 122m/sec are allowed.

(5) Air-assisted flares shall be designed and operated with an exit velocity less than the velocity, V_{max}, as determined by the method specified in paragraph (f)(6).

(6) Flares used to comply with this section shall be steam-assisted, air-assisted, or nonassisted.

(d) Owners or operators of flares used to comply with the provisions of this subpart shall monitor these control devices to ensure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators of flares shall monitor these control devices.

(e) Flares used to comply with provisions of this subpart shall be operated at all times when emissions may be vented to them.

(f)(1) Reference Method 22 shall be used to determine the compliance of flares with the visible emission provisions of this subpart. The observation period is 2 hours and shall be used according to Method 22.

(2) The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

(3) The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

$$H_T = K \sum_{i=1}^{n} C_i H_i$$

where:

H_T = Net heating value of the sample, MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20°C;

$$K = \text{Constant, } 1.740 \times 10^{-7} \left(\frac{1}{\text{ppm}}\right)\left(\frac{\text{g mole}}{\text{scm}}\right)\left(\frac{\text{MJ}}{\text{kcal}}\right)$$

where the standard temperature for

$$\left(\frac{\text{g mole}}{\text{scm}}\right)$$

C_i = Concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 and measured for hydrogen and carbon monoxide by ASTM D1946–67 (reapproved 1972) (incorporated by reference as specified in § 60.17); and

H_i = Net heat of combustion of sample component i, kcal/g mole at 25°C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382–76 (incorporated by reference as specified in § 60.17) if published values are not available or cannot be calculated.

(4) The actual exit velocity of a flare shall be determined by dividing the volumetric flowrate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D as appropriate; by the unobstructed (free) cross sectional area of the flare tip.

(5) The maximum permitted velocity, V_{max}, for flares complying with paragraph (c)(4)(iii) shall be determined by the following equation:

$$\text{Log}_{10}(V_{max}) = (H_T + 28.8)/31.7$$

V_{max} = Maximum permitted velocity, m/sec
28.8 = Constant
31.7 = Constant
H_T = The net heating value as determined in paragraph (f)(3).

(6) The maximum permitted velocity, V_{max}, for air-assisted flares shall be determined by the following equation.

$V_{max} = 8.706 + 0.7084 (H_T)$
V_{max} = Maximum permitted velocity, m/sec
8.706 = Constant
0.7084 = Constant
H_T = The net heating value as determined in paragraph (f)(3).

(Sec. 111, 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7601(a)))

[FR Doc. 85-9089 Filed 4-15-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[SW-9-FRL-2818-5]

Arizona; Final Authorization of State Hazardous Waste Program; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction to notice of tentative determination on application of Arizona for final authorization, public hearings and comment period.

SUMMARY: The Environmental Protection Agency is today correcting a notice for the tentative determination on Arizona's application for final authorization. That notice, as published in the Federal Register on March 20, 1985 (50 FR 11186, 11187) contained an error in the "Supplementary Information" portion concerning the dates on which the Agency will hold public hearings. This notice intends to correct that error in the March 20 tentative determination notice so that it reads as originally envisioned.

FOR FURTHER INFORMATION CONTACT: Chuck Flippo, Program Manager, U.S.E.P.A. Region IX, RCRA Programs Section (T-2-1), 215 Fremont St., San Francisco, CA 94105, (415) 974-8128.

The following correction is made to Vol. 50, No. 46 Federal Register issue of March 20, 1985 appearing on page 11186, third column, section entitled II. Arizona, second paragraph, lines 11 and 12. The dates Thursday, April 11, 1985 at Phoenix, and Friday, April 12, 1985 at Tucson are changed to Thursday, April 18, 1985 at Phoenix, and Friday, April 19, 1985 at Tucson. The final date for submitting written comments is changed from April 12, 1985 to April 19, 1985.

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.

Dated: March 29, 1985.

Judith E. Ayres,

Regional Administrator.

[FR Doc. 85-9085 Filed 4-15-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3200

Geothermal Resources Leasing; General; Change in Lease Acreage and Application Fees

AGENCY: Bureau of Land Mangement, Interior Department.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rule would exercise the authority granted the Secretary of the Interior by section 7 of the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025), to increase the per State limitation on acreage that can be held by a lessee under Federal geothermal leases from 20,480 acres to 51,200 acres. The proposed rulemaking would also change the geothermal lease application fee from $50 to $150, to reflect more closely the actual costs incurred by the Bureau in processing geothermal leaese applications.

DATE: Comments should be submitted by June 17, 1985. Comments received or postmarked after the above date may not be considered as part of the decisionmaking process on the issuance of a final rulemaking.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 at the above address during regular working hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Karl F. Duscher, (202) 653-2187.

SUPPLEMENTARY INFORMATION: The present acreage limit of 20,480 acres was established in the Geothermal Steam Act. The Act also provides that, at any time after fifteen years from the effective date of the Act, December 24, 1970, the Secretary of the Interior may, after public hearings, increase the limit up to 51,200 acres. Public hearings on this proposal to increase the acreage limitation in accordance with the Act will be held in room 5071 of the Main Interior Building, Washington, D.C. from 2:00 p.m. to 4:00 p.m. on April 25, 1985, and in room 3037, Federal Building, 300 Booth Street, Reno, Nevada, from 2:00 p.m. to 4:00 p.m. on April 25, 1985. If comments received indicate a need for additional hearings, they will be scheduled for later this year.

The principal author of this proposed rulemaking is Karl F. Duscher, Division of Fluid Mineral Leasing, assisted by the staff of the Office of Legislation and Regulatory Managment, Bureau of Land Managment.

It is hereby determined that this proposed rulemaking is not 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 effect on a substantial number of small entities under the Regulatory Flexibiltiy Act (5 U.S.C. 601 et seq.).

The increase in lease size, which would be accomplished by this proposed rulemaking, will be equally favorable to anyone offering to lease the geothermal resources on the public lands.

There are no new information collection requirements contained in this rulemaking requiring approval by the Office of Managment and Budget under 44 U.S.C. 3501 et seq.

List of Subjects in 43 CFR Part 3200

Environmental protection, Geothermal energy, Mineral royalties, Public lands—classification, Public lands—mineral resources, Surety bonds.

Under the authority of the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025), it is proposed that Part 3200 of Group 3200, Subchaper C, Chapter II of the Code of Federal Regulations be amended as set forth below:

PART 3200—[AMENDED]

§ 3201.2 [Amended]

1. Section 3201.23(a) is amended by removing the figure "20,480" where it appears and replacing it with the figure "51,200"

§ 3205.2 [Amended]

2. Section 3205.2(b) is amended by removing the figure "$50" where it appears and replacing it with the figure "$150".

J. Steven Griles,

Deputy Assistant Secretary of the Interior.

[FR Doc. 85-9054 Filed 4-15-85; 8:45 am]

BILLING CODE 4110-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85-70; RM-4754]

FM Broadcast Stations in Juneau, AK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of FM Channel 225 to Juneau, Alaska, as that community's sixth allocation, at the request of Denali Broadcasting Company, Inc.

DATES: Comments must be filed on or before May 30, 1985, and reply comments on or before June 14, 1985.

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

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations, (Juneau, Alaska); MM Docket No. 85-70, RM-4754.

Adopted: March 11, 1985.
Released: April 8, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration a petition to allot Class C FM Channel 225 to Juneau, Alaska, as that community's sixth channel, filed by Denali Broadcasting Company, Inc. ("petitioner"). Petitioner states that it will apply for the channel, if allotted.

2. Channel 225 can be allocated in compliance with the Commission's minimum distance separation and other technical requirements. However, since Juneau is located within 320 kilometers (200 miles) of the U.S.-Canada border, the concurrence of the Canadian Government must be obtained.

4. In view of the fact that the proposal could provide Juneau with an additional local FM service, we believe the public interest would be served by proposing to amend the FM Table of Allotments, § 73.202(b) of the Rules, with regard to the community listed below, to read as follows:

City	Channel No.	
	Present	Proposed
Juneau, AK	264, 274, 282, 286, and 292A.	225, 264, 274, 282, 286, and 292A.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. **Note:** A showing of continuing interest is required before a channel will be assigned.

6. Interested parties may file comments on or before May 30, 1985, and reply comments on or before June 14, 1985, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: John Lindauer, President, Denali Broadcasting Company, Inc., 3933 Geneva Place, Anchorage, Alaska 99508.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is not longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in the *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, the will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed.

Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 85-9121 Filed 4-15-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-67; RM-4854]

TV Broadcast Station in Gu Achi, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to the assignment of UHF Television Channel 35 to Gu Achi, Arizona as that community's first television assignment, in response to a petition filed by the Freedom Development Corp.

DATES: Comments must be filed on or before May 31, 1985, and reply comments must be filed on or before June 17, 1985.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Gu Achi, Arizona); MM Docket No. 85-67, RM-4854.

Adopted: March 13, 1985.
Released: April 9, 1985.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is a petition for rule making filed by the Freedom Development Corp. ("petitioner") requesting the assignment of UHF TV Channel 64 to Gu Achi, Arizona, as that community's first television assignment. An engineering review has determined that Channel 64 cannot be assigned due to short spacings to proposed assignments at Cortaro, Arizona (Channel 49) and Ague Prieta, Sonora, Mexico (Channel 64). However, a staff study has found that UHF TV Channel 35 can be assigned to Gu Achi in compliance with the Commission's minimum distance separation requirements. Although petitioner has stated his intention to apply for authorization on Channel 64, he is requested to specify in his comments that he would now apply for Channel 35, should it be assigned.

2. Gu Achi (not listed in the 1980 census), is according to petitioner, a community located in Pima County (population 531,443) [1] on the Papago Indian Reservation, approximately 80 kilometers (50 miles) south of Phoenix, Arizona. Although listed as a location in the Rand McNally "Road Atlas" we have been able to substantiate its "community" [2] status since it is not listed in the 1980 U.S. Census or in the National Atlas Index. In the absence of recognizable community status, the petitioner is requested to provide the Commission with sufficient information to demonstrate that this place has social, economic or cultural indicia to qualify as a "community" for assignment purposes. See *Ansley, Alabama*, 46 FR 58688, published December 3, 1981; *Cascade Village, Colorado*, 48 FR 19917, published May 3, 1983; *Gayles, Louisiana*, 48 FR 28495, published June 22, 1982, and cases cited therein.

3. In view of the above, and based on the information submitted by petitioner, the Commission does not believe that a final determination can be made as to the status of Gu Achi as a community. Therefore, we believe it appropriate to further investigate this matter through the solicitation of comments. Accordingly, petitioner is requested to submit more information about Gu Achi, including any businesses, social organizations, or governmental units that identify themselves with Gu Achi, in order to demonstrate how Gu Achi may qualify as a "community" for assignment purposes.

4. As noted above, UFH Television Channel 35 can be assigned to Gu Achi in compliance with the minimum distance separation requirements and other technical criteria. However, since the proposed assignment is within 400 kilometers (250 miles) of the U.S.-Mexico border, concurrence of the Mexican government is required.

5. In view of the foregoing, and the interest expressed by petitioner in initiating a first local television service to Gu Achi, we believe it is in the public interest to seek comments on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rues, as indicated below:

City	Channel No.	
	Present	Proposesd
Gu Achi, AZ		35+

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contaned in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before May 31, 1985, and reply comments on or before June 17, 1985, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, or its counsel or consultant, as follows: Mr. Dan Mahoney, c/o Freedom Development Co., 8 Arlington Street, Auburn, Massachusetts 01501.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commisison's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation

[1] Population figures were extracted from the 1980 U.S. Census.

[2] Pursuant to section 307(b) of the Communications Act of 1934, as amended, the Commission is required to distribute broadcast frequencies only to a "community" that is an indentifiable population grouping. Generally, if the locality is listed in the U.S. Census, or is incorporated, that is sufficient to satisfy its status as a community.

required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, §73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporated by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filing in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered it advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments: Service.* Pursuant to applicable procedures set out in §§1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 85-9118 Filed 4-15-85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 85-71; RM-4856]

TV Broadcast Stations in Agate, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action herein proposes the assignment of UHF TV Channel 63 to Agate, Colorado, at the request of Freedom Development Co. The assignment could provide Agate with its first local television service.

DATES: Comments must be filed on or before May 30, 1985, and reply comments on or before June 14, 1985.

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

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Agate, Colorado); MM Docket No. 85-71, RM-4856.

Adopted: March 11, 1985.
Released: April 8, 1985.

By the Chief, Policy and Rules Division.

1. The Commission had before it consideration a petition for rule making submitted by Freedom Development Co. ("petitioner") seeking the allocation of UHF TV Channel 69 to Agate, Colorado, as that community's first local television channel. Petitioner has indicated its intention to apply for the channel, if assigned.

2. Although Channel 69 can be assigned to Agate in compliance with the Commission's minimum distance separation and other technical requirements, we are, on our own motion, proposing the assignment of UHF TV Channel 63 instead. Channel 63 can be assigned in compliance with all Commission rules and will not pose any potential problems with land mobile licensees in the area which may be licensed on the adjacent 806-816 MHz band.

3. Agate (population 369) [1], in Elbert County (population 6,850), is located in eastern Colorado, approximately 96 kilometers (59 miles) southeast of Denver, Colorado.

4. Based on the fact that the allocation could provide Agate with its first local television service, we believe the public interest would be served by proposing to amend the Television Table of Assignments, §73.606(b) of the Rules, as concerns the community listed below, to read as follows:

City	Channel No.	
	Present	Proposed
Agate, CO		63

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 30, 1985, and reply comments on or before June

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

14, 1985, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Freedom Development Co., 8 Arlington Street, Auburn, Massachusetts 01501, (Petitioner).

7 The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73. 202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For Further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 85–9120 Filed 4–15–85; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 85–79; 4855]

TV Broadcast Station in Maunaloa, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of UHF TV Channel 68 to Maunaloa, Hawaii, in response to a petition filed by Freedom Development Corporation, as that community's first television assignment.

DATES: Comments must be filed on or before May 31, 1985, and reply comments must be filed on or before June 17, 1985.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Maunaloa, Hawaii); MM Docket No. 85–79, RM–4855.

Adopted: March 13, 1985.
Released: April 9, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for rule making filed by Freedom Development Corporation ("petitioner") requesting the assignment of UHF TV Channel 69 to Maunaloa, Hawaii as that community's first television assignment. A staff study has found that UHF Channel 68 can be assigned instead to Maunaloa in compliance with the minimum distance separation requirements and other technical criteria. Although petitioner has indicated it would apply for authorization on Channel 69, we wish to avoid the potential for future interference problems to land mobile users on the adjacent band.

2. Maunaloa (unlisted in the 1980 U.S. Census) in Maui County (population

70,847)[1] is located on Molokai Island, approximately 75 kilometers (45 miles) southeast of Honolulu, Hawaii. Although petitioner indicates Maunaloa is a "community", we have been unable to substantiate its "community"[2] status since it is not listed in the 1980 U.S. Census or in the National Atlas Index. The petitioner is requested to provide the Commission with sufficient information to demonstrate that this place has social, economic or cultural indicia to quality as a "community" for assignment purposes. See *Ansley, Alabama*, 46 FR 58688, published December 3, 1981; *Cascade Village, Colorado*, 48 FR 19917, published May 3, 1983; *Gayles, Louisiana*, 48 FR 28495, published June 22, 1982, and cases cited therein.

3. The Commission does not believe that a final determination can be made as to the status of Maunaloa as a community. We believe it appropriate to further investigate this matter through the solicitation of comments. Accordingly, petitioner is requested to submit more information about Maunaloa, including any businesses, social organizations, or governments that identify themselves with Maunaloa, in order to demonstrate how Maunaloa may qualify as a "community" for assignment purposes.

4. In view of the foregoing, and the interest expressed by petitioner in initiating a first local television service to Maunaloa, we believe it is in the public interest to seek comments on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as indicated below:

City	Channel No.	
	Present	Proposed
Maunaloa, HI		68

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.— A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

[1] Population figure was extracted from the 1980 U.S. Census.

[2] Pursuant to section 307(b) of the Communications Act of 1934, as amended, the Commission is required to assign broadcast frequencies only to a "community" that is an identifiable population grouping. Generally, if the locality is listed in the U.S. Census or is incorporated, that is sufficient to satisfy its status as a community.

6. Interested parties may file comments on or before May 31, 1985, and reply comments on or before June 17, 1985, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: Freedom Development Corporation, c/o Dan Mahoney, 8 Arlington Street, Auburn, Massachusetts 01501.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comment in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments,

reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 85-9117 Filed 4-15-85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 85-69; RM-4889]

TV Broadcast Stations in Poplar Bluff, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign UHF television Channel 55 to Poplar Bluff, Missouri, in response to a petition filed by Bluff Communications Co. The proposed assignment could provide Poplar Bluff with its second commercial television service.

DATES: Comments must be filed on or before May 30, 1985, and reply comments must be filed on or before June 14, 1985.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner or Stanley Schmulewitz, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Poplar Bluff, Missouri); MM Docket No. 85-69, RM-4889.

Adopted: March 11, 1985.
Released: April 8, 1985.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is a petition for rule making filed by Bluff Communciations Co. ("petitioner"), proposing the assignment of UHF television Channel 55 to Poplar Bluff, Missouri, as that community's second commercial television service. Petitioner states that it will apply for the channel, if assigned.

2. Poplar Bluff (population 17,139),[1] the seat of Butler County (population 37,693), is located in southeastern Missouri, approximately 210 kilometers (130 miles) south of St. Louis. Currently, it is served by Station KPOB-TV (Channel 15), and is assigned noncommercial educational Channel *26, which is unoccupied.

3. UHF television Channel 55 may be assigned to Poplar Bluff consistent with the minimum distance separation requirements of §§ 73.610 and 73.698 of the Commission's Rules. We believe the petitioner's proposal warrants consideration since it could provide a second commercial outlet, as well as a first competitive television broadcast service, to Poplar Bluff.

4. In view of the foregoing, the Commission herein proposes to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Poplar Bluff, MO.	15+ and *26+	15+, *26+, and 55.

5. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 30, 1985, and reply comments on or before June 14, 1985, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: John H. Midlen, Jr., Chartered, 1100-15th Street, N.W., Suite 1200, Washington, D.C. 20005, (Counsel for Petitioner).

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§73.202(b), 73.505, and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Nancy Joyner or Stanley Schmulewitz, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any such comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the preceeding.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the

[1] Population figures were extracted from the 1980 U.S. Census.

proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Services.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regualr business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 85-9115 Filed 4-15-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-72; RM-4899]

TV Broadcast Stations in Altus, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the substitution of UFH TV Channel *27 for noncommercial educational Channel *19 at Altus, Oklahoma, at the request of Thornberry Television, Ltd. The substitution of channels at Altus could allow Thornberry, permittee of Station KJTL–TV, Wichita Falls, Texas, to relocate its antenna and upgrade its facilities.

DATES: Comments must be filed on or before May 30, 1985, and reply comments on or before June 14, 1985.

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

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations, (Altus, Oklahoma); MM Docket No. 85-72, RM-4899.

Adopted: March 11, 1985.

Released: April 8, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the petition for rule making submitted by Thornberry Television, Ltd. ("Thornberry") requesting the substitution of noncommercial educational UFH TV Channel *27 for Channel *19 at Altus, Oklahoma. Channel *19 is currently unoccupied and unapplied for.

2. Thornberry is the permittee of Station KJTL–TV, Channel 18, at Wichita Falls, Texas, and has applied for a construction permit to relocate its transmitter and upgrade its facilities. It states that should its application be granted, KJTL would be able to expand its service area over an additional 1,787 square miles encompassing 169,346 persons. However, the site which Thornberry proposes to utilize at Wichita Falls would create a 9 mile short-spacing to the reference coordinates for Channel *19 at Altus.

3. Channel *27 can be assigned to Altus in compliance with the Commission's minimum distance separation requirements and will negate the short-spacing to Thornberry's application. We believe the public interest would be served by proposing to substitute the noncommercial educational channel at Altus which could then permit improved service to the Wichita Falls area by Station KJTL–TV. Accordingly, we propose to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, with regard to the community listed below, to read as follows:

City	Channel No.	
	Present	Proposed
Altus, OK	*19–	*27

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before May 30, 1985, and reply comments on or before June 14, 1985, and are advised to read the Appendix for the proper procedures. Additional, a copy of such comments should be served on the petitioners or their counsel, or consultant, as follows: Goldberg & Spector, 1920 N Street, N.W., Suite 650, Washington, D.C. 20036 (Counsel to Thornberry Television, Ltd.).

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(e)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 85-9119 Filed 4-15-85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 85-66; RM-4874]

TV Broadcast Stations in Klamath Falls, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 31 to Klamath Falls, Oregon, in response to a petition filed by Sunshine Television, Inc. The proposal could provide a second commercial television channel to that community.

DATES: Comments must be filed on or before May 30, 1985, and reply comments on or before June 14, 1985.

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

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations, (Klamath Falls, Oregon); MM Docket No. 85-66, RM-4874.

Adopted: March 13, 1985.

Released: April 8, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration a petition for rule making filed by Sunshine Television, Inc.[1] ("petitioner") seeking the amendment of the Television Table of Assignments, § 73.606(b), by removing the reservation from Channel *22 at Klamath Falls, Oregon, in order to assign a second commercial channel there. If the reservation is removed and a channel assigned, petitioner will apply for the channel and operate a commercial station.

2. Klamath Falls (population 16,661)[2] seat of Klamath County (population 59,117), is located in southern Oregon approximately 90 kilometers (55 miles) southeast of Medford, Oregon.

3. Petitioner's request was originally presented as a counterproposal to the *NPRM* in Docket 84-714 (49 FR 30543, published July 31, 1984). In the counterproposal, petitioner suggested that Channel 22 be assigned to Medford, Oregon instead of Channel 27 and that we delete Channel *22 (vacant) in Klamath Falls, so as to make Channel 19 available for commercial use there. It also proposed that Channel *25 be set aside for noncommercial educational use in place of Channel *22 at Klamath Falls. Petitioner states that it intends to operate a satellite station for KDRV in Medford. The Commission generally does not remove the reservation of educational channels, particularly where another channel is available for assignment, as is the case here. Therefore, we propose to assign Channel 31 to Klamath Falls, as its second commercial service.

4. UHF Television Channel 31 can be assigned to Klamath Falls, Oregon, in compliance with the minimum distance separation requirements of § 73.610 of the Commission's Rules. However, petitioner must show that it would operate with facilities and a transmitter site such that there would be no signal overlap with its currently licensed station KDRV in Medford, Oregon.

5. Comments are invited on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Klamath Falls, OR	2-, *22+	2-, *22+, and 31.

[1] Licensee of Television Station KDRV, Channel 12, Medford, Oregon.

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

6. Interested parties may file comments on or before May 30, 1985, and reply comments on or before June 14, 1985, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner as follows: Ben C. Fisher, Clifford M. Harrington, Fisher, Wayland, Cooper & Leader, 1125 Twenty-Third Street West, Washington, D.C. 20037, (counsel for the petitioner).

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.203(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued unitl the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involved channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, it advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See §1.420(d) of the Commission's Rules:)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other apropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 85–9116 Filed 4–15–85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 85–68; RM–4859]

TV Broadcast Stations in Killeen, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 62 to Killeen, Texas, as that community's first television channel, in response to a petition filed by C. Joe Evans.

DATES: Comments must be filed on or before May 30, 1985, and reply comments must be filed on or before June 14, 1985.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations, (Killeen, Texas); MM Docket No. 85–68, RM–4859.

Adopted: March 13, 1985.
Released: April 8, 1985.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by C. Joe Evans ("petitioner") requesting the assignment of UHF Television Channel 62 to Killeen, Texas as that community's first television channel. Petitioner has filed information in support of the proposal and indicated an interest in applying for the channel, if assigned.

2. Killeen (population 46,296),[1] in Bell County (population 157,889), is located

[1] Population figures were extracted from the 1980 U.S. Census.

in central Texas, approximately 95 kilometers (60 miles) north of Austin, Texas.

3. UHF Television Channel 62 can be assigned to Killeen, Texas in compliance with the minimum distance separation requirements of §§ 73.610 and 73.698 of the Commission's Rules.

4. Based on the above facts, we believe that the public interest would be served by seeking comments on petitioner's request. Accordingly, it is proposed to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, for the community listed below:

City	Channel No.	
	Present	Proposed
Killeen, TX		62

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 30, 1985, and reply comments on or before June 14, 1985, and and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Sterling Communications, Inc., c/o A.G. Thiessen, President, Uptain Building—Suite 418, Chattanooga, TN 37411–4065, (Consultant to Petitioner).

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certificotion that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is direced, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(e)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel it if is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules).

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 85–9114 Filed 4–15–85; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 50, No. 73
Tuesday, April 16, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum of Agreement; Bureau of Land Management Land Transfers to the State of California

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to § 800.8 of the Council's regulations (36 CFR Part 800) with the Bureau of Land Management, the California State Lands Commission, and the California State Historic Preservation Officer providing for the management of historic properties on lands that may be transferred by the Bureau to the State. The proposed Programmatic Memorandum of Agreement will establish mechanisms by which historic properties will be identified, evaluated and treated in order to satisfy the requirements of section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

Comments Due: May 16, 1985.

ADDRESS: Advisory Council on Historic Preservation, Western Division of Project Review, 730 Simms Street, Room 450, Golden, Colorado 80401, Telephone (303) 236–2682.

Dated: April 11, 1985.

John M. Fowler,

Deputy Executive Director.

[FR Doc. 85–9108 Filed 4–15–85; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Science and Education Research Grants Program Advisory Committee, Subcommittee for Acid Precipitation; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the U.S. Department of Agriculture announces the following meeting:

Name: Subcommittee for Acid Precipitation, Technical Advisory Committee for Science and Education Research Grants Program.

Date: June 10–12, 1985.

Time: 8:30 a.m. to 6:00 p.m.

Place: U.S. Department of Agriculture, Room 024 Morrill Hall, Washington, D.C.

Purpose of Subcommittee: To provide advice and recommendation concerning support for research in the Acid Precipitation program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Type of meeting: Closed.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of section 10(d) of Pub. L. 92–463.

Contact Person: Olga Owens, Associate Program Manager, Competitive Research Grants Office, Office of Grants and Program Systems, USDA, Room 112 Morrill Hall, Washington, D.C. 20251.

Done at Washington, D.C., this 4th day of April 1985.

Olga Owens,

Executive Secretary, Subcommittee for Acid Precipitation.

[FR Doc. 85–9139 Filed 4–15–85; 8:45 am]

BILLING CODE 3410–MT–M

Science and Education Research Grants Program Advisory Committee, Subcommittee for Animal Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the U.S. Department of Agriculture announces the following meeting:

Name: Subcommittee for Animal Science, Technical Advisory Committee for Science and Education Research Grants Program.

Date: June 24–26, 1985.

Time: 8:30 a.m. to 5:00 p.m.

Place: U.S. Department of Agriculture, Room 024 Morrill Hall, Washington, D.C.

Purpose of Subcommittee: To provide advice and recommendation concerning support for research in the Animal Science program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Type of Meeting: Closed.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of section 10(d) of Pub. L. 92–463.

Contact Person: Doris Balinsky, Associate Program Manager, Competitive Research Grants Office, Office of Grants and Program Systems, USDA, Room 112 Morrill Hall, Washington, D.C. 20251.

Done at Washington, D.C., this 4th day of April 1985.

Doris Balinsky,

Executive Secretary, Subcommittee for Animal Science.

[FR Doc. 85–9138 Filed 4–15–85; 8:45 am]

BILLING CODE 3410–MT–N

Science and Education Research Grants Program Advisory Committee Subcommittee for Growth and Development of Plants; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the U.S. Department of Agriculture announces the following meeting:

Name: Subcommittee for Growth and Development of Plants, Technical Advisory Committee for Science and Education Research Grants Program.

Date: May 16–18, 1985.

Time: 8:30 a.m. to 5:00 p.m.

Place: U.S. Department of Agriculture, Room 024 Morrill Hall, Washington, D.C.

Purpose of Subcommittee: To provide advice and recommendation concerning support for research in the Growth and Development of Plants program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Type of Meeting: Closed.

Reason For Closing: The proposals being reviewed include information of a proprietary

or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Authority to Close Meting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92–463.

Contact Person: Machi Dilworth, Associate Program Manager, Competitive Research Grants Office, Office of Grants and Program Systems, USDA, Room 112 Morrill Hall, Washington, D.C. 20251.

Done at Washington, D.C., this 4th day of April 1985.

Machi Dilworth,

Executive Secretary, Subcommittee for Growth and Development, Plants (Biotech).

[FR Doc. 85–9140 Filed 4–15–85; 8:45 am]

BILLING CODE 3410-MT-M

Science and Education Research Grants Program Advisory Committee, Subcommittee for Insect Pest Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the U.S. Department of Agriculture announces the following meeting:

Name: Subcommittee for Insect Pest Science, Technical Advisory Committee for Science and Education Research Grants Program.

Date: June 3–4, 1985.

Time: 8:30 a.m. to 5:00 p.m.

Place: U.S. Department of Agriculture, Room 024 Morrill Hall, Washington, D.C.

Purpose of Subcommittee: To provide advice and recommendation concerning support for research in the Insect Pest Science program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Type of Meeting: Closed.

Reason For Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92–463.

Contact Person: Anne Holiday Schauer, Associate Chief, Competitive Research Grants Office, Office of Grants and Program Systems, USDA, Room 112 Morrill Hall, Washington, D.C. 20251.

Done at Washington, D.C., this 4th day of April 1985.

Anne Holiday Schauer,

Executive Secretary, Subcommittee for Insect Pest.

[FR Doc. 85–9142 Filed 4–15–85; 8:45 am]

BILLING CODE 3410-MT-M

Science and Education Research Grants Program Advisory Committee, Subcommittee for Response to Stress; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the U.S. Department of Agriculture announces the following meeting:

Name: Subcommittee for Response to Stress, Technical Advisory Committee for Science and Education Research Grants Program.

Date: May 29–31, 1985.

Time: 8:30 a.m. to 6:00 p.m.

Place: U.S. Department of Agriculture, Room 024 Morrill Hall, Washington, D.C.

Purpose of Subcommitte: To provide advice and recommendation concerning support for research in the Response to Stress program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Type of Meeting: Closed.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92–463.

Contact Person: Olga Owens, Associate Program Manager, Competitive Research Grants Office, Office of Grants and Program Systems, USDA, Room 112 Morrill Hall, Washington, D.C. 20251.

Done at Washington, D.C., this 4th day of April 1985.

Olga Owens,

Executive Secretary, Subcommittee on Response to Stress (Biotech).

[FR Doc. 85–9141 Filed 4–15–85; 8:45 am]

BILLING CODE 3410-MT-M

Agricultural Marketing Service

Flue-Cured Tobacco Advisory Committee; 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: Flue-Cured Tobacco Advisory Committee.

Date: May 14, 1985.

Place: Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Flue-Cured Tobacco Cooperative Stabilization Corporation Building, 1306 Annapolis, Drive, Raleigh, North Carolina 27605.

Time: 1 p.m.

Purpose: To establish marketing areas, submarketing areas, and selling schedules for the 1985 flue-cured tobacco marketing season. Also, other matters as specified in 7 CFR Part 29 will be discussed.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact the Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, 300–12th Street, SW., Washington, D.C. 20250, (202) 447–2567. Written statements should be submitted prior to or at the meeting.

Dated: April 10, 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85–9143 Filed 4–15–85; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Coastal Zone Management; Federal Consistency Appeal by Northwestern Pacific Acquiring Corp. and Eureka Southern Railroad Co. From Objection of the California Coastal Commission

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of dismissal of appeal.

SUMMARY: On December 14, 1984, Northwestern Pacific Acquiring Corporation and Eureka Southern Railroad Company (Appellants) appealed to the Secretary of Commerce (Secretary) an objection of the California Coastal Commission to the acquisition and operation of the Eel River rail line, northern California, in connection with Appellants' exemption petitions to the Interstate Commerce Commission (ICC) under 49 U.S.C. 10505. The consistency appeal was filed pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, as amended (CZMA), 16 U.S.C. 1456(c)(3)(A) and implementing regulations at 15 CFR Part 930, Subpart H.

The ICC issued a decision granting Appellants' exemption petitions to acquire and operate the Eel River rail line. On December 13, 1984, the California Coastal Commission

petitioned the United States Court of Appeals for the Ninth Circuit to review and set aside the ICC's decision [No. 84-7845].

In the interest of administrative economy, for good cause, the Secretary dismissed the appeal without prejudice on March 26, 1985, pursuant to 15 CFR 930.128, and notified the Appellants that they may refile their appeal should the Ninth Circuit Court of Appeals set aside the ICC's decision.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: April 5, 1985.

Robert J. McManus,

General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 85-9092 Filed 4-15-85; 8:45 am]

BILLING CODE 3510-08-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Bilateral Textile Consultations With the Government of Thailand To Review Trade in Category 337 (Cotton Playsuits)

April 10, 1985.

On March 29, 1985, the Government of the United States requested consultations with the Government of Thailand with respect to Category 337 (cotton playsuits). This request was made on the basis of the bilateral agreement of July 27 and August 8, 1983 between the Governments of the United States and Thailand relating to trade in cotton, wool and man-made fiber textiles and textile products. The agreement provides for consultations when the orderly development of trade between the two countries may be impeded by market disruption, or the threat thereof, due to imports.

The purpose of this notice is to advise that, if no solution is agreed upon in consultations between the two governments within 90 days of the request for consultations, CITA, pursuant to the terms of the bilateral agreement, may establish a prorated specific limit of 67,738 dozen for the entry and withdrawal from warehouse for consumption of textile products in Category 337, produced or manufactured in Thailand and exported to the United States during the twelve-month period which began on March 29, 1985 and extends through December 31, 1985.

A summary market statement concerning this category follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers as 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, 1984 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1985).

The Government of the United States, pending agreement in consultations on a mutually satisfactory solution, has decided to control imports in this category during the 90-day consultation period [March 29, 1985-June 27, 1984] at 26,033 dozen. In the event the level established for Category 337 during the ninety-day period is exceeded, such excess amounts, if they are allowed to enter, shall be charged to the prorated twelve-month period 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 Thailand, further notice will be published in the **Federal Register.**

Effective Date: April 16, 1985.

Anyone wishing to comment or provide data or information regarding the treatment of Catgegory 337 under the Bilateral Cotton, Wool and Man-Made Agreement with the Government of Thailand, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category 337 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 Agreement considers appropriate for further consideration.

The solicitation of comments regarding any respect 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."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Thailand—Market Statement

Category 337—Cotton Playsuits, Sunsuits and Washsuits

March 1985.

Summary and Conclusions: United States imports of Category 337 from Thailand were 74,400 dozens during 1984. These imports compare with only 4,300 dozens in 1983 and 9,800 dozens in 1982. This represents a sharp and substantial increase into a market that was already disrupted by imports. A continued increase in imports from Thailand creates a real risk of market disruption in the U.S. for these products.

U.S. Production: From 1974 to 1983, U.S. production of Category 337 goods declined from 5.591 million dozen to 3.361 million dozen, a 40 percent decline. Average production from 1979 to 1983 was only 3.4 million dozens per year, as compared to 4.3 million dozen per year from 1974-1978.

Imports: U.S. imports of Category 337 from all sources increased by 60.4 percent between 1979 and 1981 and then by 6.5 percent between 1981 and 1983. In 1984, imports rose sharply by 51.3 percent to a record level of 2,768,000 dozens.

Imports from Thailand averaged 6,100 dozens in the 5 year period from 1979 to 1983. Previous to 1984, the highest level of imports of Category 337 from Thailand was 9,800 dozens in 1982. In 1984, imports mushroomed to 74,400 dozens.

Imports to Production Ratio: The import-to-production ratio for Category 337 has grown substantially from a level of 33.1 in 1979 to 54.4 in 1983. With the large increase in imports, the ratio will reach an all time high in 1984.

Domestic Producers' Market Share: Domestic producers' share of this market has declined from 75.1 percent in 1979 to 64.8 percent in 1983. In 1984 the share may drop below 60 percent due to the large increase in imports.

Imports Value vs Domestic Producer's Price: The majority (79.4 percent) of Thailand's exports to the U.S. of Category 337 have been concentrated in these TSUSA numbers: 383.5049—women's and girls' other cotton playsuits not ornamented, not knit; 383.5036—girls' and infants' cotton playsuits not ornamented, not knit; 383.0335—WGI playsuits, etc. cotton knit, ornamented. The duty paid value for these products are below the U.S. producer price for comparable items.

Committee for the Implementation of Textile Agreements

April 10, 1985.

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the

directive issued to you on December 21, 1984, by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Thailand.

Effective on April 16, 1985, the directive of December 21, 1984 is amended to include a level of 26,033 dozen [1] for textile products in Category 337 produced or manufactured in Thailand and exported during the ninety-day period which began on March 29, 1985 and extends through June 27, 1985.

Textile products in Category 337 which have been exported to the United States before March 29, 1985 shall not be subject to this directive.

Textile products in Category 337 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1448(a)(1)(A) prior to the effective date of this directive shall not be denied entry under the 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 5509), 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 July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1985).

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.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-9224 Filed 4-15-85; 8:45 am]

BILLING CODE 3510-DR-M

[1] The level has not been adjusted to relect any exports exported after March 28, 1985.

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Reinstatement

Application of Annuity (RSFPP&SBP) DD-1884

Pub. L. 92-425 provides for an annuity, as determined by the retiree, to be paid to widows/widowers, dependent children and other natural interest persons. The DD-1884 collects information necessary to establish an annuity to the eligible beneficiary of a deceased retired service members. The form must be completed and submitted by the surviving beneficiary of a service member to enable the Uniformed Services Finance Center to ascertain eligibility and determine other conditions affecting entitlement to an annuity.

Responses 12,000
Burden hours 12,000

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone (202) 763-0933.

FOR FURTHER INFORMATION CONTACT: A copy of the information collection proposal may be obtained from Mr. Robert L. Newhart, OASD MI&L (PI), Room 3C800, Pentagon, Washington, DC 20301-4000, telephone (202) 695-0643.

Dated: April 11, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85-9065 Filed 4-15-85; 8:45 am]

BILLING CODE 3810-01-M

Defense Intelligence Agency Scientific Advisory Committee; Closed Meeting

SUMMARY: Pursuant to the provisions of Subsection (d) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a panel of the DIA Scientific Advisory Committee has been scheduled as follows:

DATE: 9 May 1985, 9:00 a.m. to 5:00 p.m.

ADDRESS: The DIAC, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Lt Col Harold E. Linton, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, D.C. 20301 (202/373-4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on Microelectronics and Computers.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

April 10, 1985.

[FR Doc. 85-9059 Filed 4-15-85; 8:45 am]

BILLING CODE 3810-01-M

Defense Intelligence Agency Defense Intelligence College; Closed Meeting

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of the DIA Defense Intelligence College has been scheduled as follows:

DATES: Tuesday-Thursday, 14-16 May 1985, 9:00 a.m. to 4:00 p.m., 14 and 15 May, 9:00 a.m. to 11:30 a.m., 16 May.

ADDRESS: The DIAC, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Robert L. De Gross, Provost, DIA Defense Intelligence College, Washington, D.C. 20301-6111 (202/373-3344).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, as to the successful accomplishment of the mission assigned to the Defense Intelligence College.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

April 10, 1985.

[FR Doc. 85-9060 Filed 4-15-85; 8:45 am]

BILLING CODE 3810-01-M

President's Chemical Warfare Review Commission (CWRC); Meeting

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory

Committee Act (Pub. L. 92–463), announcement is made of the following committee meetings.

DATES OF MEETINGS: Friday, 5 April; Tuesday, 9 April; Wednesday, 10 April; Thursday, 11 April; Wednesday, 17 April; Thursday, 18 April; Tuesday, 23 April; Wednesday, 24 April; Thursday, 25 April; Wednesday, 1 May; and Thursday, 2 May 1985.

Time of Meeting

Friday, 5 April (Closed)

0900–1000 Office of the Secretary of Defense—Policy & Guidance for Retaliatory Capability
1015–1030 Determination of Munitions Requirements—Qualitative and Quantitative
1030–1130 Joint Services Chemical Studies

Tuesday, 9 April (Closed/Open)

0900–0930 Executive Session (Closed)
0930–1000 United Church of Christ (Open)
1015–1115 Arms Control and Disarmament Agency (Closed)
1200–1230 Kroesen Report (Closed)
1230–1400 Why today's Stockpile is not sufficient and why binary munitions satisfy operational needs (Closed)
1415–1515 Why today's stockpile is sufficient and why binary munitions do not satisfy operational needs (Open)
1515–1615 Panel discussion (Open)

Wednesday, 10 April (Closed)

0900–0930 Executive Session
1000–1200 Defense Intelligence Agency—Threat intent
1330–1600 Executive Session

Thursday, 11 April (Closed)

0900–1200 Executive Session
1300–1600 Executive Session

Wednesday, 17 April (Closed)

0900–0930 Executive Session
0930–1015 BIGEYE BOMB, 155mm Artillery shell, and Multiple Launch Rocket System Programs
1030–1100 Binary Production Program
1530–1630 Arms Control and Disarmament Agency

Thursday, 18 April (Open)

Congressional Panel

Tuesday, 23 April (Closed)

0900–1000 Destruction of existing stockpile
1000–1100 Current stockpile joint maintenance requirement
1100–1200 Joint Chiefs of Staff Task on the issue of stockpile
1300–1500 Executive Session

Wednesday, 24 April (Open)

Open Hearings:
National Conference of Catholic Bishops

Thursday, 25 April (Closed/Open)

Allied perspective (Closed)
Open Hearings (Open)

Wednesday, 1 May (Closed)

Executive Session

Thursday, 2 May (Closed)

Executive Session

Agenda

The President's Chemical Warfare Review commission (CWRC) will hold the remainder of its meetings to receive classified and unclassified briefings. The CWRC will also hold executive sessions during which classified material will be discussed. (For further information contact Peter Hannaford, 202–653–0145).

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

April 10, 1985.

[FR Doc. 85–9061 Filed 4–15–85; 8:45 am]

BILLING CODE 3810–01–M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

SUMMARY: Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 8:30 a.m., Wednesday, 15 May 1985.

ADDRESS: The meeting will be held at Palisades Institute for Research Services, Inc., 2011 Crystal Drive, One Crystal Park, Suite 307, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Harold Summer, AGED Secretariat, 201 Varick Street, New York 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense of Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. the review will include classified program details throughout.

In accordance with section 10(d) of Pub. L. 92–463, as amended, (5 U.S.C. App. II section 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

April 10, 1985.

[FR Doc. 85–9062 Filed 4–15–85; 8:45 am]

BILLING CODE 3810–01–M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

SUMMARY: Working Group D (Production) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 9:30 a.m., Friday, 17 May 1985.

ADDRESS: The meeting will be held at Palisades Institute for Research Services, Inc., 2011 Crystal Drive, One Crystal Park, Suite 307, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Thomas Henion, AGED Secretariat, 201 Varick Street, New York, 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices

The working Group D meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The Working Group D area includes all production aspects of critical electronic components for the defense electronic supply base; the transition of components from research and development into production, e.g., manufacturing technology; policy and acquisition steps necessary to insure that there is a sufficient domestic supply base for critical electronic components; and steps necessary to insure the continuing availability of skilled people to support the critical electronic

component supply base. The review will include classified program details throughout.

In accordance with section 10(d) of Pub. L. 92-463, as amended (5 U.S.C. App. II section 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

April 10, 1985.

[FR Doc. 85-9063 Filed 4-15-85; 8:45 am]

BILLING CODE 3810-01-M

Defense Equal Opportunity Management Institute Board of Visitors; Advisory Committee Meeting

The Defense Equal Opportunity Management Institute (DEOMI) Board of Visitors will meet at Patrick Air Force Base, Florida, 9-10 May 1985.

The purpose of the meeting will be to review actions taken by DEOMI in response to the recommendations of the BOV and the Human Relations Education Board.

The meeting will convene at 8:30 a.m. on 9 May 1985, and adjourn on 10 May 1985 at 11:30 a.m. The meeting is open to the public. For further information, contact the DEOMI Public Affairs Office at (305) 494-6096.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

April 10, 1985.

[FR Doc. 85-9064 Filed 4-15-85; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Army Science Board, Ad Hoc Subgroup on Chemical Biological Warfare, Intelligence; 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: Thurday and Friday, 2 and 3 May 1985.

Times of Meeting: 0830-1700 hours on both days (Closed).

Place: The Pentagon, Washington, D.C.

Agenda: The Army Science Board Ad Hoc Subgroup on Chemical/Biological Warfare Intelligence will meet for classified briefings and discussions on technical collection, CW/BWI analysis and production and methods of dissemination. This meeting will be closed to the public in accordance with section 552(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. 85-9068 Filed 4-15-85; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Ad Hoc Subgroup on Soldier Research Issues and Functional Subgroup on Human Capabilities and Resources; Partially 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: Monday-Thursday, 6-9 May 1985.

Times of Meeting: 0830-1700 hours (Open) on 6 May; 0830-1245 hours (Open) and 1245-1700 hours (Closed) on 7 May; 0800-1700 hours (Closed) on 8 May; and 0800-0930 hours (Closed) on 9 May, if necessary.

Place: The Presidio of Monterey in Monterey, California.

Agenda: Both the Army Science Board Ad Hoc Subgroup on Soldier Research Issues and the Functional Subgroup on Human Capabilities and Resources will meet (the former 6 May, the latter 7-9 May) for orientation briefings and discussions and to consider manpower, personnel, training, health, and medical factors in the context of the Light Infantry Division, and to examine research conducted by the ARI (U.S. Army Research Institute for the Behavioral and Social Sciences) Field Unit at Monterey, California. The meeting will also serve as a tutorial for new members of the Functional Subgroup. Both efforts were combined for cost effectiveness since all the Ad Hoc Subgroup members are also members of the Functional Subgroup. Topics to be addressed include: (1) An overview of the Light Infantry Division concept, (2) training for the Light Infantry Division, (3) presentations on soldier-oriented research and development for the Light Infantry Division and medical research and development for the Light Infantry Division. The open portions of the meeting are open to the public. Any person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The closed portions of the meeting are closed to he 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 in this portion of the meeting are so inextricably intertwined so as to preclude opening them to the public. The Army Science Board 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. 85-9067 Filed 4-15-85; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF EDUCATION

Advisory Council on Dependents' Education; Open Meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Dependents' Education and of two standing committees concerning education programs and administration. This notice also describes the functions of the council. Notice of these meetings is required under section 10(1)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of its opportunity to attend.

DATE: The Advisory Council on Dependents' Education: May 1 and 3, 1985, 9:00 a.m. to 2:30 p.m. and 9:00 a.m. to 12:00 p.m., respectively. The committees: May 1 and 2, 2:30 p.m. to 5:00 p.m. and 9:00 a.m. to 4:00 p.m., respectively.

ADDRESS: The Quality Inn, Pentagon City, Terrance Room #2, 300 Army Navy Drive, Arlington, Va. 22202.

FOR FURTHER INFORMATION, CONTACT: Dr. William F. Keough, Administrator of Education for Overseas Dependents, Mailstop 6337, 400 Maryland Avenue SW., Washington, D.C. 20202, (202) 245-8011.

SUPPLEMENTARY INFORMATION: The Advisory Council on Dependents' Education is established under section 1411 of the Defense Dependents' Education Act of 1978, as amended (20 U.S.C. 929). The Council is established to recommend to the Director general policies for operation of the defense dependents' education system with respect to curriculum selection, administration, and operation of the system.

The meeting of the Council is open to the public. The proposed agenda for the full Council on May 1 includes: a report of the Administrator on Council matters, a progress report by the Director, a report by the Director on previously expressed ACDE concerns, and presentations by DoDDS staff members. These presentations will include the following subjects: special programs, including the Bay Area Writing Project, the Advanced Placement Program, and

the International Baccalaureate Program in DoDDS; the alcohol and drug abuse program; sex education; the BOSS supply system; and the master teacher pilot program. The proposed agenda for the full Council on January 30 includes the reports of the two standing committees, with discussion and voting on proposed recommendations.

The proposed agenda for the Education Program Committee on May 1 and 2 includes a joint session with the Administration Committee and the DoDDS Talented and Gifted (TAG) Coordinator concerning the TAG program, followed by discussion of the cultural bias problems, the special programs described above, the TAG program, alcohol and drug abuse, weighted grades and the standardization of the grading system, scheduling of testing in relation to school holidays, sex education, acquisition of computer hardware and software for class use, the prekindergarten pilot program, the Seven-Year Curriculum Development Plan, the pilot master teacher program, the seven-period instructional day in secondary schools, the reduction of qualification requirements for nurses and for teachers of mathematics and science, and other recent educational changes in the system.

The proposed agenda for the Administration Committee includes a joint session with the Education Program Committee and the DoDDS Talented and Gifted (TAG) Program Coordinator concerning the TAG program, followed by discussion of chief school administrators and local school advisory committees, revision of DOD Instruction 5105.49, school construction in Japan, the BOSS supply system, Atari computer delivery for Germany, alternatives to suspension, quality circles, and the morale of local school advisory committees.

Records are kept of all Council proceedings and are available for inspection at the office of the Advisory Council on Dependents' Education, Room 3047, Mailstop 6337, 400 Maryland Avenue SW., Washington, D.C., from the hours of 8:30 a.m. to 5:00 p.m.

Dated: April 8, 1985.

A. Wayne Roberts,

Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 85-9058 Filed 4-15-85; 8:45 am]

BILLING CODE 4000-01-M

Office of Special Education and Rehabilitative Services

Auxiliary Activities; Innovative Programs for Severely Handicapped Children

Correction

In FR Doc. 85-8193, appearing on page 13731 in the issue of Friday, April 5, 1985, make the following correction: In the first column, the "**DATE**" paragraph should read:

DATE: Comments must be received on or before May 6, 1985.

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the 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.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S-EU-830, to Kernforschungszentrum Karlsruhe Gmbh, Karlsruhe, the Federal Republic of Germany, three test rods, containing a total of approximately 10 grams of uranium, enriched to 93% in U-235, to be used for calibration of the delayed neutron detection system in the KNK II reactor.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: April 10, 1985.

For the Department of Energy.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 85-9095 Filed 4-15-85; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the 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, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following retransfer: RTD/SW(EU)-131, from Nukem Gmbh, Hanau, the Federal Republic of Germany to the Studsvik Science Research Laboratory, Studsvik, Sweden, 120 grams of uranium enriched to 90% in U-235, for use in the study of nuclear fission and short lived fission products.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: April 10, 1985.

For the Department of Energy.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 85-9096 Filed 4-15-85; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the 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, and 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.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer: RTD/JA(EU)-34, from Nukem, Hanau, the Federal Republic of Germany to the Power Reactor and Nuclear Fuel Development Corp., Japan, 431 kilograms of U.S origin low enriched uranium, containing approximately 85.123 kilograms of U-235 (19.75% enrichment), for use in the fabrication of fuel elements for the JOYO reactor.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: April 10, 1985.

For the Department of Energy.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 85-9093 Filed 4-15-85; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Subsequent Arrangement, Turkey

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a "subsequent arrangement" under the safeguards and guarantee provisions of the Agreement for Cooperation Between the Government of the United States of America and the Republic of Turkey Concerning Civil Uses of Atomic Energy, as amended. While this agreement expired by its term on June 9, 1981, the safeguards and guarantee provisions were acknowleged to continue with respect to materials, equipment, or devices held by Turkey through an exchange of notes concluded June 9, 1981.

The subsequent arrangement to be carried out under the above mentioned safeguards and guarantee provisions of the expired Agreement for Cooperation involves the suspension of the application of safeguards by the IAEA under the trilateral safeguards agreement between the International Atomic Energy Agency, the Government of the Republic of Turkey and the Government of the United States of America signed on September 30, 1968. The application of IAEA safeguards in Turkey under the trilateral agreement shall remain suspended during the time and to the extent the Turkey-IAEA NPT Safeguards Agreement is in force and safeguards are being applied by the IAEA pursuant to that agreement. The application of IAEA safeguards in the United States under the trilateral agreement shall be suspended during the time and to the extent that the 1980 U.S.-IAEA voluntary safeguards agreement is in force and safeguards specified therein are being applied by the IAEA.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

Dated: April 10, 1985.

For the Department of Energy.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 85-9094 Filed 4-15-85; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CI85-41-001]

Application of Fina Oil & Gas, Inc. for Partial Redesignation of Certificate of Public Convenience and Necessity as Successor-In-Interest; American Petrofina Co. of Texas and Petrofina Delaware, Inc.

April 11, 1985.

Take notice that Fina Oil & Gas, Inc. (FOG), filed an application for partial redesignation of a certificate of public convenience and necessity as a successor-in-interest to Petrofina Delaware, Incorporated.

Effective December 31, 1984, FOG acquired by assignment all of Petrofina Delaware, Incorporated's (PDI's) interest in certain leases. The assignment did not alter the nature of the ownership of any of the producing properties nor any of the terms or conditions of any contracts for the sale of gas therefrom. FOG merely succeeded to the interest previously held by PDI in each of the assigned leases.

In order for FOG to be able to market its production and that of its working interest co-owners under FinaGas, the special marketing program authorized in the subject docket, from leases in which American Petrofina Company of Texas (APCOT) owns no interests, FOG seeks by this application to have that portion of the subject certificate formerly designated in the name of "Petrofina Delaware, Incorporated", which is applicable to the assigned properties, redesignated in the name of "Fina Oil & Gas, Inc.", as successor-in-interest to Petrofina Delaware, Incorporated. FOG does not seek by this application to alter the status of PDI as certificate holder with respect to leases not assigned by PDI.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-9098 Filed 4-15-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7221-001]

Surrender of Preliminary Permit; Muskingum River Hydro Assoc.

April 10, 1985.

Take notice that the Muskingum River Hydro Associates, Permittee for the Philo Lock and Dam No. 9, Project No. 7221, located on the Muskingum River in Muskingum County, Ohio has requested that its preliminary permit be terminated. The preliminary permit was issued on October 13, 1983, and would have expired on September 30, 1985. The Permittee states that analysis of the Philo Lock and Dam No. 9 Project did not indicate feasibility for development.

The Permittee filed the request on March 29, 1985, and the preliminary permit for Project No. 7221 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided

for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-9099 Filed 4-15-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 1988]

Issuance of Annual License; Pacific Gas and Electric Co.

April 10, 1985.

On March 5, 1985, Pacific Gas and Electric Company, (PG&E) Licensee for the Haas-Kings River Project No. 1988 filed an application for a new license pursuant to the Federal Power Act and Commission regulations thereunder. Project No. 1988 is located on the Kings River, the North Fork Kings River, and Helms Creek in Fresno County, California.

The license for Project No. 1988 was issued for a period ending March 31, 1985. In order to authorize the continued operation and maintenance of the project, pending Commission action on the Licensee's application, it is appropriate and in the public interest to issue an annual license to PG&E.

Take notice that an annual license was issued to Pacific Gas and Electric Company for a period effective April 1, 1985, to March 31, 1986, or until federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintence of the Project No. 1988 subject to the terms and conditions of the original license.

Take further notice that if federal takeover or issuance of a new license does not take place on or before March 31, 1986, a new annual license will be issued each year thereafter, effective April 1 of each year, until such time as federal takeover takes place or a new license is issued, without further notice being given by the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-9100 Filed 4-15-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7788-001]

Surrender of Preliminary Permit; Richard R. Gresham

April 12, 1985.

Take notice that Richard R. Gresham, Permittee for the Nancy No. 3 Project, FERC No. 7788, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 7788 was issued on June 7, 1984, and would have expired on November 30, 1985. The project would have been located on Flume Creek, in Pend Oreille County, Washington.

The Permittee filed the request on February 28, 1985, and the preliminary permit for Project No. 7788 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-9101 Filed 4-15-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI85-290-000]

Application for Blanket Limited-Term Certificate of Public Convenience and Necessity and Limited Partial Abandonment Authorization; Union Oil Company of California, and Eugene Shoal Oil Co., et al.

April 11, 1985.

Take notice that on March 18, 1985, Union Oil Company of California, Eugene Shola Oil Company and Breton Resources Company (Union), of Union Oil Center, Box 7600, Los Angeles, California 90051, filed an application pursuant to sections 4 and 7 of the Natural Gas Act, 15 U.S.C. 717c and 717f, and Part 157 of the Commission Regulations, 18 CFR Part 157, requesting that the Commission issue a limited partial abandonment authorization and a blanket limited-term certificate of public convenience and necessity authorizing Union to conduct a short-term sales marketing program; hereinafter indentified as the Union Spot Marketing Program (UNIMART). The certificate would (1) authorize the sale of natural gas by Union for resale in interstate commerce; [1] (2) authorize the sale of natural gas of other joint working interest owners, which is produced from the same well and same reservoir as Union's gas, for resale in interstate commerce; (3) permit limited-term partial abandonment of certain natural gas sales; (4) confer pre-granted abandonment authorization for sales of natural gas made pursuant to the requested certificate; (5) authorize transportation of natural gas by interstate pipeline companies able and willing to participate in UNIMART; (6) confer pre-granted abandonment authorization for the transportation service allowed under the requested certificate; and (7) waive the reporting requirements of section §§ 157.24, 157.25 and 157.30 of the Commission's Regulations.

Under the UNIMART Union will sell on a spot-basis natural gas qualifying for the sections 102, 103, 107 and 108 rates under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3433.

Only contractually committed gas owned by Union and contractually committed gas owned by other working interest owners produced from the same well in the same producing reservoir from which gas is sold by Union will be sold and delivered under this program. Union will seek temporary releases of gas from the purchasers to whom it is committed in order to sell such gas under the UNIMART Program. Volumes of gas released, sold and delivered under this program will be credited against the releasing purchasers' take-or-pay liabilities. Transportation of the released gas will be made on a case-by-case basis.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-9102 Filed 4-15-85; 8:45 am]

BILLING CODE 6717-01-M

[1] Applicable only to gas for which rates are fixed under Subsections 102(d), 107(c)(5) and section 108 of the Natural Gas Policy Act; see Subsections 601(a)(1) (A) and (B) of that Act.

[Project No. 8491-000, et al.]

Hydroelectric Applications (San Juan Hydro, Inc. et al.); Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory

Commission and are available for public inspection:

1 a. Type of Application: Preliminary Permit.

b. Project No.: 8491–000.

c. Date Filed: August 2, 1985.

d. Applicant: San Juan Hydro, Inc.

e. Name of Project: Paonia Reservoir.

f. Location: North Fork of the Gunnison River in Gunnison County, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Kenneth T. Meredith, P.O. Box 582, Lake City, Colorado 81235.

i. Comment Date: May 13, 1985.

j. Competing Application: Project No. 8390, Date Filed: June 6, 1984, Notice expired: November 19, 1984.

k. Description of Projects: The proposed project would utilize the existing Bureau of Reclamation Paonia Dam and would consist of: (1) A proposed 7-foot-diameter, 650-foot-long penstock; (2) a powerhouse containing a generating unit with a rated capacity of 2,000 kW; (3) a proposed 14-kV, 3-mile-long transmission line tying into the Delta-Montrose Rural Power Lines Association; and (4) appurtenant facilities. The Applicant estimates an average annual energy production of 21,000,000 kWh.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18-months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $30,000.

m. This notice also consists of the following standard paragraphs: A8, A9, B, C, and D2.

2 a.Type of Application: Preliminary Permit.

b. Project No: 8867–000.

c. Date Filed: January 4, 1985, and supplemented February 6, 1985.

d. Applicant: Gainesville Hydroelectric Partners.

e. Name of Project: Gainesville Hydro Project.

f. Location: On the Tombigbee River near Gainesville, Greene County, Alabama.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Bruce J. Wrobel, 91 Newbury Street, Boston, Massachusetts 02116.

i. Comment Date: May 13, 1985.

j. Competing Application: Project No. 8812–000, Date Filed: December 24, 1984, Comment Due Date: April 1, 1985.

k. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers' Gainesville Lock and Dam, and would consist of: (1) A proposed powerhouse, located on the east side of the river, integral with the dam and housing two 12.5-MW generators for a total installed capacity of 25 MW; (2) a proposed 69-kV transmission line approximately 12 miles long interconnecting with Alabama Power Company's transmission system; and (3) appurtenant facilities. The Applicant estimates that the average annual generation would be 120 GWh. All project energy would be sold to Alabama Power Company.

l. This notice also consists of the following standard paragraphs: A8, A9, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24-months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $100,000.

3 a. Type of Application: Preliminary Permit.

b. Project No.: 8849–000.

c. Date Filed: December 28, 1984.

d. Applicant: St.Vrain Mutual Reservoir & Water Company, and Marigold 41 Partnership.

e. Name of Project: Dowe Flats Dam Hydro.

f. Location: Near the St. Vrain Supply Canal in Boulder County, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Larry Gucho, 1700 Lincoln, Suite 3800, Denver, Colorado 80203.

i. Comment Date:

j. Description of Project: The proposed project would consist of the following all new facilities: (1) An earthen dam approximately 6,000 feet long and 105 feet high; (2) a new reservoir with an estimated storage capacity of 70,000 acre-feet with a normal pool elevation of 5,450 m.s.l.; (3) intake works consisting of a control structure; (4) a 36-inch-diameter penstock about 600 feet long, running through the dam; (5) a powerhouse approximately 30 feet by 20 feet, housing one turbine-generator with an installed capacity of 250 kW; (6) a tailrace channel; (7) approximately one mile of 13.2-kV transmission line; and (8) appurtenant facilities. Applicant anticipates that the average annual energy would be 2,300,000 kWh.

k. Purpose of Project: The Applicant anticipates that project energy will be sold to the Public Service Company of Colorado.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period 36 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $100,000. Applicant will perform preliminary field reconnaissance, drill core holes at 1,000-foot intervals along the axis of the dam and at locations of major hydraulic structures, and prepare test pits at ten locations in the reservoir area. Applicant states that the field studies, tests, and other activities will not adversely effect cultural resources or endangered species and will cause only minor alterations or disturbances, and any land altered or disturbed will be adequately restored.

4 a. Type of Application: Preliminary Permit.

b. Project No.: 8965–000.

c. Date Filed: February 20, 1985.

d. Applicant: Chalk Mountain Ranch.

e. Name of Project: Burr Creek Power Project.

f. Location: On Burr Creek, near Bridgeville, in Humboldt County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. David G. DeMera, P.O. Box 628, Murphys, California 95247.

i. Comment Date: May 31, 1985.

j. Description of Project: The proposed project would consist of: (1) A 3-foot-high, 20-foot-long diversion dam at elevation 1,760 feet; (2) an 8-inch-diameter, 100-foot-long diversion conduit; (3) an 8-inch-diameter, 5,400-foot-long penstock; (4) a power-house

with a total installed capacity of 100 kW; and (5) a 500-foot-long, 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company (PG&E) transmission line. The Applicant estimates the average annual energy generation at 0.2 million kWh to be sold to PG&E.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to conduct technical, environmental and economic studies, and also prepare an FERC license application at an estimated cost of $15,000.

k. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.

5 a. Type of Application: License (5MW or Less).

b. Project No: 8938–000.

c. Date Filed: February 6, 1985.

d. Applicant: BES Hydro Company.

e. Name of Project: Power Canal.

f. Location: On East Fork Russian River in Medocino County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. James Helmich, JBS Energy, Inc. 311 D Street, Broderick, California 95605.

i. Comment Date: June 3, 1985.

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high diversion dam on the powerhouse canal of Potter Valley Project No. 77 of Pacific Gas and Electric Company (PG&E); (2) an intake structure; (3) a 150-foot-long, 49-foot-square flume; (4) a 36-inch-diameter, 28-foot-long penstock; (5) a powerhouse containing two units each with an installed capacity of 200 kW; and (6) a 60-foot-long, 12.7-kV transmission line connecting with existing PG&E transmission line.

No recreational facilities are proposed by the Applicant.

k. Purpose of Project: The estimated 2.1 million kWh generated annually by the project will be sold to PG&E.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

6 a. Type of Application: Major License.

b. Project No.: 7909–002.

c. Date Filed: December 18, 1984.

d. Applicant: Allegheny County, Pennsylvania.

e. Name of Project: Allegheny River Lock and Dam No. 4.

f. Location: On the Allegheny River in Allegheny and Westmoreland Counties, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: County of Allegheny, 119 Courthouse, Grant Street, Pittsburgh, Pennsylvania 15219, Attn: James W. Knox.

i. Comment Date: May 13, 1985.

j. Competing Application: Project No. 7705–000. Date Filed: October 7, 1983.

k. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers' Allegheny River Lock and Dam No. 4 and would consist of: (1) A new powerhouse containing an installed generating capacity of 15 MW, (3 units of 5 MW each); (2) a proposed 0.3-mile-long, 25-kV transmission line; and (3) appurtenant facilities. The Applicant estimates the average annual energy generation will be 60,000 MWh. The Applicant intends to use some of the power generated and the balance will be sold to the Allegheny Power Services System. The proposed powerhouse will replace approximately 150 feet of the present dam and spillway.

l. This notice also consists of the following standard paragraphs: A3, A9, B, and C.

7 a. Type of Application: Amendment of License.

b. Project No: 3451–002

c. Date Filed: November 15, 1984.

d. Applicant: Beaver Falls Municipal Authority.

e. Name of Project: Townsend Dam Project.

f. Location: On the Beaver River in Beaver County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Charles M. Andrews, Beaver Falls Municipal Authority, 1425 Eighth Avenue, P.O. Box 400, Beaver Falls, Pennsylvania 15010.

i. Comment Date: May 13, 1985.

j. Description of Project: The project as licensed consists of: (1) The Townsend Dam, approximately 450 feet long and 17.5 feet high, constructed of rock-filled timber cribs encased in concrete with a crest elevation 699.3 feet m.s.l., (2) a reservoir having minimal pondage; (3) a short entrance channel to be excavated in rock near the left dam abutment; (4) an intake structure, with trashracks and fish deflector, integral with (5) a powerhouse containing two turbine-generator units rated at 1,600 kW and 1,650 kW for a total rated capacity of 3,250 kW; (6) a tailrace, to be excavated in rock, returning flow to the Beaver River approximately 180 feet downstream of the dam; and (7) appurtenant facilities.

The Applicant proposes to amend the license by including a 500-foot-long, 23-kV transmission line which would connect to Duquesne Light Company's Valley-Beaver Falls No. 1, 23-kV transmission line.

k. This notice also consists of the following standard paragraphs: B, C, and D1.

8 a. Type of Application: Preliminary Permit.

b. Project No: 8872–000.

c. Date Filed: January 7, 1985.

d. Applicant: W. A. Vachon and Associates, Inc.

e. Name of Project: Welch Brook & Swift River.

f. Location: Welch Brook & Swift River in Franklin County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. W. A. Vachon, W. A. Vachon and Associates, Inc. P.O. Box 149, Manchester, Massachusetts 01944.

i. Comment Date: June 3, 1985.

j. Description of Project: The proposed project would consist of: (1) Two proposed 2-foot-high, 25-foot-long concrete dams, one each on Welch Brook and Swift River; (2) two proposed reservoirs, each at elevation 1,570 feet ASL, with an area of 375 square feet and impounding 4,000 gallons of water; (3) two proposed 16-inch-diameter, 300-foot-long conduits, one from each dam; (4) one proposed 1.3-mile-long, 16-inch-diameter conduit; (5) a proposed powerhouse containing one 99-kW turbine/generator; (6) a proposed 1,300-foot-long, 480-volt transmission line; and (7) appurtenant facilities. The estimated average annual generation is 599 MWh.

k. Purpose of Project: Project energy would be sold to Central Maine Power Company.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $8,000.

9 a. Type of Application: Exemption from Licensing (5MW or Less).

b. Project No.: 8727–001.

c. Date Filed: January 22, 1985.

d. Applicant: G. Wesley White.

e. Name of Project: Upper Pine Creek Microhydro.

f. Location: On Pike Creek, Partially within Kootenai National Forest lands, near Troy, Lincoln County, Montana.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Mr. G. Wesley White, 228 White Drive, Troy, Montana 59935.

i. Comment Date: May 13, 1985.

j. Description of Project: The proposed project would consist of: (1) An intake structure located on Pine Creek at an elevation of 3,650 feet; (2) a 3600-foot-long, 6-inch-diameter pvc pipeline; and (3) a powerhouse containing one generating unit with an installed capacity of 13 kW. The estimated average annual generation would be 43,200 kW. The estimated cost of the project would be $11,200 in 1985 dollars.

k. Purpose of Project: The project power would be for personal use by the Applicant.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a.

10 a. Type of Application: Exemption from Licensing (5 MW or Less).

b. Project No.: 8359–001

c. Date Filed: December 26, 1984.

d. Applicant: Chester and Irelene Allen.

e. Name of Project: Strawberry Creek Hydroelectric.

f. Location: On Strawberry Creek, near Livingston, in Park, County, Montana.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705, and 2708 as amended.

h. Contact Person: Mr. Roger Kirk, Hydrodynamics, Inc., P.O. Box 413, Red Lodge, Montana 59068.

i. Comment Date: May 13, 1985.

j. Description of Project: The proposed project would consist of: (1) An intake structure located on Strawberry Creek at an elevation of 6,200 feet; (2) a 6,700-foot-long, 14-inch-diameter penstock; (3) a powerhouse containing one generating unit with an installed capacity of 275 kW; and (4) a 0.3-mile-long, 7.2-kV transmission line connecting to an existing Park Electric Coop. transmission line. The estimated average annual energy generation would be 1.2 million kWh. The estimated cost of the project would be $360,000 in 1985 dollars.

k. Purpose of Project: The project power would be sold to Park Electric Coop. or Montana Power Company.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a.

11 a. Type of Application: Minor License.

b. Project No.: 7805–001.

c. Date Filed: October 15, 1984.

d. Applicant: Gerald and Glenda Ohs.

e. Name of Project: Cataract Creek.

f. Location: On Cataract Creek in Madison County, Montana, near the town of Pony.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Rhett Hurless, C.C. Bowman and Associates, P.O. Box 3474, Bozeman, MT 59715.

i. Comment Date: June 3, 1985.

j. Description of Project: The proposed project would consist of: (1) A 3-foot-high intake structure at an elevation of 6,045 feet; (2) a 20-inch-diameter, 6,440-foot-long buried penstock; (3) a powerhouse containing a single generating unit rated at 500 kW operating under a head of 538 feet; (4) a 24-inch-diameter, 24-foot-long tailrace; and (5) a 1.2-mile-long transmission line tying into an existing Montana Power Company line. The average annual energy production would be 3 million kWh.

The estimated project cost is $280,000.

This application has been accepted for filing as of November 4, 1983, the submittal date of the Applicant's originally accepted exemption application pursuant to Eagle Power Company, et al., 28 FERC ¶ 61,061 issued July 18, 1984.

k. Purpose of Project: Project Power will be sold to Montana Power Company.

l. This notice also consists of the following standard paragraphs: A9, B, C and D1.

m. License or Conduit Exemption—Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 60 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

The provision is subject to the following exception: If an application described in this notice was filed by the preliminary permittee during the term of the permit, a small hydroelectric exemption application may be filed by the permittee only (license and conduit exemption applications are not affected by this restriction).

12a. Type of Application: Preliminary Permit.

b. Project No.: 8985–000.

c. Date Filed: March 1, 1985.

d. Applicant: Quincy Hydroelectric Project.

e. Name of Project: Quincey Hydroelectric Project.

f. Location: On Mississippi River in Marion County, Missouri.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Joel Kirk Rector, 8 Peabody Terrace, #32, Cambridge, Massachusetts 02138.

i. Comment Date: May 31, 1985.

j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers Lock and Dam No. 21 and Reservoir, and would consist of: (1) Two new penstocks, each about 9.8 feet in diameter and 25 feet long; (2) a new powerhouse, 500 feet by 100 feet, housing two turbine-generators with a total rated capactiy of 10 MW; (3) a proposed tailrace; (4) a proposed 69-kV transmission line about 1.4 miles long; and (5) appurtenant facilities. Applicant estimates that the average annual generation would be 48.0 GWh.

k. Purpose of Project: The proposed purchaser of the project energy would be the Northeast Missouri Power Cooperative.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance time it would prepare studies of a hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $125,000.

13a. Type of Application: Preliminary Permit.

b. Project No.: 8984–000.

c. Date Filed: March 1, 1985.

d. Applicant: Hannibal Associates.

e. Name of Project: Hannibal Hydroelectric Project.

f. Location: On Mississippi River, in Pike County, Illinois.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Hannibal Associates, c/o Joel Kirk Rector, 8 Peabody Terrace, #32, Cambridge, Massachusetts 02138.

i. Comment Date: May 31, 1985.

j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers Lock and Dam No. 22 and Reservoir, and would consist of: (1) Two new penstocks, each about 9.8 feet in diameter and 25 feet long; (2) a new powerhouse, approximately 500 feet by 100 feet, housing two turbine-generators with a total rated capacity of 10 MW; (3) a proposed tailrace; (4) a proposed 69-kV transmission line about 6.3 miles long; and (5) appurtenant facilities. Applicant estimates that the average annual generation would be 65.0 GWh.

k. Purpose of Project: The proposed purchaser of the project energy would be the Western Illinois Power Cooperative.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope of Studies under Permit: a preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period 36 months during which time it would prepare studies of a hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant estimates the cost of the studies under the permit would be $125,000.

14a. Type of Application: Major License.

b. Project No: 5495–000.

c. Date Filed: June 21, 1984, as amended on January 30, 1985.

d. Applicant: Hydro Resource Company.

e. Name of Project: Dungeness River Water Power.

f. Location: On Dungeness River, within Olympic National Forest, near Sequim, in Clallam County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. William L. Devine, Hydro Resources Company, P.O. Box 68, 8040 Mt. Baker Highway, Maple Falls, Washington 98266.

i. Comment Date: May 15, 1985.

j. Competing Application: Project No. 6617, Date Filed November 15, 1985, Project No. 6840, Date, Filed November 15, 1984.

k. Description of Project: The proposed project would consist of: (1) A 9-foot-high, 50-foot-long concrete diversion dam with crest elevation of 2,490 feet; (2) a 50-foot-long, 10-foot-wide inlet structure with 300 square-feet of fish screen; (3) a 21,000-foot-long, 60-inch-diameter low pressure pipeline, (4) a 6,500-foot-long, 60-inch-diameter steel penstock; (5) a 60-foot-long, 36-foot-wide, 25-foot-high concrete powerhouse containing two generating units with a total installed capacity of 12,000 kW at a design head of 1,050 feet; (6) a switchyard adjacent to the powerhouse; and (7) a 22,000-foot-long, 37.5-kV transmission line connecting to an existing Clallam County PUD transmission line.

The Applicant estimates an average annual energy production of 57.55 million kWh. The estimated cost to construct the project would be $21.16 million in 1987 dollars.

l. Purpose of Project: The project power would be sold to Clallam County PUD and/or nearby service utilitjes.

m. This notice also consists of the following standard paragraphs: A3, A9, B and C.

15 a. Type of Application: Exemption from Licensing.

b. Project No: 7390–000.

c. Date Filed: June 22, 1983 as amended on January 24, 1985.

d. Applicant: Harder Farms, Inc. and Scott Ranch.

e. Name of Project: Little Palouse Falls Hydroelectric.

f. Location: On Palouse River, near Washtucha, In Franklin, Whitman and Adams Counties, Washington.

g. Filed Pursuant to: Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Mr. Harry P. Hosey, Hosey and Associates Engineering Company, 2820 Northup Way, Suite 190, Bellevue, WA 98004.

i. Comment Date: May 20, 1985.

j. Description of Project: The proposed project would consist of: (1) An intake structure located on the right bank of Palouse River, just above Gildersleeve Falls at RM 14.4, utilizing a natural pool of water; (2) a 2,500-foot-long, 12-foot-wide concrete canal; (3) a 3,000-foot-long, 102-inch-diameter steel penstock; (4) a powerhouse containing two generating units with a total installed capacity of 5,000 kW at a design head of 95 feet; and (5) a 2.8-mile-long, 24-kV transmission line.

The Applicant estimates that the average annual energy generation would be 17.4 million kWh.

k. Purpose of Project: The project power would be sold to Washington Water Power Company.

l. This notice also consists of the following standard paragraphs: A9, B, C and D3a..

m. Competing Applications: Exemption for Small Hydroelectric Power Project under 5 MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 60 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

16 a. Type of Application: Preliminary Permit.

b. Project No.: 8890–000.

c. Date Filed: January 22, 1985.

d. Applicant: Burlington Energy Development Associates.

e. Name of Project: Newton Upper Falls.

f. Location: On the Charles River in Middlesex and Norfolk Counties, Massachusetts.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. John R. Anderson, 64 Blanchard Road, Burlington, MA 01803.

i. Comment Date: June 3, 1985.

j. Description of Project: The proposed project will consist of: (1) An existing 15-foot-high, 60-foot-wide concrete buttress dam; (2) an existing reservoir with negligible storage capacity at the normal maximum surface elevation of 86 feet m.s.l.; (3) an existing powerhouse adjacent to the dam which is part of a 300-foot-long, 250-foot-wide, and 40-foot-high building, and which will contain two generating units, each with an installed capacity of 175 kW; (4) a proposed 400-foot-long, 35,400 V transmission line; (5) an existing 140-foot-long, 26-foot-wide tailrace; and (6) appurtenant facilities. The Applicant estimates that the average annual energy generation will be 1.75 GWh. The owner of the existing dam and water rights is the Metropolitan District Commission. The Applicant proposes to sell the power generated to the Boston Edison Company..

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under permit would be $17,500.

17 a. Type of Application: Minor Lincense.

b. Project No.: 8457–000.

c. Date Filed: July 20, 1984.

d. Applicant: Locks Hydro Associates.

e. Name of Project: Appomattox Canal Water Power.

f. Location: On the Appomattox River, in Dinwiddie and Chesterfield Counties, Virginia.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 971(a)–825(r).

h. Contact Person: Mr. Robert E. Hedden, Synergics, Inc., 410 Severn Avenue, Suite 409, Annapolis, Maryland 21403.

i. Comment Date: June 3, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing concrete and stone dam approximately 690 feet long and maximum height of 12 feet, built in two sections between Sycamore Island and the opposite banks; (2) a small impoundment with an existing gross storage capacity of 200 acre-feet and reservoir surface area of 20 acres at water surface elevation 119 feet m.s.l.; (3) replacement of four existing slide gates each 5 feet, 8 inches wide by 8 feet high; (4) an existing power canal 2.5 miles long and 50 feet in width; (5) an existing earthen dam and concrete spillway, 30 feet wide and 40 feet high, located at the terminus of the canal; (6) a new 6-foot-diameter penstock 140 feet long, connecting from the power canal to bifurcation at the powerhouse; (7) a proposed new concrete powerhouse, 30 feet by 45 feet housing two turbine-generator units with a total installed capacity of 1,025 kW; (8) a proposed tailrace; (9) a new transformer substation; (10) 100 feet of 34.5-kV transmission line; (11) existing access roads; and (12) appurtenant facilities. Applicant estimates that the average annual energy generation would be 5.0 GWh. The dams and power canal are owned by the City of Petersburg, Virginia.

k. Purpose of Project: The Applicant anticipates that project energy will be sold to the Virginia Electric Power Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

18. a. Type of Application: Minor License.

b. Project No.: 7804–001.

c. Date Filed: October 15, 1984.

d. Applicant: Gerald and Glenda Ohs.

e. Name of Project: North Willow Creek.

f. Location : On North Willow Creek in Madison County, Montana, near the town of Pony.

g. Filed Pursuant to: Federal Power Act., 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Rhett Hurless, C.C. Bowman and Associates, P.O. Box 3474, Bozeman, Montana 59715.

i. Comment Date: May 28, 1985.

j. Description of Project: The proposed project would consist of: (1) A 3-foot-high steel intake structure at an elevation of 5,920 feet; (2) a 20-inch-diameter, 8,700-foot-long steel buried penstock; (3) a powerhouse containing a single generating unit rated at 400 kW operating under a head of 480 feet; (4) a 24-inch-diameter, 20-foot-long tailrace; and (5) a 14.4-kV, . 75-mile-long transmission line tying into a Montana Power Company existing line, to be upgraded. The average annual energy production would be 3.5 million kWh.

The estimated cost of the project is $340,000.

This application has been accepted for filing as of November 4, 1983, the submittal date of the Applicant's originally accepted exemption application pursuant to Eagle Power Company, et al., 28 FERC ¶ 61,061, issued July 18, 1984.

k. Purpose of Project: Project Power would be sold to Montana Power Company.

l. This notice also consists of the following standard paragraphs: A9, B, C and D1.

m. License or Conduit Exemption—Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 60 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

This provision is subject to the following exception: if an application described in this notice was filed by the preliminary permittee during the term of the permit, a small hydroelectric exemption application may be filed by the permittee only (license and conduit exemption applications are not affected by this restriction).

19 a. Type of Application: Exemption Under 5 MW.

b. Project No.: 7611–002.

c. Date Filed: November 15, 1984.

d. Applicant: Iron Mountain Mines, Inc.

e. Name of Project: Iron Mountain Spring Creek.

f. Location: On Spring Creek, near Keswick, in Shasta County, California.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 *as amended*.

h. Contact Person: Mr. T.W. Arman, Iron Mountain Mines, Inc., 1900 Point West Way, Suite 164, Sacramento, CA 95815, (916) 922–8821; Mr. P.H. Eichenberger, Eichenberger & Assoc., 4020 El Camino Avenue, B–4, Sacramento, CA 95821, (916) 486–1851.

i. Comment Date: May 22, 1985.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 36-inch-diameter, 150-foot-long steel diversion pipe with a flared inlet to collect cascading water at a 5-foot-high waterfall on Spring Creek at approximate elevation 1,800 feet msl; (2) a 50-foot by 10-foot by 15-foot sediment trap/regulating box structure; (3) a 36-inch-diameter, 12,200-foot-long pipeline/:penstock; (4) a 30-foot by 40-foot by 15-foot concrete powerhouse containing a single 3,500 kW impulse turbine-generator unit producing an estimated average annual generation of 14.82 GWh; (5) a 300-foot-long concrete spillway tailrace discharging through an existing conduit to the Sacramento River; and (6) a 2,400-foot-long, 12-kV transmission line to interconnect the project to an existing line. Project power would be sold to Pacific Gas and Electric Company. The project would be partially located on U.S. Bureau of Reclamation lands.

An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

20 a. Type of Application: Preliminary Permit.

b. Project No.: 9005–000.
c. Date Filed: March 7, 1985.
d. Applicant: Conejos Water Conservancy District.
e. Name of Project: Platoro Dam Power Project.
f. Location: On the Conejos River in Conejos County, Colorado.
g. Filed Pursuant to: Federal Power Act 16, U.S.C. 791(a)–825(r).
h. Contact Person: Kelly Sowards, President, Conejos Water Conservancy District, 318 Main Street, P.O. Box 40, Manassa, CO 81141.
i. Comment Date: June 3, 1985.
j. Competing Application: Project No. 8388, Date Filed June 26, 1984.
k. Description of Project: The Applicant would utilize an existing dam and lands under the jurisdiction of the Bureau of Reclamation (BR). The proposed project would consist of: (1) A proposed 48-inch diameter steel penstock which would be connected to the BR existing horseshoe tunnel; (2) a proposed powerhouse containing one generating unit rated at 200 kW and two generating units rated at 425 kW for a total installed capacity of 1,050 kW; (3) a proposed tailrace; (4) a proposed 14.4-kV transmission line; and (5) appurtenant facilities. The estimated average annual energy output for the project is 2,600,000 kWh.
l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alterantives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates that the cost of the studies under the permit would be $90,000.
m. This notice also consists of the following standard paragraphs: A8, A9, B, C, and D2.
21 a. Type of Application: Exemption (5MW or Less).
b. Project No.: 8822–000.
c. Date Filed: December 24, 1984.
d. Applicant: City of New York.
e. Name of Project: Merriman Dam.
f. Location: Rondout Creek in Ulster County, New York.
g. Filed Pursuant to: Energy Security Act of 1980 Section 408 (16 U.S.C. 2705 and 2708).
h. Contact Person: Mr. Joseph T. McGough Jr., Commissioner, Department of Environmental Protection, City of New York, Municipal Building, Rm. 2358, New York, New York 10007.
i. Comment Date: May 20, 1985.
j. Description of Project: The proposed project would consist of: (1) An existing 195-foot-high, 2,400-foot-long earth embankment dam owned by the Applicant with a crest elevation of 860 feet MSL; (2) an existing reservoir with a capacity of 160,200 acre-feet; (3) a proposed generating facility connected to the release line in the right abutment and containing a generating unit with a rated capacity of 103 kW; (4) a short length of transmission line tying into the existing Central Hudson Gas and Electric System; and (5) appurtenant facilities. The Applicant estimates a 700 MWh average annual energy production.
k. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.
l. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.
22 a. Type of Application: Exemption For Small Conduit Hydroelectric Facility.
b. Project No.: 8827–000.
c. Dated Filed: December 28, 1984.
d. Applicant: Municipality of Anchorage, Alaska.
e. Name of Project: Eklutna Energy Recovery Station and Ship Creek Energy Recovery Station.
f. Location: On the Municipality of Anchorage Water and Wastewater Treatment pipelines, in the Municipality of Anchorage.
g. Filed Pursuant to: Energy Security Act, 1980 (16 U.S.C. 2705 and 2780 as amend).
h. Contact Person: Mr. Charley L. Bryant, Project Manager, Eklutna Water Project, Anchorage Water and Wastewater Utility, 237 E. Fireweed Lane, Suite 201, Anchorage, Alaska 99503.
i. Comment Date: May 16, 1985.
j. Description of Project: The proposed project would consist of two developments. The Eklutna Energy Recovery Station would consist of a powerhouse containing a single generating unit with a rated capacity of 750 kW operating under a head of 164 feet, located near the Eklutna River Road. Flows from the powerhouse will discharge into a water transmission pipeline. The average annual energy output would be 3,500 MWh.
The Ship Creek Energy Recovery Station, located near Oilwell Road, would consist of a powerhouse containing three generating units with a combined rated capacity of 510 kW operating under a head of 185 feet. Flows from the powerhouse would discharge into the water distribution system. The average annual energy output would be 2,600 MWh.
k. Purpose of Project: Project power would be sold to Alaska Power Authority.
l. This notice also consists of the following standard paragraphs: A3, A9, B, C and D3b.
23 a. Type of Application: Preliminary Permit.
b. Project No.: 8827–000.
c. Dated Filed: October 18, 1984.
d. Applicant: Ochoco Irrigation District.
e. Name of Project: Prineville.
f. Location: At the Bureau of Reclamation's Arthur R. Bowman Dam, on the Crooked River, in Crook County, Oregon.
g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–823(r).
h. Contact Person: Keith Palmer, Ochoco Irrigation District, P.O. Box 6, 1001 North Deer, Prineville, Oregon 97754.
i. Comment Date: May 20, 1985.
j. Competing Application: Project No. 8579–000, date Filed: Sept. 4, 1984.
k. Description of Project: The proposed project would utilize the Bureau of Reclamation's Arthur R. Bowman Dam and Reservoir and would consist of: (1) A 6-foot-diameter steel penstock lining a new 130-foot-long, 10-foot-diameter concrete tunnel that would divert flow from the outlet tunnel to the powerplants; (2) a power plant, to be built in a newly excavated cavern 178 feet below the crest of the dam, housing a single generating unit with a capacity of 2,900 kW and an averaqe annual generation of 17,070,000 kWh; and (3) the upgrading of an existing distribution line to a three-phase 24.9-kV transmission line.
A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $75,000. No new roads would be constructed or drilling conducted during the feasibility study.
l. Purpose of Project: The project power would be sold to Pacific Power and Light Company.
m. This notice also consists of the following standard paragraphs: A8, A9, B, C and D2.
24 A. Type of Application: Exemption from Licensing (5MW or less).
b. Project No: 8875–000.

c. Date Filed: January 7, 1985.
d. Applicant: Armstrong Keta, Inc.
e. Name of Project: Armstrong-Keta.
f. Location: On Baranof Island, near the town of Port Armstrong, in Southwest Alaska.
g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 as amended).
h. Contact Person: Joe Smatlan, 2215 N. Jordan Ave., Juneau, Alaska 99801.
i. Comment Date: May 20, 1985.
j. Description of Project: The proposed project would use flows from Jetty Lake and would consist of: (1) A powerhouse containing two generating units with a total installed capacity of 100 kW. The average annual generation would be 876 MWh.
k. Purpose of Project: The project power would be used by a hatchery.
l. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a.

Competing Applications

A1. Exemption for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A2. Exemption for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license or conduit exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit and small hydroelectric exemption will not be accepted in response to this notice.

A3. License or Conduit Exemption—Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

This provision is subject to the following exception: if an application described in this notice was filed by the preliminary permittee during the term of the permit, a small hydroelectric exemption application may be filed by the permittee only (license and conduit exemption applications are not affected by this restriction).

A4. License or Conduit Exemption—Public notice of the filing of the initial license, small hydroelectric exemption or conduit exemption application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing application for license, conduit exemption, small hydroelectric exemption, or preliminary permit, or notices of intent to file competing applications, must be filed in response to and in compliance with the public notice of the initial license, small hydroelectric exemption or conduit exemption application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit: Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30 days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A competing preliminary permit application must conform with 18 CFR 4.33 (a) and (d).

A6. Preliminary Permit: No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or where there are proposed major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 60 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.33 (a) and (d).

A7. Preliminary Permit—Except as provided in the following paragraph, any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a license, conduit exemption, or small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) a preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33 (a) and (d).

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications on notices of intent. Any competing preliminary permit application, or notice of intent to file a competing preliminary permit application, must be filed in response to

and in compliance with the public notice of the initial preliminary permit application. No competing preliminary permit applications or notices of intent to file a preliminary permit may be filed in response to this notice.

Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) a preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33 (a) and (d).

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §§ 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's represesntatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: April 11, 1985.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–9097 Filed 4–15–85; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 8754-000, et al.]

Applications Filed With the Commission; Hydroelectric Project Applications (Jason M. Hines et al.)

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

(1) a. Type of Application: Preliminary Permit.

b. Project No. 8754-000.

c. Dated Filed: November 30, 1984.

d. Applicant: Mr. Jason M. Hines.

e. Name of Project: Buck Street.

f. Location: Suncook River in Merrimack County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Jason M. Hines, 84 Amherst Street, Amherst, New Hampshire 03031.

i. Comment Date: May 20, 1985.

j. *Description of Project:* The proposed project would consist of: (1) An existing 12.5-foot-high, 143-foot-long concrete dam (west) and a 16-foot-high, 53.5-foot-long concrete dam (east); (2) a reservoir with a surface area of 2 acres, no usable storage capacity, and a normal water surface elevation of 288 feet m.s.l. with; (3) 18-inch-high flashboards on each dam; (4) a new intake structure located east of the west dam; (5) a new 8-foot-diameter, 300-foot-long steel penstock; (6) a new powerhouse containing two generating units with a capacity of 110 kW each for a total installed capacity of 220 kW; (7) a new transmission line, 300 feet long; and (8) appurtenant facilities. The Applicant estimates the average annual generation would be 850,000 kWh. The existing dams are owned by the New Hampshire Water Resources Board, Concord, New Hampshire.

k. *Purpose of Project.* Project power would be sold to the Public Service Company of New Hampshire.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. *Proposed Scope of Studies under Permit.* A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 12 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $9,500.

(2) a. Type of Application: Preliminary Permit.

b. Project No: 8616-000.

c. Date Filed: September 26, 1984.

d. Applicant: Edwin F. Slowick.

e. Name of Project: Hennicker Falls.

f. Location: Contoocook River in Merrimack County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. David B. Ward, Flood & Ward, 1000 Potomac Street, N.W., Suite 402, Washington, D.C. 20007.

i. Comment Date: April 29, 1985.

j. *Description of Project.* The proposed project would consist of: (1) A proposed 19-foot-high, 110-foot-long concrete dam; (2) a proposed reservoir with a surface area of 9-acres, and a gross storage capacity of 75 acre-feet at elevation 544 feet msl; (3) a proposed powerhouse at the base of the dam containing a generating unit with a rated capacity of 1,600-kW; and (4) a proposed 300-foot-long transmission line tying into the existing Public Service Company of New Hampshire system. The Applicant estimates a 6,000,000 kWh average annual energy production.

k. *Proposed Scope of Studies under Permit.* A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36-months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, project power potential, test borings, and land surveying. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $120,000.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

(3) a. Type of Application: Amendment of License.

b. Project No: 2814-004.

c. Date Filed: June 26, 1984.

d. Applicant: Paterson Municipal Utilities Authority and Great Falls Hydroelectric Company.

e. Name of Project: Great Falls.

f. Location: Passaic River, City of Paterson, Passaic County, New Jersey.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: John Topalian, Project Director, Paterson Municipal Utilities Authority, 72 McBride Avenue, Paterson, New Jersey 07510.

i. Comment Date: April 29, 1985.

j. *Description of Project.* The project as licensed consists of: (a) The existing S.U.M. dam, an overflow granite stone gravity structure about 315 feet long, with a maximum height of 15 feet and having a crest elevation of 114.6 feet (m.s.l.); (b) an existing forebay inlet structure; (c) an existing reservoir with negligible storage; (d) an existing headgate control structure containing four trashracks and four steel gates each approximately 10 x 10 feet; (e) four existing steel lined penstocks each 8.5 feet in diameter and approximately 55 feet long; (f) an existing concrete powerhouse containing four new turbine-generators with a total rated capacity of 7.5 MW; (g) an existing 50-foot long 5-kV cable connecting the powerhouse to a 4.61/26.4-kV step-up transformer which in turn is connected to the City of Paterson Substation via a 1,500-foot-long 26-kV aerial and underground cable; and (h) appurtenant facilities.

The applicant proposes to amend the license by: (a) restoring the upstream face of the dam by constructing an 18-inch concrete facing slab, regrading, and placing protective rip rap on its upper surface; (b) replace the walkway bridge across the forebay with a new walkway bridge and a trash diverter; (c) three steel gates instead of four, with new continuous trashracks with an automatic cleaner; (d) three repaired or replaced steel lined penstocks; (e) increasing the installed capacity from 7.5 MW to 10.95 MW; and (f) a new 37-foot-long 4.16-kV underground cable connecting the powerhouse to a 4.16/26.4-kV step-up transformer which ties into the City of Paterson's substation via a 1,500-foot-long 26.4-kV underground and aerial cable. The applicant estimates a 33 million kWh average annual energy production.

k. *Purpose of Project.* All project power would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: B, C, and D1.

(4) a. Type of Application: License (Less than 5 MW).

b. Project No: 6588-001.

c. Date Filed: November 29, 1984.

d. Applicant: James M. Rea.

e. Name of Project: Milton Three Ponds.

f. Location: Salmon Falls River, Strafford County, New Hampshire and York County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: James M. Rea, Swain Road, Barrington, New Hampshire 03825.

i. Comment Date: May 17, 1985.

j. *Description of Project.* The proposed project would consist of: (1) The existing Milton Three Ponds Dam, 19 feet high

and 156 feet long; (2) a reservior having a storage capacity of 15,000 acre-feet, a surface area of 1,400 acres, and a normal pool elevation of 413.8 feet NGVD; (3) a new 7-foot-diameter steel penstock 60 feet long; (4) a new powerhouse containing 1 unit with a generating capacity of 180 kW; (5) a new tailrace; (6) a new 12.47-kV transmission line 100 feet long; and (7) appurtenant facilities. The existing project facilities are owned by the State of New Hampshire. The Applicant estimates the annual average energy production would be 900,000 kWh. the estimated cost of constructing the project would be $330,000.

k. *Purpose of Project.* All project power would be sold to the Public Service Company of New Hampshire.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C & D1.

(5) a. Type of Application: Preliminary Permit.

b. Project No.: 8516-000.

c. Date Filed: August 13, 1985.

d. Applicant: Energy Gap.

e. Name of Project: Upper Teton River.

f. Location: On lands administered by the Bureau of Reclamation, on the Teton River, in Teton County, Idaho.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Persons: Tim Jones, Hydrodesign Ltd., P.O. Box 2465, Twin Falls, Idaho 83303.

i. Comment Date: May 20, 1985.

j. *Description of Project.* The project features would consists of: (1) A 14-foot-high inlet structure on the right bank of the Teton River at elevation 5,788 feet; (2) a 10,620-foot-long, 86-inch-diameter penstock; (3) a powerhouse containing two generating units with a combined capacity of 5,700 kW and an average annual generation of 28,764 MWh; and (4) a 1,500-foot-long transmission line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $35,000. No new roads will be constructed or drilling conducted during the feasibility study.

k. *Purpose of Project.* Project power would be sold to Utah Power Company.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, D2.

(6) a. Type of Application: Preliminary Permit.

b. Project No.: 8781-000.

c. Date Filed: December 7, 1984.

d. Applicant: Great Western Power & Light, Inc.

e. Name of Project: Battle Creek Hydro Project.

f. Location: Battle Creek in Utah County, Utah.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Mike Graham, President, Great Western Power & Light, Inc., 484 East 300 North Manti, Utah 84642.

i. Comment Date: May 16, 1985.

j. *Description of Project.* The proposed project would utilize an abandoned site of the Utah Power & Light Company (UP&L), would be located entirely in the Uinta National Forest, and would consist of: (1) A new diversion structure taking flows from two springs and part of the flow from Battle Creek; (2) a renovated penstock, 12-inches in diameter and about 9,750 feet long; (3) a new powerhouse, at the same location of the former one, to contain two turbine-generator units rated at 500 KW and 1,000 KW for a total rated capacity of 1,500 KW; (4) a tailrace returning flow to Battle Creek; (5) a new 2,000-foot-long transmission line connecting to an existing UP&L line; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 7,956,000 KWh.

k. *Purpose of Project.* Project energy would be sold to local municipalities or the local power company.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, D2.

m. *Proposed Scope of Studies under Permit.* A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $35,000.

(7) a. Type of Application: Preliminary Permit.

b. Project No.: 8888-000.

c. Date Filed: January 22, 1985.

d. Applicant: Brookfield Power Company, Inc.

e. Name of Project: Oliverian Brook.

f. Location: On the Oliverian Brook in Grafton County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Richard A. Mauser, RFD 336 Governor's Road, Brookfield, New Hampshire 03872.

i. Comment Date: May 17, 1985.

j. *Description of Project.* The proposed project would consist of: (1) A proposed reinforced concrete weir-intake structure, with a maximum hight of four feet and length of twenty feet; (2) a proposed samll reservoir with negligible storage capacity at 460 feet m.s.l.; (3) a proposed 4-foot-diameter steel penstock approximately 200 feet long; (4) a proposed powerhouse to contain an installed generating capaicity 210 KW; (5) a proposed 300-foot-long, 8-kV transmission line; and (6) appurtenant facilities. The Applicant estimates that the average annual energy generation will be 960 mWh. The Applicant proposed to sell the power generated to the Connecticut Valley Power Company.

k. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

l. *Proposed Scope of Studies under Permit.* A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for FERC license. Applicant estimates that the cost of the studies under permit would be $15,000.

(8) a. Type of Application: Preliminary Permit.

b. Project No: 7208-001.

c. Date Filed: November 9, 1984.

d. Applicant: Union Village Hydroelectric Company.

e. Name of Project: Union Village.

f. Location: On the Ompopmpanoosuc River in Orange County, Vermont.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: John L. Warshow, Union Village Hydroelectric Company, 26 State Street, Montpelier, Vermont 05602.

i. Comment Date: May 20, 1985.

j. *Description of Project.* The proposed project will utilize the existing U.S. Army Corps of Engineers' Union Village Dam and consist of: (1) A 6-foot-diameter, 650-foot-long, steel penstock; (2) a proposed powerhouse with an installed generating capacity of 650 kW; (3) a proposed 600-foot-long, 7.2-kV transmission line; and (4) appurtenant facilities. The Applicant estimates the average annual energy generation to be approximately 2.0 GWh. It is anticipated that the power will be sold either to the interconnecting utility or to the Vermont Power Exchange.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, D2.

l. *Proposed Scope of Studies under Permit.* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $50,000.

(9) a. Type of Application: Preliminary Permit.

b. Project No: 8716–000.

c. Date Filed: November 13, 1984.

d. Applicant: New Hope Hydro Partners.

e. Name of Project: Union Mills.

f. Location: Delaware River in Bucks County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Ingolf Hermann, New Hope Hydro Partners, Ridgehill Professional Bldg., Suite 380, 2000 Plymouth Road, Minnetonka, Minnesota 55343.

i. Comment Date: May 20, 1985.

j. *Description of Project.* The proposed project would consist of: (1) An existing 11-foot-high, 1,290-foot-long rock filled with concrete cap wingwall dam; (2) a reservior with a surface area of 620 acres, storage capacity of 930 acre-feet, and a normal water surface elevation of 50 feet m.s.l.; (3) an existing intake structure on the right bank; (4) a new powerhouse on the right bank containing four generating units with a capacity of 1,409 kW each for a total installed capacity of 5,636 kW, adjacent to an old powerhouse, which would not be used for power production; (5) an existing tailrace; (6) a new transmission line, 300 feet long; and (7) appurtenant facilities. The Applicant estimates the average annual generation would be 40,219,800 kWh. The existing dam is owned by the Commonwealth of Pennsylvania.

k. *Purpose of Project.* Project power would be sold to Philadelphia Electric Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, D2.

m. *Proposed Scope of Studies under Permit.* A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $60,000.

(10) a. Type of Application: Minor License.

b. Project No.: 7931–001.

c. Date Filed: October 3, 1984.

d. Applicant: Larry Hensley.

e. Name of Project: 29 Mile Creek.

f. Location: Unnamed tributary of the South Fork American River, near Kyburz, in El Dorado County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Larry Hensley, 9240 Central Avenue, Orangevale, California 95662, (916) 988–2164.

i. Comment Date: May 17, 1985.

j. *Description of Project.* The proposed project would consist of: (1) A 2-foot-high, 15-foot-wide concrete diversion dam across the tributary at elevation 4,040 feet msl; (2) a 6-inch-diameter, 1,500-foot-long steel penstock; (3) a powerhouse located at elevation 3,850 feet msl containing a single Pelton turbine-generator unit with a rated capacity of 30 kW and producing an estimated average annual generation of 0.13 GWh; (4) a 6-inch-diameter, 30-foot-long steel pipe tailrace; and (5) a 200-foot-long, 440 volt transmission line to interconnect the project to an existing Pacific Gas and Electric Company (PG&E) line. Project power would be sold to PG&E. The project would occupy less than 1 acre of Eldorado National Forest lands. No recreational facilities are proposed by the Applicant.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

l. This application has been accepted for filing as of December 20, 1983, the submittal date of the Applicant's originally accepted exemption application pursuant to Snowbird, Ltd. *et. al.*, 28 FERC ¶61,062, issued July 18, 1984.

(11) a. Type of Application: Minor License.

b. Project No.: 7856–001.

c. Date Filed: November 8, 1984.

d. Applicant: Potosi Power Company, Inc.

e. Name of Project: Potosi Power Company Water Power Project.

f. Location: On the South Willow and Potosi Creeks, near Pony, in Madison County, Montana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Rhett Hurless, Bowman, Hurless & Associates, P.O. Box 3474, Bozeman, Montana 59772–3474.

i. Comment Date: May 20, 1985.

j. *Description of Project.* The project would consist of: (1) An existing powerhouse containing one generating unit rated at 25 kW located on the Potosi Creek; (2) a proposed 6-foot-high, 20-foot-long diversion structure at the South Willow Creek below the Potosi creek powerhouse; (3) a proposed 2300-foot-long, 27-inch-diameter penstock bifurcating into 18-inch-diameter and 12-inch-diameter pipelines at the new powerhouse; (4) a proposed powerhouse containing two generating units, one rated at 240 kW and the other rated at 119 kW; and (5) a proposed 10,000-foot-long underground transmission line and a 1.5 to 2.5-mile-long overhead transmission line connecting to an existing Montana Power Company transmission line. The estimated average annual energy production would be 1.4 million kWh at a total installed capacity of 384 kW. The total cost to construct the project would be $360,000 in 1984 dollars.

k. *Purpose of project.* The project energy would be sold to the Montana Power Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

(12) a. Type of Application: Preliminary Permit.

b. Project No.: 8922–000.

c. Date Filed: February 1, 1985.

d. Applicant: Independence Electric Corporation.

e. Name of Project: Celina Hydroelectric.

f. Location: On the Cumberland River, in Monroe, Cumberland, Clinton, and Russell Counties, Kentucky.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. G. William Miller, 919 18th Street, N.W., Suite 750, Washington, D.C. 20006.

i. Comment Date: May 20, 1985.

j. *Description of Project.* The proposed project would consist of: (1) A new earth dam approximately 1,200 feet long and having a maximum height of 60 feet; (2) a gated concrete spillway structure about 300 feet long; (3) a reservoir with a water surface area of about 6,030 acres at normal water surface elevation of 540 feet, m.s.l.; (4) a new concrete powerhouse housing two turbine/generating units with a total installed capacity of 42 MW; (5) approximately 20 miles of new 161=kV transmission line;

and (6) appurtentant facilities. Applicant estimates that the average annual generation would be 177,000,000 kWh.

k. *Purpose of Project.* The energy generated at the proposed project would be sold to a nearby utility.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

m. *Proposed Scope of Studies under Permit.* A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $125,000.

(13) a. Type of Application: Preliminary Permit.

b. Project No.: 8885–000.

c. Date Filed: January 29, 1985.

d. Applicant: Warren A. Harris III.

e. Name of Project: Tannery Dam.

f. Location: On the Millers River in Winchendon, Worchester County, Massachusetts.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Warren A. Harris III, P.O. Box 246, 28 Front Street, Winchendon, Massachusetts 01475.

i. Comment Date: May 16, 1985.

j. *Description of Project.* The proposed project would consist of: (1) An existing 248-foot-long, 10-foot-high concrete dam; (2) a reservoir having a surface area of 9 acres, a storage capacity of 51 acre-feet, and normal water surface elevation of 939.3 feet NGVD; (3) a new intake structure; (4) a new powerhouse containing generating units having an installed capacity of 125 kW; (5) an existing 700-foot-long discharge channel; (6) a new undergound 125-foot-long transmission line; and (7) appurtenant facilities. The Applicant estimates the average annual generation would be 650,000 kWh. The Applicant owns the existing dam and project facilities.

k. *Purpose of Project.* All project energy would be sold to either the Massachusetts Electric Co. or other local municipal lighting plants.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. *Proposed Scope and Cost of Studies under Permit.* A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $40,000.

(14) a. Type of Application: Major License (Over 5MW).

b. Project No.: 3913–001.

c. Date Filed: August 1, 1983.

d. Applicant: Puget Sound Power & Light Company.

e. Name of Project: Thunder Creek.

f. Location: On Thunder Creek, a tributary to the Baker River, near Concrete, in Skagit County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Robert V. Myers, Puget Power Building, Bellevue, Washington 98009.

i. Comment Date: May 20, 1985.

j. *Description of Project.* The proposed run-of-river project would consist of: (1) An 85-foot-long 13-foot-high concrete-gravity overflow-type dam having crest elevation 1,018.0 feet msl; (2) a small impoundment; (3) a gated intake structure and sluiceway at the right (north) bank; (4) a 5,830-foot-long 6-foot-diameter concrete-pipe conduit; (5) a 950-foot 5½-foot-diameter steel penstock; (6) a powerhouse containing two generating units operated at a net head of 535 feet and comprising: (a) a generating unit rated at 5,625-kw at a flow of 146 cfs; and (b) a generating unit rated at 3,800-kW operated at a flow of 99 cfs; (7) a tailrace having normal water surface elevation 464 feet msl; (8) a 1,000-foot-long 4.16=kV transmission line; (9) a 4.16/115=kV switchyard; and (10) an upgraded access road to the dam and a new access road to the powerhouse.

Applicant estimates that the average annual generation would be 50.8 MkWh and that the project construction cost would be $11,959,000. Project energy would be sold to Bonneville Power Administration or would be used to serve Applicant's system needs.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D2.

(15) a. Type of Application: Preliminary Permit.

b. Project No: 8898–000.

c. Date Filed: January 30, 1985.

d. Applicant: Bear Hydro Company.

e. Name of Project: Bear Creek Project.

f. Location: On Bear Creek, near Hyampom, within Six Rivers National Forest, in Humboldt County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Paul Eichenberger, Eichenberger and Associates, 4020 El Camino Ave. B–4, Sacramento, California 95821.

i. Comment Date: May 17, 1985.

j. *Description of Project.* The proposed project would consist of: (1) A 5-foot-high, 62-foot-long diversion dam at elevation 1,730 feet; (2) a 48-inch-diameter, 3,700-foot-long diversion conduit or a 5-foot-wide and 2.5-foot-deep, 3,700-foot-long channel; (3) a 32-inch-diameter, 1,050-foot-long steel penstock; (4) a powerhouse with a total installed capacity of 1,450 kW operating under a head of 320 feet; and (5) a 0.5-mile-long, 12.5=kV transmission line from the powerhouse to connect to an existing Pacific Gas and Electric Company (PG&E) transmission line. The Applicant estimates an average annual energy generation of 5.7 million kWh.

k. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.

(16) a. Type of Application: Preliminary Permit.

b. Project No.: 8897–000.

c. Date Filed: January 30, 1985.

d. Applicant: Horse Linto Hydro Company.

e. Name of Project: Horse Linto Creek Project.

f. Location: On Horse Linto Creek, near Hoopa, within Six Rivers National Forest, in Humboldt County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Mr. Paul Eichenberger, Eichenberger and Associates, 4020 El Camino Avenue B–4, Sacramento, California 95821.

i. Comment Date: May 17, 1985.

j. *Description of Project.*—The proposed project would consist of three facilities:

I Upper Facility.—(1) a 5-foot-high, 20-foot-long diversion dam at elevation 3,010 feet; (2) a 5-foot-high, 80-foot-long diversion dam at elevation 3,010 feet; (3) a 30-inch-diameter or 3-foot-wide and 1.5-foot-deep, 10,200-foot-long diversion conduit or channel; (4) a 48-inch-diameter or 5-foot-wide and 2.5-foot-deep, 10,200-foot-long diversion conduit or channel; (5) a 36-inch-diameter, 1,000-foot-long steel penstock; (6) a powerhouse with a total installed capacity of 4,500 kW operating under a head of 662 feet; and (7) a 1.5-mile-long, 12.5-kV transmission line from the powerhouse to connect to an existing Pacific Gas and Electric Company (PG&E) transmission line. The Applicant estimates an average annual generation of 5.7 million kWh.

II Middle Facility.—(1) a 5-foot-high, 88-foot-long diversion dam at elevation

2,025 feet; (2) a 50-inch-diameter or 5-foot-wide and 2.5-foot-deep, 8,300-foot-long diversion conduit or channel; (3) a 36-inch-diameter, 900-foot-long steel penstock; (4) a powerhouse with a total installed capacity of 3,000 kW operating under a head of 447 feet; and (5) a 1-mile-long, 12.5-kV transmission line from the powerhouse to connect to an existing Pacific Gas and Electric Company (PG&E) transmission line. The Applicant estimates an average annual energy generation of 13.2 million kWh.

III Lower Facility.—(1) a 5-foot-high, 45-foot-long diversion dam at elevation 2,060 feet; (2) a 39-high-diameter or 4-foot-wide and 2-foot-deep, 4,500-foot-long diversion conduit or channel; (3) a 28-inch-diameter, 1,500-foot-long steel penstock; (4) a powerhouse with a total installed capacity of 2,050 kW operating under a head of 638 feet; and (5) a 6-mile-long 12.5-kV transmission line from the powerhouse to connect to an existing Pacific Gas and Electric Company (PG&E) transmission line. The Applicant estimates an average annual energy generation of 8.1 million kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to conduct technical, environmental and economic studies, and also prepare an FERC license application at an estimated cost of $125,000.

k. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

(17) a. Type of Application: Minor License.

b. Project No.: 7178–001.

c. Date Filed: September 17, 1984.

d. Applicant: Ronald F. and Carlene A. Ott.

e. Name of Project: Arbuckle Mountain.

f. Location: On Middle Fork Cottonwood Creek, near Platina, in Shasta County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Ronald F. Ott, Ott Water Engineers, Inc., 2334 Washington Avenue, Redding California 96001, (916) 244–1920.

i. Comment Date: May 17, 1985.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 15-foot-high, 65-foot-long rock diversion dam across Middle Fork Cottonwood Creek at elevation 1,900 feet msl with an intake structure diverting up to 130 cfs.; (2) a 72-inch-diameter, 1,400-foot-long steel pipeline; (3) a transition structure; (4) a 60-inch-diameter, 100-foot-long steel penstock; (5) a powerhouse containing a single cross-flow turbine-generator unit with a rate capacity of 400 kW and producing an estimated average annual generation of 0.95 GWh; (6) a switchyard; and (7) a 4-mile-long, 12 kV transmission line to interconnect the project with a Pacific Gas & Electric Company (PG&E) line. Project power would be sold to PG&E. The project would occupy 7.5 acres of Bureau of Land Management lands in addition to private lands. Applicant estimates project cost at $1 million. No recreational facilities are proposed.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

(18) a. Type of Application: Preliminary Permit.

b. Project No.: 8825–000.

c. Date Filed: December 24, 1984.

d. Applicant: Morley Hydro Company.

e. Name of Project: Morley Dam.

f. Location: In Mecosta County, Michigan on the Little Muskegon River.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Gary F. Croskey, 336 University Drive, East Lansing, Michigan 48823.

i. Comment Date: May 17, 1985.

j. Description of Project: The proposed project would consist of: (1) A 12-foot-high and 430-foot-long existing dam to be renovated including spillway at elevation 883.4 feet m.s.l. owned by Mr. Jim Goodfellow; (2) an existing reservoir with a surface area of 56 acres and a storage capacity of 400 acre-feet at elevation 883.0 m.s.l.; (3) an existing powerhouse 48 feet long and 20 feet wide to be renovated and to contain one turbine/ generator with a rated capacity of 225 kW and flows discharging directly into the Little Muskegon River; (4) an existing 12-kV tranmission line 100 feet long; and (5) appurtenant facilities. The estimated average annual energy produced by the project would be 750,000 kilowatt hours operating under a net hydraulic head of 13.5 feet. The project power would be sold to the Consumers Power Company.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, D2.

1. *Proposed Scope of Studies under Permits.* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 18 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $32,000.

(19) a. Type of Application: Preliminary Permit.

b. Project No: 8757–000.

c. Date Filed: December 3, 1984.

d. Applicant: Braddock Associates.

e. Name of Project: Monongahela River Locks and Dam No. 2.

f. Location: Monongahela River in Allegheny County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Joel Kirk Rector, Braddock Associates, 8 Peabody Terrace No. 32, Cambridge, Massachusetts 02138.

i. Comment Date: May 17, 1985.

j. *Description of Project.* The proposed project would utilize the existing Corps of Engineers Monongahela River L/D No. 2 and would consist of: (1) A new intake structure; (2) a new 9-foot-diameter, 25-foot-long penstock; (3) a new powerhouse containing one generating unit with a capacity of 6,500 kW; (4) a new 100-foot-long tailrace; (5) a new transmission line, 750 feet long; and (6) appurtenant facilities. The Applicant estimates the average annual generation would be 35,300,000 kWh.

k. *Purpose of Project.* Project power would be sold to the municipalities of Pittsburgh, West Mifflin, and McKeesport.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. *Proposed Scope of Studies under permit.* A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $125,000.

(20) a. Type of Application: Preliminary Permit.

b. Project No: 8803–000.

c. Date Filed: December 14, 1984.

d. Applicant: Great Bear Hydropower, Inc.

e. Name of Project: Paulina.

f. Location: On the Paulins Kill River in Warren County, New Jersey.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. David Yaffe, Duncan, Allen, and Mitchell, 1575 Eye St., N.W., Washington, D.C. 20005.

i. Comment Date: May 17, 1985.

j. *Description of Project.* The proposed project will consist of: (1) The existing 11-foot-high, 150-foot-long dam; (2) the existing 18-acre reservoir with a normal surface level of 328 feet m.s.l.; (3) an existing powerhouse which contains an existing 45-kW generating unit and will also include a proposed 115-kW generating unit; (4) a proposed 25-foot-long, 10-foot-wide, pipe; (5) a proposed 30-foot-long, 480-V transmission line; and (6) appurtenant facilities. The Applicant estimates that the average annual energy generation of the proposed unit is 375 mWh. The annual generation of the existing unit is unknown. All existing project facilities are currently owned by Blairstown Water Company.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

l. *Proposed Scope of Studies under Permit.* A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permif would be $20,000.

(21) a. Type of Application: Preliminary Permit.

b. Project No: 8923–000.

c. Date Filed: February 1, 1985.

d. Applicant: Independence Electric Corporation.

e. Name of Project: Morven Hydro Project.

f. Location: On the Pee Dee River near Morven, Anson County, North Carolina.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: G. William Miller Independence Electric Corporation 919 18th Street., N.W. Suite 750 Washington, D.C. 20006.

i. Comment Date: May 20, 1985.

j. *Description of Project.* The totally unconstructed project would consist of: (1) A 900-foot-long and 30-foot-high earth dam; (2) a reservoir with a surface area of 650 acres at a normal pool elevation of 110 feet m.s.l.; (3) a powerhouse housing two 3.9-MW generators for a total installed capacity of 7.8 MW; (4) a 115-kV transmission line approximately 2 miles long; and (5) appurtenant facilities. The Applicant estimates the average annual generation would be 50,000 MWh. The proposed project would not be located on any Federal lands. All project energy generated would be sold to Carolina Power and Light Company.

k. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, D2.

l. *Proposed Scope of Studies under permit.* A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under the permit would be $50,000.

(22) a. Type of Application: Preliminary Permit.

b. Project No: 8928–000.

c. Date Filed: February 4, 1985.

d. Applicant: Jason M. Hines.

e. Name of Project: LaFayette Street Dam.

f. Location: On the Sugar River in the town of Claremont, Sullivan County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Jason M. Hines 84 Amherst Street Amherst, New Hampshire 03031.

i. Comment Date: May 17, 1985.

j. *Description of Project.* The proposed project would consist of: (1) An existing dam in three sections, a 100-foot-long, spillway section, a 100-foot-long, 6-foot-high training wall section, and a 25-foot-long, 12-foot-high concrete section with a wooden gatehouse on top; (2) a reservior having a surface area 0.25 acre, a storage capacity of 1 acre-foot, and a normal water surface elevation of 422.1 feet msl; (3) an existing 25-foot-wide, 225-foot-long power canal; (4) an existing 25-foot-long, 10-foot-diameter steel penstock; (5) an existing powerhouse containing a new generating unit with an installed capacity of 425 kW; (6) an existing tailrace; (7) a new 225-foot-long transmission line; and (8) appurtenant facilities. The Applicant estimates the average annual generation would be 1,300,000 kW. The existing dam is owned by the Central Vermont Public Service Co.

k. *Purpose of project.* All project energy generated would be sold to the Connecticut Valley Electric Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, D2

m. *Proposed Scope and cost of Studies under Permit.* A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $8900.

(23) a. Type of Application: Preliminary Permit.

b. Project No.: 8896–000.

c. Date Filed: January 29, 1985.

d. Applicant: Blue Creek Hydro Company.

e. Name of Project: Lower Blue Creek Project.

f. Location: On Blue Creek, within Stanislaus National Forest in Calaveras County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. James E. Helmich, JBS Energy Inc., 311 D Street, Broderick, California 95605.

i. Comment Date: May 17, 1985.

j. *Description of Project.* The proposed project would consist of: (1) A 15-foot-high diversion structure at elevation 3,600 feet; (2) a 40-inch-diameter, 9,240-foot-long conduit; (3) a 36-inch-diameter, 2,940-foot-long penstock; (4) a powerhouse to contain a single generating unit with a rated capacity of 1,700 kW operating under a head of 600 feet; and (5) a 12.5-kV, 8,000-foot-long transmission line will connect the project with an existing Pacific Gas and Electric Company (PG&E) 115-kV line north of the powerhouse.

k. *Purpose of project.* The estimated annual generation of 6 million kWh will be sold to PG&E.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.

Competing Applications

A1. *Exemption for Small Hydroelectric Power Project under 5MW Capacity*— Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application

must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A2. *Exemption for Small Hydroelectric Power Project under 5MW Capactiy*—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in the project, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license or conduit exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit and small hydroelectric exemption will not be accepted in response to this notice.

A3. *License or Conduit Exemption*—Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

This provision is subject to the following exception: If an application described in this notice was filed by the preliminary permittee during the term of the permit, a small hydroelectric exemption application may be filed by the permittee only (license and conduit exemption applications are not affected by this restriction).

A4. *License or Conduit Exemption*—Public notice of the filing of the initial license, small hydroelectric exemption or conduit exemption application, which has already been given, established the due date for filing competing applications or notice of intent. In accordance with the Commission's regulations, any competing application for license, conduit exemption, small hydroelectric exemption, or preliminary permit, or notices of intent to file competing applications, must be filed in response to and in compliance with the public notice of the initial license, small hydroelectric exemption or conduit exemption application. No competing applications or notices of intent may be filed in response to this notice.

A5. *Preliminary Permit.*—Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30 days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A competing preliminary permit application must conform with 18 CFR 4.33 (a) and (d).

A6. *Preliminary Permit.*—No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or where there are proposed major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 60 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.33 (a) and (d).

A7. *Preliminary Permit*—Except as provided in the following paragraph, any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a license, conduit exemption, or small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file competing application may file the subject application until: (1) A preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33 (a) and (d).

A8. *Preliminary Permit*—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications on notices of intent. Any competing preliminary permit application, or notice of intent to file a competing preliminary permit application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing preliminary permit applications or notices of intent to file a preliminary permit may be filed in response to this notice.

Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) A preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33 (a) and (d).

A9. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an

unequivocal statement of intent to submit, if such an application may be filed, either (1) A preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L No. 88–29, and other applicable statues. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: March 26, 1985.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–9136 Filed 4–15–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP85–371–000, et al.]

Natural Gas Certificate Filings; ANR Pipeline Company et al.

Take notice that the following filings have been made with the Commission:

1. ANR Pipeline Company

[Docket No. CP85–371–000]

April 11, 1985.

Take notice that on March 18, 1985, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP85–371–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport up to 900 million Btu of natural gas per day for an end-user under ANR's blanket certificate issued in Docket No. CP82–480–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

ANR proposes to transport up to 900 dt equivalent of natural gas per day, on a best-efforts basis, for an end-user, Butler Manufacturing Company (Butler), pursuant to a transportation agreement, between the parties dated January 7, 1985. It is explained that the agreement for the transportation service, which commenced January 16, 1985, provides that Petro Source Energy (Petro), supplier of the gas to Butler, would deliver the gas to Transok, Inc. (Transok), at various interconnecting points with Petro in Oklahoma for transport and delivery,[1] less 2 percent of

[1] Transok's transportation is rendered pursuant to Docket No. ST80–200, it is explained.

the gas for compressor fuel, to ANR's system in Oklahoma for the account of Butler. ANR states that it would then transport and deliver the gas to Illinois Power Company (IPC), a local distribution company, at an interconnection with IPC in Henry County, Illinois, for delivery to Butler at its Galesburg, Illinois, manufacturing facility. It is explained the gas would be used for space heating and process equipment.

ANR asserts for all the gas it transports and delivers, it would charge Butler 44.6 cents per dt equivalent based upon ANR's Rate Schedule EUT–1, on file with the Commission in its FERC Gas Tariff, Original Volume No. 1. ANR indicates that the transportation rate is based upon a haul distance of 716.3 miles times 3.6 cents per 100 miles or 25.8 cents plus a fuel charge of 18.8 cents.

ANR requests authorization to transport gas for Butler beyond the automatic 120-day period permitted by § 157.209(e)(1). Current regulations provide for end-user transportation through June 30, 1985. Specifically, ANR requests authority to transport gas for Butler through December 31, 1986, or for such lesser period as the Commission may permit its end-user transportation program to continue. ANR asserts that in the event authority is obtained to provide the service requested for a period extending beyond the current date authorized in the Commission's Regulations, ANR and Butler would amend the transportation agreement to conform the term of service to the period authorized.

ANR also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. ANR will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: May 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

2. Colorado Interstate Gas Company

[Docket No. CP80–437–007]

April 9, 1985.

Take notice that on March 11, 1985, Colorado Interstate Gas Company (Petitioner), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP80–437–007 a petition to amend further the order of March 4, 1981, issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas for Sinclair Oil Corporation (Sinclair) to a new delivery point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By Commission order issued in Docket No. CP80–437–000, as amended, Petitioner is said to be authorized to transport natural gas for Sinclair and to construct and operate facilities for the redelivery of natural gas to Sinclair near Rawlins, Wyoming. By an amendment to a gas transportation agreement a new redelivery point from Petitioner to Northern Utilities, Inc., for Sinclair's account is said to have been added in Natrona County, Wyoming. Petitioner, therefore, petitions the Commission to amend further the order of March 4, 1981, to provide authorization to transport natural gas to the additional redelivery point.

It is stated that Petitioner would require new facilities to provide for an interconnection with Northern Utilities, Inc., consisting of tie-in and measurement facilities estimated to cost $85,000, for which Sinclair would reimburse Petitioner.

Comment date: April 23, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

3. Colorado Interstate Gas Company

[Docket No. CP85–398–000]

April 11, 1985.

Take notice that on March 28, 1985, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP85–398–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a new transportation tariff and blanket certificate authorization to provide firm and interruptible transportation service pursuant to that tariff, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to implement a new transportation tariff in addition to blanket authorization to permit new transportation agreements between Applicant and various shippers and existing transportation agreements between Applicant and various shippers with which Applicant is able to negotiate a mutually beneficial agreement to convert to the tariff and rate schedules proposed.

Applicant states that its markets have declined drastically over the past several years in response to market sensitivity to the increased price of natural gas. Applicant, it is said, has taken several significant steps to maintain its sales level including substantial decreases in sales rate. It is further said that Applicant has implemented a discount rate schedule for high volume customers. Applicant states that a second discount rate schedule is pending Commission approval.

Applicant states that its markets have declined drastically over the past several years in response to market sensitivity to the increased price of natural gas. Applicant, it is said, has taken several significant steps to maintain its sales level including substantial decreases in sales rate. It is further said that Applicant has implemented a discount rate schedule for high volume customers. Applicant states that a second discount rate schedule is pending Commission approval.

Applicant asserts that in spite of these efforts, its sales continue to decline. It is stated that total system sales were 326,500,000 Mcf, 275,100,000 Mcf, and 270,200,000 Mcf in fiscal years 1982, 1983 and 1984, respectively. It is said that the cause of these declining sale volumes has been a combination of customer energy conservation, an increase in alternative energy sources, and improved energy technology including the increased use of energy-efficient appliances.

Applicant states that its transportation volume levels have increased from approximately 9,000,000 Mcf per year in 1977 for approximately ten shippers to over 70,000,000 Mcf in 1984 for some thirty entities. Applicant states further that its transportation activity is expected to continue to increase in terms of both volume handled and number of transactions.

It is stated that the rate schedules and other material to be contained in Original FERC Tariff Volume No. 1–A, as proposed, would apply to non-owner shippers. It is stated further that at present, Applicant transports gas for various shippers pursuant to single commodity rates. It is said that currently, those rates are 36.08 cents per Mcf for off-system shippers and 56.60 cents per Mcf for transportation volumes that displace sales on Applicant's system. It is further said that both rates are subject, when appropriate, to an

additional Gas Research Institute (GRI) charge of 1.25 cents per Mcf.

The proposed tariff, it is said, would provide much greater flexibility in rates and service than is now available. It is further said that both a firm and interruptible rate schedule would be available for off-system or new on-system shippers and a firm and interruptible rate schedule would be available for transportation that displaces sales on Applicant's system. The proposed rates and rate structure, it is said, would vary commensurate with the service provided.

Applicant states that proposed Rate Schedule TF–1 provides for firm transportation service by Applicant for a minimum term of five years. The rate schedule, it is said, is applicable to off-system shippers serving markets not located on Applicant's system and on-system shippers proposing to serve markets not previously served by Applicant. A two-part rate for service under Rate Schedule TF–1 is proposed consisting of a $1.55 per Mcf demand component and a 26.53 cents per Mcf commodity component.

In addition, it is said, when applicable, a 1.25-cent per Mcf GRI charge would be added to the commodity rate. The demand charge, it is said, would be based upon a transportation contract demand volume included in a transportation service agreement between Applicant and shipper and is applicable regardless of the volume of gas actually transported. It is said that the demand charge would be adjusted if Applicant on any day fails to accept from shipper volumes tendered up to the transportation contract demand volume. It is further said that the commodity rate is applicable to all volumes transported by Applicant for the account of shipper. Applicant states that an overrun charge of 31.63 cents per Mcf is applicable when Applicant transports volumes in excess of the transportation contract demand volume on any given day.

Applicant states that proposed Rate Schedule TI–1 is for interruptible service provided by Applicant for off-system shippers serving markets not located on Applicant's system and on-system shippers proposing to serve markets not previously served by Applicant. It is said that there is no minimum term applicable to this rate schedule. The rate proposed for Rate Schedule TI–1 is a commodity of 31.63 cents per Mcf and is applicable to all volumes transported by Applicant for the account of shipper. It is further said that the same rate is applicable for service provided in excess of the maximum delivery volume to be included in a transportation service agreement to be negotiated between Applicant and shipper. A 1.25-cent per Mcf GRI charge would be added when appropriate, it is said.

Applicant states that proposed Rate Schedule SDT–1 provides for firm transportation by Applicant for a minimum term of five years. The rate schedule, it is said, is applicable to those on-system end-users and full requirement customers of Applicant where sales by Applicant would be displaced by the transportation service. The rate proposed for Rate Schedule SDT–1 consists of a two-part rate of $3.17 per Mcf demand component and 56.60 cents per Mcf commodity component. In addition, when appropriate, a 1.25-cent per Mcf GRI charge would be added to the commodity rate. The demand charge, it is said, would be based upon a transportation contract demand volume included in a transportation service agreement to be negotiated between Applicant and a shipper and would be payable regardless of the volume of gas actually transported. It is said that the demand charge would be adjusted if Applicant on any day fails to accept from a shipper volumes tendered up to the transportation contract demand volume. It is further said that the commodity rate would be applicable to all volumes transported by Applicant for the account of the shipper. Applicant states that an overrun charge of 67.02 cents per Mcf would be applicable when Applicant transports volumes in excess of the transportation contract demand on any given day.

Applicant states that it cannot dedicate system capacity to these new firm shippers and at the same time reserve system capacity and gas supply to provide sales service at levels established under the general daily entitlements in Volume No. 1 of Applicant's tariff for the sales customer affected by the transportation service. It is said that a revised service agreement under Volume No. 1 of Applicant's tariff providing for a reduction in general daily sales entitlements and total annual sales entitlements equivalent to shipper's transportation contract demand would be required before Applicant would provide transportation service under Rate Schedule SDT–1. It is said further that should a shipper be an end-user served by an on-system distribution company, the revised service agreement would be that of the distribution company serving such end-user.

Applicant states that the demand charge has been developed based upon the demand charge for sales under Applicant's Rate Schedule G–1 as shown in Applicant's FERC Gas Tariff, Original Volume No. 1, Sheet No. 7. The commodity charge, it is said, is Applicant's margin for its Rate Schedule G–1 commodity rate as settled in Docket No. RP82–54. Applicant states further that the transportation rate is Applicant's full margin to offset the loss of sales and provides for equivalent rate treatment whether service is for sales or transportation. It is said that even this rate does not obviate all risk to Applicant because there continues to be potential take-or-pay obligations resulting from decreased sales.

Applicant states that the firm sales obligations by Applicant to a shipper would be reduced an equivalent volume to accommodate the new firm transportation obligations under Rate Schedule SDT–1. It is said that once a shipper has reduced its purchase entitlement, Applicant would not be obligated to increase that shipper's purchase entitlement unless mutually agreed between the parties and such increase is certificated by the FERC. It is further said that should shipper be an end-user served by an on-system distribution company, the revised service agreement would be that of the distribution company serving such end-user.

Applicant states that proposed Rate Schedule SDT–2 provides for interruptible service for on-system end-users and full requirement customers of Applicant where sales by Applicant would be displaced by the transportation service. It is said that there is no minimum service term required for this rate schedule. It is further said that the rate proposed is 56.60 cents per Mcf for gas transported. A 1.25-cent per Mcf GRI charge would be added when appropriate, it is said.

Applicant states that this proposed rate is Applicant's margin for its Rate Schedule G–1 commodity charge as settled in Docket No. RP82–54. It is said that as with the rate proposed for service under Rate Schedule SDT–1, this charge does not obviate all risk to Applicant because there continues to be potential take-or-pay obligations resulting from decreased sales.

Applicant states that it recognizes that the rates proposed are based on the settlement in Docket No. RP82–54. It is stated that a new filing pursuant to section 4 of the Natural Gas Act is being submitted concurrently with this application. It is further stated that the proposed changes in rates, to be effective in all likelihood on or about September 28, 1985, would alter the rates contained in the rates schedules proposed. It is said that subsequent rate

filings may affect the proposed rate schedules. Applicant states that the proposed rate schedules would be subject to change, from time to time, when new rates are approved by the Commission.

Applicant states that the transportation service pursuant to purposed Rate Schedules TF–1 and SDT–1 would be a firm service equal in priority to the transportation of gas for service under applicant's firm sales rate schedules contained in its FERC Gas Tariff, Original Volume No. 1. It is said that firm sales and firm transportation services would have priority over interruptible sales and interruptible transportation services when the request for all such services, on any day, exceeds the available transmission capacity.

Applicant states that in the event curtailment is initiated on a day when the available capacity on Applicant's existing transmission system is such that Applicant is unable to transport the volumes of gas tendered for firm transportation service and the volumes of gas necessary for service under Applicant's firm sales rate schedules, then the available capacity would be shared in proportion to the respective sales general daily entitlement volumes and transportation contract demand volumes after recognizing any adjustments required to forestall irreparable injury to life, property or for minimum plant protection.

It is said that the sequence for the priority of service for interruptible service is specified in Article 3.3 of the General Terms and Conditions of the proposed Volume No. 1–A tariff.

Applicant states that the rates developed for firm service under Rate Schedules TF–1 and SDT–1 include the full allocated cost of Applicant's transmission cost-of-service both as to the demand component and commodity component exclusive of gas costs. It is stated further that since the rates to be charged for the proposed firm transportation service are on a par with other firm services provided by Applicant the public convenience and necessity require that the priority of service applicable to the proposed firm transportation service be equal to Applicant's other firm services.

Applicant states that it currently provides firm transportation service for certain shippers. This service, it is said, is provided under specific certificate authority granted pursuant to applications filed under section 7 of the Natural Gas Act. It is said that the contracts providing for such service are filed as X rate schedules in Applicant's FERC Gas Tariff, Original Volume No. 2. Applicant requests authority to provide future firm transportation service under Rate Schedules TF–1 and SDT–1 pursuant to blanket certificate authority. Applicant proposes to advise the Commission of all such transactions by filing an appropriate change to the Index of Shippers to reflect commencement and termination of such transportation service. It is stated that these filings are proposed to be made by Applicant within thirty days of such change. Applicant states that it would no longer be necessary for Applicant to file section 7(c) applications and releated tariff filings as rate schedules to be included in its FERC Gas Tariff, Original Volume No. 2, for the firm transportation services enumerated in Rate Schedule TF–1 and SDT–1.

Applicant asserts that its customers and the Commission would benefit by the reduced workload and lower cost resulting from the reduction in numbers of both certificate applications and tariff filings. It is further asserted that the producer and the ultimate consumer would benefit from the shorter time required for the commencement of the firm transportation service.

Applicant states that it also currently provides interruptible transportation service pursuant to specific certificate authorizations and X rate schedules. In addition, Applicant holds certificates issued in Docket Nos. CP80–169–000 and CP83–21–000 for authority to provide self-implementing interruptible transportation service pursuant to Part 284 and Part 157, respectively, of the Commission's Regulations. Applicant requests blanket certificate authority to provide future interruptible transportation service under Rate Schedules TI–1 and SDT–2. Applicant proposes to keep the Commission advised of all such transactions by filing an appropriate change to the Index of Shippers to reflect commencement and termination of service. It is said that these filings are proposed to be made by Applicant within thirty days of such change. It is further said that filing changes to the Index of Shippers would reduce other filing requirements and negate numerous reports now required for Part 284 and Part 157 transactions. Applicant states that substantial portions of the information required in the self-implementing reporting requirements would be included in the filing of changes to the Index of Shippers.

Applicant states that it would no longer have to file prior notice requests and related reports for cetain self-implementing transportation service to be provided under Rate Schedules TI–1 and SDT–2. It is further stated that Applicaant would no longer be required to file section 7(c) applications and related tariff filings as a rate schedule to be included in its FERC Gas Tariff, Original Volume No. 2, for other interruptible service that would now be provided under Rate Schedules TI–1 and SDT–2.

Applicant states that it currently provides both firm and interruptible transportation service to shippers under specific section 7(c) cetificate authorization with corresponding transportation agreements filed in its FERC Gas Tarift, Original Volume No. 2, as X rate schedules. It is further stated that Applicant provides interruptible transportaiton service to customers under Part 157 and Part 284 of the Commission's Regulations for which no X rate schedules are required.

Applicant states that some of these existing transportation shippers may prefer service under the proposed new Volume No. 1–A tariff to service under their current contract. It is further stated that it may be mutually beneficial to both Applicant and an existing shipper to negotiate a new agreement which would permit the shipper to convert to the appropriate new rate schedules as proposed. It is said that although Applicant is not obligated to permit existing shippers to change to the new rate schedules, Applicant is requesting such blanket authorization as may be required to permit any existing shipper to change to the appropriate new rate schedule. Such blanket authorization would be applicable only for the same service, firm or interruptible, and for the same volumetric authorization, it is said.

Applicant states that blanket cetificate authority requested, whether for firm or interruptible service under all four proposed rate schedules, would be applicable only when such service can be provided without need for the construction of additional mainline facilities to increase capacity. It is said that Applicant would install those facilities required to effect transportation services that are authorized pursuant to its blancket certificate issued in Docket No. CP83–21–000. It is further said that Applicant would request separate section 7(c) authorization for facilities to increase mainline capacity or facilities for which it does not have existing authorization.

Applicant states that it currently has capacity available on most segments of its transmission system to accommodate additional transportation gas. It is said that much of its capacity results from reductions in sales commitments. It is further said that in the pending application in Docket No. CP85–381–000,

Applicant's firm sales peak day markets are proposed to be reduced. Applicant indicates that capacity is, and would be, available to allocate pursuant to the blanket certificate transportation authority sought.

Comment date: May 2, 1985, in accordance with Standard Paragraph F at the end of this notice.

4. Colorado Interstate Gas Company

[Docket No. CP84-595-003]

April 11, 1985.

Take notice that on March 18, 1985, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket NO. CP84-595-003 an amendment to reflect a change in its pending application, filed in Docket No. CP84-595-000, as amended, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

By the instant amendment, CIG proposes to increase the maximum daily volume of natural gas which CIG proposes to transport for Tennessee on a firm basis from 32,000 Mcf per day to 107,000 Mcf per day. CIG further proposes to add a delivery point for the receipt of up to 75,000 Mcf of natural gas per day for the account of Tennessee at an existing point of interconnection between the facilities of Wyoming Interstate Company, Ltd. (WIC), and CIG at the Rockport delivery point in Weld County, Colorado.The application states that the volumes of natural gas delivered by WIC to CIG for Tennessee's account would be transported on a firm basis and redelivered for the account of Tennessee to Natural Gas Pipeline Company of America, Northern Natural Gas Company, a division of InterNorth, Inc., Northwest Pipeline Corporation, or any combination, thereof, at the redelivery points specified in the January 1984 agreement, as amended, or such other redelivery point mutually agreed to by CIG and Tennessee.

CIG states that no facilities would currently be required on its system to effectuate the transportation for the account of Tennessee. The proposal in the instant amendment is said to be an alternative to the transportation service proposed by Trailblazer for the account of Tennessee in Trailblazer's application pending in Docket No. CP83-302-000. CIG states that upon the grant of the authorization requested herein, it is willing to provide a firm transportation service for Tennessee at rates considerably less than would be offered by Trailblazer. CIG avers that the initial rates it proposes to charge Tennessee for its transportation service would be at least 28.0 cents per Mcf less than the rate Tennessee would have to pay as a firm shipper utilizing the Trailblazer facilities.

All other aspects of CIG's original application, as amended, remain unchanged.

Comment date: May 2, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

5. Northwest Central Pipeline Corporation

[Docket No. CP85-362-000]

April 11, 1985.

Take notice that on March 13, 1985, Northwest Central Pipeline Corporation (Applicant), P.O. Box 3288, Tulsa, Oklahoma 74102, filed in Docket No. CP85-362-000 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon and for a certificate of public convenience and necessity authorizing the installation of compression facilities in the South Welda Storage Field in Anderson County, Kansas, all as more fully set for th in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon and reclaim a 270 horsepower rental compressor unit and replace it with a 230 horsepower company-owned compressor unit and to install an additional 280 horsepower company-ownd compressor unit and appurtenant facilities to compress for delivery into Applicant's facilities storage gas which is produced with oil production from existing and projected producer oil wells within Applicant's South Welda storage field boundaries.

Applicant states that the estimated cost of the proposed facilities is $483,000, which would be paid from treasury cash.

Comment date: May 2, 1985, in accordance with Standard Paragraph F at the end of this notice.

6. Panhandle Eastern Pipe Line Company

[Docket No. CP85-374-000]

April 11, 1985.

Take notice that on March 19, 1985, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP85-374-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.20) for authorization to transport natural gas on behalf of A. B. Chance Company (Chance) on an interuptible basis under Panhandle's blanket certificate issued in Docket No. CP83-83-000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

It is indicated that Chance has entered into a gas purchase contract dated December 14, 1984, with Yankee Resources, Inc. (Yankee), acting as agent for certain off-system producers. In order for Chance to receive its gas, Panhandle indicates that pursuant to a December 14, 1984, gas transportation contract it would receive up to 1,100 Mcf of gas on a peak day, 625 Mcf of gas on an average day and 228,125 Mcf of gas per year from Union Texas Products Corporation in Major County, Oklahoma, and Phillips Petroleum Company in Kingfisher and Woodward Counties, Oklahoma. Panhandle states that it would redeliver the gas, less a four percent reduction for fuel, to Union Electric Company (Union) at an existing point of interconnection between Panhandle and Union in Boone County, Missouri, for further transportation to Chance's plant in Centralia, Missouri. It is stated that Chance would use the gas for manfacturing and heating process for producing, distribution and transmission equipment primarily for the electric utility industry. It is further stated that Panhandle would charge a rate based on its currently effective OST tariff.

The term of the proposed transportation is from the date that the automatic authorization expires until the earlier of (1) eighteen months from the effective date of the agreement, (2) terminaiton of authorization as provided by Subpart F of Part 157, of the Commission's Regulations, or (3) termination of the agreement by either of the parties, it is stated. Panhandle states that it would neither construct nor add to its existing facilities to provided this service. No intermediary is involved in between Chance and Yankee, it is stated.

Panhandle also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply not to delivery points in the market area. Panhandle will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to

constitute the transportation quantities herein and not to increase those quantities.

Comment date: May 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

7. Texas Gas Transmission Corporation

[Docket No. CP85-336-000]

April 10, 1985.

Take notice that on March 6, 1985, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP85-336-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Brownsville Utility Department, City of Brownsville, Tennessee (Brownsville), as agent for the Haywood Company (Haywood), under the certificate issued in Docket No. CP82-407-000 pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request of file with the Commission and open to public inspection.

Texas Gas proposes to transport up to 250 million Btu of natural gas per day for Brownsville as agent for Haywood until June 30, 1985, with an extension for a term to end no later than October 31, 1985, should the Commission extend the end-user transportation program beyond June 30, 1985. Texas Gas indicates that the gas to be transported would be purchased by Haywood from Golden Resources Corporation (Golden Resources) and would be used for low-priority space heating, boiler fuel and generator fuel at Haywood's plant in Brownsville, Tennessee.

Texas Gas states that it would receive such gas for Haywood's account from United Gas Pipe Line Company (United) in Ouachita Parish, Louisiana. Golden Resources proposes to deliver to United in Richland Parish, Louisiana, upon construction of a gathering pipeline and metering facilities to connect production from Golden Resources' Terry No. 1 production well to the transmission system of United. Texas Gas states that Brownsville is the existing distribution company that serves Haywood in Brownsville, Tennessee.

Texas Gas indicates that it would charge Brownsville its Rate Schedule TSC-1 rate for Rate Schedule SG customers, currently 45.28 cents per Mcf, plus a 1.25-cent GRI surcharge for each million Btu of natural gas transported. In addition, Texas Gas states that it would retain 1.86 percent of the gas delivered to it for fuel, company use, and unaccounted-for and loss volumes.

Texas Gas also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by Haywood. The flexible authority requested would apply only to points related to sources of gas supply not to delivery points in the market area. Texas Gas would file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not increase those quanitites.

Comment date: May 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

8. Trunkline Gas Company

[Docket No. CP84-577-006]

April 11, 1985.

Take notice that on March 14, 1985, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in an amendment in Docket No. CP84-577-006 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to make an off-system sale of natural gas. The request is pursuant to authorization received in the Commission's order issued October 29, 1984, in Docket No. CP84-577-000, authorizing sales for take-or-pay relief program (STOPR), all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Trunkline proposes to make an off-system sale of gas to Louisiana Industrial Gas Supply System (Louisiana Industrial) pursuant to a gas sales agreement dated February 28, 1985, between Louisiana Industrial and Trunkline (agreement). It is explained that the agreement provides for Trunkline to deliver up to 75,000 Mcf of gas per day on an interruptible basis for Louisiana Industrial's general system supply for resale within Louisiana Industrial's service areas. Trunkline states it would deliver the gas to an existing point of interconnection between Trunkline and Southern Natural Gas Company located in West Carroll Parish, Louisiana, or to Louisiana Industrial at an existing point of interconnection located in St. Mary Parish, Louisiana. It is stated that the sales price which Louisiana Industrial would pay Trunkline is $3.1438 per dt equivalent of gas. The sales price consists of Trunkline's current average cost of gas, the GRI Surcharge, and an added margin pursuant to the authorization received in the STOPR order, it is indicated.

Further, it is stated that this service is conditioned upon the availability of capacity sufficient to provide service without detriment or disadvantage to Trunkline's existing customers which are dependent on Trunkline's general system supply. The term of the service requested herein would be from the date of first delivery, with termination to coincide with the expiration under the STOPR program, it is stated.

Comment date: May 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or

notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-9137 Filed 4-15-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[SW-FRL-2818-6]

Hazardous Waste Enforcement Policy

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period.

SUMMARY: The Agency is today extending the deadline for public comment on its interim CERCLA settlement policy for an additional 30 days. The settlement policy was published on February 5, 1985 at 50 FR 5034. It governs private party cleanup and contribution proposals under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA" or "Superfund"). The comment period is being extended by 30 days to allow additional time for public comment on the policy.

DATE: Comments must be provided on or before May 8, 1985.

FOR FURTHER INFORMATION CONTACT: Debbie Wood at 202-3824-4829.

ADDRESS: Comments may be submitted to Debbie Wood, U.S. Environmental Protection Agency, Office of Waste Programs Enforcement, WH-527, 401 M Street SW., Washington, D.C. 20460.

Dated: April 8, 1985.

Gene A. Lucero,

Director, Office of Waste Programs Enforcement.

[FR Doc. 85-9084 Filed 4-15-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing; Caddo Broadcasting Corp.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City and State	File No.	MM Docket No.
A. Caddo Broadcasting Corp.	Marlow, OK	BPH-830124AR	85-96
B. Sherry Lynn Austin.	Marlow, OK	BPH-830915AB	

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard, B
2. Comparative, A,B
3. Ultimate, A,B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 85-9113 Filed 4-15-85; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Fiscal Year 1985 Funding Preferences for Special Initiative Grants for Area Health Education Centers

The Bureau of Health Professions announces the final funding preferences for the second grant cycle for Fiscal Year 1985 Special Initiative Grants for Area Health Education Center programs authorized under the authority of section 781(a)(2) of the Public Health Service Act, as amended by Pub. L. 98-619.

Section 781(a)(2) authorizes Federal assistance to medical and osteopathic schools, which have previously received Federal financial assistance for the area health education centers (AHEC) program under either section 802 of Pub. L. 94-484 in Fiscal Year 1979 or under seciton 781. Applications submitted under this authority will be for the purpose of improving the distribution, supply, qualify, utilization and efficiency of health personnel in the health services delivery system; to encourage regionalization of responsibility of the health professions schools; or to prepare, through preceptorships and other programs, individuals subject to a service obligation under the National Health Service Corps scholarship program to provide effective health services in health manpower shortage areas.

Proposed funding preferences were published for public comment in the **Federal Register** dated February 21, 1985, (50 FR 7232) and no comments were received during the 30-day comment period.

Therefore, in making Fiscal Year 1985 awards under this review cycle for

Special Initiative Grants for Area Health Education Center programs, the following funding preferences will be used:

1. Projects which will place increased emphasis on advancing the clinical education of health professions students and/or health professionals in the care of the elderly.

2. Projects which include the recruitment and training (including appropriate clinical experiences) of underrepresented minorities in the health professions.

This program is listed at 13.824 in the *Catalog of Federal Domestic Assistance.* Applications submitted in response to this announcement are not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs, or 45 CFR Part 100.

Dated: April 10, 1985.

Robert Graham, M.D.,

Administrator, Assistant Surgeon General.

[FR Doc. 85-9105 Filed 4-15-85; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-85-1519; FR-1959]

Announcement of the HUD Multifamily Urban Homesteading Demonstration Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of solicitation of proposals from eligible applicants to participate in a Multifamily Urban Homesteading Demonstration Program.

SUMMARY: HUD is soliciting applications from localities (units of general local government and their designated special purpose public agencies) to participate in a Multifamily Urban Homesteading Demonstration Program authorized by the Housing and Urban-Rural Recovery Act of 1983 (Pub. L. 98-181). HUD will award up to $3 million of Section 810 Urban Homesteading funds to approximately 10 localities for their purchase of HUD-owned, multifamily projects. This Demonstration will encourage localities to develop affordable homeownership opportunities using HUD-owned multifamily projects and multifamily projects already owned by the locality or acquired with non-urban homesteading funds. Additionally, this Demonstration will test the feasibility of using a variety of homeownership development and financing methods.

The purpose of the Demonstration is to show that it is practical and cost-effective for localities to help lower income tenants to acquire and rehabilitate multifamily projects for homeownership. The long-term objective is to develop a more complete body of knowledge about multifamily homesteading and to develop a cadre of experienced local government officials so that other local governments will be encouraged to develop multifamily homesteading projects in their own portfolios.

Approved applicants (recipients) will be expected to provide assistance for: Program administration, interim project management, arranging rehabilitation financing, rehabilitation management, conversion to tenant ownership, tenant training in management and project operation, and overall technical assistance.

DATE: Letter of intent due date—Two copies of the letter of intent to participate in the Multifamily Urban Homesteading Demonstration Program must be received or postmarked by 5:00 p.m., May 16, 1985.

ADDRESSES: One copy of the letter of intent shall be submitted to the Director, Office of Community Planning and Development (CPD), in the Field Office having jurisdiction over the applicant. A second copy shall be addressed to HUD Headquarters, at the address listed under "For Further Information Contact".

FOR FURTHER INFORMATION CONTACT: Richard R. Burk, Director, Urban Homesteading Program, Room 7168, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755-5324. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

Previously, HUD attempted to demonstrate the feasibility of Multifamily Urban Homesteading by providing a demonstration grant in 1977 to the Urban Homesteading Assistance Board (UHAB) to extend New York City's homesteading activities to certain multifamily projects.

Using financing programs that existed in New York City at that time, the UHAB developed a model for developing low income, cooperative housing in New York. This model used "IN REM housing" (buildings to which the city takes title through tax foreclosure) which the city transferred to homesteaders for a nominal cost, sweat-equity rehabilitation, and job training funds from the CETA Program. Working closely with local neighborhood organizations that selected homesteaders, UHAB provided technical assistance on rehabilitation, packaging of loan applications, and training of homesteaders in rehabilitation techniques and cooperative management. UHAB worked closely with the city in identifying appropriate IN REM buildings for the demonstration and in securing loan approval. One innovative feature of the demonstration was the commitment by a consortium of New York banks to provide non-recourse construction loans that were replaced by Section 312 monies as permanent financing upon completion of construction.

The New York City homesteading demonstration was initially established in two neighborhoods, the South Bronx and the Lower East Side, and eventually was expanded to include two Brooklyn neighborhoods. In terms of rehabilitating all the buildings originally planned, the New York demonstration was a mixed success. Although several buildings were successfully completed and continue to provide affordable housing, other projects were halted in mid-construction, and some were never begun.

Some of the lessons learned from this experience were:

—It is possible to overwhelm the capacities of local development corporations. Organizations that had limited development experience were catapulted into major rehabilitation contracts, with 5–10 projects simultaneously in development.

—The reliance on CETA job training funds caused extensive problems, since the source of payments for labor expenses was administered separately from the remainder of the project funds.

—Many of the projects were located in extremely distressed areas and were unable to escape the prevailing atmosphere of deterioration and decline.

—Projects were initiated before there was a full complement of families and individuals committed to cooperatively restoring the building. The need to select and involve homesteaders early in the planning and work is essential in seeing a homesteading project through to successful completion.

Then, in 1978, an additional HUD grant to UHAB, plus CETA funds to train homesteaders in construction skills, plus Section 312 rehabilitation loan funds, were used to extend the New York experiment to seven other

cities: Springfield, Massachusetts, Hartford, Boston, Chicago, Cleveland, Oakland and Cincinnati. HUD envisioned a partnership of four principal actors at the local level in developing the housing: the city, a city-wide technical assistance organization, a neighborhood organization, and the homesteaders. Each of the cities that rehabilitated units used a cooperative housing model, although the condominium model was seriously explored. The cities contributed administrative support and Community Development Block Grant (CDBG) funds to write down front-end costs such as acquisition, legal fees, architect fees and closing costs. Section 312 funds, with a three percent interest rate, were used to finance the rehabilitation and the project team assisted in packaging loans in each city. In one site, Cleveland, a HUD-owned multifamily property was acquired through the Property Disposition staff in the Columbus Area Office. The results of the demonstration were described in a report prepared by the project staff and Dialoge Systems.

The seven-city technical assistance project uncovered a high degree of interest in multifamily homesteading. Most of the cities had no direct experience in cooperative housing development. Many of the local governments were aware of grassroots interest in multifamily homesteading but required assistance in implementing a project. Participating local governments contributed substantial resources in the form of: Community development grants to projects; nominal cost transfer of municipally held real estate; and management contracts with non-profit sponsors. As in the earlier New York City demonstration, an experienced development sponsor and a committed group of homesteaders were the keys to successful project implementation.

Also in 1978, Congress authorized HUD to explore the feasibility of expanding homeownership opportunities for lower income families by rehabilitating and converting multifamily properties to cooperatives and condominiums. This project, called the Section 510 Demonstration, started in three neighborhoods in New York City in 1979 and was then expanded to six cities and seven neighborhoods in 1980, including Buffalo, Phoenix, Baltimore, Chicago, St. Louis and Los Angeles. In this project, HUD provided technical assistance and administrative grants, as well as Section 8 subsidies, for improving other buildings located in the Section 510 Demonstration neighborhoods, with a percentage of syndication proceeds going to assist the multifamily homeownership experiment.

In addition, HUD, in its Multifamily Property Disposition Program, has sold several multifamily projects directly to lower income tenant cooperatives.

Mix of Ownership Types and Financing Models Sought in This Demonstration

Previous demonstrations have had varying components and successes. HUD would now like to use the knowledge gained from these previous demonstrations, test additional approaches to multifamily homeownership, and develop additonal expert knowledge in local governments regarding the disposition of publicly held multifamily projects for homeownership.

Ownership Types

HUD is interested in testing the feasibility of a variety of multifamily homeownership options in this demonstration. Tenants can own units under cooperative, condominium, or mutual housing legal structures. Within any of these legal structures, there are several potential variations that might fit particular circumstances in the demonstration.

Cooperatives

Under a cooperative structure, a cooperative housing corporation owns and operates the project. The corporate stockholders are the residents, who by virtue of their stock ownership have the right to occupy units under long-term proprietary leases.

The financial advantages of the cooperative ownership model for lower income homesteaders are several: individual cooperative members may not have to qualify for mortgages or other financing except with reference to their stock ownership; individual members may not be personally liable except to the cooperative; and cooperatives sometimes can assume old conventional finanacing. Additionally, tenant subsidies such as Section 8 rental assistance can be used in some cooperatives.

Cooperatives also have been popular for lower income housing because they are able to control their individual members through lease agreements, and they have several mechanisms whereby they can control the sale price of individual memberships.

Limited Equity Cooperatives. Cooperatives can control the initial and future prices of their stock. In lower income cooperatives, the price can be controlled so that the housing remains affordable to lower income families. Limited equity cooperatives derive a formula for calculating the value of stock at any time. The formula usually takes into account wage and price inflation, mortgage amortization and other financial contributions of the individual while a member.

Cooperatives can also control resale by automatically repurchasing the stock from the old member, retaining a right of first refusal on any intended sale, or controlling the selection of new members.

Leased Cooperatives. With this model, the cooperative corporation does not have full ownership of the property; instead, the property is leased from another owner. Managerial and financial responsibilities of the cooperative and its members are similar. The primary financial advantage for lower income families is that the cooperative need not raise money to purchase the property outright, and lease payments may be lower than loan payments on an acquisition loan. The leased cooperatives might serve as an interim model to be used when it is deemed inadvisable to transfer ownership of the property to the tenants immediately. This Demonstration allows for up to four years of transition to full ownership of the project by the cooperative housing corporation.

Syndicated Cooperatives. A limited partnership owns the housing project with the cooperative as one (or the only) general partner. The cooperative housing corporation enters into a financing agreement with the partnership to manage and occupy the project as a cooperative with payment of an agreed amount periodically to the partnership (a variation of the leased cooperative). The cooperative still has managerial and financial responsibilities, but the limited partners contribute a portion of the equity in return for tax benefits.

Condominiums

Under the condominium form of ownership, individual members own the units they occupy, and share ownership of common areas and facilities through a condominium association.

Condominiums have not been a popular vehicle for lower income ownership because: the individual owners must be able to qualify for any loans made to purchase the units; the property taxes on condominiums usually run high; the condominium association has limited powers over the individual with regard to maintenance, lifestyle, and other issues; and it is difficult to control the resales of condominium units. Rental assistance programs such a

Section 8 cannot be used in a condominium.

There is interest in testing condominium ownership in a lower income setting. The key to the model is a right of repurchase which is guaranteed to the managing entity (the condominium association or its agents) at a formula price. Under this model, the managing entity could be in a position to resell the unit to another lower income family at an affordable price.

Mutual Housing Associations

Mutual Housing Associations (MHAs) are organizations that may be: (a) Cooperatives, in which case they are eligible for participation as an ownership type in this Demonstration, or (b) sponsors prompting cooperative housing and other forms of affordable housing, in which case they are eligible as interim owners until ownership of the cooperative or condominium units is conveyed to individuals.

Financing Models

HUD is also interested in testing three types of financing models in this Demonstration, with emphasis on one model which separates the building construction subsidy from the occupant subsidy—sometimes called the "split subsidy" model. This is the same concept that underlies the Department's new Rental Rehabilitation Program, which was also authorized by the Housing and Urban-Rural Recovery Act of 1983. However, HUD encourages localities to use a broad mix of financing models. These can include, in addition to the "Split-subsidy model" (also called the "tenant-based subsidy model"), the "internal subsidy model" and the "project-based subsidy model."

The tenant-based subsidy or split subsidy model is one in which the project acquisition cost (if any) and the rehabilitation cost (if any) are subsidized separately from the subsidy given to individual eligible tenants to make the housing affordable for them. Both federally and locally owned projects could be used in this model. Acquisition and rehabilitation financing could be accomplished using a variety of Federal, State, and local subsidy programs, although primary emphasis would probably be with the Rental Rehabilitation Program, 24 CFR PART 511. (The demonstration property can participate in the Rental Rehabilitation Program. Rental Rehabiliation funds would subsidize the rehabilitation costs, but may not be used in the acquisition cost of the property.) Where Rental Rehabilitation grants are used, tenant subsidy could be made available from Section 8 Housing Vouchers (See Notice published at 49 FR 24858, July 12, 1984) or section 8 Existing Housing Certificates (24 CFR Part 882) where these resources are available in connection with the Rental Rehabilitation Program. In other cases, tenants who receive Vouchers or Certificates from the local PHA may be able to use that subsidy in the project if program requirements are met. However, *no Section 8 assistance will be provided specifically for this Demonstration.*

Any cooperative or mutual housing project would have to meet the requirements specified in Section 8 program regulations and procedures if the design depends on Section 8 Certificate or Voucher funds being used. In addition, the project would have to comply with terms established by HUD's Office of Property Disposition. Condominium projects are not eligible for Rental Rehabilitation or Section 8 Program Assistance.

The *internal subsidy* model would use only the initial upfront capital writedown inherent in transferring a property for little or no consideration to a cooperative or condominium association or an equivalent ownership entity. In this case, either a federally owned project or a locally owned project would be conveyed to the owner by the locality *for nominal consideration*, and the rehabilitation work and subsequent operations would be funded through innovative uses of conventional financing techniques. These might include homesteader down payment requirements, with the project probably requiring little rehabilitation work, and the mortgage repayment terms being spread out over a fairly long period of time. Limited equity or rent control provisions could be applied or not, depending on local design.

The *project-based subsidy* would be one in which the property acquisition cost (if any), the rehabilitation cost, and the operational subsidy for the project to maintain its affordability for lower income residents would be combined. HUD-owned projects would be used exclusively in this model, and Section 8 project-based subsidies under 24 CFR Part 886, Subpart C may be provided by HUD to assist up to 100 percent of the units, or a lesser number of units sufficient to prevent displacement of eligible tenants and to assure financial feasibility. This model will be restricted to cooperatives eligible for Section 8 assistance, and projects will be required to be maintained as lower income housing for a specified period after acquisition. The provision of Section 8 assistance is in no case guaranteed. Any locality interested in using this model should be aware that HUD's property disposition office may determine that the project should not receive such assistance.

HUD will not require one program design model for all participants in the Demonstration. Instead, in making preliminary choices of program participants, HUD will seek to select a representative mix of models and locations.

Information on Property Availability

Lists of HUD-owned multifamily projects not already sold or processed for sale are available from the property disposition staff of the HUD field office having jurisdiction over the locality.

HUD may use Section 810 funds only to reimburse the FHA insurance fund for the transfer of HUD-owned projects. However, localities may also obtain a list from the property disposition staff in the HUD field office of projects in the jurisdiction to which the Secretary of HUD has not yet acquired title, but which are in receivership or where HUD is mortgagee-in-possession. By acquiring this list, the locality will be able to determine the projects that may soon become HUD-owned. The locality may also be able to approach the owners of listed projects and attempt to negotiate with them and with HUD to acquire the project with other than Section 810 funds.

Program Requirements

1. *Eligible Applicants.* Any unit of general local government, as defined in 24 CFR Part 590, may apply to participate in the Multifamily Urban Homesteading Demonstration Program. A unit of general local government may, if it chooses, designate an independent local public agency to accept title to and to convey properties, and otherwise carry out the program. Both the unit of general local government and the designated public agency, if any, shall execute the Demonstration participation agreement with HUD.

HUD encourages applicants to submit innovative program designs meeting the purposes of the Demonstration. There is not specific preference for applicants that have an existing urban homesteading program.

2. *Eligible Projects.* The types of projects that may be used in the Multifamily Homesteading Demonstration include:

a. HUD-owned, formerly FHA-insured multifamily residential structures (5 or more units) that HUD determines to be suitable for a multifamily homesteading program meeting the standards of this Notice; and

b. Multifamily, nonresidential, and mixed-use property, to which title is held or can quickly be acquired by the participating locality, that is suitable for a multifamily homesteading program meeting the standards of this Notice. (HUD will not reimburse, or advance Section 810 funds to, localities for acquisition of such projects.)

In proposing HUD projects for the Demonstration, localities should keep in mind the limited amount of available funds, the possibility that HUD disposition processing for a specific project may have advanced too far to consider urban homesteading or any other disposition alternatives, and the regulatory policies and procedures governing property disposition.

Note.—HUD-owned properties that were formerly FHA-insured are the only properties that may be acquired with Section 810 funding for reimbursement under the Demonstration. A locality may still participate in the Demonstration by acquiring other suitable privately or publicly held properties with its own resources (See 2(b) above). Such localities must comply with the requirements of this Notice (including the signing of a Multifamily Urban Homesteading Agreement in accordance with paragraph 10), but will not be counted as part of HUD's anticipated 10 recipients under this Demonstration. Additional localities are, however, eligible to receive technical assistance from HUD's contractor.

Localities should be aware that 24 CFR Part 290, "Management and Disposition of HUD-Owned Multifamily Housing Projects", applies to conveyances of HUD-Owned (formerly FHA-Insured) multifamily projects under this demonstration. (See paragraph 10(b) of this notice.)

3. *Resources Provided by HUD.*

a. During Fiscal Year 1985, HUD will make available up to $3,000,000 of amounts appropriated under Section 810 to reimburse the FHA mortgage insurance fund in an amount approved by HUD not to exceed fair market value plus allowable closing costs, for the HUD-owned projects used in this Demonstration.

HUD will apply the cost of acquisition of the project and allowable closing costs to reduce the recipient's Section 810 allocation for the Demonstration. If the cost of a project exceeds a recipient's allocation, the recipient will be required to make up the shortfall from other resources. Recipients may acquire as many projects as their resources, management abilities, and the availability of suitable HUD-owned multifamily properties will permit.

b. During the first two years of the Demonstration, HUD will also provide a small amount of training and technical assistance from approved contractors receiving funds from the Secretary's Discretionary Fund under the CDBG program to assist interested localities in developing and implementing their program designs.

c. HUD encourages the uses of the new Rental Rehabilitation Program, 24 CFR Part 511, to carry out the split-subsidy financing model. Localities currently participating in the Rental Rehabilitation Program may use these grants and the accompanying housing Vouchers and Certificates for projects in the Demonstration, provided that the projects qualify for rental Rehabilitation Programs assistance under applicable regulations. Only forms of cooperative and mutual housing are eligible under these programs. The housing will be required to have a resale structure that maintains affordability for lower income families.

d. Section 8 project-based subsidies (24 CFR Part 886, Subpart C) may be available for HUD-owned properties in this Demonstration. For such projects, Section 8 Certificates under 24 CFR Part 882 and Section 8 Voucher assistance may be available from HUD on units that meet Housing Quality Standards. Where Rental Rehabilitation funds are used, certificates and vouchers allocated for use in connection with that Program will be available for eligible families for use in the Demonstration property or in other residences of their choosing. However, no Rental Rehabilitation funds, Housing Vouchers or Certificates will be provided specifically for the Demonstration.

4. *Eligible Costs.* No local program administrative costs or costs of property rehabilitation may be paid with Section 810 funds. The maximum amount charged to the Section 810 funds reserved for an approved applicant shall be the as-is value of an eligible HUD-owned project, plus reasonable charges customarily paid by a purchaser of real property in the jurisdiction (e.g., closing fees, acceptable title evidence, title policy, legal fees), as may be approved by HUD.

5. *Program Design.* Each applicant has flexibility to design its program to meet local needs within the limits of this Demonstration. However, all programs designs must contain the following:

a. *Sale of Properties:* The properties will be transferred by participating localities for such consideration as is determined to be appropriate, given each property's value and the financial feasibility of the proposed homesteading arrangement. Income to the recipient from such a sale is program income as defined in OMB Circular A–102 and must be used for urban homesteading activities, i.e., writedown of other costs associated with homesteading of the project, or for to the acquisition or rehabilitation of other properties for urban homesteading.

b. *Lower Income Occupancy:* For the first five years following completion of conversion or rehabilitation, whichever occurs later, at least 75 percent of the residential units in each project must be occupied by lower income families. Where Federal housing subsidy programs are used, limits on how many (and how long) units in a project would have to be affordable to lower income families, may exceed the above-stated basic requirements.

"Lower income families" means that the family's annual income does not exceed 80 percent of the median income for the area, with adjustments for family size, as determined by the Secretary. The family's annual income shall be determined in according with the requirements for the Section 8 Program in 24 CFR Part 813. The area income limits for defining lower income families for the Section 8 housing Assistance Payments Program shall apply. "Family" as used in this notice includes single person housesholds.

c. *Primary Use and Forms of Ownership:* The primary use (i.e., more than 50 percent of available floor space) of all multifamily homestead properties following conversion or rehabilitation, whichever occurs later, shall be residential. Residential use includes condominium, cooperative or mutual housing association forms of ownership under the law of the State in which the property is located.

d. *Displacement and Relocation:* Localities must design programs that minimize displacement. The following provisions are required for each participating locality:

(1) Existing tennants of homestead properties shall be given a right of first refusal to become homesteaders if they meet the local criteria for supporting homeownership responsibilities (e.g., ability to qualify for mortgage financing or ability to contribute sweat equity).

(2) Lower income tenant families who do not come within the provisions of paragraph (d)(4)(i) and who elect not to become homesteaders or who fail to meet the local criteria shall be offered relocation assistance similar to the provisions of 24 CFR Part 42—Uniform Relocation Assistance and Real Property Acquisition, as modified by this Notice. This assistance shall include:

(i) Payment for moving expenses—either $500 or actual reasonable costs;

(ii) Replacement housing—either a rental assistance payment (Section 8 Certificate or Voucher) or a down

payment assistance payment up to $4,000; and

(iii) Referrals to available comparable replacement housing, and information and counseling concerning individual rights under Title VIII of the Civil Rights Act of 1968.

(3) Tenants not covered by paragraph (4)(i) whose incomes exceed 80% of the area median, who elect not to become homesteaders, or who fail to meet the local criteria shall be offered the information and counseling assistance provided for under paragraph (d)(2)(iii).

(4) (i) Where Community Development Block Grant Funds are used to provide administrative and direct program delivery services, *all* tenants who do not become homesteaders must be afforded appropriate benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and HUD's regulations at 24 CFR Part 42 shall apply.

(ii) Where Community Development Block Grant funds are used to substantially rehabilitate any property, and tenants not covered by paragraph (d)(4)(i), above, are involuntarily and permanent displaced, *all* such tenants who do not become homesteaders must receive reasonable relocation benefits, but such benefits may be established at levels below those required by paragraph (d)(4)(i).

Localities may elect to provide additional assistance appropriate to the needs of the tenants.

e. *Civil Rights and Affirmative Action:* All program participants, except individual homesteaders, shall:

(1) Comply with the requirements of Title VI of the Civil Rights Act of 1964; Executive Order 11063; Title VIII of the Civil Rights Act of 1968; section 504 of the Rehabilitation Act of 1973; and the Age Discrimination Act of 1975, which authorities prohibit discrimination on the basis of race, color, religion, sex, national origin, handicap, or age in any program or activity under this Demonstration;

(2) Employ affirmative marketing procedures in the advertising of units in homesteading properties. In order to provide all eligible persons an opportunity to participate as homesteaders in the Demonstration, the recipient shall advertise and use media, including minority outlets, that will reach persons who otherwise would be least likely to apply for participation; and

(3) Require each property owner of five units or more units who is participating in the Demonstration to certify that he or she will affirmatively market vacant units in the homestead buildings.

f. *Interim Conveyances:* A for-profit or not-for-profit developer, a local government agency, or a tenant group organized as a legal entity under State law, may accept interim conveyance of a project from the locality for rehabilitation and management before final conveyance to the lower income ownership cooperative, condominium or mutual housing association. Notwithstanding any such interim conveyance, HUD shall continue to hold the locality responsible for compliance with all the requirements of the Demonstration. Any independent agency or group which accepts interim conveyance shall sign an agreement with the locality, binding it to comply with the terms of the Demonstration and the locality's proposed program.

g. *Rehabilitation:* (1) The property must be rehabilitated to meet local code standards, within one year of initial conditional conveyance to a developer, agency or tenant group. If a Federal project-based subsidy is used, the developer, agency or tenant group must complete specified repairs required by HUD within one year, except where tenants agree to extend the time to up to two years. If Rental Rehabilitation funds are used, applicable Rental Rehabilitation requirements must be met within one year, except where tenants agree to extend the time to up to two years. If Section 8 Housing Vouchers or Certificates are used, dwelling units occupied by assisted tenants must meet Section 8 Existing Program Housing Quality Standards.

(2) Rehabilitation activity that meets the definition of "substantial improvement" in the National Flood Insurance Program regulations at 44 CFR 59.1 must meet the floodproofing standards of the National Flood Insurance Program if the property is located in a designated Flood Hazard Area;

(3) Rehabilitation activity that affects property included in or eligible for the National Register of Historic Places must be planned in accord with the Secretary of the Interior's *Standards for Rehabilitation;* and the State Historic Preservation Officer must be given an opportunity to comment on work affecting such historic property;

(4) All rehabilitation activity and properties acquired under this Demonstration shall comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801, et seq.) and the HUD Lead-Based Paint Regulations, 24 CFR Part 35 to:

(i) Assure the elimination of the immediate lead-based paint hazards; and

(ii) Notify potential homesteaders of the hazards of lead-based paint poisoning in residential units constructed before 1950; and

(5) All rehabilitation activity must comply with any energy conservation measures designated by the recipient as part of the repairs.

h. *Conversion Deadline:* The property must be converted to lower income homeownership by eligible homesteaders no later than four years after interim conveyance (if any) to a developer, agency or tenant group.

i. *Homesteader Training and Technical Assistance:* Where appropriate, participating recipients shall provide training and technical assistance for homesteaders performing sweat equity and self-help. Additional training and technical assistance are encouraged for long-term home maintenance and management.

j. *NEPA:* Recipients shall assist HUD in the environmental review process under 24 CFR Part 50, to the extent applicable. Before any specific property is acquired, the recipient shall submit to HUD a draft environmental review prepared in accordance with 24 CFR Part 50, Subpart E (and 24 CFR 58.40 where Community Block Grant or Rental Rehabilitation funds are used as part of the Demonstration).

The recipient's environmental review should address acquisition and any expected rehabilitation activity. However, the recipient may report activities as categorically excluded under 24 CFR 58.35, and those which the recipient finds do not trigger requirements under the related authorities listed at 24 CFR 58.5. The review should include an assessment for activities, if any, not categorically excluded, and state the nature of activities, if any, that trigger one or more of the related authorities. The resulting review is to be transmitted to HUD, which will complete the final review, including public notice or consultation requirements, if any. HUD will notify the recipient of its review and any conditions. In preparing its review documents, the recipient may prepare a single review for each project or a combined review covering all projects in the same neighborhood area or jurisdiction.

k. *Remedial Action:* The locality may be required to reimburse HUD for the amount of section 810 funds used to acquire a HUD-owned multifamily project if the conditions of the section 810 transfer to the locality are not

carried out in accordance with the time periods specified in this Notice, the Demonstration participation agreement or the documents executed with respect to the transfer of the property. HUD will make this determination on a case-by-case basis.

l. *Self-Help and Sweat Equity:* HUD encourages recipients to permit self-help and sweat equity in connection with the Demonstration. The recipient shall identify the degree to which self-help and sweat equity are permitted in its program. Although the terms "self-help" and "sweat equity" are frequently used interchangeably, self-help is the more general term. Sweat equity projects normally involve homesteader participation in the physical rehabilitation and construction work itself, while self-help may take other forms: for example, participation in planning, design, decision making or management.

m. *Citizen Participation:* Recipients shall offer to meet with, or shall invite written comments from, community and neighborhood groups in connection with developing the application.

n. *Interim Liability:* By accepting title to a project for homesteading, the recipient shall assume liability for injury or damage to persons or property by reason of a defect in the dwelling, its equipment or appurtenances, or for any other reason related to its ownership of the project.

6. *Letter of Intent Requirements for the Demonstration.*

a. Localities interested in participating in the HUD Multifamily Urban Homesteading Demonstration Program must submit (or have postmarked) a letter of intent to the HUD Field Office having jurisdiction, with a copy to HUD Central Office, no later than 5 p.m. on May 16, 1985. The letter of intent shall include, in ten pages or less, the following:

(1) A description of the ownership and financing design characteristics and specific financing methods the locality proposes to follow;

(2) A description of how the applicant's participation in the Demonstration will complement any other urban homesteading or community development activities that the locality is undertaking or intends to undertake;

(3) A list of the HUD-owned projects or locally owned projects it proposes to use;

(4) An estimate of the section 810 funds required to acquire listed HUD-owned projects;

(5) An estimate of the number and bedroom sizes of units it expects to be occupied by homesteaders;

(6) A description of the strategy the locality will use to assist existing tenants, especially lower income tenants, to continue to live in the project by purchasing a unit, and for tenants who wish to move out of the project, the type of relocation assistance the locality will provide;

(7) A description of the locality's previous experience, if any, in mulitifamily homesteading and conversion of multifamily property to lower income cooperative or condominium forms of ownership;

(8) A tentative dollar commitment of local resources identified by source, for:

- Rehabilitation;
- Interim Management;
- Relocation;
- Training and Technical Assistance;
- Administration; and
- Conversion.

(9) Designation of the public agency responsible for implementing the Demonstration, including its administrative, managerial, and legal relationship to the applicant, and a description of its experience in acquisition, rehabilitation, homesteading, training and technical assistance or similar programs that are providing or assisting homeownership for lower income persons;

(10) Certification: The locality shall certify that:

(i) Submission of the letter of intent and any subsequent application is authorized under State and local law (as applicable) and the locality, or its designated agency, possesses the legal authority to carry out a Multifamily Urban Homesteading Demonstration in accordance with this Notice; and

(ii) The locality will conduct and administer its Multifamily Urban Homesteading Program and, if applicable, ensure that its designated public agency or interim developer conducts and administers its program, in accordance with the requirements of this Notice; and

(11) Any additional documentation that HUD requests.

7. *Review and Approval of Letter of Intent.* HUD Field Office staff and Headquarters staff will review the letters of intent. The overall quality of each design will be the predominant factor in HUD's selection process. In evaluating designs of equal quality, HUD will attempt to maximize design variations and thereby increase the amount of information likely to be derived from the Demonstration.

a. Letters of intent will be reviewed by HUD Field Office CPD and Housing staff, and the Regional Office will make recommendations to the Assistant Secretary for Community Planning and Development within 15 calendar days of the original due date of the letters.

The Field Office evaluation shall consider:

(1) The feasibility of the program design and the probable ability of an applicant to implement and successfully carry out the project on schedule, given the resources available;

(2) The amount and relevance of the applicant's stated experience, compared to other applicants, with multifamily homesteading or other similar programs that provide for conversion of properties for lower income homeownership;

(3) Previous experience of the Field Office with the locality in community development, housing, and fair housing and equal opportunity matters;

(4) The suitability and economic feasibility of the properties selected for multifamily homesteading, under the standards of this Notice;

(5) Regulatory waivers (of 24 CFR Part 290) that may be needed in order to secure property through the HUD multifamily property disposition program for homesteading models other than the project-based subsidy model;

(6) The soundness of the section 810 funding request and the applicant's statement of any other resources for acquisition, rehabilitation financing, training, or other project activities; and

(7) The preliminary judgment of the Field Office as to the probability that the proposed program would help to achieve the purpose of the Demonstration.

b. The Assistant Secretary for CPD and the Assistant Secretary for Housing will review the Field Office recommendations and make an initial determination on participants within 15 calendar days of the date of submission by the Field Office. HUD assumes that approximately twice the number of cities (about 20) will be selected as will eventually participate in the Demonstration. Selections will be made so as to obtain a variety of financing models, locations and program designs.

c. Localities designated on the basis of their letters of intent will undergo a preapplication needs assessment conducted by the HUD Field Office and the HUD Technical Assistance Contractor. A plan to provide technical assistance during application preparation will be developed and implemented to correct any identified areas of weakness in the applicant's proposed homesteading program, such as financing mechanisms, conversion mechanics or tenant training.

8. *Applications.*

a. Within 45 calendar days of selection under paragraph 8(b), with the

guidance of the HUD Field Office (CPD and Housing staff) and HUD's Technical Assistance Contractor, the localities selected in the first review will be invited to prepare and submit a program application to the Field Office which will include:

(1) A Management and Work Plan with schedules for completion of all tasks;

(2) Firm section 810 funding request;

(3) Firm commitment of the local resources noted in the letter of intent, plus tentative commitment of private financial resources;

(4) Local and HUD-owned project selection (including new suitability and economic feasibility descriptions if a project differs from that identified in the letter of intent);

(5) Specific homesteading program design, including all implementation steps, such as detailed feasibility studies, financing plan, interim management plan, rehabilitation plan, marketing and conversion plan, relocation and tenant training plan, and final operating plan;

(6) Designation of any agency or group selected to implement any phase of the project;

(7) Identification of any necessary additional technical assistance; and

(8) Request for any regulatory waivers that may be needed in order to secure multifamily projects with other than a project-based subsidy.

b. Within 15 calendar days of the final application due date, the Regional Administrator (or Manager through the Regional Administrator in the case of Category A Field Offices) will make recommendations to the Assistant Secretary for Community Planning and Development, based on Field Office staff estimates of:

(1) The feasibility of the Management and Work Plan;

(2) The availability and suitability of any other HUD-controlled funds, as noted in the application;

(3) The feasibility of the final program design;

(4) The capability and suitability of agencies and groups designated to participate;

(5) The amount of additional technical assistance required; and

(6) The application's compliance with Demonstration requirements as described in this Notice.

9. *Selection.* Beginning 15 calendar days after receipt of the Regional Administrator's recommendations, the Assistant Secretary for Community Planning and Development and the Assistant Secretary for Housing shall review the applications, and select and announce the localities that will participate in the Demonstration. HUD anticipates that about 10 localities will be selected. Those not selected may be able to proceed on their own, without HUD funding, based on preapplication technical assistance provided by HUD and the localities' own resources.

10. *Multifamily Urban Homesteading Agreement.*

a. Within 30 days after the announcement of selected localities, HUD intends to begin executing Multifamily Urban Homesteading Agreements with the selected Demonstration recipients. This agreement will be executed by HUD, the locality and any designated independent agency, based on the approved program design. The agreement will set out implementation time schedules and will be the basis for reserving the required section 810 funds, as well as continuing HUD contractor-provided technical assistance and training as agreed upon between HUD and the locality. The agreement shall also provide that the locality shall require a certification from any interim conveyance participant, in a form prescribed by HUD, that the participant will affirmatively market all vacant units. Alternatively, if the locality is also a grantee participating in HUD's Rental Rehabilitation Program, the locality may require from each project participant a certification that the participant will affirmative by market units in accordance with the requirements of the locality's affirmative marketing strategy which developed for the purpose of participating in the Rental Rehabilitation Program. The agreement should also state that project participants will market units and select homesteaders in accordance with paragraph 5(e) of this Notice, Civil Rights and Affirmative Action.

b. HUD has determined to apply the requirements of 24 CFR Part 290 to conveyances of HUD-owned multifamily projects to localities for the purpose of this Demonstration. The provisions of Part 290 relating to disposition of multifamily projects apply to sales of such projects for purposes of the Demonstration, but selected provisions may have to be waived for such sales. Waivers will be considered on a case-by-case basis as the need arises and are not specifically addressed in this Notice. Technical assistance on these issues will be provided by the HUD Technical Assistance Contractor in conjunction with the HUD Office of Housing, Multifamily Property Disposition Office.

11. *Monitoring and Reporting.*

a. HUD staff will monitor the recipient's progress and the recipient will report quarterly, in a format to be specified by HUD, for the duration of the Demonstration on its problems and experiences. HUD will require approval of changes in the program design previously incorporated as part of the Multifamily Urban Homesteading Agreement. HUD reserves the right to suspend or terminate HUD's participation in the locality's homesteading program for noncompliance with the Multifamily Urban Homesteading Agreement or the terms of this Notice, and to withdraw unexpended section 810 funds and technical assistance support.

b. As required by Congress, HUD will evaluate the Demonstration. The recipient will cooperate with HUD by providing needed program information and by facilitating HUD's access to project participants and project financial records.

12. *Waiver Authority.* HUD may waive any requirement of this Notice not required by law whenever it determines that undue hardship would result from applying the requirement or where applying the requirement would adversely affect achievement of the purpose of the Demonstration.

13. *Retention of Records.* The recipient shall maintain adequate financial records, property closing documents, supporting documents, statistical records, and all other records pertinent to the Demonstration for one year after completion of the five-year occupancy requirement under paragraph 5b.

14. *Access to Records and Audits.*

a. *Access to records:* The Secretary, the Comptroller General of the United States or any of their duly authorized representatives shall have access to all books, accounts, records, reports, files, and other papers or property of the recipient pertaining to funds or property transferred under this Notice, for the purpose of making surveys, audits, examinations, excerpts and transcripts.

b. *Audit:* The recipients's financial management system shall provide for audits in accordance with audit guidelines prescribed by Office of Management and Budget (OMB) Circular A-102, Attachment P—Audit Requirements.

Other Matters

Under 5 U.S.C. 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certified that this Notice does not have a significant economic impact on a substantial number of small entities because of the limited funding level of the Demonstration and the anticipated selection of only approximately 10 applicants.

The collection of information requirements contained in this rule have been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h). No person may be subject to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register.**

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50. A copy of this Finding is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10278, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410–7000.

The Catalogue of Federal Domestic Assistance program number and title are 14.222, Urban Homesteading.

Authority: Sec. 810(h) of the Housing and Community Development Act of 1974 (12 U.S.C. 1706e); section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 35 35 (d)).

Dated: April 10, 1985.

Jack R. Stokvis,

Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 85–9110 Filed 4–15–85; 8:45 am]

BILLING CODE 4210-29-M

[Docket No. N–85–1520; FR–2105]

Application Submission Dates for HUD-Administered Small Cities Program

AGENCY: Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice advises prospective applicants of the dates for submission of applications to HUD offices for the HUD-administered Small Cities Program in Maryland and New York under the Community Development Block Grant Program for Fiscal Year 1985.

FOR FURTHER INFORMATION CONTACT: Helen Duncan, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410–5000. Telephone (202) 755–6322. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR 570.420(h)(3), the Department of Housing and Urban Development (HUD) has established dates for the submission of applications for Small Cities grants in the States of Maryland and New York for Fiscal Year 1985. Applications for funding under the Single Purpose and Comprehensive Grant provisions of the HUD-administered Small Cities Program will be accepted only during the designated time period. Applications received in HUD offices after the deadline must be postmarked no later than the applicable deadline submission date. Any applications postmarked after that date are unacceptable and will be returned.

Applications for Single Purpose Grants under 24 CFR 570.430, or applications for Comprehensive Grants under 24 CFR 570.426, are required to be submitted to HUD in accordance with the following schedule:

Maryland and New York	No earlier than April 15, 1985	No later than April 29, 1985

Applicants in Maryland should submit their applications to the Baltimore Field Office. Applicants in New York in the Counties of Sullivan, Ulster and Putnam and nonparticipating jurisdictions in the Urban Counties of Dutchess, Orange, Rockland, Westchester, Nassau and Suffolk Counties should submit applications to the New York Regional Office. All other nonentitled communities in New York should submit applications to the Buffalo Field Office.

The applications requirements related to this program have been approved by OMB and assigned approval number 2506–0060.

This action is exempt from the provisions of the National Environmental Policy Act under 24 CFR 50.20(k).

Dated: April 10, 1985.

Jack R. Stokvis,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 85–9112 Filed 4–15–85; 8:45 am]

BILLING CODE 4210-29-M

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N–85–1518; FR–2096]

Indian Prototype Cost Determinations Issued Under the United States Housing Act of 1937

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

ACTION: Notice of prototype cost determinations.

SUMMARY: This Notice establishes prototype limits for development of Indian housing new construction projects under the United States Housing Act of 1937. The prototype cost determinations stated in this Notice supersede the prototype cost schedules previously published, and all amendments and additions to such schedules published before the date of this Notice.

FOR FURTHER INFORMATION CONTACT: Andrew Suski, Office of Indian Housing, Room 4234, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755–6522. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 6(b) of the United States Housing Act of 1937 (42 U.S.C. 1437d) requires HUD to determine costs in different areas for construction and equipment (prototype costs) of new dwelling units suitable for occupancy by lower income families. This determination must be published in the **Federal Register.** The prototype costs constitute a limit on development cost for the construction and equipment of new housing projects.

The schedules in this Notice represent updates of the per unit prototype cost limits for development of Indian housing under 24 CFR Part 905 (§§ 905.213 and 905.214(b)), last published and effective December 7, 1982 (47 FR 55136). This Notice does not affect the schedules for public housing prototype costs published December 6, 1984 (49 FR 47772). Additionally, this notice does not govern prototype costs for Indian housing projects located in areas not identified in the appendix to this notice (e.g., Oklahoma). These projects will be governed by the prototype costs set forth in the December 6, 1984 public housing notice.

The prototype cost determinations for the update are based on actual public and Indian housing project data from HUD field offices and on construction

cost information published by the private sector of the housing industry. The update includes approximately a 3.4 percent national average increase to reflect inflation. This increase should be sufficient based on our experience that the prototype limits last published have been more than sufficient to permit Indian housing development to proceed during the past two years.

Since Section 6(b) of the U.S. Housing Act of 1937 provides that the prototype costs shall become effective upon publication in the **Federal Register**, this Notice is effective today, the day of publication.

The following factors were considered in developing prototype costs:

(1) Prototype cost comprises the cost of dwelling structures, [Account No. 1460], and dwelling equipment, [Account No. 1465], as described in HUD Low-Rent Housing Accounting Handbook 7510.1, Chapter 3, Section 15, and includes a pro rata share of the builders' fee and overhead, insurance, social security, sales tax, and bonds.

(2) Prototype cost does *not* include the costs of site acquisition, site improvement, nondwelling structures or spaces (and equipment), planning (architectural-engineering fees, permit fees, inspection, and similar costs), relocation, interest or IHA administrative costs, all of which are described in HUD Low-Rent Housing Accounting Handbook 7510.1, Chapter 3, Section 15.

(3) Section 6(b) of the Act identifies eight factors the Secretary is to consider in determining prototype costs, which include such things as the effectiveness of existing cost limits in the area, advice of local housing producers, maximization of energy conservation for heating, lighting and other purposes, and the extra durability required for safety, security and economical maintenance of the housing. (See 42 U.S.C. 1437d).

(4) Prototype costs are ceiling amounts that may be approved for a particular project. Development of Indian housing under Part 905 also must take into account compliance with applicable design requirements in the Indian housing regulations. The HUD Minimum Property Standards are taken into account but are not controlling. (See § 905.212(a)).

Written comments will be considered, and additional amendments will be published, if the Department determines that acceptance of the comments is appropriate. Comments with respect to the cost limits for a given location should be sent to the local HUD office having jurisdiction for that location. A list of these offices follows:

	Area(s) served
Region 5, Office of Indian Programs, 300 S. Wacker Drive, Chicago, Illinois 60606.	Regions 1-5 and Iowa.
Region 6, Indian Programs Division, 200 N.W. Fifth Street, Oklahoma City, Oklahoma 73102.	Oklahoma, Kansas, Missouri, Texas, Arkansas and Louisiana.
Region 8, Office of Indian Programs, 1404 Curtis Street, Denver, Colorado 80202.	Region 8 and Nebraska.
Region 9, Office of Indian Programs, 101 North First Ave., Phoenix, Arizona 85003.	Region 9 and New Mexico.
Region 10, (Seattle) Office of Indian Programs, 1321 Second Ave., Seattle, Washington 98101.	Region 10, except Alaska.
Region 10, (Anchorage) Office of Indian Programs, 701 C Street, Box 64, Anchorage, Alaska 99513.	Alaska.

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321–4347) is unnecessary since statutorily required prototype costs are categorically excluded under 24 CFR 50.20(1).

The Catalog of Federal Domestic Assistance program is: 14. 147, Low-Income Housing-Homeownership for Low-Income Families (Turnkey III, Mutual Help for Indians).

The prototype per-unit cost schedule for all prototype cost areas issued under 24 CFR 905.213 are hereby established as shown on the tables set forth below entitled "Prototype Per-Unit Cost Schedule."

Authority: Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Sec. 6(b), U.S. Housing Act of 1937, 42 U.S.C. 1437(b).

Dated: April 10, 1985.

Warren T. Lindquist,

Assistant Secretary for Public and Indian Housing.

APPENDIX—PROTOTYPE PER UNIT COST SCHEDULE—INDIAN HOUSING

Indian prototype area	State	Design type	One bedroom prototype	Two bedroom prototype	Three bedroom prototype	Four bedroom prototype	Five bedroom prototype
		Region I					
Wathantucket	Connecticut	Detached	35,293	40,068	47,823	57,749	64,160
		Row	0	0	0	0	0
		Walk-up	0	0	0	0	0
Old Town	Maine	do	31,744	33,605	40,016	48,184	53,406
			27,916	30,968	36,914	44,462	49,425
			28,073	32,106	37,689	43,842	48,081
Oakes	do	do	30,917	34,225	40,791	49,218	54,802
			28,435	31,589	37,844	45,496	50,356
			28,260	32,364	38,206	44,255	48,443
		Region III					
Big Cypress	Florida	Detached	24,558	29,986	36,655	43,687	48,029
		Row	0	0	0	0	0
		Walk-up	0	0	0	0	0
Brighton	do	do	24,558	29,986	36,655	43,687	48,029
			0	0	0	0	0
			0	0	0	0	0
Cherokee	North Carolina	do	22,651	28,125	33,553	39,861	44,152
			0	0	0	0	0
			0	0	0	0	0
		Region V					
Manistique	Michigan	Detached	30,762	37,741	44,927	53,923	60,437
		Row	26,574	32,674	38,827	43,480	52,165
		Walk-up	26,005	31,951	38,051	45,703	51,183
Cass Lake	Minnesota	do	36,035	44,410	53,096	63,694	71,036
			31,847	39,240	46,892	56,250	62,764
			28,177	35,880	42,394	49,012	52,114
Red Lake	do	do	32,881	40,843	48,598	58,163	64,780
			29,262	36,067	42,963	51,597	57,646

APPENDIX—PROTOTYPE PER UNIT COST SCHEDULE—INDIAN HOUSING—Continued

Indian prototype area	State	Design type	One bedroom prototype	Two bedroom prototype	Three bedroom prototype	Four bedroom prototype	Five bedroom prototype
			25,850	32,933	38,930	44,927	49,529
Lac Du Flambeau	Wisconsin	do	32,623	40,171	47,978	57,697	64,367
			26,900	35,570	42,342	50,873	56,612
			25,281	32,106	37,793	43,790	48,184
Red Cliff	do	do	31,279	38,517	46,013	55,267	61,730
			27,556	33,915	40,585	48,805	54,233
			24,144	30,858	36,190	41,825	46,220
		Region VI					
			34,122	38,000	45,341	54,492	60,954
Dulce	do	Detached	29,004	32,364	38,465	46,013	51,235
		Row	27,866	31,744	37,483	43,583	47,874
		Walk-up	31,537	35,311	42,084	50,821	56,663
Isleta	do	do	25,643	28,538	34,225	40,791	45,599
			22,645	25,643	30,400	35,208	38,568
			32,313	35,828	42,911	51,752	57,542
Laguna	do	do	29,159	32,571	38,878	46,582	51,752
			25,592	29,211	34,536	39,984	43,997
			32,416	36,035	42,963	51,752	57,697
Mescalero	do	do	29,986	33,243	39,706	47,357	52,734
			26,160	29,728	35,208	40,895	44,824
			32,571	36,293	43,221	52,165	58,318
Penasco	do	do	30,400	33,812	40,326	48,184	53,561
			27,677	30,245	35,828	41,360	45,651
			33,036	36,862	43,945	52,631	58,938
Pojoaque	do	do	30,555	33,760	40,326	48,184	53,665
			26,677	30,400	35,932	41,670	45,703
			31,227	38,723	46,116	55,526	61,730
Zuni	do	do	28,177	35,001	41,567	49,787	55,629
			25,333	32,054	37,948	43,738	48,236
			32,674	40,429	48,081	58,007	64,367
Standing Rock	do	do	31,123	39,757	45,961	54,905	61,420
			27,763	35,104	41,619	47,874	52,837
			33,140	41,102	48,857	58,866	65,401
Nageezi	do	do	31,589	39,240	46,582	55,733	62,454
			28,228	35,621	42,187	48,650	53,561
			32,674	40,429	48,081	58,007	64,367
Alamo	do	do	31,123	38,568	45,961	54,905	61,420
			27,763	35,104	41,619	41,619	47,874
		Region VII					
			26,987	33,450	39,554	47,771	53,148
Sac and Fox	Iowa	Detached	25,436	31,227	37,121	44,669	49,891
		Row	23,730	30,245	36,966	42,911	45,393
		Walk-up	27,763	34,381	40,740	49,063	54,647
Holton	Kansas	do	26,367	32,778	38,982	46,995	52,424
			26,936	34,174	40,326	46,737	51,648
			31,744	39,240	46,840	56,353	63,022
Santee	Nebraska	do	27,556	34,122	40,636	48,857	54,440
			26,626	33,760	39,964	46,375	51,238
			31,744	39,240	46,840	56,353	63,022
Winnebago	do	do	27,556	34,122	40,636	48,857	54,440
			26,626	33,760	39,964	46,375	51,238
		Region VIII					
			33,450	39,861	45,961	55,422	61,782
Ronan	Montana	Detached	30,451	36,242	41,825	50,511	56,196
		Row	29,676	35,311	40,791	49,218	54,802
		Walk-up	34,432	40,740	46,892	56,405	62,971
Browning	do	do	31,175	37,017	42,549	51,183	57,077
			30,451	36,035	41,463	49,839	55,629
			35,518	42,291	48,857	58,938	65,659
Harlem	do	do	32,313	38,485	44,410	53,561	59,682
			31,485	37,483	43,325	52,217	58,111
			35,156	41,722	48,701	58,369	65,245
Wolf Point	do	do	31,951	37,948	44,204	53,044	59,197
			31,123	36,966	43,066	51,597	57,646
			36,242	41,877	48,340	58,266	64,935
Lodge Grass	do	do	32,157	37,172	42,911	51,700	57,646
			30,400	36,190	41,774	50,356	56,146
			39,137	44,669	49,994	58,266	63,901
Ft. Totten	North Dakota	do	35,518	40,533	45,393	52,889	58,007
			34,277	39,034	43,687	50,976	55,639
			35,415	42,187	48,857	58,835	65,452
Mission (SD)	South Dakota	do	33,657	40,068	45,375	55,868	62,143
			30,089	35,880	41,515	50,046	55,681
			36,759	43,790	50,718	61,109	68,069
Ft. Thompson	do	do	34,898	41,670	48,164	58,059	64,677
			31,227	37,224	43,118	51,959	57,904
			37,741	44,824	51,907	62,350	69,588
McLaughlin	do	do	35,880	42,653	49,270	59,197	66,073
			32,157	38,155	44,100	52,993	59,145
			34,070	40,585	46,995	56,560	63,074
Wagner	do	do	32,313	38,568	44,669	53,768	59,920
			29,952	34,484	39,964	48,029	53,561
			34,742	41,205	47,564	57,129	63,850
Sisseton	do	do	33,036	39,137	44,152	54,28[f]	60,696
			29,521	35,001	40,429	48,54[o]	54,285

APPENDIX—PROTOTYPE PER UNIT COST SCHEDULE—INDIAN HOUSING—Continued

Indian prototype area	State	Design type	One bedroom prototype	Two bedroom prototype	Three bedroom prototype	Four bedroom prototype	Five bedroom prototype
		Region IX					
Kaibab	Arizona	Detached	32,261	39,861	47,564	57,180	63,850
		Row	29,366	36,190	43,273	51,803	57,801
		Walk-up	27,504	35,208	41,412	48,029	52,837
Ft. Mojave	do	do	28,228	35,104	41,567	50,046	55,733
			26,626	33,088	39,189	47,202	52,527
Sacaton	do	do	24,144	29,986	35,466	42,808	47,667
			27,763	34,019	40,688	48,960	54,388
San Carlos	do	do	25,126	30,917	36,862	44,359	49,529
			23,937	30,089	35,673	41,153	45,393
Salts	do	do	28,435	35,156	41,722	50,304	55,991
			25,953	32,054	38,256	45,910	51,131
White River	do	do	24,661	31,020	36,862	42,497	46,892
			29,004	35,673	42,497	51,235	56,922
Camp Verde	do	do	26,470	32,468	38,723	46,582	51,959
			25,126	31,537	37,379	43,221	47,616
Kearns Canyon	do	do	28,538	35,415	42,084	50,614	56,198
			26,419	32,571	38,827	46,633	52,165
Ft. McDowell	do	do	24,816	31,227	37,121	42,256	47,306
			28,073	34,794	41,102	49,787	55,474
Parker	do	do	25,902	31,847	37,948	45,599	50,976
			24,299	30,710	36,397	41,929	46,220
Peach Springs	do	do	34,567	42,859	50,976	61,368	68,244
			32,830	40,688	49,477	57,852	64,780
Rough Rock	do	do	29,314	36,966	43,790	50,511	55,629
			27,815	34,587	40,895	49,322	54,957
Steamboat	do	do	25,850	31,847	37,844	45,341	50,925
			23,989	30,503	36,087	41,515	46,065
Kaibito	do	do	29,366	36,035	42,859	51,752	57,646
			26,729	32,881	39,292	41,150	52,682
Lone Pine	California	do	25,230	31,899	37,638	43,480	48,133
			31,744	39,292	46,633	56,250	62,860
Ft. Bidwell	do	do	29,262	36,087	43,014	51,648	57,542
			27,401	34,742	41,102	47,357	52,372
Susanville	do	do	36,190	44,772	53,303	64,211	71,294
			34,225	42,549	50,666	60,541	67,675
Grindstone	do	do	30,606	38,672	45,806	52,786	58,163
			34,432	42,601	50,666	61,006	67,779
Hoopa	do	do	32,571	40,429	48,133	57,542	64,315
			29,159	36,759	43,531	50,201	55,267
Tule River	do	do	38,000	47,047	55,991	67,417	74,965
			36,035	44,669	53,199	63,591	71,139
Barona	do	do	32,157	40,636	48,133	55,474	61,058
			33,036	41,774	49,374	57,180	62,971
Campo	do	do	31,537	39,861	47,099	54,595	60,127
			30,038	37,948	44,878	51,959	57,232
Morongo	do	do	41,515	51,499	56,301	62,350	66,124
			39,395	48,960	53,510	59,145	61,471
Torrez-Martinez	do	do	35,725	44,359	48,391	53,613	55,733
			40,843	50,769	57,284	64,315	68,244
Cahuilla	do	do	38,827	48,081	54,544	60,696	64,780
			35,208	43,531	49,322	54,905	58,680
Chemehuevi	do	do	36,759	45,599	51,597	57,594	61,358
			35,001	43,480	49,012	54,802	58,318
Santa Ynez	do	do	31,744	39,344	44,410	49,425	52,786
			37,483	46,582	50,666	56,198	58,421
Rincon	do	do	35,570	44,100	48,133	53,458	55,319
			32,209	39,912	43,531	48,184	50,046
Pala	do	do	38,465	47,771	51,959	57,646	59,972
			36,500	45,238	49,374	54,802	56,715
Elko	Nevada	do	33,036	40,895	44,669	49,425	51,338
			22,490	34,484	42,446	50,976	56,973
Fallon	do	do	21,094	32,261	39,502	47,512	53,096
			20,525	32,261	39,395	45,651	50,097
			20,163	34,794	42,859	51,493	57,490
			18,871	32,571	40,016	48,029	53,613
			18,509	32,726	40,016	46,323	50,821
			21,559	33,088	40,791	48,960	54,595
			20,370	30,968	38,206	45,755	51,183
			19,543	30,813	37,638	43,583	47,823
			29,469	36,604	43,687	52,579	58,473
			27,866	34,225	40,895	49,322	54,750
			27,901	34,225	40,868	47,099	51,597
			30,658	37,689	44,721	54,027	60,075
			28,900	35,259	42,032	50,873	56,405
			28,487	35,053	41,619	50,252	55,939
			30,245	37,224	44,255	53,354	59,455
			29,934	33,191	41,102	52,993	59,093
			26,574	32,985	39,189	47,409	52,662
			22,076	33,864	41,619	49,891	55,784
			20,732	31,640	38,930	46,685	52,269
			20,163	31,640	38,775	44,876	49,218
			21,404	32,830	40,481	48,495	54,130
			20,215	30,710	37,896	45,393	50,769
			19,388	30,555	37,327	43,221	47,461
			37,638	41,825	48,960	58,524	64,884
			35,776	39,757	46,530	55,578	61,678
			32,778	36,500	42,704	50,976	56,612
			37,638	41,825	48,960	58,524	64,884

APPENDIX—PROTOTYPE PER UNIT COST SCHEDULE—INDIAN HOUSING—Continued

Indian prototype area	State	Design type	One bedroom prototype	Two bedroom prototype	Three bedroom prototype	Four bedroom prototype	Five bedroom prototype
			35,776	39,757	46,530	55,578	61,678
			32,778	36,500	42,704	50,976	56,612
Gardnerville	do	do	37,638	38,517	45,289	54,182	59,869
			35,776	39,757	46,530	55,578	61,678
			32,002	35,518	41,619	49,684	55,164
		Region X					
Coeur D'Alene	Idaho	Detached	32,881	40,636	48,340	58,318	64,884
		Row	30,968	38,103	45,186	54,802	60,696
		Walk-up	27,660	35,466	41,619	48,061	53,096
Mission (OR)	Oregon	do	34,019	41,877	50,304	60,386	67,055
			32,261	39,757	46,995	56,870	63,229
			31,175	39,499	46,530	54,182	59,610
Warm Springs	do	do	31,847	39,240	47,047	56,508	62,712
			29,986	37,017	43,738	52,941	58,835
			29,055	36,759	43,325	50,459	55,474
Tahola	Washington	do	29,676	36,397	43,531	52,320	58,163
			28,590	35,156	42,032	50,459	56,198
			27,298	32,830	40,016	48,081	53,510
Nespelum	do	do	30,762	37,741	45,134	54,182	60,127
			28,900	35,466	42,291	50,821	56,456
			28,332	34,742	41,515	49,839	55,319
Yakutat	Alaska	do	40,376	49,839	59,300	71,088	79,618
			0	0	0	0	0
			0	0	0	0	0
Ft. Yukon	do	do	56,405	69,795	83,030	101,229	0
			0	0	0	0	0
			0	0	0	0	0
Galena	do	do	60,748	74,965	89,338	108,777	0
			0	0	0	0	0
			0	0	0	0	0
Coastal Area North of Aleutians	do	do	68,451	84,530	100,505	122,839	0
			0	0	0	0	0
			0	0	0	0	0
Tok Junction	do	do	52,579	64,780	77,188	9,409	0
			0	0	0	0	0
			0	0	0	0	0
Barter Island North Coastal Area	do	do	70,415	86,959	103,555	126,407	0
			0	0	0	0	0
			0	0	0	0	0
Island Area North of Aleutians	do	do	78,119	96,524	114,929	140,159	0
			0	0	0	0	0
			0	0	0	0	0

[FR Doc. 85-9111 Filed 4-15-85; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Multiple Use Advisory Council Meeting, Salt Lake City, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Multiple Use Advisory Council Meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92-463, that a meeting/tour of the Salt Lake District Multiple Use Advisory Council will be held on May 6, 1985, beginning at 8:00 a.m. in the FAA Training Room at the Executive Air Terminal on the east side of the Salt Lake International Airport.

The agenda of the meeting will include a briefing and aerial tour related to the West Desert Pumping Project for the Great Salt Lake. Other agenda items will include proposed BLM wilderness areas, the BLM/Forest Service interchange, update on the grasshopper problem, grazing fee study and the election of a chairman for the Advisory Council.

Anyone wishing to make a statement to the Council must notify the District Manager, 2370 South 2300 West, Salt Lake City, Utah 84119 at (801) 524-5348, before 4 p.m. on May 3rd. A time limit may be established per person by the District Manager.

Frank Snell,

District Manager.

[FR Doc. 85-9087 Filed 4-15-85; 8:45 am]

BILLING CODE 4310-DQ-M

[A-20346-A]

Realty Action: Exchange of Public Lands, Pinal County, AZ

Correction

In FR Doc. 85-6798 beginning on page 11580 in the issue of Friday, March 22, 1985, make the following correction: In the third column, **Gila and Salt River Meridian, Arizona,** line four, remove the second land description reading, "SW¼ NW½".

BILLING CODE 1505-01-M

[A20633]

Public Lands; Proposed Classification Decision; Pinal County, AZ

Correction

In FR Doc. 85-6802 appearing on page 11581 in the issue of Friday, March 22, 1985, make the following corrections:

In the first column, the third line in the heading should appear as it does above; also the last of the land description, "Sec. 36, Lots 7-12, SE¼." should read "Sec. 36, Lots 7-12, SW¼."

BILLING CODE 1505-01-M

[N-41323; 5-00253]

Realty Action—Competitive Sale; Public Lands in Washoe County, NV

Correction

In FR Doc. 85-7221 beginning on page 12085 in the issue of Wednesday, March 27, 1985, make the following corrections: On page 12086, in the first column, in the second paragraph, in the second line, "bed" should read "bid"; also, in the

seventh paragraph, in the second line, "at cost" should read "at a cost".

BILLING CODE 1505-01-M

[5-0025-1-6P5]

Salt Lake District, UT; Availability; Preliminary Box Elder Resource Management Plan; Draft Environmental Impact Statement and Public Hearing

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of preliminary Box Elder Resource Management Plan and draft environmental impact statement and public hearing.

SUMMARY: Pursuant to section 202(f) of the Federal Land Policy and Management Act (FLPMA) and section 102(2)(C) of the National Environmental Policy Act (NEPA), the Bureau of Land Management (BLM) has prepared a proposed Resource Management Plan (RMP) and final Environmental Impact Statement (EIS) for Box Elder Planning Area. The Box Elder Planning Area is essentially Box Elder County, Utah.

The preliminary RMP considers the management choices of four alternatives analyzed in the EIS. Alternatives include: No action, protection and enhancement of environmental values, resource development and commodity production, and most-balanced use.

Copies of the Draft RMP/EIS are available from: Dennis Oaks, RMP/EIS Team Leader; Salt Lake District Office, 2370 South 2300 West, Salt Lake City, Utah 84119, (801) 524–5348. Public reading copies area available for review at the following two locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW, Washington, D.C. 20240

Utah State Office, Bureau of Land Management, 324 South State Street, Salt Lake City, Utah 84111–2303.

Written comments on the Draft EIS should be submitted to the Salt Lake District Manager by July 25, 1985.

Notice is hereby given that oral and/or written comments will be received at a public hearing at the following date, time and location: June 6, 1985; 7:00 p.m.; Commission Chambers, Box Elder County Courthouse, Brigham City, Utah.

Requests to submit oral and/or written testimony at the hearing will be received at the door.

Written and oral comments concerning the adequacy of the Draft EIS will be considered in the preparation of the proposed Box Elder RMP and Final EIS.

John H. Stephenson,

Acting Salt Lake District Manager.

[FR Doc. 85–9088 Filed 4–15–85; 8:45 am]

BILLING CODE 4310-DQ-M

National Park Service

Intention To Negotiate Concession Contract; Miss Green River Boat Concession, Inc.

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 Miss Green River Boat Concession, Inc., authorizing it to continue to provide a sightseeing boat tour service for the public at Mammoth Cave National Park, Kentucky, for a period of five years from January 1, 1986, through December 31, 1990.

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 expires by limitation of time on December 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 Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303, for information as to the requirements of the proposed contract.

Dated: March 6, 1985.

Robert M. Baker,

Regional Director, Southeast Region.

[FR Doc. 85–9073 Filed 4–15–85; 8:45 am]

BILLING CODE 4310-70-M

Availability of Finding of No Significant Impact for the Draft General Management Plan Addendum, With Development Concept Plan and Environmental Assessment; Veterans Lake, Chickasaw National Recreation Area, Murray County, OK

Pursuant to the National Environmental Policy Act of 1969, and Title 40 of the Code of Federal Regulations, the National Park Service has prepared a Finding of No Significant Impact for the Draft General Management Plan Addendum, with Development Concept Area, Murray County, Oklahoma.

In March 1983, City of Sulphur, Oklahoma, voters passed a referendum in favor of the donation of the 343-acre Veterans Lake tract to Chickasaw National Recreation Area. On November 14, 1983, the city council formally conveyed title to the Federal Government. The Draft General Management Plan Addendum, with Development Concept Plan and Environmental Assessment, addressed proposals for integrating Veterans Lake management and development strategies with existing park-wide strategies set forth in the 1980 General Management Plan. Based on public review comments received and on management decisions, the National Park Service is adopting the proposals for Veterans Lake as described in the draft plan. The public review period extended from January 24 through February 22, 1985. The proposals will provide guidance for the preservation, use, development and operation of the Veterans Lake area for the next 10–15 years.

In conclusion of the National Park Service that the proposals are not a major Federal action that will significantly affect the human environment. Therefore, an environmental impact statement will not be prepared. The National Park Service will proceed with development of the final general management plan addendum for implementation.

Copies of the Finding of No Significant Impact are available from Chickasaw National Recreation Area, Post Office Box 201, Sulphur, Oklahoma 73086; and the Southwest Regional Office, National Park Service, Post Office Box 728, Santa Fe, New Mexico 87501, and will be sent upon request.

Dated: March 28, 1985.

Donald A. Dayton,

Acting Regional Director, Southwest Region.

[FR Doc. 85–9078 Filed 4–15–85; 8:45 am]

BILLING CODE 4510-70-M

Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Saturday, June 1, 1985, at 1:00 p.m. at the National Park Service Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by *Pub. L. 91–664* to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Carrie Johnson, Chairman, Arlington, Virginia
Mr. Carl L. Shipley, Washington, D.C.
Ms. Polly Bloedorn, Bethesda, Maryland
Mr. James B. Coulter, Annapolis, Maryland
Mrs. Constance Lieder, Baltimore, Maryland
Mr. William H. Ansel, Jr., Romney, West Virginia
Mr. Silas Starry, Shepherdstown, West Virginia
Ms. Bonnie Troxell, Cumberland, Maryland
Mr. John D. Millar, Cumberland, Maryland
Mr. Rockwood H. Foster, Washington, D.C.
Mr. Barry Passett, Washington, D.C.
Ms. Barbara Yeaman, Brookmont, Maryland
Ms. Joan LaRock, Lovettsville, Virginia
Ms. Elise Heinz, Arlington, Virginia
Ms. Marjorie Stanley, Silver Spring, Maryland
Mrs. Minny Pohlmann, Dickerson, Maryland
Dr. James H. Gilford, Frederick, Maryland
Mr. R. Lee Downey, Williamsport, Maryland
Mr. Edward K. Miller, Hagerstown, Maryland

Matters to be discussed at this meeting include:

1. Old and new business
2. Superintendent's report
3. Committee reports
Plans and Projects Committee
Recreation Policies and Issues Committee
Resource Protection Committee
5. Public comments

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Minutes of the meeting will be available for public inspection six (6) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: April 8, 1985.

Robert Stanton,

Acting Regional Director, National Capital Region.

[FR Doc. 85–9076 Filed 4–15–85; 8:45 am]

BILLING CODE 4310-70-M

National Park Service Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 7:30 p.m. (PST) on Wednesday, April 24, 1985 at Building 201, Fort Mason, San Francisco, California.

The advisory Commission was established by Pub. L. 92–589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin, San Francisco, and San Mateo Counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Vice Chair
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Margot Patterson Doss
Mr. Jerry Friedman
Mr. Charles Gould
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Burr Heneman
Mr. John Jacobs
Mr. John Mitchell
Ms. Gimmy Park Li
Mr. Merritt Robinson
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The main agenda items are the Commission vote on recommendations for future use and development of Sweeney Ridge and the Point Reyes and Trail Committee report.

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact Shirwin Smith, Staff Assistant of Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, CA 94123.

Minutes for the meeting will be available for public inspection by May 24, 1985, in the office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Dated: April 2, 1985.

William P. Thomas,

Regional Director, Western Region.

[FR Doc. 85–9074 Filed 4–15–85; 8:45 am]

BILLING CODE 4310-70-M

Mining Plan of Operations: Pfizer Inc.

Notice is hereby given that pursuant to the provisions of Section 2 of the Act of September 28, 1976, 16 U.S.C 1901 *et seq.*, and in accordance with the provisions of § 9.17 of 36 CFR Part 9, Pfizer Inc. has filed a plan of operations in support of proposed mining on lands embracing its Contact mining claim within Death Valley National Monument. The plans are available for public inspection during normal business hours at the Death Valley National Monument Headquarters, Death Valley, California.

Dated: March 6, 1985.

Edwin L. Rothfuss,

Superintendent, Death Valley National Monument.

[FR Doc. 85–9075 Filed 4–15–85; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 6, 1985. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by May 1, 1985.

Patrick Andrus,

Acting Chief of Registration, National Register.

ALABAMA

Jefferson County

Birmingham, *Ideal Department Store Building*, 111 19th St. North

ALASKA

Bristol Bay Division

Dillingham, *Pilgrim 100B Aircraft*, Dillingham Municipal Airport

CONNECTICUT

Hartford County

East Windsor, *Broad Brook Company*, Main St.

Hartford, *Saint Anthony Hall*, 340 Summit St.

Litchfield County

Harwinton, *Skinner, Jason, House*, Off South Rd.

Harwinton, *Wilson, Cyrus, Farm*, 230 Plymouth Rd.

Windham County

Pomfret, *Putnam, Israel, Wolf Den*, Off Wolf Den Dr.

GEORGIA

Appling County

Baxley, *Citizens Banking Company*, 112–116 N. Main St.

Barrow County

Winder vicinity, *Rockwell Universalist Church*, GA 53 & Rockwell Church Rd.

Chatham County

Savannah, *Charity Hospital*, 644 W. 36th St.

DeKalb County

Atlanta, *Gentry, William T., House*, 132 E. Lake Dr., SE

Jackson County

Hoschton, *Hillcrest-Allen Clinic and Hospital*, GA 53 & Peachtree Rd.

Macon County

Montezuma, *DeVaughan-Lewis House*, 510 S. Dooly St.

McDuffie County

Thompson vicinity, *Sweetwater Inn*, Off GA 17 on Old Milledgeville Rd.

Stewart County

Richland vicinity, *Prothro, Nathaniel, Plantation*, Old Americus Rd.

Toombs County

Lyons, *Lyons Woman's Club House*, East Liberty St.

IDAHO

Elmore County

Glenns Ferry vicinity, *Oregon National Historic Trail-Alkali Creek Segment*, Alkali Creek Segment

KENTUCKY

Jefferson County

Louisville, *Preston-St. Catherine Street Historic District*, Roughly bounded by Roland, Preston, Jackson, St. Catherine and Floyd Sts.

McCracken County

Paducah, *Paducah Downtown Commercial District (Boundary Increase)*, Roughly bounded by First, Clark, Seventh and Monroe Sts.

LOUISIANA

Jefferson Parish

Gretha, *Gretna Historic District*, Roughly bounded by First, Amelia and Ninth Sts., Gulf Dr., Fourth, and Huey P. Long Ave.

MISSOURI

Buchanan County

St. Joseph vicinity, *Pleasant Ridge School*, R.F.D. #4

Jackson County

Kansas City, *Grand Avenue Temple and Grand Avenue Temple Building*, 205 E. 9th St. & 903 Grand Ave.

Kansas City, *Ivanhoe Masonic Temple*, E. Linwood Blvd. and 3201 Park Ave.

St. Louis (Independent City)

Immaculate Conception School, 2912 Lafayette

Mount Pleasant School, 4528 Nebraska Ave.

OLive Street Terra Cotta District, 600–622 Olive St.

Plaza Hotel Complex, 307 N. Leonard, 3301–3321 Olive, 3300–3322 & 3301–3339 Lindell, 3322–3334 Locust & 308–310 Channing

MONTANA

Jefferson County

Boulder, *Montana Deaf and Dumb Asylum*, Off MT 281

NEW HAMPSHIRE

Cheshire County

Dublin, *Amory Ballroom (Dublin MRA)*, Off Old Troy Rd.

Dublin, *Amory-Appel Cottage (Dublin MRA)*, Off Old Troy Rd.

NEW JERSEY

Bergen County

Alpine, *Upper Closter-Alpine Historic District*, Roughly bounded by Forest St., Old Dock Rd, School House Lane, Church St. And Closter Dock Rd.

NEW MEXICO

Chaves County

Roswell, *C–A Bar Ranch (Roswell New Mexico MRA)*, US 82

Roswell, *Chaves County Courthouse (Roswell New Mexico MARA)*, 400 Blk. N. Main

Roswell, *Chihuahuita Historic District (Roswell New Mexico MRA)*, Roughly bounded by Brown St., the Rio Hondo, Garden Ave., Tilden & Elm Sts.

Roswell, *Diamond A Ranch House and Bunkhouse (Roswell New Mexico MRA)*, 14 miles W. on U.S. 380

Roswell, *Downtown Roswell Historic District (Roswell New Mexico MRA)*, Roughly bounded by 8th St., Richardson Ave., Albuquerque st. and Missouri Ave.

Roswell *Flying H. Ranch (Roswell New Mexico MRA)*, Off US 70 between Hope and Elk Area

Roswell, *Goddard, Robert H., House (Roswell New Mexico MRA)*, Rt 3 E. on Mescalero Rd.

Roswell, *Massey, Louise, House (Roswell New Mexico MRA)*, 209 W. Alameda St.

Roswell, *Millhiser-Baker Farm (Roswell New Mexico MRA)*, Rt 1 Box 31 D

Roswell, *Milne-Bush Ranch and Barn (Roswell New Mexico MRA)*, Rt 3, Box 264 E.

Roswell, *New Mexico Military Institute HJistoric District (Roswell New Mexico MRA)*, Roughly bounded by 19th and N. Main Sts., College Blvd, and Kentucky Ave.

Roswell, *Saunders-Crosby House (Roswell New Mexico MRA)*, 200 E. Deming

Roswell, *Southspring Ranch (Roswell New Mexico MRA)*, *NM 2, Box 159 C.*

Taos County

Ojo Caliente, *Ojo Caliente Mineral Springs*, NM, 414

NEW YORK

Queens County

Rockaway-Peninsula vicinity, *Riis, Jacob, Park Historic District (Boundary Increase)*, Rockaway Beach Blvd.

OHIO

Cuyahoga County

Cleveland, *McKinley Terrace*, 1406–1426 W. 81st St.

Independence to Akron, *Valley Railway Historic District*, Cuyahoga Valley between Rockside Rd. at Cuyahoga National Recreation Area and Howard St. at Little Cuyahoga Valley (also in Summit Cty.)

Hamilton County

Mt. Healthy, *Mt. Health Public School*, Compton & Harrison Aves.

Stark County

Alliance, *First Methodist Episcopal Church of Alliance, Ohio* 470 E. Broadway St.

TENNESSEE

Washington County

Jonesboro vicinity, *Plum Grove-Jackson Farm*, TN 107 & Jackson Bridge Rd.

TEXAS

Comal County

New Braunfels, *Hotel Faust*, 240 S. Seguin St.

Hartley County

Channing, *XIT General Office*, Railroad Ave, and Fifth St.

Kaufman County

Terrell, *Terrell Times Star Building*, 106 S. Catherine St.

Witchita County

Witchita Falls, *Hodges-Hardy-Chambers House*, 1100 Travis St.

WISCONSIN

Racine County

Racine, *United States Post Office*, 603 Main St.

[FR Doc. 85–9077 Filed 4–15–85 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Release of Waybill Data for Use By ALK Associates, Inc.

The Commission has received a request from ALK Associates Inc. (ALK) on behalf of its client, Consolidated Rail Corporation for permission to use the Commission's 1983 Carload Waybill Sample, to analyze possible anti-competitive effects of the proposed purchase of Conrail by Norfolk Southern.

The Commission requires rail carriers to file waybill sample information if in any of the past three years they terminated on their lines at least: (1) 4,500 revenue carloads or (2) 5 percent of revenue carloads in any one State (49 CFR Part 1244). From this waybill information, the Commission has developed a Public Use Waybill File that has satisfied the majority of all our waybill data requests while protecting the confidentiality of proprietary data submitted by the railroads. However, if confidential waybill data are requested, as in this case, we will consider releasing the data only after certain protective conditions are met and public notice is given. More specifically, under the Commission's current policy for handling waybill requests, we will not release any confidential waybill data until after: (1) Certain requirements designed to protect the data's confidentiality are agreed to by the requesting party and (2) public notice is provided so affected parties have an opportunity to object. (48 FR 40238, September 6, 1983).

Accordingly, if any parties object to ALK's request, they should file their objections (an original and 2 copies) within 14 calendar days of the date of this notice. They should also include all grounds for objection to the full or partial disclosure of the requested data. The Commission's Director of Office of Transportation Analysis will consider these objections in determining whether to release the requested waybill data. Any parties who objected will be timely notified of the Director's decision.

Contact: Elaine Kaiser, (202) 275-0907.

James H. Bayne,

Secretary.

[FR Doc. 85-9071 Filed 4-15-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket Nos. AB-33 (Sub-29X) and AB-37 (Sub-15X)]

Union Pacific Railroad Co. and Oregon-Washington Railroad & Navigation Co. Exemption Discontinuance of Trackage Rights

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505, the Commission exempts from the requirements of 49 U.S.C. 10903 *et seq.* the discontinuance by Union Pacific Railroad Company and Oregon-Washington Railroad & Navigation Company of trackage rights over a 9.25-mile line of railroad of the Camas Prairie Railroad Company in Clearwater County, ID, subject to protective conditions for rail employees.

DATES: The exemption is effective on May 16, 1985. Petitions for reconsideration must be filed by May 6, 1985. Petitions for stay must be filed by April 26, 1985.

ADDRESSES: Send pleadings referring to Docket Nos. AB-33 (Sub-No. 29X) and AB-37 (Sub-No. 15X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Joseph D. Anthofer, 1416 Dodge Street, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: April 8, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 85-9072 Filed 4-15-85; 8:45 am]

BILLING CODE 7035-01-M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at the Westin Hotel, 909 North Michigan Avenue, Chicago, Illinois on May 13, 1985 beginning at 8:00 a.m.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, section 1242(a)(1)(B).

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that the subject of the meeting falls within the exceptions to the open meeting requirements set forth in Title 5 U.S. Code, section 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: April 10, 1985.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 85-9046 Filed 4-15-85; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-15,410, TA-W-15,422]

Burlington Industries; Negative Determination Regarding Application for Reconsideration

By an application dated January 14, 1985, the company requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers at Burlington Industries' Textured Woven Division in Bristol and Mountain City, Tennessee. The negative determination was published in the **Federal Register** on December 21, 1984 (49 FR 49733).

Pursuant to CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The company challenges the negative determination from the following three

perspectives: (1) There was a 35 percent increase in imports of textiles and apparel in 1984. (2) The results of the customer survey especially for the seven month period chosen by the Department are unacceptable. (3) There was an increase of polyester woven fabrics in 1982 and 1983 which impacted on the company's decision to close its Bristol plant and reduce production at the Mountain City plant.

The investigative case file shows that the Burlington Textured Woven Division has several plants and that production lost of the Bristol and Mountain City plants would be consolidated at other company plants. Findings also show increased production of polyester woven fabrics at the Bristol and Mountain City plants and increased company sales in 1983 compared to 1982. These data do not support the company's argument that increased imports in 1983 adversely affected its sales and production. Neither loss of potential sales nor the profitability of the product provide a basis for certification.

The application for reconsideration cites increased imports of fabric and apparel as the reason for a weakening fabric market and for Burlington's actions at the Bristol and Mountain City plants. Finished articles such as apparel cannot be considered like or directly competitive with component materials such as polyester woven fabric within the meaning of the Trade Act. U.S. imports of polyester woven fabric decreased, in quantity, in the first nine months of 1984 compared to the same period in 1983.

The Department's survey of Burlington's customers showed that none of the respondents, which represented a significant portion of the Textured Woven Division's sales decline in the first seven months of 1984 compared to the same period in 1983, increased their reliance on imported polyester woven fabrics for the same period. Only data for the first seven months of 1984 were used in the Department's survey since production at both plants and corporate sales of polyester woven fabrics increased in 1983 compared to 1982. Several respondents to the survey reported reduced purchase from Burlington because new fashion styling is toward blends of polyester and wool and polyester and cotton. The Bristol and Mountain City plants produced 100 percent polyester woven fabric.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, D.C., this 15th day of February 1985.

Harold A. Bratt,

Deputy Director, Office of Program Management, UIS.

[FR Doc. 85-9049 Filed 4-15-85; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Burlington Industries, Inc., et al.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 227) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period April 1, 1985–April 5, 1985

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) The increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–15,664; Burlington Greige Sales Division (Filament Unit), Burlington Industries, Inc., Franklinton, NC

TA–W–15,650; National Can Corp., Foster Forbes Glass Div., Millville, NJ

TA–W–15,687; Adelaide Mills, Inc., Anniston, Al

TA–W–15,609; Levi Strauss & Co., Memphis, TN

TA–W–15,628; Gary Lilly of Florida, Miami, FL

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–15,669; Stedfast Rubber Co., Inc., North Easton, MA

Aggregate U.S. imports of shoe linings are negligible.

TA–W–15,791; Eli's Place, Limited, New York, NY

The company produced samples which were used in the overseas production of garments.

Affirmative Determinations

TA–W–15,667; Pako Corp., Golden Valley, MN

A certification was issued covering all workers separated on or after December 21, 1983 and before February 28, 1985.

TA–W–15,689; Dynapac Manufacturing, Inc., Stanhope NJ

A certification was issued covering all workers separated on or after August 1, 1984.

TA–W–15,707; Ohio Ferro Alloys Corp., Philo, OH

A certification was issued covering all workers separated on or after July 1, 1984.

TA–W–15,661; Aero Manufacturing Div., of Misty Harbor, Ltd, Baltimore, MD

A certification was issued covering all workers separated on or after December 3, 1983 and before December 21, 1984.

TA–W–15,666; Marlboro Footwear Corp., Marlboro, MA

A certification was issued covering all workers separated on or after April 1, 1984 and before January 1, 1985.

TA–W–15,688; Corona Plastics, Inc., Denville, NJ

A certification was issued covering all workers separated on or after June 1, 1984.

TA–W–15,668; Roller Derby Skate Corp., Litchfield, IL

A certification was issued covering all workers separated on or after July 1, 1984 and before February 22, 1985.

TA–W–15,688A; Roller Derby Skate Corp (West Coast Skate Sales), Garden Grove, CA

A certification was issued covering all workers separated on or after July 1, 1984 and before February 22, 1985.

TA–W–15,620; Nannette Manufacturing Co., Inc., Elkon, MD

A certification was issued covering all workers separated on or after November 7, 1983 and before February 28, 1985.

TA–W–15,696; Southwestern Portland Cement Co., El Paso, TX

A certification was issued covering all workers separated on or after June 1, 1984.

TA-W-15,640; The Georgia Boot Co., Centerville, TN

A certification was issued covering all workers separated on or after September 1, 1984 and before February 1, 1985.

I hereby certify that the aforementioned determinations were issued during the period April 1, 1985–April 5, 1985. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Steet, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: April 9, 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 85-9048 Filed 4-15-85; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

[V-85-2]

AMAX Lead Company of Missouri; Application for Permanent Variance

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of Applications for Permanent Variance.

SUMMARY: This notice announces the application of AMAX Lead Company of Missouri for permanent variance from the standard prescribed in 29 CFR 1910.1025(f)(2), concerning the lead concentration in air limitation on use of half-mask, air-purifying (negative pressure) respirators equipped with high efficiency filters.

DATES: The last date for interested persons to submit comments is May 16, 1985. The last date for affected employers and employees to request a hearing is May 16, 1985.

ADDRESSES: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street & Constitution Avenue, NW., Room N-3656, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, at the above address, Telephone: (202)523-7193

or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 911 Vermont Street, Room 406, Kansas City, Missouri 64106

U.S. Department of Labor, Occupational Safety and Health Administration, 4300 Goodfellow Boulevard, Building 105E, St. Louis, Missouri 63120.

Notice of Application

SUPPLEMENTARY INFORMATION:

Notice is hereby given that AMAX Lead Company of Missouri, Boss, Missouri 65440, has made application pursuant to section 6(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the standard prescribed in 29 CFR 1910.1025(f)(2), respirator selection.

The address of the place of employment that will be affected by the application is as follows: AMAX Lead Company of Missouri, Boss, Missouri 65440.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.1025(f)(2), which states that where respirators are required, a half-mask, air-purifying respirator equipped with high efficiency filters shall be used only when the airborne concentration of lead is not in excess of 0.5 mg/m^3 (10 times the permissible exposure limit (PEL)).

AMAX Lead Company of Missouri, the applicant, states that it operates a lead mine-mill-smelter complex in southest Missouri with a smelter design capacity of 140,000 tons annually. This capacity, according to AMAX, represents approximately 18 percent of the total United States refined lead capacity. In 1983, it further contends, the smelter produced 142,956 tons of refined lead.

The applicant states that under the provisions of the lead standard it currently is required to implement engineering controls, work practice and administrative controls, to the extent feasible, to reduce and maintain employee exposure to airborne lead to or below 100 micrograms per cubic meter ($\mu g/m^3$) of air, averaged over an 8-hour period, referred to in the standard as the interim permissible exposure limit (PEL). This PEL is to be further reduced to 50 $\mu g/m^3$ by June 29, 1991, through the use of engineering and work practice controls, except to the extent the company can demonstrate that such controls are not feasible.

During the time period necessary to install the above-referenced controls, or in work situations where such controls are not sufficient to reduce exposures to or below the PEL, AMAX states that it may utilize respiratory protection.

When respirators are utilized, Table II of the standard (section 1910.1025(f)(2)) specifies the type of respiratory protection to be used, depending on the airborne concentration of lead or condition of use. Table II assigns a protection factor of 10 for negative pressure half-mask respirators, thereby establishing a maximum airborne lead concentration of 500 $\mu g/m^3$ on the use of such a respirator. In response to what the applicant refers to as "this restrictive protection factor", it is seeking a permanent variance.

The applicant is seeking this permanent variance from § 1910.1025(f)(2), Table II, in order to allow it to utilize these negative pressure half-mask respirators at air lead concentrations up to 5000 $\mu g/m^3$ (up to 100 times the PEL).

The applicant alleges that airborne lead levels within the smelter may exceed the level of 500 $\mu g/m^3$ (10 times the PEL) for some operations. Moreover, it contends, during upset conditions or maintenance operations, airborne lead levels may often exceed 500 $\mu g/m^3$. Consequently, the applicant alleges that compliance with Table II in these situations is infeasible due to the variability in duration of exposure and the inability to determine the need for greater protection measures until industrial hygiene sampling has been conducted and laboratory results returned. In light of these factors, AMAX Lead seeks to utilize a protection factor of 100 (equivalent to 5000 $\mu g/m^3$) for negative pressure half-mask respirators.

The applicant states that it has developed an extensive respirator protection program at the smelter which provides, in part, quantitative face-fit testing and employee training in respirator usage. Based on this program and available evidence, it has determined that a protection factor greater than 10 can be assigned to a negative pressure respirator.

Quantitative face-fit test results performed by the applicant on its employees, it contends, yielded a protection factor with a geometric mean of 4099 from the period from July 1, 1982 to June 30, 1983. During this time period, no employee had a protection factor less than 120. Distribution of face-fit test

results for this time period was as follows:

FREQUENCY DISTRIBUTION OF PROTECTION FACTORS

[July 1, 1982–June 30, 1983]

Range	Frequency	Cumulative frequency	Percent	Cumulative percent
200	3	3	0.49	0.49
200 to 999	29	32	4.78	5.27
1000 to 4999	398	430	65.57	70.84
5000	177	607	29.16	100.00

The applicant further alleges that the American National Standards Institute (ANSI) has also concluded that a protection factor higher than 10 can be assigned to a negative pressure respirator. Specifically, the ANSI has indicated that a protection factor of 100 can be assigned if the employee has been quantitatively fitted (ANSI Z88.2–1980). Moreover, the applicant alleges that "unpublished data from the National Institute for Occupational Safety and Health's work at the St. Joe Minerals Corporation Herculaneum smelter indicates that a half-mask negative pressure respirator with high efficiency filters will provide a minimum protection factor of 100 while 'working' in a smelter environment". Therefore, AMAX Lead is confident that by the strict enforcement of its respirator protection program, a protection factor of 100 can be assigned to a negative pressure half-mask respirator.

The applicant states that it will provide respirators, at no cost to its employees, and shall require the use of said respirators during the time period necessary to install engineering or work practice controls, in work situations in which engineering and work practice controls are not sufficient to reduce airborne lead exposures to or below 50 μ/m^3, and/or whenever any employee requests a respirator.

When respirators are required, it contends further, half-mask negative pressure respirators, with high-efficiency filters, will be provided to employees who work in operations having airborne concentrations of lead not exceeding 5000 $\mu g/m^3$, provided said employees demonstrate a quantitative face-fit test protection factor of 250 or greater. Quantitative face-fit tests will be performed at the time of initial fitting and at least semiannually for all exposed employees.

The applicant further alleges that for any employee who is wearing a half-mask negative pressure respirator in accordance with this permanent variance, should it be granted, and who has a confirmed rise of 10 $\mu g/100g$ of whole blood or greater in his/her blood lead level from the previous sampling test results, it will perform a quantitative face-fit test to ensure that the protection factor is 250 or greater. In addition, the applicant will evaluate the employee's respirator usage, hygiene habits and lead-related work practices. Based on the quantitative face-fit test and the evaluations, AMAX Lead will take all reasonable and appropriate corrective steps to protect the health of the employee including, if necessary, requiring the employee to wear a powered air-purifying respirator in lieu of a half-mask negative pressure respirator.

According to the applicant, it will also continue to enforce and, if warranted, revise its written respirator program. The applicant states that the respirator program provides, in part, that the applicant itself cleans its respirators at the end of each shift, and that after the respirators have air-dried they are put into the individual employee's storage bin.

AMAX Lead will also provide powered air-purifying respirators in lieu of half-mask negative pressure respirators whenever an employee requests the use of said respirators, as presently required by the lead standard, and when its use is necessary to protect the health of an employee.

The applicant alleges further that it shall select respirators from those approved for protection against lead dust, fume and mist by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

In summary, the applicant contends that it has demonstrated by a preponderance of the evidence that the practices and conditions it proposes to use will provide a place of employment which is as safe and healthful as that provided under § 1910.1025(f)(2), Table II, the provision from which the variance is sought.

All interested persons, including employers and employees who believe they would be affected by the grant or denial of the application for variance are invited to submit written data, views, and arguments relating to the issues raised in the application no later than May 16, 1985. In addition, employers and employees who believe they would be affected by a grant or denial of the variances may request a hearing on the application no later than May 16, 1985, in conformance with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Variance Determination at the above address.

Signed at Washington, D.C., this 10th day of April 1985.

Robert A. Rowland,

Assistant Secretary of Labor.

[FR Doc. 85–9158 Filed 4–15–85; 8:45 am]

BILLING CODE 4510–26–M

LEGAL SERVICES CORPORATION

Second Announcement of Availability of Funds for the Provision of Legal Services in the States of Arkansas and Mississippi

AGENCY: Legal Services Corporation.

ACTION: Notice.

SUMMARY: The Legal Services Corporation (LSC) announces the availability of grant funds for the provision of legal services to the eligible migrant client population in the states of Arkansas and Mississippi. No applications were received following the February 13, 1985, **Federal Register** notice of the availability of these funds. Therefore, the deadline for receipt of applications has been extended to the date noted below.

DATE: All applications for grant funds must be received on or before May 15, 1985.

FOR FURTHER INFORMATION CONTACT: Gail D. Francis, Manager, Grants and Budget Unit, Office of Field Services, Legal Services Corporation, 733 Fifteenth Street NW., Washington, D.C. 20005, (202) 272–4080.

SUPPLEMENTARY INFORMATION: The Legal Services Corporation, the national, independent organization charged with implementing the federally-funded system of legal services for low income people, announces the availability of grant funds for the provision of legal services to the eligible migrant client population in the states of Arkansas and Mississippi.

The annualized level of Legal Services Corporation funding for these service areas will be $46,349 and $169,949, respectively, for calender year 1985. The exact level of funding for the remainder of 1985 will be contingent on staff recommendations concerning the successful applicant(s) needs.

All groups and persons interested in applying for these grant funds should request a grant application from the Grants Assistant, Grants and Budget Unit, Office of Field Services, 733 Fifteenth Street NW., Washington, D.C. 20005. Applications will be considered

for individual or joint coverage of these service areas. Subsequent to the application deadline, May 15, 1985, a public hearing may be held at which applicants and other interested parties can make presentations regarding provision of legal services in the applicable service area.

Three copies of the application should be submitted to the Regional Director, Atlanta Regional Office, 915 Peachtree Street N.E., Ninth Floor, Atlanta, Georgia 30308; and, one copy of the grant application should be sent to the Grants Assistant at the Washington, D.C. address noted above.

Any grant application recommended by the Legal Services Corporation will, pursuant to section 1007(f) of the LSC Act, be announced in the **Federal Register**, and additional comments and recommendations will be requested at least thirty days prior to final approval of the grant.

Peter Broccoletti,

Acting Director, Office of Field Services.

[FR Doc. 85-9091 Filed 4-15-85; 8:45 am]

BILLING CODE 6820-35-M

Second Announcement of Availability of Funds for the Provision of Legal Services in the State of Louisiana

AGENCY: Legal Services Corporation.

ACTION: Notice.

SUMMARY: The Legal Services Corporation (LSC) announces the availability of grant funds for the provision of legal services to eligible clients residing in the Louisiana parishes of Catahoula, Concordia, and La Salle. No applications were received following the January 30, 1985 **Federal Register** notice of the availability of these funds. Therefore, the deadline for the receipt of applications has been extended to the date noted below.

DATE: All applications for grant funds must be received on or before May 15, 1985.

FOR FURTHER INFORMATION CONTACT: Gail D. Francis, Manager, Grants and Budget Unit, Office of Field Services, Legal Services Corporation, 733 Fifteenth Street NW., Washington, D.C. 20050, (202) 272-4080.

SUPPLEMENTARY INFORMATION: The Legal Services Corporation, the national, independent organization charged with implementing the federally funded system of legal services for low income people, announces the availability of grant funds for the provision of legal services to eligible clients residing in the Louisiana parishes of Catahoula, Concordia, and La Salle.

The annualized level of Legal Services Corporation funding for the service area is $123,354 for calendar year 1985. The exact level of funding for the remainder of 1985 will be contingent of staff recommendations concerning the successful applicant's needs.

All groups and persons interested in applying for this grant should request a grant application from the Grants Assistance, Grants and Budget Unit, Office of Field Services, 733 Fifteenth Street NW., Washington, D.C. 20005. Subsequent to the application deadline, May 15, 1985, a public hearing may be held at which applicants and other interested parties can make presentations regarding provision of legal services in the service area.

Three copies of the application should be submitted to the Regional Director, Atlanta Regional Office, 915 Peachtree Street NW., Ninth Floor, Atlanta, Georgia 30308; and, one copy of the grant application should be sent to the Grants Assistant at the Washington D.C. address noted above.

Any grant application recommended by the Legal Services Corporation will, pursuant to section 1007(f) of the LSC Act, be announced in the **Federal Register**, and additional comments and recommendations will be requested at least thirty days prior to final approval of the grant.

Peter Broccoletti,

Acting Director, Office of Field Services.

[FR Doc. 85-9090 Filed 4-15-85; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL COMMISSION ON AGRICULTURAL TRADE AND EXPORT POLICY

Meeting

April 11, 1985.

The National Commission on Agricultural Trade and Export Policy will hold its next meeting at 9 a.m. on May 10, 1985, in the Concourse Ballroom "D" of the Breckenridge Concourse Hotel, St. Louis, Missouri.

The meeting is open to the public. Individuals or organizations interested in appearing before the Commission to discuss export expansion programs should contact the Commission staff at (202) 488-1961.

Future meetings are scheduled as follows:

June 10—Atlanta, Georgia.
July 12—Washington, D.C.
August 12—Denver, Colorado.
September 13—Fresno, California.

Kenneth L. Bader,

Chairman.

[FR Doc. 85-9053 Filed 4-15-85; 8:45 am]

BILLING CODE 3410-05-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Electrical, Computer, and Systems Engineering; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Electrical, Computer, and Systems Engineering.

Date: May 2 and 3, 1985.

Time: 8:30 AM to 5:00 PM.

Place: National Academy of Sciences, Joseph Henry Building, Conference Room 453, 2122 Pennsylvania Avenue, NW., Washington, D.C.

Type of meeting: Open.

Contact person: Dr. Blake E. Cherrington, Division Director, Division of Electrical Communications and Systems Engineering, Room 1151, National Science Foundation, Washington, D.C., Telephone: 202-357-9618.

Purpose of committee: To discuss research trends and opportunities and to advise on priorities in resource management.

Agenda: Presentations by individual ECSE Program Directors; Management of Resources; Issues and Priorities; Trends and Opportunities in Electrical Engineering Research.

Dated: April 11, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85-9132 Filed 4-15-85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Population Biology and Physiological Ecology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Population Biology and Physiological Ecology.

Date and time: May 2 & 3, 1985—8:30 a.m. to 5:00 p.m. each day.

Place: Room 1141, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. John L. Brooks, Acting Program Director, Population Biology and Physiological Ecology (202) 357-9728, Room 1140, National Science Foundation, Washington, D.C. 20550.

Purpose of panel: To provide advice and recommendations concerning support for research in population biology and physiological ecology.

Agenda: Review and evaluation of research proposals and projects as part of the selection process of awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, no July 6, 1979.

Dated: April 11, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85-9131 Filed 4-15-85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Developmental Neuroscience; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Developmental Neuroscience.

Date and time: May 2 and 3, 1985; 9:00 a.m. to 5:00 p.m. each day.

Place: Georgetown Hotel, 2121 P Street, NW., Washington, DC 20037.

Type of meeting: Part Open—Open 5/2—1:00 p.m. to 2:00 p.m. Closed 5/2—9:00 a.m. to 12:00 p.m.Closed 5/2—2:00 a.m. to 5:00 p.m. Closed 5/3—9:00 a.m. to 5:00 p.m.

Contact person: Dr. Jean Lauder, Program Director, Developmental Neuroscience, Room 320 National Science Foundation, Washington, DC 20550, telephone (202) 357-7042.

Summary minutes: May be obtained from the Contact Person at the above stated address.

Purpose of meeting: To provide advice and recommendations concerning support for research in developmental neuroscience.

Agenda: Open—General discussion of the current status and future plans of the Developmental Neuroscience Program. Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.

Dated: April 11, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85-9133 Filed 4-15-85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Ethics and Values in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Ethics and Values in Science and Technology.

Date and time: May 2 and 3, 1985; 8:30 a.m. to 6 p.m. each day.

Place: May 2—8:30 a.m. to 6 p.m., Room 430, National Endowment for the Humanities, 1100 Pennsylvania Avenue, N.W., Washington, D.C. May 3—8:30 a.m. to 6 p.m., Room 1242B, National Science Foundation, 1800 G Street NW., Washington, D.C.

Type of meeting: Part Open: Open, 5/3: 10:30 a.m.-6 p.m.; Closed—5/3 8:30 to 10:30; 5/2 8:30 to 6:00 p.m.

Contact person: Dr. Rachelle Hollander, Program Director, Ethics and Values in Science and Technology, National Science Foundation, Washington, D.C. 20550, Telephone 202/357-7552.

Summary minutes: May be obtained from the Contact Person at the above address.

Purpose of meeting: To provide advice and recommendations concerning support for research and related activities in this field.

Agenda: Open—General discussion of current status and future plans to encourage research on ethical or value issues in science or technology. Closed—To review and evaluate research proposals.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: April 11, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85-9134 Filed 4-15-85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Computer Research; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463 as amended, the National Science Foundation announce the following meeting:

Name: Advisory Committee for Computer Research.

Date and time: May 2, 1985—9:00 a.m. to 5:00 p.m. May 3, 1985—9:00 a.m. to 3:00 p.m.

Place: Room 1242-A, National Science Foundation, 1800 G. Street, NW., Washington, D.C. 20550.

Type of meeting: All Open—May 2 Open—9:00 a.m. to 5:00 p.m. May 3 Open—9:00 a.m. to 3:00 p.m.

Contact person: Mr. Kent K. Curtis, Division Director, Division of Computer Research, Room 304, National Science Foundation, 1800 G. Street, NW., Washington, D.C. 20550. Telephone: (202) 357-9747. Anyone planning to attend this meeting should notify notify Mr. Curtis no later than April 29, 1985.

Purpose of committee: To provide advice and recommendations concerning support of Computer Research.

Summary minutes: May be obtained from the contact person at the above address.

Agenda

Thursday, May 2, 1985, Room 1242-A—9:00 a.m. to 5:00 p.m.—Open

9:00 a.m.—Division of Computer Research Program Activities and Priorities.

12:30 p.m.—Lunch.

1:30 p.m.—Initiatives involving DCR and Other Parts of NSF—Engineering; Language and Information; Computational Mathematics; Scientific Computing.

Friday, May 3, 1985, Room 1242-A—9:00 a.m. to 3:00 p.m.—Open

9:00 a.m.—Planning Issues in Computer Research, Paul Young and Kent K. Curtis.

12:00 Noon—Lunch.

1:00 p.m.—Committee Business, Lawrence Snyder.

3:00 p.m.—Meeting Adjourn.

Dated: April 11, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85-9135 Filed 4-15-85; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrences Dissemination of Information

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following

incidents were determined to be abnormal occurrences using the criteria published in the **Federal Register** on February 24, 1977 (42 FR 10950). These abnormal occurrences are described below, together with the remedial actions taken. These events are also being included in NUREG–0090, Vol. 7, No. 3 ("Report to Congress on Abnormal Occurrences: July–September 1984"). This report, which will be available in the NRC's Public Document Room, 1717 H Street NW, Washington, D.C. about three weeks after the publication date of this **Federal Register** Notice, also contains one additional abnormal occurrence (i.e., "Loss of Offsite and Onsite AC Electrical Power," which occurred at Susquehanna Unit 2) which was published in the **Federal Register** (50 FR 1140) on January 9, 1985.

NUCLEAR POWERPLANTS

Degraded Isolation Valves in Emergency Core Cooling Systems

Example I.D.4 of the abnormal occurrence criteria notes that recurring incidents which create major safety concern can be considered an abnormal occurrence.

Date and Place

Several events have occurred which involved open valves, including check valves (valves designed to allow water to flow only in one direction), located in the emergency core cooling systems of various General Electric designed, boiling water reactors. Some of the events resulted in the high pressure reactor coolant system overpressurizing piping in either the low pressure coolant injection (LPCI) system (the low pressure mode of the residual heat removal, RHR, system), the high pressure coolant injection (HPCI) system (the low presure suction portion), or the low pressure core spray system, all systems being designed to mitigate the consequences of a loss of coolant accident (LOCA). These events are considered to be significant because they substantially reduced safety margins for preventing an interface LOCA. For some reactor designs, the possible interface LOCA could bypass containment, with radioactive material discharged to the environment. One event resulted in a partial draining of the reactor vessel. Most of the events were due to personnel errors, and therefore could have been prevented.

The date and place of each of the events are as follows:

Plant	Date	Licensee	Plant location
Vermont Yankee	12/12/75	Vermont Yankee Nuclear Power	Windham County, VT.
Cooper Station	1/21/77	Nebraska Public Power Dist.	Nemaha County, NE.
LaSalle Unit 1	9/14/83	Commonwealth Edison	LaSalle County, IL.
Pilgrim	9/28/83	Boston Edison	Plymouth County, MA.
Hatch Unit 2	10/28/83	Georgia Power	Appling County, GA.
Browns Ferry Unit 1	8/14/84	Tennessee Valley Authority	Limestone County, AL.

Nature and Probable Consequences

Vermont Yankee

While performing monthly LPCI pump and motor-operated valve operability surveillance testing with the plant operating at 99% power, LPCI injection valve V–10–25A failed to respond to an open signal generated from its remote control switch. In order to determine if the failure was caused by an excess differential pressure across the valve seat, or a specific mechanical/electrical malfunction, V–10–25A was manually cracked open. Then the valve was successfully cycled fully open and closed. Immediately following the cycling of V–10–25A, a steam-water mixture was observed to discharge from three RHR system relief valves and the RHR heat exchanger tube sheet to shell flange area, indicating an overpressurized condition.

Applicable subsystems of the RHR system were declared inoperable. Redundant systems were proven available. Following successful pressure and operability testing of the subsystems which had been declared inoperable, the subsystems were declared operable. Plant operation continued in a degraded mode, as permitted by the technical specification limiting conditions for operation, while the event cause was determined, repairs were made, and the subsystems tested. As discussed later, the "A" LPCI loop was found to have been momentarily pressurized in excess of system design pressure.

Cooper Station

During performance of high pressure coolant injection (HPCI)—turbine trip and initiation logic functional test, with the plant operating at about 97% power, the HPCI testable check valve failed to seat (i.e., be fully closed) which allowed feedwater to flow backwards through the HPCI injection line into the HPCI suction piping. The isolation valve in series with the check valve was closed and the licensee declared HPCI to be inoperable.

Appropriate surveillance tests were completed. The HPCI piping was inspected and HPCI operated through the test loop. A technical specification amendment was requested, and approved by the NRC, to extend plant operation with HPCI inoperable for another seven days. HPCI could be operated in a manual mode, but the extent of flow through the check valve was not known. The reactor was shut down on February 3, 1977, for evaluation of the problem and corrective actions.

Inspection showed that a broken sample probe was loosely wedged under the edge of the check valve disc, which prevented full check valve closure but had no affect on full opening of the valve. The probe was removed and the check valve inspected, reassembled and satisfactorily tested. A leak check on the valve was also satisfactorily completed. HPCI was then returned to an operable status.

LaSalle Unit 1

The plant was in cold shutdown for an extended maintenance outage. Plant operators were conducting a routine surveillance test of the RHR system relay logic. As part of the test, an RHR system lineup was established for the "B" loop which opened both containment spray valves and the suppression pool spray valve. The test procedure then called for opening the "B" loop RHR injection valve, which left only the injection check valve to isolate the RHR system from the reactor cooling system.

At this point, a rapid decrease in the reactor water level was observed. Water in the reactor vessel drained from the reactor vessel for about three minutes until it was terminated by a combination of operator action and an automatic containment isolation triggered by the low reactor vessel water level. However, the reactor core was covered at all times. The water level dropped 50 inches during the event, but remained 161.5 inches above the top of the reactor core. Normal reactor water level was restored about 45 minutes after the event using the control rod drive pumps.

Subsequent investigation determined that the injection check valve was stuck in the open position instead of being in its normally closed position. The water (between 5,000 and 10,000 gallons) drained through the injection check valve and into the suppression pool through the open suppression pool

recirculation valve and into the containment through the open containment spray valves.

Pilgrim

With the plant operating at about 96% power, the licensee was performing functional testing of the HPCI system logic when a HPCI high suction pressure alarm and HPCI area smoke detector alarm were received in the control room. Investigation showed that a feedwater pressure transient occurred and involved the HPCI suction piping. The low pressure section of the piping was briefly overpressurized due to backflow of feedwater into the piping.

Investigation showed that miscommunication between two station personnel, while conducting more than one surveillance test at the same time, resulted in both HPCI pump discharge valves being inadvertently opened. This left only the testable injection check valve to isolate the HPCI from the RCS. However, the movable internals of the latter valve were bound by rust which apparently held the valve partially open during normal operation. This allowed feedwater pressure to overpressurize the low presaure piping through the open discharge valves.

The check valve was repaired and tested. Analysis, and a system inspection, indicated no damage to piping or supports. Therefore, the licensee concluded that the HPCI piping and supports were operable.

Hatch Unit 2

With the plant in cold shutdown, operations personnel found that an isolation check valve was open, and would not close, during performance of a valve operability testing procedure. The valve is located in the "B" train of the RHR system and is equipped with an air actuator for periodic testing purposes. The valve was being held open by its air actuator which was incorrectly connected. A subsequent investigation by plant personnel verified that the check valve had been open for approximately four months while the plant operated at close to full power.

The valve is a swing-type testable check valve with an air actuator controlled by a four-way solenoid pilot valve. The rotary type air actuator is used to perform in-service testing of the valve when the plant is in a cold shutdown condition. The valve, and its actuator and solenoid valve, are installed on the 24-inch LPCI line inside the primary containment structure. The valve serves as one of the two isolations between the high pressure RCS and the low pressure RHR system. The second isolation valve is located immediately outside containment and is a normally closed, motor-operated injection gate valve. This gate valve is desiged to open automatically when the RCS pressure drops below the low pressure permissible setpoint. The gate valve is interlocked with a third valve in a manner which prevents both valves being opened if excessive RCS pressure is present.

Even though no overpressurization of low pressure piping actually occurred, the event is significant since the check valve had been held open for such a long period of time. During the period, a postulated failure or inadvertent opening of the gate valve could allow discharge of high-pressure reactor coolant into the low pressure RHR system.

The consequences of such an event are uncertain, depending upon the continued integrity of possibly overpressurized RHR system piping and the actuation of the RHR system relief valve which discharges to the clean radioactive waste system. At worst, a pipe break (LOCA) outside containment could have occurred, releasing radioactive material to the environment.

The event resulted from a series of errors. On June 7, 1983, during maintenance on the valve actuator, the two air supply lines were installed backwards. The air supply line to the right-hand cylinder of the actuator was incorrectly connected to the left-hand cylinder, and vice versa. Failure to use a vendor maintenance manual appears to have contributed to this error. Inadequate post-maintenance functional testing of the valve allowed the initial error to go undetected. The check valve position is indicated in the control room. It is not known with certainty why this did not lead to early detection. However, it appears likely that, after maintenance, the indication was readjusted to show a closed position in the belief that the check valve must actually be closed.

When this condition was discovered, plant personnel took immediate action to correctly connect the air supply lines to the check valve air actuator. The valve returned to the normal closed position, was satisfactorily functionally tested, and subsequently returned to service on October 28, 1983.

Browns Ferry Unit 1

With the plant operating at about 100% power, a core spray (CS) logic functional test was being performed. For this test, the outboard injection valve remains in its normally open position, and the inboard injection valve is supposed to be closed. Since the test would simulate automatic core spray actuation (which would normally open the inboard valve), procedures specify that the valve breaker to this valve should be opened so that the valve remains closed during the test. However, a licensed operator failed to open the breaker; therefore, the valve opened during the test.

With both the inboard and outboard injection valves open, isolation of the high pressure RCS to the CS system is provided by a testable check valve. However, as later investigation indicated, improper maintenance previously performed on the check valve caused it to be held open while indicating closed. This came about as a result of an incorrect plunger being installed in the solenoid pilot valve of the actuator leading to a pneumatic pressure reversal holding the check valve open. The check valve position indicators were also reversed by personnel in the belief that the valve was not mispositioned. Therefore, the high pressure RCS (about 1050 psi) was open directly to the low pressure CS system (designed for 500 psi).

During the test, the control room operator did not notice a system pressure change, and the CS system high pressure annunciator, located outboard of the outboard isolation valve, did not alarm. Several minutes into the test, a roving fire watch noticed smoke near the loop 1 CS piping and phoned in a fire alarm (the smoke was caused by the pipe paint overheating when hot reactor coolant backflowed into the CS piping). The fire brigade entered the reactor building and correctly assessed the reason for the pipe paint smoking. The CS system's one inch relief valve, set at approximately 400 psig, had lifted. The assistant shift engineer phoned the Unit 1 operator and instructed him to close the inboard isolation valve to isolate the system. This action terminated the overpressurization event which lasted approximately 13 minutes. Steam and/or water was seen coming from the CS pump "A" seal and several fire brigade members were slightly contaminated due to this water.

The CS loop 1 was isolated, placing the plant in a seven day limiting condition for operation, and investigation of the event began. The plant was shut down on August 21, 1984 to complete the investigation.

Licensee engineering and maintenance staffs examined all components and piping and found no damage. The maximum temperature experienced by the piping was estimated to be below 400°F. The CS pump "A" seal was removed and no damage was observed. The apparent

seal leakage was attributed to backflow through the seal leakoff which drains to the clean radwaste drain system (the CS system relief valve also discharges to the clean radwaste drain system).

Examination of similar installations on the CS system, RHR system, HPCI system, and reactor core isolation cooling system on all three Browns Ferry units did not reveal any similar problems.

The licensee's engineering evaluation of the affected piping and supports on Unit 1 indicated that the transient did not affect system integrity for continued use.

Cause or Causes

Most of the events were caused primarily by personnel errors. The discussion above briefly mentioned causes for some of the events. The causes for all of the events are discussed further below.

Vermont Yankee

Injection valve V–10–27A had been closed from the control room, prior to opening injection valve V–10–25A, but it failed to shut fully. This fact was unknown to the control room operators due to a full-closed indication on the V–10–27A valve's control room indicator lights. This valve was later found to be one inch open.

It was also found that testable check valve V–10–46A was leaking past its seat causing an excessive differential pressure across valve V–10–25A. Since neither valve V–10–46A nor V–10–27A were fully closed, opening valve V–10–25A caused a flow path to exist from the reactor vessel to the "A" LPCI, thereby pressurizing the loop in excess of its 450 psig system design pressure.

Cooper Station

A 14½ inch length of sample probe was found loosely wedged under the edge of the check valve disc. This prevented the check valve from fully closing. The broken probe came from a sample point on a 24" feedwater line, upstream of the HPCI junction.

Although the sample probe prevented full closure of the testable check valve, the valve would have fully opened and would have passed full HPCI flow to the feedwater line in the event it would have been required. The sample probe would have remained in a no or low flow area of the valve body and would not have entered the flow stream to the feedwater line.

LaSalle Unit 1

The licensee determined that the gears on a pneumatic valve opener were not properly aligned following maintenance on the actuator. The actuator was therefore holding the valve in a partially open position. The valve position indicator was subsequently aligned assuming that the valve was fully closed. Therefore at the time of the test, the valve indicator showed that the check valve was closed, while in fact it was partially open.

Following the event, a second factor was identified during a local leak rate test performed after the valve was properly aligned. In this test, the check valve did not perform properly. An inspection of the valve found the packing gland on the valve shaft to be too tight, thus preventing the valve from fully closing. A different operating crew had previously performed this same surveillance on another RHR loop. Prior to performing the test, the crew had identified a potential leakage path through the check valve and instituted a temporary change in the procedure to close the manual isolation valve on the loop being tested. This change, however, was not made applicable to subsequent tests.

Pilgrim

As previously discussed, the testable injection valve was held open since its internals were bound by rust. Then, personnel error while performing more than one surveillance test allowed both discharge valves to be open at the same time. This resulted in a direct path for the feedwater pressure to overpressurize the low pressure HPCI suction piping.

Hatch Unit 2

Improper maintenance on the valve actuator resulted in the two air supply lines being installed backwards. The causes involved the performance of work without documented instructions, procedures, or drawings appropriate to the circumstances, i.e., (1) no vendor manual was used during maintenance, (2) proper functional testing was not specified, and (3) other non-documented maintenance was performed.

Browns Ferry Unit 1

The causes for this event involved the following deficiencies:

1. Maintenance personnel overhauling the check valve solenoid had installed a wrong component which altered the function such that the valve opened when it should have closed, and vice versa.

2. Maintenance personnel altered the valve position indicating circuitry for the check valve such that the position indicator showed closed when the valve wa actually open.

3. An operator failed to accomplish the procedural step that would open the inboard injector valve circuit breaker. The procedural step to open the circuit breaker contained two separate actions in one step, and no independent verification was required for these actions.

4. Maintenance instructions did not contain adequate post-maintenance instructions to ensure proper mechanical or electrical valve assembly. Also, post-maintenance testing did not verity proper operation of the check valve or indication.

Actions Taken To Prevent Recurrence

Vermont Yankee

Licensee—The defective components were repaired. The affected loop piping was inspected and tested and the system returned to operation. The system was later modified to preclude recurrence.

NRC—The NRC monitored the licensee's response to the event.

Cooper Station

Licensee—The probe was removed and the valve was inspected and satisfactorily leak tested. The exterior part of the failed probe was removed from its weld-o-let to confirm location of the failed probe. The weld-o-let was then plugged because the sample point was not needed.

The HPCI system was returned to an operable status.

NRC—The NRC monitored the licensee's response to this event.

LaSalle Unit 1

Licensee—The similar testable check valves were inspected by the licensee to assure that their actuator gears were properly aligned and that the valve position indicators were accurate. No problems were identified. Maintenance logs were also examined for the valves to determine if any had had valve packing gland adjustments. Two valves which had had no local leak rate tests performed after packing maintenance were successfully tested.

The licensee revised its procedures to require that a manual valve be closed during the RHR loop test. Changes in maintenance procedures for the valve actuators were also being considered to preclude a recurrence of the alignment error. The licensee has also revised its maintenance procedures to require that local leak rate tests be performed on valves after packing maintenance.

NRC—The resident inspectors monitored the licensee's response to this event. The event was also discussed at an NRC Enforcement Conference, becoming a factor in the licensee

deciding to add another person to its operating shift to monitor shift activities.

Pilgrim

Licensee—By analysis and inspections, the licensee concluded that there was no damage to piping or supports. The testable check valve was scheduled for replacement during a station-wide valve betterment program. Instructions for verbal communications among station personnel were implemented.

NRC—The NRC monitored the licensee's response to this event. Resident and region-based inspectors inspected the valve test and surveillance programs, and the valve betterment program and its implementation, during the 1984 outage.

Hatch Unit 2

Licensee—Involved plant personnel were counseled on the importance of performing equipment maintenance correctly. Plant personnel were reminded of the need to perform maintenance in accordance with the appropriate valve maintenance manual and to perform thorough post-maintenance testing before returning a valve to service. For the long term, the licensee is considering adopting an alternative testing method for the LPCI isolation check valves. This alternative test method, which is in accordance with ASME Section XI, IWV-3520, allows in-service testing of the isolation check valves to be performed by passing shutdown cooling flow through the valve during each cold shutdown.

On January 30, 1984, a management overview committee was established to ensure, prior to performance of maintenance, that all safety-related maintenance requests included proper work instructions and adequate post-maintenance functional testing requirements.

NRC—NRC Region II inspectors performed a special inspection on November 21—December 16, 1983, regarding the circumstances associated with the event. A violation was identified involving the lack of proper functional testing, the failure to prescribe that maintenance be performed in accordance with the appropriate vendor manual, and the performance of other, non-documented maintenance, on the check valve.

The NRC's Office for Analysis and Evaluation of Operational Data (AEOD) performed an engineering evaluation of the Hatch 2 event. The report (Engineering Evaluation Report No. AEOD/E414, "Stuck Open Isolation Check Valve on the Residual Heat Removal System at Hatch Unit 2"), issued on June 1, 1984, pointed out the safety significance of a possible interfacing LOCA between the high pressure RCS and the low pressure RHR system. The report also mentioned the similarities of the Pilgrim event regarding possible consequences.

Based on the AEOD recommendations, the NRC's Office of Inspection and Enforcement began to prepare an Information Notice which is discussed later.

Browns Ferry Unit 1

Licensee—The licensee stated that the following actions have been taken:

1. Procedures have been revised to be more descriptive in valve and actuator maintenance and return to service checks. The licensee will now procure the solenoid as a complete assembly and will not overhaul the solenoid on site.

2. Operator training on this event has conducted with particular attention to valve circuit breaker manipulation.

3. The surveillance instruction has been revised to be more specific on the circuit breaker working.

NRC—The following NRC actions were performed:

1. The onsite resident inspectors reviewed this event shortly after its occurrence.

2. An enforcement conference was held with senior licensee management on September 26, 1984.

3. Based on violations related to this event, together with several violations related to inadequate implementation of the licensee's quality assurance program, on January 28, 1985, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalties in the amount of $100,000. The licensee paid the civil penalties.

4. The NRC will thoroughly review all licensee corrective actions.

5. The NRC is considering the event as a potentially new generic issue.

In addition, NRC Inspection and Enforcement Information Notice No. 84-74 ("Isolation of Reactor Coolant System from Low Pressure Systems Outside Containment") was issued on September 28, 1984, to all nuclear power reactor facilities holding an operating license or a construction permit. The notice described the Pilgrim, Hatch Unit 2, and Browns Ferry Unit 1 events, pointed out the possible serious consequences, and offered suggestions to licensees regarding avoiding degradations of valves which provide isolation barriers between the high pressure RCS and low pressure systems. The LaSalle Unit 1 event was included in NRC Inspection and Enforcement Information Notice No. 84-81 ("Inadvertent Reduction in Primary Coolant Inventory in Boiling Water Reactors During Shutdown and Startup") which was issued on November 16, 1984, to all boiling water reactor facilities holding an operating license or construction permit.

In addition, the NRC's AEOD office is performing a more detailed study on this subject.

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Degraded Shutdown Systems

One of the general abnormal occurrence criteria notes that major degradation of essential safety-related equipment can be considered an abnormal occurrence.

As discussed below, the event is still under review regarding the causes of the event and the corrective actions to be taken. When this information becomes known, it will be reported in a succeeding issue(s) of the quarterly abnormal occurrence reports to Congress (NUREG-0090 series).

Date and Place

On June 23, 1984, 6 out of the total 37 control rod pairs at Fort St. Vrain failed to insert upon receipt of an automatic scram signal from the plant protective system. At the time of the event, the plant was operating at 23% power. A somewhat similar event had occurred previously on February 22, 1982, when two control rod pairs failed to insert automatically during a manual scram (i.e., a scram initiated by the operator); however, for this event, the reactor was already in a subcritical condition during routine startup operations.

During July 1984, the licensee reported that numerous control rod position instrumentation anomalies had occurred.

On November 5, 1984, with the plant still shut down since the June 23, 1984, event, a portion of the plant's redundant rapid shutdown system was tested and failed to operate properly.

Fort St. Vrain is a high-temperature, gas-cooled reactor (HTGR) operated by Public Service Company of Colorado (the licensee); the plant is located in Weld County, Colorado.

Nature and Probable Consequences

Control rod drive mechanisms (CRDMs) are used to withdraw and insert the reactor's control rods, which constitutes the reactor's primary shutdown system. Each CRDM controls two separate boron-bearing control rods. There is a CRDM located in each of 37 refueling penetrations in the top head of the prestressed concrete reactor vessel (PCRV). The principal components of each CRDM include a

drive motor, a motor brake, a duplex cable drum, reduction gearing, limit switches, and two flexible steel, ¼-inch-diameter suspension cables. The control rod drives are basically electrically driven winches that raise or lower the control rods by means of the suspension cables. Each CRDM cable drum winds or unwinds its two control rod suspension cables simultaneously in separate winding grooves. The drive motor is directly coupled to the drum via the reduction gearing. Therefore, when the motor brake is energized, it retains the control rod pair at a set position. During a scram, the brake is de-energized and control rods fall into the core due to gravitational force. The free-fall speed is controlled by a velocity limiting system, which is a motor circuit capacitor array that causes the drive motor to function as an induction generator as it spins during the scram. Bearings, cables, and gears in the drive assembly are all treated with dry film lubricants that have a molybdenum disulfide base.

The reactor also has a reserve shutdown system for emergency use which was designed to provide an independent, alternate means of achieving shutdown conditions. Neutron absorbing material, in the form of small (approximately ½-inch-diameter) boronated graphite balls, is stored in a hopper in each refueling penetration from which it can be released, if required, by the operator and allowed to fall into channels in the core. There are two hopper subsystems (one with seven hoppers and the other with 30 hoppers) each of which can be independently initiated by manual control.

If the balls from all 37 hoppers are released into the core, this will provide sufficient negative reactivity to shut the reactor down to refueling temperature from any reactor operating condition without any movement of the control rods. This condition can be met with two hoppers inoperative.

On June 22, 1984, the plant was being shut down from about 40% power in a controlled manner because of high moisture content in the helium coolant. As the reactor power was being reduced, ice formation in the nitrogen-cooled, low-temperature adsorber of the on-line helium purification train resulted in a loss of normal helium letdown flow. However, helium continued to enter the PCRV by way of normal inleakage through the helium circulator seals. Consequently, at about 12:30 a.m. (MDT) June 23, 1984, with reactor power at 23%, the reactor tripped on a high pressure signal resulting from an incongruous combination of the increasing helium inventory and the automatic down programming of the high pressure trip setpoint as reactor power was being reduced.

Although the reactor was verified to be subcritical following the automatic scram, it was noted that 6 of the 37 control rod pairs had failed to automatically insert. These rods were then manually driven to the full-in position during the following 20-minute interval. Subsequent analysis by the licensee showed that even with the 6 control rod pairs not inserted, there was sufficient shutdown margin.

On its own merit, the June 23, 1984 event is a safety concern. The failure of six control rods to automatically insert upon receipt of a valid scram demand signal is a common-mode failure that constitutes a partial ATWS event (i.e., Anticipated Transient Without Scram). Independent of any backup shutdown system, the control rod system should have an "extremely high probability" of shutting down the reactor in the event of an anticipated operational occurrence.

When viewed in the context of related other occurrences at this facility, the June 23, 1984 event takes on additional safety significance. In an earlier event, two of the same control rods failed to insert during testing. In a later event, a portion of the backup shutdown system failed during testing. Further, anomalies have occurred in the instrumentation, which have led to uncertainties as to the positions of the control rods. These other related occurrences are described below.

On February 22, 1982, the reactor was subcritical and routine startup operations were in progress. Due to high moisture conditions and loss of helium purge flow, operators initiated a manual scram of all control rods in order to comply with the plant technical specifications. The reactor operator observed that two of the rod pairs failed to insert. (These same rod pairs also failed to insert subsequently during the June 23, 1984 event.) These rods were then manually driven in. The CRDMs for all control rod pairs were manually exercised until sticking tendencies were no longer apparent. The licensee speculated that the probable cause for the binding or sticking was corrosion or debris in the CRDMs. Exercising was continued on a daily basis during plant shutdown operations and on a monthly basis during power operation. No other maintenance or inspection was conducted.

On November 5, 1984, the reactor was still shutdown and testing of the backup shutdown system was in progress. The first hopper apparently operated satisfactorily. However, when the second hopper was tested, it failed in that only about half of the borated balls were released. This failure has generated a new safety concern regarding the reliability of the backup shutdown system, which will require resolution prior to the plant being allowed to resume operations.

During July 1984, the licensee reported to the NRC that numerous control rod position instrumentation anomalies had occurred for various control rods. With all rods supposedly fully inserted, eleven anomalies included: analog indication of partial rod withdrawal, rod out-limit lights being on, disagreement between analog position indication and digital position indication, simultaneous rod out-limit and rod in-limit indications on the same rod, no rod position indications at all for a rod, and a "slack cable" indication. The staff review of this matter concluded that the anomalous indications were most likely caused by exposure to hot helium containing excessive moisture followed by a reactor depressurization. In some cases, erroneous readings were caused by physical damage due to reactor operators manually driving the rods beyond the in-limit position. The staff concluded that the installed rod position instrumentation is inadequate to reliably determine control rod positions under post-trip adverse conditions.

During CRDM refurbishment efforts, the licensee experienced a significant setback on August 30, 1984. After a CRDM was hoisted out of the PCRV into the auxiliary transfer cask, it was found that the cask shutter valve could not be closed. An examination disclosed that one of the two control rod strings associated with CRDM was not fully retracted into the cask and thereby prevented the closure of both the shutter and the reactor isolation valve. During July 1984, the instrumentation for this CRDM indicated a "slack-cable." This indication could be caused by: a broken cable, a stuck control rod, or a malfunction of the "slack-cable" instrumentation. While the indication was believed to be most likely invalid and due to misadjustment during a recently completed CRDM refurbishment activity, the licensee failed to plan and provide for the possibility that indication was valid. This CRDM was placed in the licensee's hot service facility for further examination, and it was observed that one of the two suspension cables was snarled in the CRDM. The cable was chewed by the drive mechanism, partially unraveled, and broken into several pieces. This problem is being

pursued by the licensee, including whether it may be related to the June 23, 1984, event.

An additional problem regarding the shutdown systems developed on November 5, 1984. The licensee was testing the operation of two hoppers of the reserve shutdown system. The first hopper apparently operated satisfactorily; however, when the second one was tested, it failed to release all of its contained boronated graphite balls. Therefore, there was concern regarding the reliability of this backup shutdown system; this too would require resolution before plant operation could resume.

Cause or Causes

As of early November 1984, the root causes for the failures of the shutdown systems have not been definitively identified. In regard to the control rod system, the repeated situations of high helium moisture and loss of purge flow to the CRDMs cannot be ignored. Possible root causes, or contributing causes, include: bearing wear debris from within the CRDM drive motors, elevated CRDM ambient temperatures, and excessive moisture. The causes reman under investigation.

Actions Taken To Prevent Recurrence

Corrective actions remain under review by both the licensee and the NRC. The actions taken as of early November 1984 are described below.

Licensee—The licensee is committed to maintain the plant in a shutdown condition until the cause of the failures are identified, corrective measures are completed, and NRC authorizes return to power operations.

Actions taken include (a) a visual examination and partial refurbishment of about six CRDMs and (b) the development and implementation of a new in-situ testing method that has been used to ascertain overall control rod drive train performance. In regard to the CRDMs, visual examinations have revealed evidence of moisture condensation, minor oxidation of steel components, and small quantities of unidentified particulate matter. There has been as yet no definitive reason identified for control mechanism binding, but it is believed possible that it is associated with small amounts of debris in the drive motor bearings, alone or in conjunction with elevated temperatures and a moist helium atmosphere. The licensee is developing a test method which measures the back-electromagnetic force (EMF) generated by the rotation of the control rod drive motor as the rod is falling during a scram. Back-EMF recordings might serve as an indicator of red operability by measuring the dynamic frictional resistance within the gear train and the drive motor. To date, the licensee has performed back-EMF testing on 36 CRDMs and has detected anomalous voltage-signature characteristics associated with CRDMs that are known or suspected to have degraded performance.

NRC—The June 23, 1984, event was the subject of a special inspection at the plant by NRC Region IV personnel. This inspection report was issued to the licensee on September 11, 1984.

In addition, at the request of the Director, NRC Office of Nuclear Reactor Regulation, an assessment of the licensee's overall operation was conducted. The assessment team found significant weakness in every area of the operation that was audited. The report on this assessment includes both short-term and long-term recommendations. The overall conclusion of the assessment team was that the Fort St. Vrain facility should not be allowed to restart until all weaknesses are addressed.

The assessment report ("Preliminary Report Related to the Restart and Continued Operation of Fort St. Vrain Nuclear Generating Station"), which was sent to the licensee on October 16, 1984, is preliminary in that various options to solve the staff's findings are available to the licensee and need to be discussed with the NRC prior to final resolution.

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Refueling CavityWater Seal Failure

Example I.D. 3 of the abnormal occurence criteria notes that a major deficiency in design, construction, or operation having safety implications requiring immediate remedial action can be considered an abnormal occurrence.

Date and Place

During a refueling outage on August 21, 1984, Connecticut Yankee Atomic Power Company (the licensee) notified the NRC that the reactor refueling cavity water seal had failed at the Haddam Neck Plant, draining the refueling pool water to the containment floor. Haddam Neck utilizes a Westinghouse-designed pressurized water reactor and is located in Middlesex County, Connecticut.

Nature and Probable Consequences

The plant was shut down for refueling on August 1, 1984. After several days of surveillance testing, reactor disassembly began on August 12 in preparation for refueling. Core cooling was maintained using the residual heat removal (RHR) system. The cavity seal, which covers the 28-inch annuals between the reactor and the bottom of the reactor pressure vessel refueling cavity, was installed and tested on August 18 and the refueling pool was filled early on August 21.

At 7:58 a.m. on August 21, the seal assembly failed, dumping water around the neutron shield tank surrounding the reactor vessel and into the containment sump below the vessel. This sump overflowed in the containment floor drains and onto the lower level of containment. Water also leaked out around the reactor coolant loop penetration piping and wetted components inside the loop areas of containment.

During the first three minutes of the event, operators were responding to control room alarms and indications including 480 volt grounds, high containment sump level, and decreasing reactor cavity level. Flooding was reported in containment. Upon identification of the loss of refueling cavity integrity, the operators took action to minimize the drainage to containment by realigning the RHR system to pump the cavity water (and subsequently containment sump water) to the refueling water storage tank (RWST). By 8:22 a.m., the refueling cavity had emptied and the RHR system was returned to a normal lineup. Core cooling was maintained throughout the event and reator coolant temperature did not change. About 200,000 gallons of borated reactor coolant had drained to the containment floor. The containment lower level filled to a depth of 18 inches, and 40,000 gallons of coolant were returned to the RWST. The licensee notified NRC and State authorities of a declaration of an unsual Event in accordance with the Emergency Plan at 8:25 a.m., August 21. This Unusual Event was terminated on August 23 after the water in the containment had been pumped out.

The licensee restricted containment access and replaced the reactor vessel head to minimize radiation exposure and protect the reactor core internals. The licensee suspended refueling operations until a failure analysis and corrective actions were completed and until the NRC reviewed and approved the plant recovery program. This program was approved by the NRC on October 2, 1984, and refueling operations resumed October 5, 1984.

Since the spent fuel transfer tube was isolated and all of the spent fuel assemblies were located in either the spent fuel pool (SFP) or the reactor vessel, no fuel was uncovered during this event. Radioactivity in the ongoing

releases of air from the reactor containment building increased, but remained well within allowable limits. The only significant actual consequences were exposing equipment and structures in the containment to water damage, and extensive cleanup efforts.

However, there were serious potential safety consequences which could have occurred not only during this refueling but also could have occurred during the previous refueling operations when the same design of seal was used. For example, the SFP gates would have been opened within an hour of the seal design failure and handling of spent fuel assemblies in the refueling cavity coud hae been in progress within 16 hours. If refueling had been in progress, as many as four spent fuel assemblies could have been partially or fully uncovered as the reactor cavity drained. In addition, the top three feet of all fuel assemblies in the SFP would have been uncovered if the pool had drained through the transfer tube. Fuel assemblies recently removed from the reactor vessel would be even more radioactive (and generate considerably more decay heat) than spent elements stored for some time in the SFP. In all cases, there was a potential for fuel rod damage from overheating with subsequent release of gaseous fission products from the damaged fuel rods.

In addition, loss of the water would reduce the radiation shielding for spent fuel. This would have increased the radiation field in the refueling areas which could have precluded those operator actions necessary to prevent overheating of fuel being moved to or stored in the SFP.

The top of the reactor vessel is at the bottom of the refueling cavity, with a 28-inch annulus between the vessel and the bottom of the cavity. This annulus is sealed using a 2-foot-wide stiffened annular plate with pneumatic seals (inflatable rubber bladders) around the inside and outside diameters. This seal assembly fits around the reactor vessel and is held in place by nine strongbacks resting on the reactor vessel flange on the inside and on the refueling cavity bearing plate on the outside. When the bladders are inflated, the bulging of the lower bladder section pulls a wedge-shaped upper seating surface of the bladders down onto the two 2-inch gaps. This was intended to create and maintain a second tight seal. the refueling cavity is then filled with borated reactor coolant to cool and shield the spent fuel elements moved during refueling. This is a new seal assembly design first implemented in January 1983 and used successfully on two occasions during the 1983 refueling outage.

Cause or Causes

The event was caused by inadequate design of the bladders used in the seal assembly. The bladders were neither specified nor suitably tested to withstand, with a suitable safety margin, the hydrostatic pressure expected to occur during normal use. Post-event inspection of the seal assembly revealed that the outer bladder had extruded between the steel plates for about one quarter of the seal circumference. After subsequent testing, the licensee concluded that there was not sufficient margin in the seal design to prevent extrusion of the bladder through the 2-inch gap. The design verification by an independent engineer, the safety evaluation, and the review by the onsite and offsite review committees all failed to identify the inadequate seal design.

Actions Taken to Prevent Recurrence

Licensee—The licensee immediately initiated a recovery program which included:

1. NRC notification. Industry notification was made via the Institute of Nuclear Power Operations (INPO) network.
2. Containment dewatering/decontamination.
3. Equipment damage assessment.
4. Seal failure analysis.
5. Seal modifications.
6. Integrated event safety analysis.
7. Procedure review.

The standing water in the containment, which was mildly contaminated (0.01 mCi/ml), was pumped to the RWST through the filter and ion exchanger of the refueling purification system. Removal of this water was completed on August 23, 1984. Two days of manual decontamination and cleanup followed. On August 25, 1984, routine access to the containment lower level was restored.

The licensee conducted inspections of equipment and structures in the containment in order to assess the potential for equipment damage. A comprehensive list of submerged or water-soaked equipment was developed. Each item was repaired, flushed and/or evaluated to reaffirm the ability of each component to perform its design function. Major equipment affected included the reactor vessel, reactor coolant piping, nuclear instrument detectors, motor-operated valves, electrical cables and conduits, and containment sump pumps.

As stated previously, the licensee's failure analysis identified that there was insufficient design margin to prevent the bladders in the seal assembly from extruding through the 2-inch gap in the seal structure. To correct this design error, the licensee reinforced the upper portion (solid rubber) of the bladders by pressing 5/16-inch steel pins through the elastomer at 3-inch intervals around the circumference of the seals. Subsequent testing confirmed that a safety factor of 4 with respect to extrusion of the bladder had been established by this modification.

In addition, the licensee installed a leak-limiting back-up cavity seal and a 5-foot high cofferdam at the mouth of the refueling transfer canal. In the event of another failure of a bladder, the back-up seal limits the leak rate such that operators have enough time to recognize and react to the event and return spent fuel in the reactor cavity to a safe position prior to uncovering any fuel. The back-up seal also provides a measure of impact protection to the primary rubber seals. The cofferdam prevents uncovering fuel in the spent fuel pool for any future reactor cavity seal problem.

The licensee performed an integrated safety analysis for reactor cavity seal failure events. This analysis showed that a significant reduction in the probability and consequences of such an event had been achieved, and that public health and safety would not be jeopardized during a subsequent seal failure event.

NRC—As stated previously, the NRC reviewed and approved the licensee's recovery program prior to the resumption of refueling operations at the site.

On August 24, 1984, the NRC issued Inspection and Enforcement Bulletin No. 84-03 ("Refueling Cavity Water Seal") which informed licensees of this occurrence. The bulletin required each licensee to evaluate the potential for a similar event at their facility and to summarize this evaluation in writing to the NRC prior to refueling.

NRC Region I performed inspections to determine the circumstances associated with this event. An enforcement conference was held in the Region I (Philadelphia) office with the licensee on October 1, 1984. The licensee presented its corrective actions resulting from this event, which were acknowledged by the NRC staff.

On December 13, 1984, the NRC forwarded to the licensee a Notice of Violation and Proposed Imposition of a Civil Penalty in the amount of $80,000; in addition, an Order modifying the license was imposed. The Order requires a review and appraisal by an independent

organization of (1) design modification packages approved since January 1, 1979, to determine the adequacy of design control and to determine whether each such modification introduced any previously unalyzed failure mode or mechanism, and (2) the process for initiating, evaluating, reviewing, approving, and implementing design change modifications to determine if deficiencies exist in the process, and to provide recommendations for improvement. The licensee paid the civil penalty in January 1985.

The NRC will monitor the actions taken by the licensee to assure that corrective actions taken are satisfactory.

On December 17, 1984, the NRC issued Inspection and Enforcement Information Notice No. 84-93 ("Potential for Loss of Water From the Refueling Cavity"), which informed licensees of features in some pressurized water reactors and boiling water reactors that may have a significant potential to cause loss of water in the refueling cavity.

FUEL CYCLE FACILITIES (OTHER THAN NUCLEAR POWER PLANTS)

Degraded Material Access Area Barriers

Example I.D. 3 of the abnormal occurrence criteria notes that serious deficiency in management or procedural controls in major areas can be considered an abnormal occurrence.

Date and Place

On May 22, 1984, an NRC Physical Security Inspector, while conducting a routine physical security inspection of the Nuclear Fuel Services (the licensee) facility, discovered three areas of degradation in a material access area (MAA) boundary which lessened the overall effectiveness of the security barrier. A subsequent survey by the licensee of all MAA barriers identified four additional boundary degradations. The licensee's facility, located in Erwin, Tennessee, manufactures nuclear fuel for the Department of Energy.

Nature and Probable Consequences

The degradations in the MAA boundaries were created by previous modification and maintenance activities in which barrier penetrations, consisting primarily of deleted piping, were not adequately sealed or secured. The unprotected barrier penetrations provided a possible diversion path for special nuclear material.

Cause or Causes

Review of the circumstances of the event by NRC Region II management and the licensee determined that the barrier degradations occurred as a result of inadequate communication and interface between the facility maintenance and security personnel relative to modification and maintenance impact on security effectiveness. It was further determined that the licensee's management and administrative control systems failed to promptly detect and correct the degradations of the MAA boundaries.

Actions Taken To Prevent Recurrence

Licensee—The licensee implemented compensatory protection measures immediately upon discovery of the degraded MAA boundaries. The licensee conducted a survey of all MAA facilities to identify any additional uprotected boundary penetrations. All penetrations identified were appropriately sealed. In addition, the licensee conducted an engineering study and evaluated all utility-type lines within the facility with respect to securing them from unauthorized use. A formal procedure which upgrades the safeguards controls over maintenance and repair activities was prepared by the licensee. After receiving NRC "Licensee Safeguards Guidance Group Bulletin No. 38," described below, the licesee submitted a plan for comprehensive preventive action which included commitments and scheduled completion dates. The more immediate corrective measures have been completed.

NRC—The NRC Physical Security Inspector who discovered the degradations of the MAA boundaries remained on site until completion of the initial survey of all MAA boundaries by the licensee and implementation of appropriate corrective actions or compensatory measures.

An enforcement conference was held in the NRC Region II Office on June 13, 1984. The licensee presented findings that contributed to the occurrence of the event, and proposed actions to prevent recurrence. Subsequent management meetings were held between NRC Region II and the licensee at the licensee's facility on July 19, 1984, and August 8-9, 1984, to review progress on licensee commitments to improve safeguards control of maintenance and modification activities associated with MAA barrier penetrations, and to improve engineering drawings of special nuclear material process lines, and non-special nuclear material pipes and drains. Additionally, the results of the licensee's survey of all MAA barrier penetrations and their significance were reviewed.

On July 27, 1984, the NRC Region II Office forwarded to the licensee a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $100,000. The licensee responded on September 14, 1984. Based on the licensee's prompt and extensive corrective actions, the NRC decided to reduce the proposed civil penalty. On January 22, 1985, the NRC issued an Order Imposing a Civil Monetary Penalty in the amount of $80,000.

On August 3, 1984, the NRC Office of Nuclear Material Safety and Safeguards forwarded to the licensee and all other licensed fuel fabrication facilities a copy of "Licensee Safeguards Guidance Group Bulletin No. 38," which provides guidance relative to pipes, conduits, duct work, and similar necessary penetrations of MAA barriers.

OTHER NRC LICENSEES (INDUSTRIAL RADIOGRAPHERS, MEDICAL INSTITUTIONS, INDUSTRIAL USERS, ETC.)

Contaminated Radiopharmaceuticals Used in Diagnostic Administrations

Example I.D. 4 of the abnormal occurrence criteria notes that a series of events which create major safety concern can be considered an abnormal occurrence. In addition, one of the general abnormal occurrence criteria notes that an event involving a moderate or more severe impact on public health or safety can be considered an abnormal occurrence.

Date and Place On May 18, 1984, two nuclear pharmacies (i.e., Nuclear Pharmacy, Inc., located at Chicago, Illinois, and Syncor International, Inc., located at Blue Ash, Ohio) received faulty devices from the Medi-Physics, Inc. facility located at Tuxedo, New York, which were used for preparing doses of technetium-99m, a radiopharmaceutical widely used for diagnostic medical tests. The radiopharmaceutical was contaminated with molybdenum-99, another radioactive material. Contrary to NRC license conditions, the contaminated radiopharmaceuticals were shipped by the nuclear pharmacies to hospitals, which resulted in 28 patients receiving unnecessary exposures during diagnostic medical tests.

Nature and Probable Consequences

Technetium-99m is a radiopharmaceutical which is widely used in hospitals and doctors' offices for diagnosing a variety of diseases. It has a short halflife of 6 hours (i.e., it loses half of its radioactivity every 6 hours.) It is a product of the decay of another radioactive material, molybdenum-99.

The technetium-99m producing devices, called generators, contain molybdenum-99. Technetium-99m, the short-lived product, is removed from the

generator as needed by using a saline solution which combines with the technetium-99m, but leaves most of the molybdenum-99 in place. Molybdenum-99 has no medical application and is considered a contaminant; NRC requirements permit no more than 5 microcuries molybdenum-99 contaminant in a dose of technetium-99m.

Both Syncor and Nuclear Pharmacy received a defective generator from Medi-Physics on May 18, 1984, and both proceeded to prepare technetium-99m radiopharmaceuticals for use by their medical customers.

The NRC requires that the solution removed from the generators be tested to assure that there had not been a "breakthrough" of the molybdenum-99 to contaminate the technetium-99m.

However, as discussed under "Cause or Causes" below, contaminated technetium-99m was distributed to various medical customers of the two nuclear pharmacies.

Some of the medical customers performed independent surveys, detected abnormal radiation levels, and did not use the contaminated technetium-99m. Others, however, administered the technetium-99m for diagnostic tests. Inspections by the NRC and reviews by the licensees determined that 16 patients received contaminated technetium-99m distributed by Syncor and 12 patients received contaminated technetium-99m distributed by Nuclear Pharmacy.

The highest confirmed quantity of molybdenum-99 as a contaminant in a specific dose was 234 microcuries, although other patients could have recieved somewhat higher doses. (A microcurie—one millionth of a curie—is a standard measure of radioactivity.)

According to an NRC medical consultant, 234 microcuries of molybdenum-99 would have resulted in an additional total body radiation exposure of 100 to 150 millirems, which is not considered to be medically significant. (For comparison, a typical chest x-ray involves an exposure of 20–50 millirems and individuals receive approximately 100 millirems of radiation each year from natural environmental sources.)

However, it is possible that the molybdenum-99 may have concentrated in certain organs (e.g., kidneys, bladder, liver) which would have resulted in organ exposures higher than the whole body exposure estimated above. The NRC is not aware of any subsequent tests performed by the medical clients which might provide evidence of higher exposures to specific organs.

In any case, the additional radiation to the patients represented unnecessary exposures which could have been avoided had the nuclear pharmacies not released contaminated technetium-99 to the medical clients.

Cause or Causes

Even though the molybdenum-99/technetium-99m generators were defective and produced contaminated technetium-99m, it is the responsibility of the nuclear pharmacies to detect such contamination and not permit these products to be given to the medical clients for patient use.

Based on NRC inspections, the causes of the violations at the licensees are as follows:

(1) At Syncor, the responsible radiopharmacist apparently at first misinterpreted the test results. However, after becoming aware of the contaminated technetium-99m, he apparently made no attempt to notify clients or recover technetium-99m shipments he knew were contaminated.

(2) At Nuclear Pharmacy, no breakthrough tests were performed. In addition, until the NRC became involved, the licensee, even after being aware that a breakthrough had occurred, did not take action to notify its clients and to determine whether contaminated material had actually been used on patients. Even after the licensee began investigating the matter, the licensee did not provide the NRC with reliable information.

Actions Taken To Prevent Recurrence

Licensees—Both licensees have upgraded their procedures to assure that the NRC-required molybdenum-99 breakthrough tests are completed and fully evaluated before the technetium-99m is distributed to customers. Both licensees operate other nuclear pharmacies as well as the facilities involved in this situation; their other facilities have taken similar steps to prevent the occurrence of a similar problem with distribution of contaminated technetium-99m.

In addition, both licensees are required to take other corrective actions in response to the NRC enforcement actions described below.

NRC—Special inspections were conducted by the NRC's Region III Office into the handling of the molybdenum-99 contamination by the two licensees.

On August 23, 1984, the NRC forwarded to Syncor a Notice of Violation and Proposed Imposition of Civil Penalties in the amount of $8,500. As stated in the forwarding letter, the NRC emphasized the importance of the violations and the need to ensure implementation of effective management and quality control over the licensee's radiation safety program, including the need to take prompt corrective action when problems are identified. The licensee responded on September 19, 1984. On January 2, 1985, the NRC issued an Order Imposing a Civil Penalty in the amount of $8,500. The licensee paid the civil penalty, which was received by the NRC on January 22, 1985.

On October 26, 1984, the NRC forwarded to Nuclear Pharmacy an Order Modifying Licenses, Effective Immediately. As stated in the forwarding letter, the NRC identified numerous violations at the licensee's Chicago, Illinois; Des Moines, Iowa; Wauwatosa, Wisconsin; Philadelphia, Pennsylvania; and Harrisburg, Pennsylvania, facilities. The inspections showed that the licensee had not maintained adequate control of its licensed activities. The licensee's ineffective and belated investigation of the molybdenum-99 breakthrough incident and the licensee's pervasive record-keeping problems were of particular concern. The Order included specific changes in the licensee's procedures and weekly audits by each facility manager of all NRC-licensed activities. In addition, the licensee shall obtain the services of one or more qualified independent organizations to assess the qualifications and adequacy of the licensee's employees, and the adequacy of the licensee's operating procedures, records, and radiation protection quality assurance program. The licensee shall submit a written response to the NRC in regard to the independent organization(s) assessment and recommendations.

After the Order was issued, the NRC Region III received allegations that the terms of the Order were not being fully met at the Chicago facility. Consequently, a special NRC inspection was performed on November 16 and 17, 1984; ten violations of the Order were identified. The licensee voluntarily suspended distribution of radiopharmaceuticals on November 17, 1984.

Because the licensee is a major supplier of radiopharmaceuticals in the Chicago region and a continued shutdown could affect the quality of health care in the region, NRC Region III permitted the licensee to resume operations at 11 p.m., on November 18, 1984, following extensive corrective measures. During the shutdown, radiopharmaceuticals were provided to the licensee's customers by other suppliers in the Chicago area and by the

licensee's Waukesha, Wisconsin, facility.

The licensee added staff to its Chicago facility from its corporate staff and provided extensive reorganization and retraining for processing and distribution activities. Consultant personnel supervised the revamping of the Chicago operations.

NRC Region III personnel observed the licensee's activity when they resumed on November 18–19, 1984. No violations of the Order of NRC requirements were observed. NRC Region III intends to continue to closely monitor the licensee's activities at the Chicago facility and at its other NRC-licensed facilities.

On November 30, 1984, the NRC issued Inspection and Enforcement Information Notice No. 84–85 ("Molybdenum Breakthrough from Technetium-99m Generators") to all NRC medical licensees and radiopharmaceutical suppliers, to notify them of the problems of molybdenum-99 breakthrough from the technetium-99m generators.

* * * * *

Therapeutic Medical Misadministration

One of the general abnormal occurrence criteria notes that an event involving a moderate or more severe impact on public health or safety can be considered an abnormal occurence.

Date and Place

On July 3, 1984, Washington University Medical Center (the licensee), St. Louis, Missouri, reported to the NRC that a 64-year old patient had received a series of radiation treatments totaling 6,400 rads and radiation instead of the precribed dose of 4,000 rads.

Nature of Probable Consequences

The patient, a 64-year old woman, was to be treated for cancer of the brain utilizing a cobalt-60 radiation therapy device. The prescribed dose was 4,000 rads to the head over a series of 20 equal treatments. The treatments were to consist of 100 rads to the right and left sides of the head for a total radiation dose of 200 rads per treatment.

Through an error in preparing the treatment plan for the patient, the patient received 200 rads to each side of the haad during each treatment for a total of 400 rads per treatment. The patient received sixteen doubled treatments before the error was discovered during a routine review of the patient's records.

The hospital has reported that the patient has had no acute, serious side effects as a result of the higher radiation doses. An NRC medical consultant, retained to evaluate this case, stated that the total radiation dose to the head was still within the acceptable range for such treatments.

Cause or Causes

The misadministration was caused by an error in recording the radiation doses on the patient's treatment plan. The total radiation dose for each treatment was interpreted as being the dose to be administered to each side of the head, thus doubling the dose for each treatment. The calculations used in administering the radiation treatment were subsequently checked several times by hospital personnel, as required by therapy department procedures. These checks determined that were no mathematical errors made, but failed to detect the deviation from the original treatment prescription.

Actions Taken To Prevent Recurrence

License—The license has reviewed its procedures used in checking patient records during a treatment series and has provided retraining to its staff on the handling of radiation treatments involving doses delivered from multiple locations.

The misadministration was the first in approximately 30,000 radiation treatments using the licensee's radiation therapy equipment in the past five years.

NRC—The NRC conducted a special inspection of the licensee's radiation therapy program on July 16–17, 1984, to review the circumstances of the misadministration. The licensee's corrective actions are considered to be acceptable, and no violations of NRC requirements were identified in the inspection.

* * * * *

Significant Internal Exposure to Iodine-125

One of the general abnormal occurrence criteria notes that an event involving a moderate or more severe impact on public health or safety can be considered an abnormal occurrence.

Date and Place

On August 8, 1984, the NRC Region I office was notified by the Veterans Administration Medical Center, Bronx, New York, that on August 3, 1984, an individual (Individual A) working at the licensee's facility had been found to have a thyroid burden of approximately 524 microcuries of iodine-125 (apparently received on July 28, 1984), an amount which greatly exceeded the allowable NRC limits. Three co-workers (Individuals B, C, and D) also showed thyroid burdens, but the values were within regulatory limits.

Nature and Probable Consequences

The following description is based upon the licensee's investigations and the results of an NRC inspection regarding the circumstances of the incident.

Although initially it was reported that the exposure had resulted from poor technique during an iodination (preparation of a tracing compound), it has not conclusively been determined how the uptake occurred. The licensee believes that up to seven millicuries of iodine-125 was accidentally swallowed by Individual A or absorbed through his skin as a result of contamination, because seven millicuries of iodine-125 were found missing and unaccounted for from the inventory.

Individual A admitted he worked with this quantity of iodine-125 on July 28, 1984, using poor laboratory practices, such as not wearing a glove on his right hand. The lesser uptakes by Individuals B, C and D, who live with Individual A, were probably the result of ingestion of contaminated food prepared by Individual A. All four individuals live on Veterans Administration property where the food was consumed. Other individuals who may have consumed contaminated food received a thyroid bioassay and were found to have no uptake. The licensee is continuing to monitor the four individuals involved.

Licensee surveys of the apartment occupied by the individuals found contamination ranging from 1,000 to 3,000,000 distinegrations per minute. The pillow of Individual A was reading 60 millirems/hour on contact. The contamination found in the apartment was either carried by Individual A on his hands or from his own perspiration. The apartment, which is owned by the licensee, was decontaminated. Individual A was temporarily moved to other living quarters to avoid further contamination to the other three individuals who remained at the decontaminated apartment.

The licensee projected a total absorbed dose to Individual A's thyroid of approximately 2000 rads, based on maximum measured uptake of 524 microcuries. The licensee's consulting physician does not anticipate significant thyroid damage to occur, although some loss of thyroid function is possible. The licensee's physician reports that the individual is progressing satisfactorily from a medical standpoint. NRC Region I retained a medical consultant who agreed with the licensee's assessment. The thyroid burdens for Individuals B,

C, and D were approximately 156, 94, and 68 nanocuries respectively. These would result in small thyroid exposures, well within NRC regulatory limits.

Cause or Causes

The direct cause of the incident has not been determined. The most likely cause appears to be mouth pipetting or other poor laboratory practice in the handling of iodine-125. Based on the licensee's and the NRC Region I's investigations, it is unlikely that a clearer understanding of the cause will be possible.

Actions Taken To Prevent Recurrence

Licensee—The licensee increased the frequency of thyroid bioassays from quarterly (every three months) to weekly for all individuals handling iodine-125 as sodium iodide. They reviewed their training program to ensure that required safety procedures have been communicated to all personnel. The licensee's Radiation Safety Officer is making frequent visits to the laboratory to monitor work in progress and to perform surveys. They plan to reduce the frequency of surveys in the future if experience continues to be that few instances of contamination are found.

NRC.—Inspectors from the NRC Region I office reviewed the circumstances of the incident during an inspection on August 9 and 10, 1984. Subsequently, an enforcement conference was held with the licensee. Enforcement action is pending.

* * * * *

Therapeutic Medical Misadministration

The general abnormal occurrence criteria notes that a major reduction in the degree of protection of the public health or safety can be considered an abnormal occurrence.

Date and Place

On August 15, 1984, the NRC was notified by the United States Air Force Medical Center (the licensee), at Keesler Air Force Base near Gulf Port, Mississippi, of a therapeutic medical misadministration which had been discovered on August 9, 1984.

Nature and Probable Consequences

The patient was an 18-year-old female with Hodgkin's disease, who had been treated with six courses of chemotherapy. Subsequent to the chemotherapy treatments, the patient underwent consolidation irradiation to the diseased portion of the body under a physician's supervision. This therapy, beginning on June 3, 1984, was applied to the mediastinum, hilar areas, supraclavicular areas, and low and mid neck. The initial prescribed dose was 3,000 rads to all involved fields. Because the physician felt that the volume of lung involved would not tolerate this dose, he intended to reduce the area of lung irradiated after 1,500 rads to 1,800 rads of exposure. However, this decision was only recorded on the initial simulation films and not on the radiotherapy treatment sheet or the consult notes. As a result, the physician did not remember to actually reduce the field, and the irradiation resulted in a total exposure to a large portion of the patient's left lung of 2,475 rads instead of the intended 1,500 to 1,800 rads.

No immediate adverse health effects were detected as a result of the overexposure; however, the licensee agreed that the risk of radiation pneumonitis and radiation-induced fibrosis were significantly increased as a result of this event.

Cause or Causes

The overexposure occurred because the administrative procedures for control of the treatment were inadequate in that they placed total dependence on the memory of the person administering the treatment.

Actions Taken to Prevent Recurrence

Licensee—As a result of conversations with NRC Region II personnel and commitments documented in an NRC Region II Confirmation of Action letter, the licensee agreed to take the following actions to prevent recurrence: evaluate the circumstances that led to the event; prepare a new treatment plan form and implementing instructions; conduct training of personnel involved; and report the results of these actions to the NRC.

NRC—An inspection was performed resulting in a reporting violation and the NRC Region II Confirmation of Action letter described above.

NRC Region II will review the actions proposed by the licensee to assure they are satisfactory.

Dated in Washington, D.C. this 11th day of April 1985.

John C. Hoyle,

Acting Secretary of the Commission.

[FR Doc. 85-9160 Filed 4-15-85; 8:45 am]

BILLING CODE 7590-01-M

Cincinnati Gas & Electric Co. et al.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an Order Revoking Construction Permit No. CPPR-88 which authorized construction of the Wm. H. Zimmer Nuclear Power Station, Unit 1 located in Moscow, Ohio, approximately 24 miles southeast of Cincinnati, Ohio. The construction permit is held by Cincinnati Gas and Electric Company (CG&E or permittee), on its own behalf, and on behalf of Dayton Power and Light Company and Columbus and Southern Ohio Electric Company. The latest construction completion date in the permit, as amended, was December 31, 1982. On November 24, 1982, Cincinnati Gas & Electric Company filed a timely request to extend the latest completion date to December 31, 1984.

Environmental Assessment

Identification of Proposed Action

The proposed action is to issue an order that would terminate Construction Permit No. CPPR-88 for the Wm. H. Zimmer Nuclear Power Station, Unit 1. This action was requested by the Cincinnati Gas & Electric Company because it does not plan to complete the Station as a nuclear fueled unit.

On January 27, 1984, Cincinnati Gas & Electric Company informed the Commission that the owners of Zimmer Unit 1 planned to convert the nuclear fueled facility to a coal-fueled plant. By motion, dated March 20, 1984, CG&E requested the Atomic Safety and Licensing Board (ASLB) to authorize withdrawal of its application for a license to operate the Zimmer plant. CG&E proposed to remove all nuclear fuel from the site. Also, CG&E proposed to cut and cap the main steam lines from the reactor and the main feedwater lines to the reactor, and to remove control rod drive mechanisms from the reactor so that it could not be operated as a utilization facility. These actions have been completed and verified by the NRC staff. As part of termination of the licensing proceeding by letter dated June 1, 1984, CG&E proposed a site restoration program to restore the site to stable environmental conditions. The ASLB authorized withdrawal of the operating license application by its Memorandum and Order, dated August 29, 1984, subject to satisfactory completion of the site restoration program. A Notice of Withdrawal of Application for Operating License and Termination of Proceeding was published in the Federal Register on November 8, 1984 (49 FR 44695). By letter dated October 18, 1984, CG&E advised that site restoration was completed and requested that the construction permit be terminated.

CG&E is also a holder of two other NRC licenses, a special nuclear materials license for possession of nuclear reactor fuel and incore neutron flux monitors and a byproduct material license. These two licenses will be terminated by separate actions of the NRC. Since fuel has been shipped offsite and the reactor has been disabled so it cannot be used as a nuclear power plant, termination or revocation of the construction permit is the next appropriate administrative action.

CG&E's site restoration plan consisted of five components: (1) Removal of all trailers and temporary buildings not believed useful for conversion of the site to a coal burning facility; (2) grading; (3) the addition of crushed rock; (4) limited modification to site drainage patterns; and (5) reseeding bare areas. After evaluation of the additional information, a site visit was made by NRC staff on June 11–12, 1984. The primary objective of the site visit was to determine whether the site restoration plan considered all critical site areas. A particular effort was made to inspect areas of the site which potentially could be subject to continued erosion and contribute silt to surface waterbodies, as well as identify areas where standing water could result in saturated soils. The entire site, including the sedimentation pond was examined. The two areas with meteorological towers, which are offsite, were also examined. The NRC staff did not identify any area that required attention that was not covered in the applicants' restoration plan. In addition, NRR staff flew the transmission lines from the Zimmer Station to the Silver Grove substation and from the Silver Grove substation to the Terminal Line substation. These transmission lines are currently energized and will continue to form part of the licensee's transmission grid. Outside of a few areas where trail bikes apparently have killed the herbaceous vegetation and soil erosion was evident, the transmission line right-of-ways are in excellent condition.

The NRC staff conducted an inspection of the Zimmer site on December 11 and 12, 1984 to determine, among other things, whether the CG&E's site restoration plan had been satisfactorily completed. [Letter from C.J. Paperiello, NRC to J.R. Schott, Cincinnati Gas and Electric Company, dated January 11, 1985.] At the exit interview, the NRC inspector stated that all the conditions of CG&E's June 1, 1984 site restoration plan appeared to have been met except that seeding had not been done around the settling basin perimeter and native vegetation on the south bank of the basin appeared to be inadequate to control erosion. The NRC staff has considered the potential environmental impact of erosion of the south bank and concluded that since the soil from this erosion will remain in the basin, continued erosion will not have a detrimental offsite environmental impact. Continued erosion would slightly increase the size of the settling basis but would not cause a significant detrimental onsite environmental impact.

The Staff concludes, based on its review and inspection that the Zimmer Nuclear Power Station has been brought to an environmentally stable condition and that the licensee has satisfied its commitments in connection, with the termination of the licensing proceeding.

Need for Proposed Action

The license has terminated construction of the nuclear power plant and has disabled the facility so that it cannot be operated as a utilization facility. This action terminates the Construction Permit reflecting the fact that construction of the utilization facility has ceased and the system is no longer a utilization facility.

Environmental Impact

This action is a simple ministerial act of terminating the outstanding license to reflect the fact that there is no longer a utilization facility under construction at the Zimmer site. This ministerial act has no environmental impact.

Alternative Use of Resources

This ministerial action for which there are no appropriate alternatives does not involve the use of and therefore will not affect available resources.

Agencies and Persons Contacted

The NRC staff reviewed CG&E's request for termination of the construction permit and conducted the environmental review and inspection of the facility. The NRC did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for this proposed action. Based upon the environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For details with respect to this action, see the CG&E's request for termination of Construction Permit No. CPPR–88, dated October 18, 1984, CG&E's site restoration plan transmitted by letter dated June 1, 1984, and NRC staff's inspection report transmitted by letter dated January 11, 1985. These documents regarding the NRC staff's environmental assessment of the proposed action are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Clermont County Library, Third and Broadway Streets, Batavia, Ohio 45103. Correspondence concerning this facility will continue to be maintained at these locations for at least one year.

Dated at Bethesda, Maryland, this 9th day of April 1985.

For the Nuclear Regulatory Commission.

Thomas M. Novak,

Assistant Director for Licensing, Division of Licensing.

[FR Doc. 85–9162 Filed 4–15–85; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Fluid Dynamics and Emergency Core Cooling System; Meeting

The ACRS Subcommittees on Fluid Dynamics and Emergency Core Cooling Systems will hold a joint meeting on May 1, 1985, Room 1046, 1717 H Street, NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, May 1, 1985—8:30 a.m. until the conclusion of business.

The Subcommittee will: (1) Review the status of the hydrodynamic loads issue for GE BWR Mark I–III containments; (2) continue the discussion of C. Michelson's concerns regarding the USI A–43 issue relating to the effects of insulation debris on containment sump performance post-LOCA; (3) hear a report on the status of the BNL Plant Analyzer Program; and (4) discuss the status of ECCS-related current licensing actions by NRC–NRR.

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 Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the intitial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may 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, its 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 therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Paul Boehnert (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: April 10, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85-9161 Filed 4-15-85; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-14458; 811-3975]

Application and Opportunity for Hearing; Separate Account One of Maine Fidelity Life Insurance Company

April 8, 1985.

Notice is hereby given that Separate Account One of Maine Fidelity Life Insurance Company ("Applicant"), 55 West Street, Keene, New Hampshire 03431, an insurance company separate account registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, filed an application on March 12, 1985, pursuant to Section 8(f) of the Act, for an order of the Commission 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 are referred to the Act and the rules thereunder for the applicable provisions.

On February 27, 1984, Applicant filed a notification of registration on Form N-8A and a registration statement on Form S-6. The registration statement was never declared effective.

Applicant states that it has never made a public offering of any of its securities, which would have been variable life insurance contracts ("contracts"), and that it has no contractholders. Applicant further states that it never made any sales of contracts or of any other securities. Applicant represents that it has no assets, debts or other liabilities, and that it is not a party to any litigation or administrative proceedings.

Applicant maintains that it is not engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs. On February 28, 1985, the Board of Directors of Maine Fidelity Life Insurance Company authorized the termination of the Applicant.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 3, 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. 85-9154 Filed 4-15-85; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-13688]

Application and Opportunity for Hearing; Storage Equities, Inc.

April 10, 1985.

Notice is hereby given that Storage Equities, Inc., a California corporation ("Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Trust Services of America, Inc., a California corporation ("TSA") (as successor trustee to First Interstate Bank of California, a California banking corporation) under a fourth supplement of an existing indenture qualified under the Act is not so likely to involve material conflicts of interest as to make it necessary in the public interest or for the protection of investors to disqualify TSA from acting as trustee under such fourth supplement.

Section 310(b) of the Act provides in part that, if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety (90) days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding.

However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

1. TSA, as successor trustee, currently is acting as trustee under an indenture (the "Indenture") and four supplements thereto under which the Applicant is an obligor. The Indenture, dated as of August 9, 1983, is between Applicant and TSA and provides for the periodic issuance of secured notes in partial consideration for the purchase of property by Applicant. This Indenture was filed as Exhibit 4.3 to Applicant's Registration Statement No. 2-80850 filed under the Securities Act of 1933, and has been qualified under the Trust Indenture Act in connection with a Form T-1 filing, File No. 22-12633. Applicant has also entered into and filed, by way of post-effective amendments to the Registration Statement stated above, a First, Second, Third and Fourth Supplemental Indenture under which TSA is a trustee, and such supplements appear as Exhibit 4.4, 4.6, 4.12 and Exhibit 4.13, respectively, to the Registration Statement. Applicant issued Series 1 through 9 of its secured notes under the First Supplemental Indenture, Series 10 under the Second Supplemental Indenture, Series 11 under

the Third Supplemental Indenture and Series 12 under the Fourth Supplemental Indenture. Applicant has filed a post-effective amendment to the above Registration Statement containing the form of its Series 12 secured notes.

2. On March 14, 1984, and on November 7, 1984, Applicant filed with the Commission applications under Section 310(b)(1)(ii) of the Act for a determination that the trusteeships under the Indenture and the First, Second and Third Supplements thereto were not so likely to involve a material conflict of interest as to make it necessary in the public interest or the protection of investors to disqualify the Trustee from acting as trustee under the Indenture or the First, Second or Third Supplement thereto. By orders dated May 14, 1984 and February 15, 1985, the Commission granted these applications.

3. Applicant wishes TSA to continue as Trustee under the Fourth Supplemental Indenture.

4. The Applicant is not in default in any respect under the Indenture, or the First, Second, Third or Fourth Supplement thereto.

5. Each series of secured notes issued under the Indenture, or the First, Second, Third or Fourth Supplement thereto are secured by separate and distinct assets of Applicant, so that should TSA have occasion to proceed against the security under any series of notes, such action would not affect the security, or the use of any security, under any other series. Thus, the existence of the other trusteeships should not inhibit or discourage TSA's actions under any one series.

The Applicant has waived notice of hearing, hearing on the issues raised by its Application and all rights to specify procedures under Rule 8(b) of the Rules of Practice of the Securities and Exchange Commission in connection with this matter. For a more detailed statement of the matters of fact and law asserted, all persons are referred to said Application, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C.

Notice is further given that any interested person may , not later than April 30, 1985, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said Application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the Application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of corporation Finance, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-9144 Filed 4-15 85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14466; 811-1938]

Beacon Income Fund, Inc.; Application for an Order Declaring That Applicant Has Ceased to be an Investment Company

April 10, 1985.

Notice is hereby given that Beacon Income Fund, Inc. ("Applicant"), 46 Homestead Park, Needham, Massachusetts 02194, registered as an open-end, diversified management investment company under the Investment Company Act of 1940 ("Act"), filed an application on March 12, 1985, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that it has ceased to be an investment company and terminating Applicant's registration under the Act. 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 regulations thereunder for the text of the applicable provisions.

Applicant states that it is a Delaware corporation that registered with the Commission as the Churchill Fund, Inc., and filed a registration statement with the Commission pursuant to the Securities Act of 1933 on September 4, 1969. Applicant intends to file a Certificate of Dissolution with the Secretary of State of Delaware if and when the Commission issues an order declaring that it has ceased to be an investment company.

Applicant further states that in connection with the plan of liquidation, Applicant sold all its holdings of securities and by Board of Director Resolution, authorized its officers to take all action necessary to effect a winding-up of Applicant's affairs.

Applicant also states that on January 31, 1985, a liquidating dividend, in the aggregate amount of $71,213.13, at $1.92 per share, was declared and distributed to Applicant's shareholders on a pro rata basis. Applicant retained a reserve of $12,849.46 in cash or cash equivalents to pay any unbilled expenses or liabilities. Having terminated operations and distributed its assets, Applicant accordingly requests an order of the Commission pursuant to Section 8(f) of the Act declaring that it has ceased to be an investment company.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 6, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues 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. 85-9150 Filed 4-15-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-23657; 70-7095]

Consolidated Natural Gas Co.; Proposed Revision of Stock Incentive Plan; Order Authorizing Solicitation of Proxies

April 8, 1985.

Consolidated Natural Gas Company ("Consolidated"), Four Gateway Center, Pittsburgh, Pennsylvania 15222, a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a), 7, and 12(e) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 50(a)(5), 62, and 65 promulgated thereunder.

On March 19, 1982, the Commission issued an order (HCAR No. 22424) authorizing Consolidated to adopt, subject to stockholder approval, a Long-Term Incentive Plan ("Plan") and to issue up to 1,170,000 shares of its common stock, $4 par value under said Plan. The Plan was thereafter approved by the stockholders.

Consolidated's Board of Directors, at its meeting of February 14, 1985, adopted resolutions which, subject to stockholder approval, revised the 1982 Plan and increased the number of shares

that might be sold or awarded thereunder to 2,000,000.

The revised Plan includes Incentive Stock Options ("ISO's") which will be available to all employees on the executive payroll (approximately 130) and in the top two classified pay grades (approximately 240). The Incentive Stock Option grants will be based on individual performance and individual salaries and will range from approximately 30% to 250% of base salary, but in no case will a grant exceed $100,000 in a calendar year. ISO's generally will be granted on a two-year cycle and must be exercised within seven years.

Non-Qualified Stock Options ("NQSO's") will be available to all employees on the executive payroll (approximately 130). The NQSO's shall be granted to an eligible employee when that employee's Incentive Stock Option grant eligibility exceeds the annual statutory maximum as defined in Section 422 A of the Internal Revenue Code. These options shall be exercisable at any time following vesting, without regard to the sequence of grants, up to ten years from date of grant.

For both ISO's and NQSO's the options prices of the stock will be not less than fair market value set on the date of each grant. The options shall ordinarily be exercisable as to 25% of the number of shares granted on the second grant anniversary and an additional 25% of such shares on each grant anniversary thereafter, with the effect that the grants can be fully exercisable on the fifth grant anniversary.

Restricted Stock Awards ("Awards") will have limited availability among senior executives in the Consolidated System (approximately 30). The awards will be based on individual salary and performance. Awards may be increased in the event of future upward adjustment of salary grade. Additional Awards may be issued only after all restrictions have lapsed on an initial award. The price of the stock and therefore the number of shares awarded will be set at the time the award is made; however, it will not be less than the fair market value on that date. While an award shall not be transferable during the restricted period, there exists the right to vote those shares and to receive dividends on them. The restrictions on 25% of the shares will ordinarily lapse on the third anniversary of the award and 25% on each anniversary thereafter, with all restrictions having lapsed by the sixth anniversary. If a participating employee leaves the company, those shares on which the restrictions have not been lifted will be forfeited.

Consolidated proposes to solicit proxies in this regard for voting at the 1985 Annual Meeting. Consolidated has filed its proxy solicitation material and requests that the effectiveness of its declaration with respect to the solicitation be accelerated as provided in Rule 62.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 2, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be granted.

It appearing to the Commission that Consolidated's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered that the declaration regarding the proposed solicitation of proxies by, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-9145 Filed 4-15-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14465; File No. 811-1843]

Highland Capital Corp.; Application and Opportunity for Hearing

April 9, 1985.

Notice is hereby given that Highland Capital Corporation ("Applicant"), 635 Madison Avenue, New York, New York 10022, registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified, management investment company, filed an application on November 5, 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 relevant provisions thereof.

According to the application, on November 18, 1983, Applicant's board of directors approved a plan of complete liquidation and dissolution of Applicant ("Plan"). Applicant states that the Plan was approved by its stockholders on January 24, 1984. The Plan authorized Applicant to enter into a liquidating trust agreement ("Liquidating Trust Agreement") providing for the deposit of Applicant's securities holdings which are not readily marketable and cannot be sold before the final liquidity distribution into a liquidating trust ("Liquidating Trust"). Applicant states that on April 10, 1984, Applicant made its first liquidity distribution of $3.00 in cash per share to its stockholders. A second liquidity distribution of $2.00 in cash per share and a distribution in kind of certain publicly-traded securities held in Applicant's portfolio, was made on August 27, 1984. The second liquidity distribution had a value of approximately $6.51 per share. Applicant states that the final liquidity distribution was payable on November 13, 1984, and as of October 31, 1984, has a value of approximately $1.69 per share.

Applicant states that on November 13, 1984, it would distribute in kind to its stockholders its holdings of securities of Leisure & Technology, Inc. Applicant further states that it will transfer two restricted securities valued by Applicants Board of directors at $325,000 as of September 30, 1984, to the Liquidating Trust because there is no public market presently available for these restricted securities.

Applicant represents that as of October 31, 1984, its total remaining assets were valued at approximately $1,282,650 (except for the shares of Leisure & Technology, Inc. and the restricted securities referred to above) and consisted of cash, short-term United States government securities and receivables of $134,613 including a receivable of approximately $125,000 relating to the termination of Applicant's pension plan in connection with the liquidation. Applicant states that of such liquid assets, $997,100 will be distributed on November 13, 1984 to stockholders in cash as part of the final liquidating distribution.

A reserve fund of approximately $266,000 was established by Applicant

to be used for payment of specific expenses, including rent, salaries, and legal and accounting fees, accrued in connection with the liquidation and dissolution of the Applicant. Applicant further states that any assets in the reserve fund on November 13, 1984 will be transferred to the Liquidating Trust.

Finally, Applicant states that in accordance with the Liquidating Trust Agreement, the liquid assets transferred to the Liquidating Trust will be invested only in (i) short-term certificates of deposit or money market accounts maintained by or issued by domestic banks having in excess of $100,000,000 in capital and surplus, (ii) savings accounts or certificates of deposit maintained by or issued by any savings institution or commercial bank insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation and (iii) short-term marketable direct obligations of, or guaranteed as to principal and interest by, the United States Government or any agency thereof. Applicant represents that as of October 31, 1984, the only outstanding liabilities of Applicant are approximately $49,000 of accrued expenses.

As of the date of this application, Applicant represents that there are approximately 616 holders of record of Applicant's common stock, its only outstanding security. The application represents that upon dissolution shares of Applicant's common stock will be treated as completely redeemed and that at the time of the initial distribution by the liquidating trustees, beneficiaries will be required to surrender their old stock certificates to the liquidating trustees. Applicant states that in the event that the Liquidating Trust does not incur all its estimated expenses, funds transferred to the Trust to cover such expenses will be distributed to the beneficiaries.

The application represents that Applicant is not now engaged in, nor does it propose to engage in any business activities other than those necessary for the winding up of its affairs. Applicant further represents that it is not a party to any litigation or administrative proceeding. Finally, Applicant states that it has not within the past 18 months transferred any of its assets to a separate trust other than the Liquidating Trust.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 3, 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. 85-9152 Filed 4-15-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14461, File No. 812-6019]

Salomon Brothers Unit Investment Trust; Application for an Order

April 8, 1985.

Notice is hereby given that Salomon Brothers Unit Investment Trust, Insured Tax-Exempt Series One ("Series One"), and subsequent and similar series of trusts (collectively "Trusts"), unit investment trusts registered or to be registered under the Investment Company Act of 1940 ("Act"), and its sponsor, Salmon Brothers Inc. ("Sponsor" or "Salomon Brothers") (hereinafter both Sponsor and Trusts are collectively referred to as "Applicants"), One New York Plaza, New York, New York 10004, filed an application on January 10, 1985, and an amendment thereto to March 21, 1985, pursuant to Sections 6(c), 11(a), 17(b) and 17(d) of the Act and Rule 17d-1 thereunder for an order of the Commission exempting Applicants from the provisions of Sections 11(c), 17(a), 17(d) and 26(a)(2)(C) of the Act and Rule 17d-1 promulgated under the Act to the extent necessary to engage in certain dstransactions described in the application. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below, and to the Act and the rules thereunder for the text of the applicable provisions.

According to the applicaton, Series One is, and each future Trust will be governed by a trust indenture (the "Indenture") under New York law and a Standard Terms and Conditions of Trust (the "Agreement") for that Trust (hereinafter collectively referred to as the "Indenture and Agreement"), under which the Sponsor will act as Depositor, United States Trust Company of New York will act as Trustee and Standard & Poor's Corporation and Kenny Information Systems will act as Evaluator.

The application states that the investment objectives of the Trust are the receipt of federally tax-exempt interest income consistent with the preservation of capital through an investment in a diversified portfolio of municipal bonds (the "securities"). Each insured series of the Trust will invest only in insured securities. Applicants further state that an insured series of the Trust may contain securities that have been insured by the issuer at the time of issuance, or the Sponsor may obtain an insurance policy insuring some or all of the securities until their maturity or earlier redemption, or the Trust may obtain an insurance policy insuring the securities while they are held in the Trust's portfolio, or any combination of the above.

Applicants represent that holders of units ("unitholders") can dispose of their units through their brokers or dealers or through redemption by the Trustee. Applicants further represent that while the Sponsor is not obligated to do so, it is the Sponsor's present intention to purchase units tendered to brokers and dealers or the Trustee and to resell those units in the secondary market as described in the prospectus.

According to the application, the Sponsor proposes to offer an Exchange Option to unitholders of Series One and any subsequent series of the Trust and for unitholders of any other unit investment trust (the "Exchange Trust") for which the Sponsor wishes to establish such an Exchange Option subject to a reduced sales charge.

Applicants represent that the Sponsor intends to hold the Exchange Option open under most circumstances, but it does, however, reserve the right to modify, suspend or terminate the Exchange Option at any time without further notice to unitholders. The application states that the Sponsor has represented that it will not solicit unitholders with respect to the Exchange Option with a view to churning unitholders accounts.

According to the application, the Exchange Option would apply only to units of Exchange Trusts as to which a secondary market is being maintained. A unitholder wishing to dispose of those of his units would have the option to exchange his units into units of an Exchange Trust for which a secondary market is maintained. Applicants represent that when a unitholder notifies his broker, dealer or the Trustee of his

desire to exercise the exchange Option, he will be delivered a current prospectus for one or more Exchange Trusts in which the unitholder has indicated an interest and for which units are available in the secondary market.

Applicants further represent that a purchase effected pursuant to the Exchange Option would operate in a manner essentially identical to any secondary transaction, except that the Sponsor seeks authority to effect the exchange subject to a reduced sales charge. Applicants seek authority to permit the Sponsor to sell units of the Exchange Trusts pursuant to the Exchange Option at a price based upon the value of the underlying securities divided by the number of units outstanding (the "unit offering price"), plus a sales charge of $15 (approximately 1.5% of the public offering price) in the case where a unitholder exchanges a Salomon Brothers Trust, and $20 (approximately 2% of the public offering price) in the case where any other unit investment trust is being exchanged. Applicants state that the Sponsor reserves the right to increase or decrease such charge from time to time in the vent of fluctuations in the costs of professional assistance and operation expenses in connection with these exchange transactions.

Applicants state that a unitholder who has purchased units of a series and paid a per unit sales charge which was less than the per unit sales charge of the series of the Exchange Trust for which such unitholder desires an exchange to be effectuated would be allowed to exercise the exchange Option at the unit offering price plus the reduced sales charge, provided the unitholder has held his units for a period of at least eight months. Any such unitholder who has not held the units to be exchanged for the eight month period would be required to exchange such units at the public offering price plus a sales charge based on the greater of (i) the reduced sales charge per unit or (ii) an amount which, together with the initial sales charge paid in connection with the acquisition of the units being exchanged, equals the sales charge of the series of the exchange Trust which such unitholder wishes to acquire, determined as of the date of the exchange.

The application states that a unitholder would be permitted to make up the difference between the amount representing the units being submitted for exchange and the units being acquired by rounding up to the next highest number of units.

Applicants request an order of the Commission pursuant to Section 11(a) of the Act exempting them from the provisions of Section 11(c) of the Act to the extent necesary to permit them to proceed with the Exchange Option.

Applicants believe that the proposed exchange at a reduced sales charge would be beneficial to all unitholder. Applicants state that, under the proposed Exchange Option, a person desiring to dispose of units of a trust and acquire units of another Exchange Trust may wish to do so for a number of reasons, such as changes in his or her particular investment goals or requirements or in order to take advantage of possible tax benefits flowing from the exchange. Applicants state that requiring a unitholder of a trust with a lower sales charge to have held his units for an eight month period eliminates the discriminatory nature of his effecting an exchange to a trust having a higher sales load.

The application also states that each series of the Salomon Brothers Unit Investment Trust designated an insured series will invest entirely in insured securities. The securities will either be (1) insured by the issuer thereof with premiums paid by the issuer (the "Pre-Insured Securities"); (2) insured by the Trust for the period held in the Trust portfolio with premiums paid by the Trust (the "Portfolio Insurance"); or (3) insured to maturity by the Sponsor with the premiums paid by the Sponsor (the "Sponsor Insurance"). According to the application, the Sponsor proposes to deposit Pre-Insured Securities in the Trust which have been insured by Bond Investors Guaranty Insurance Co. ("BIG"), or to cause the Trust to obtain Portfolio Insurance covering its securities from BIG or to purchase Sponsor Insurance covering each security deposited in the portfolio from BIG or to deposit all or any combination of insured securities into an insured Trust.

Applicants represent that BIG is a wholly-owned subsidiary and the principal asset of Bond Investors Group, Inc., a holding company. Phibro-Salomon Inc., who owns 100% of the Sponsor, has entered into an agreement with American International Group, Inc., Bankers Trust New York Corporation, Xerox Credit Corporation and Government Employees Insurance Corporation to become a shareholder in Bond Investors Group, Inc. Applicants state that because Phibro-Salomon Inc. will own 20% of BIG's parent corporation, BIG could be considered an affiliate of an affiliate of the Sponsor.

Applicants represents that while there are several companies which currently insure municipal bonds, none of the companies can assure the Sponsor that it will have sufficient insuring capacity to provide Portfolio Insurance or Sponsor Insurance to all series of the Trust. Applicants state that reserve requirements of various state insurance commissions and demand from municipal bond issuers and unit investment trust sponsors may prevent existing companies from providing insurance at the level necessary to market Trusts in the volume contemplated by the Sponsor. Applicants also represent that Pre-Insured Securities issued by BIG will represent an excellent value in the market, which should not be denied to the Trusts solely because of such affiliation.

Applicants submit that the terms of the insurance are reasonable and fair, do not involve overreaching and are consistent with the purposes of the Act.

Applicants request an exemption from Section 17(a) of the Act to the extent necessary to permit the sponsor to deposit with the Trustee of the unit investment trusts Pre-Insured Securities insured by BIG. Applicants represent that where the securities deposited are Pre-Insured securities, the Sponsor and the Trusts have not participated in the insurance arrangements. Premiums for such insurance are negotiated and paid by the issuer of the securities.

Applicants also request an exemption from Section 17(a)(1) to the extent necessary to permit the Sponsor to deposit with the Trustee of the unit investment trusts securities covered by Sponsor Insurance obtained from BIG. Applicants represent that the price of such insurance is paid for by the Sponsor and not the Trust. In addition, Applicants represent that the terms of the insurance will conform, in all material respects, to the terms of insurance available from other insurance companies and to the terms of insurance made available by BIG to other unit investment trust sponsors.

In lieu of a Trust containing securities insured to maturity, the Sponsor may decide to market a Trust with securities insured by Portfolio Insurance. In that case, the Trust would purchase a Portfolio Insurance policy from BIG with annual premiums to be paid by the Trust to BIG. Applicants request an exemption from Section 17(a)(1) of the Act to the extent that the provision by BIG of insurance to the Trust might be deemed the sale to the Trust of property by an affiliate acting as principal.

Applicants also request an order pursuant to Section 6(c) of the Act exempting them from the provisions of Section 26(a)(2)(C). Applicants state that the proposed Portfolio Insurance transaction involves the payment by the Trustee on an annual basis of the insurance premiums necessary to keep the proposed insurance in force, and such payments may be deemed to be made to an affiliated person of the depositor of or principal underwriter of the Trust. Applicants contend, however, that, even if the Commission permits the purchase of such insurance on behalf of the Trust, the Trustee will not agree to the proposed transaction unless it is entitled to charge the Trust for the expense of the required insurance premiums.

Applicants also request an order pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder to permit BIG to provide Portfolio Insurance to the Trust. According to Applicants, the proposed transactions would involve the payment by the Trust to BIG of annual premiums. The premium rates will be determined by BIG within a rate framework applicable to all trust sponsors and filed with applicable state insurance regulatory authorities, based upon its determinations of the creditworthiness of the issuer of the bonds, the risk of default by the bond issuer, the potential liability arising from insuring such bond issue, and the demand of sponsors to apply for such insurance on behalf of their trusts. Applicants represent that the premium rates for such Portfolio Insurance will be at least as favorable as the rates charged by BIG to unaffiliated entities and comparable to prevailing rates charged by non-affiliated insurers of similar stature and creditworthiness. Applicants represent that the setting of BIG's premiums will not be controlled by the Trust, Sponsor or Phibro-Salomon Inc. Applicants state that once bonds have been deposited in a Trust, the premium rates for each issue of bonds is protected by the terms of the Portfolio Insurance policy obtained by the Trust. Applicants further state that the Portfolio Insurance Policy is non-cancellable and continues in force so long as the Trust is in existence, the insurer is still in business, and the bonds continued to be held by such Trust.

In addition to the request for exemption from Section 17(a)(1), Applicants also request an exemption from Sections 17(a)(2) and 17(d) of the Act and Rule 17d–1 thereunder to the extent that, in the event of a default of any security, BIG as the Pre-insured Security insurer or issuer of Portfolio or Sponsor Insurance acquires an interest in either the interest or principal payments on the security.

It is stated that the proposed arrangement with BIG will be identical or substantially identical to insurance currently being offered to all the sponsors of insured municipal bond trusts. Applicants represent that Phibro-Salomon Inc. will indirectly have only a 20% interest in the earnings of BIG while it maintains a 100% interest in Salomon Brothers, Inc., whose success in the Unit investment trust business is largely dependent upon competitively priced Trusts.

Applicants state that to eliminate any potential conflict of interest between the Sponsor, the Trust, and any affiliated person of the Sponsor or the Trust in connection with Portfolio Insurance and as a condition to the granting of this exemptive request, the Sponsor undertakes that it will not direct the Trustee to sell securities subject to Portfolio Insurance when those securities are in default or in danger of being in default. As long as the securities are adequately insured (as determined by the Trustee) the Indenture and Agreement will permit sales only to meet redemptions or in the event a security becomes taxable. Sales will be determined by the Trustee in its sole discretion.

Applicants represent that the order requested is appropriate in the public interest, consistent with the protection of investors and the purposes and policies of the Act and consistent with the investment policies of the Trusts.

Accordingly, Applicants request that the Commission issue an order pursuant to Sections 6(c), 11(a) and 17(b) and 17(d) of the Act and Rule 17d–1 thereunder exempting Applicants from the provisions of Sections 11(c), 17(a) and 17(d), 26(a)(2)(C), of the Act and Rule 17d–1 thereunder to the extent necessary to permit sales of units of the Trust pursuant to the Exchange Option at the reduced sales charge as described above and to permit the affiliated transactions described above.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 30, 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. 85–9151 Filed 4–15–85; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–23661; 70–7099]

Southeastern Michigan Gas Enterprises, Inc.; Proposed Acquisition of Battle Creek Gas Co.

April 9, 1985.

Southeastern Michigan Gas Enterprises, Inc. ("Enterprises"), 405 Water Street, Port Huron, Michigan, 48060, a Michigan corporation and an exempt holding company under Section 3(a)(1) of the Public Utility Holding Company Act of 1935 ("Act"), has filed an application with this Commission pursuant to Sections 9(a)(2) and 10 of the Act.

Enterprises is in the business of owning and providing management services for its wholly owned subsidiaries, Southeastern Michigan Gas Company ("Gas Utility"), a Michigan corporation, Southeastern Michigan Engine Specialists, Inc. ("Engine Specialists"), a Michigan corporation and Southeastern Exploration Company ("Exploration Company"), a Michigan corporation. Gas Utility, a "gas utility company" within the meaning of Section 2(a)(4) of the Act, is engaged in the business of purchasing, distibuting and selling natural gas to almost 68,000 customers located in southeastern and southcentral Michigan. Engine Specialists is engaged in the business of leasing vehicles and equipment, maintaining and repairing automotive and heavy equipment, and selling used cars and trucks. Exploration Company is engaged in the business of exploring for oil and gas in and near Gas Utility's service areas. Exploration Company has also entered into an agreement with a local paper manufacturer to jointly construct and operate a cogeneration plant which would utilize natural gas as a fuel to produce electricity and steam to be used in the manufacturing process.

Acquisition Corporation was incorporated in the State of Michigan on March 22, 1985 as a new subsidiary of Enterprises. It was created for the purpose of engaging in a merger with

Battle Creek Gas Company ("Battle Creek").

Battle Creek, a Michigan corporation, is a "gas utility company" within the meaning of Section 2(a)(4) of the Act and distributes natural gas to approximately 31,000 customers in the greater Battle Creek, Michigan area.

The Merger Agreement provides that at the effective time of the merger ("Effective Time"), Acquisition Corporation will be merged into Battle Creek in accordance with the laws of the State of Michigan. As a result of the merger, Acquisition Corporation will cease to exist and Battle Creek will become a wholly owned subsidiary of Enterprises and will continue its business under its current name.

The Merger Agreement also provides that after consummation of the merger each share of Battle Creek common stock outstanding at that time (other than common stock held by Enterprises) will be converted into the right to receive $83.78 net, in cash, without interest and that the shareholders of such common stock will cease to have any rights with respect to this common stock other than the rights to receive said $83.78. At the effective time, 298,414 shares of Battle Creek common stock will be issued and outstanding, so that the aggregate consideration to be paid to shareholders of Battle Creek will be approximately $25,000,000.

The Merger Agreement provides that immediately after the Effective Time, Enterprises will take such steps as may be necessary to: (a) Cause at least two members of the Board of Directors of Battle Creek in office on the date of the Merger Agreement to be elected to the Board of Directors of Enterprises; and (b) cause a representative number of the members of the Board of Directors of Battle Creek in office on the date of the Merger Agreement to be elected to the Board of Directors of Battle Creek after the Merger.

The Merger Agreement further provides that, after the Effective Time, or such earlier date as Enterprises acquires control of Battle Creek, Enterprises will cause Battle Creek, for a period of six years following the Effective Time, to: (a) Maintain Battle Creek's directors' and officers' insurance and indemnification policy in effect on the date of the Merger Agreement, or an equivalent policy, to cover acts and omissions of directors and officers of Battle Creek occuring prior to the Effective Time; and (b) indemnify all directors and officers of Battle Creek as of the date of the Merger Agreement against any losses, claims, damages, liabilities, and expenses incurred in connection with any claim, action, suit, proceeding or investigation that arises from actions taken or omissions to act as officers or directors of Battle Creek or its subsidiaries prior to the Effective Time or which arises out of or pertains to any of the transactions contemplated by the Merger Agreement.

In order to induce Enterprises to enter into the Merger Agreement, certain shareholders of Battle Creek, holding in the aggregate 41,317 shares of the issued and outstanding Battle Creek Common Stock, have executed a Shareholders Agreement dated March 22, 1985 with Enterprises ("Shareholders Agreement"), pursuant to which Enterprises has been granted an irrevocable proxy to vote their share in favor of the Merger and against any corporate action which would violate or frustrate the purpose of the Merger Agreement. The Shareholders Agreement will terminate on the earlier of the consummation of the Merger or the date on which the Merger Agreement is terminated in accordance with its terms.

Enterprises and Battle Creek entered into the Merger Agreement as a result of a bidding process conducted by Battle Creek. If an unsuccessful participant in the bidding process or another third party makes an offer to acquire Battle Creek which is not approved by the Board of Directors of Battle Creek, Enterprises and Battle Creek may restructure the acquisition to ensure the success of Enterprises' acquisition of Battle Creek. The most likely alternative structure of the acquisition would be a tender offer by Enterprises or Acquisition Corporation for any and all of the issued and outstanding shares of Battle Creek at the agreed upon consideration of $83.78 per share. In such event, it would be the intent of Enterprise (assuming it were able to obtain control of Battle Creek) to eliminate any remaining minority interest in Battle Creek at the same consideration of $83.78 per share.

Enterprises states that it has pursued and desire to consummate the merger because it believes that the proximity of Battle Creek's service area to Enterprises' Albion service area makes the acquisition of Battle Creek a natural expansion of Enterprises' activities. As part of Enterprises' holding company system, Battle Creek will enjoy new operational and financial advantages that will allow it to become a profitable asset of Enterprises while continuing to provide efficient service to its customers. As a result of its affiliation with Enterprises, Battle Creek will have more capital available to use to expand its facilities and customer base. In addition, the affiliation will result in a reduction of Battle Creek's operating expenses as a result of elimination of duplicated management and other services.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 3, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be authorized.

For the Commission, by the Divison of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-9153 Filed 4-15-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14464 (File No. 811-2999)]

Western Daily Income Fund, Inc.; Application

April 10, 1985.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 (the "Act"), to declare by order on its own motion that Western Daily Income Fund, Inc. (the "Fund"), Hawkins, Delafield & Wood, c/o Elwood Collins, Esq., 67 Wall Street, New York, New York 10005 registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

Information contained in the files of the Commission indicates that the Fund filed a notification of registration on February 7, 1980 and a registration statement on February 15, 1980 under the Act. The Fund did not file a registration statement under the Securities Act of 1933. The Commission was informed by counsel for the Fund that the Fund had never made a public offering and does not propose to make a public offering or engage in business of any kind. Counsel for the Fund was advised by a letter dated October 11, 1984, from the Commission staff that an

application should be filed under Section 8(f) of the Act requesting an order of the Commission declaring that the Fund has ceased to be an investment company. There is no record in the Commission's files to indicate that such application was made.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of that order the registration of the investment company shall cease to be in effect.

Notice is hereby given that any interested person wishing to request a hearing on the matter may, not later than May 3, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon the Fund 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. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the matter will be issued unless the Commission orders a hearing upon request or upon its own motion.

For Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-9149 Filed 4-15-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-21927; SR-Amex-85-5]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the American Stock Exchange

April 9, 1985.

On March 20, 1985, the American Stock Exchange ("AMEX") filed with the Securities and Exchange Commission a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1) and Rule 19b-4 thereunder. The proposed rule change would permit AMEX listed companies to act in a dual transfer agent/registrar capacity. The Commission is publishing this Notice to solicit comment on the proposed rule change.

The proposed rule change would modify AMEX's rules to permit listed companies to act as transfer agents and/or registrars for their own securities. Alternatively, listed companies would be permitted to designate other qualified organizations to act as transfer agents and/or registrars for their securities. However, listed companies that choose to act as both transfer agents and registrars for their securities must agree to separate those functions, establish sufficient internal accounting controls, and subject those controls to an annual review by independent auditors. In addition, listed companies acting in a dual capacity must agree to maintain offices, staffed by qualified personnel, with adequate facilities for the safekeeping of securities in their possession where transfer and registration may be completed within 48 hours.[1] AMEX rules currently require all listed companies to engage the services of a registrar that must be a bank or trust company not affiliated with the issuer. As a result, listed companies that act as transfer agents for their own securities must retain an independent registrar.

The AMEX states in its filing that the proposed rule change eliminates a prohibition enacted many years ago that was designed to avert problems associated with overissuance of securities, but that today, through a combination of automation, internal control and outside auditors, the possibility of overissuance has been greatly reduced. Moreover, the proposed rule change should result in significant operational efficiencies and cost savings for listed companies. In particular, the AMEX notes that eliminating the independent registrar requirement should promote economical and efficient transfer of securities, eliminate issuer and transfer agent expenditures for separate registrar facilities and reduce securities certificate handling problems that occur during the transfer and registrar process. In addition, the AMEX states that changes in auditing standards and improved security transfer controls signficantly lessen the risk of securities overissuances. As a result, the AMEX believes it is no longer appropriate to deprive listed companies of the potential savings and efficiencies the proposed rule change offers.

To assist the Commission in determining whether to approve the proposed rule change or to institute disapproval proceedings, you are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the Federal Register. If you decide to comment on this filing, please file six copies of your views in writing with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Reference should be made to File No. SR-AMEX-85-5.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all other written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and coping at the Commission's Public Reference Room, 450 5th Street NW., Washington, D.C. 20549. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of AMEX.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-9148 Filed 4-15-85; 8:45 am]

BILLING CODE 8010-01-M

[1] *See* Amex Rule 891.

[Release No. 34-21933; File No. 4-263]

Self-Regulatory Organizations; National Association of Securities Dealers; Filing of a Proposed Amendment to the Fingerprinting Plan

April 10, 1985

On October 29, 1984, the National Association of Securities Dealers ("NASD") submitted an amended fingerprinting plan for Commission approval pursuant to Rule 17f-2(c) (17 CFR 240.17f-2(c)) under the Securities Exchange Act of 1934 (the "Act"). The Commission is publishing this Notice to solicit public comment on the amended plan. Under the amended fingerprinting plan, the NASD would retain, on behalf of its members, microfilmed records of processed fingerprint cards that did not contain any criminal history information. Currently, the NASD returns to submitting organizations all processed fingerprint cards together with any criminal history information. The NASD, under the amended plan, would return to its members only those fingerprint cards with criminal history information.

Under the amended plan, after FBI processing, the NASD will sort the fingerprint cards into three major

categories: (1) Cards submitted by member organizations with criminal history information; (2) cards submitted by non-member organizations; and (3) cards submitted by member organizations with no criminal history information attached, *i.e.*, "clean" fingerprint cards. NASD processing of fingerprint cards in the first two categories will not be changed by the amended plan.[1] The proposal only changes the NASD's processing of member organizations' "clean" fingerprint cards.

The NASD will re-examine member organizations' "clean" fingerprint cards to ensure that the FBI did not attach to the card any criminal history information. Then the NASD will microfilm the cards and, after microfilming, destroy the original fingerprint cards. The microfilmed records will be kept by the NASD on behalf of its member organizations for a period of twenty-five (25) years. Each month submitting member organizations will receive a roster containing the names of fingerprinted persons and the dates the cards were returned to the NASD from the FBI. In addition, copies of the microfilmed cards will be available to the submitting organization, its designated examining authority and the Commission upon request.

The NASD believes that the proposed amended fingerprinting plan is consistent with Section 17(f)(2) of the Act and with the public interest and the protection of investors. More specifically, the NASD believes that the amended plan provides increased efficiencies in the processing and maintenance of fingerprinting cards without sacrificing the integrity of the fingerprinting process or Rule 17f-2.

To assist the Commission in determining whether to approve the NASD's amended fingerprinting plan, interested persons are invited to submit data, views and arguments concerning the proposed amended plan within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Reference should be made to File No. 4-263.

Copies of the proposed amended plan, any written statements with respect to the proposed amended plan which are filed with the Commission, and all written communications relating to the proposed amended plan between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street NW., Washington, D.C.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-9155 Filed 4-15-85; 8:45 am]

BILLING CODE 8010-01-M

[1] The NASD will continue to return to submitting non-member organizations, including registered transfer agents, all fingerprinting cards together with any criminal history information. Moreover, the NASD will continue to review criminal history data attached to FBI processed fingerprint cards submitted by member organizations for statutory disqualifications and will record relevant data in its internal files to comply with its responsibility under the Act. The cards and the criminal history information then will be returned to the submitting member organization. In addition, the NASD will continue to make available to designated examining authorities and the Commission criminal history information upon request.

[Release No. 34-21930; File Nos. SR-PCC-85-02; SR -PSDTC-85-02]

Self-Regulatory Organizations; Pacific Clearing Corp. and Pacific Securities Depository Trust Co.; Filing of Proposed Rule Changes

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 23, 1985, the Pacific Clearing Corporation ("PCC") and Pacific Securities Depository Trust Company ("PSDTC") filed with the Commission the proposed rule changes described below. The Comission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

The proposals provide that stock dividends and other non-cash rights and distributions held by PCC/PSDTC [1] that are not claimed within one year of payable date would be converted to cash by PCC/PSDTC at prevailing market rates. PCC/PSDTC members and others claiming liquidated non-cash rights and distributions would be entitled only to cash proceeds from the liquidation less a pro rata portion of commissions payable for liquidation. The proposals state that no interest or other proceeds or rights shall accrue to the cash or cash-in-lieu held by PCC/PSDTC for their members. In addition, the proposals would permit PCC/PSDTC to alter any of the above procedures for any particular transaction.[2]

PCC/PSDTC state in their filings that the proposals are consistent with Section 17A(b)(3)(F) of the Act because they will facilitate the safeguarding of securities and funds in PCC/PSDTC's custody or control or for which they are responsible.

In order to assist the Commission in determining whether to approve the proposals or to institute disapproval proceedings, comments are invited within 21 days from the date of publication in the **Federal Register**. Six copies of comments should be filed with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to File Nos. SR-PCC-85-02 and PSDTC-85-02.

Copies of the submissions and all documents relating to the proposals, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, may be inspected and copied at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC and at PCC's and PSDTC's principal offices.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-9147 Filed 4-15-85; 8:45 am]

BILLING CODE 8010-01-M

[1] Because the proposals are identical, PCC and PSDTC are referred to collectively as PCC/PSDTC.

[2] In conversations with Division of Market Regulation staff, PCC/PSDTC stated that the procedures in the proposals might be altered, for example, if the costs of liquidation exceeded the value of unclaimed stock dividends. In such a case, PCC/PSDTC could decide not to liquidate those dividends.

[Release No. 34-21928; SR-PSE-85-6]

Self-Regulatory Organizations; Pacific Stock Exchange, Inc.; Filing of Proposed Rule Change Relating to the Trading of Currency Index Options

The Pacific Stock Exchange, Inc. ("PSE"), 301 Pine Street, San Francisco, CA 94104, submitted on March 22, 1985, copies of a proposed rule change, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1). The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The text of the proposed rule change follows:

Rule XXII—Currency Index Options

Introduction

In general, the Rules of the PSE's Board of Governors applicable to the trading of stock options (Rule VI) and in particular Rule XXI applicable to the trading of Index Options shall be applicable to the trading of Currency Index Options. Rule XXII supplements or replaces those rules when required by the nature of Currency Index Options. In cases where Rule XXII is silent on an issue, the applicable section of the rules relating to Index Options shall be read so as to apply to Currency Index Options.

Definitions

Sec. 1. (a) The term index shall mean the value that results from the defined calculation on the applicable group of foreign currencies. This calculation is included as Appendix B.

(b) The term index value shall mean the level of the index that is derived from the prices obtained by the vendor.

(c) The term closing index value shall mean the last index value reported by the reporting authority on a business day.

Currency Index Multiplier

Sec. 2. The Exchange has determined that the Currency Index Multiplier shall be $1,000.

Designation of the Index

Sec. 3. (a) The currencies comprising the index shall be selected by the Exchange.

(b) The weights assigned to each currency may be changed from time to time.

Dissemination of Information

Sec. 4. The Exchange shall assure that the index value is disseminated to the public after the close of business and from time to time on days on which Currency Index Options are traded on the Exchange.

Hours of Trading

Sec. 5. Options on the Currency Index shall trade from 5:30 a.m. until 11:40 a.m., Pacific Time.

Position Limits

Sec. 6. In determining compliance with Rule VI, Section 5, Currency Index Option contracts shall be subject to position limits as follows:

5,000 contracts during the first 6 months of trading; 10,000 contracts thereafter.

Exercise Limits

Sec. 7. In determining compliance with Rule VI, Section 6, Currency Index Option contracts shall be subject to the same exercise limits as the established position limit.

Terms of Option Contracts

Sec. 8. Rule XXI, Section 8, shall apply.

Trading Halts or Suspensions

Sec. 9. Trading on the Exchange in Currency Index Options shall be halted whenever prices in currencies whose weighted average exceeds 25% of the index value become unavailable. Trading in a Currency Index Option shall also be halted whenever the Exchange deems such action appropriate in the interests of a fair and orderly market or to protect investors.

Trading in Currency Index Options of a class or series that has been the subject of a halt or suspension by the Exchange may resume if the Exchange determines that the conditions which led to the halt or suspension are no longer present, or that the interests of fair and orderly markets are best served by a resumption of trading.

Meaning of Premium Bids and Offers

Sec. 10. Bids and offers shall be expressed in terms of dollars and fractions per unit of the index (e.g., a bid of 5½ would represent a bid of $5.50 per unit).

Trading Rotation

Sec. 11. Section 10 of the Rule XXI shall establish the procedures utilized for the "Currency Index."

Exercise of Option Contracts

Sec. 12. Rule XXI, Section 15, shall apply.

Margins

Sec. 13. Rule XXI, Section 16 (excluding Commentaries .01–.05), shall apply.

Settlement

Sec. 14. Rule XXI, Section 17, shall apply.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the PSE Currency Index is to provide an index which will allow investors to hedge the risk of fluctuations in currency exchange rates. Currently, contracts only exist to hedge the risk of specific currency exchange rate changes relative to the U.S. Dollar.

There does not exist any option product that attempts to combine all of the major foreign currencies into a single collection, and to trade options on that collection. The limitation in the currently available products is that although they are useful if a hedger's risk is limited to one currency, they are less useful if the hedger's exposure is related to a more generalized currency risk. The products of many manufacturers and service suppliers are sold in many foreign countries, and their overall risk is complicated by different interest rates and institutional factors. The Pacific Stock Exchange believes that options on the PSE Currency Index will allow investors to establish a hedge position relative to their current foreign currency exposure.

The purpose of the proposed currency index options rules as they apply to the PSE Currency Index are set forth below:

Sec. 1. This section sets forth the definitions which are essential to the establishment, pricing, trading and settlement of Currency Index Options.

The "index" as defined in section 1(a) of Rule XXII shall be calculated by using prices supplied to the vendor from a variety of large international banking and currency trading sources. The calculation is referred to as a geometiric averaging and is designed to avoid certain biases that are associated with arithmetic averaging.

The "closing index value" shall be the actual numeric result of applying the specified calculation to the foreign current prices. The index value shall provide the basis for determining the dollar amounts a purchaser or seller of the Currency Index Option will receive or deliver upon exercise.

The "index value" shall be the actual numeric result of the calculation applied to the foreign currency prices supplied to the vendor. The index value shall be disseminated during the trading day.

Sec. 2. The currency index multiplier represents $1,000. Thus if the Index value equalled 100 the value of the Currency Index Option contract would be $100,000, the product of the currency index multiplier and the currency index value.

Sec. 3. The PSE has specified the currencies in the index (Appendix A) and the method of calculation (Appendix B). The basis for this composition is that the PSE Currency Index is designed to mirror the Federal Reserve's Index of the Weighted Average Exchange Value of the United States Dollar. The Exchange would only propose making changes in the components of the index or method of calculation in order to maintain comparableness with the Federal Reserve's Index. Attached are historical values of the Federal Reserve's index (Appendix C).

Sec. 4. This section provides that the Index value will be widely disseminated during those times in which the options on the index are traded. This section also provides that the closing index value will be disseminated through a major daily business periodical.

Sec. 5. The PSE belives that the options on the Currency Index should be available for trading during the hours when futures on foreign currencies and options on foregn currencies are available for trading in the United States.

Sec. 6. The PSE Currency Index represents a new kind of trading instrument in the foreign currency area. It is in consideration of these new features that the PSE requests a lower postion limit initially. It is the PSE's belief that after an initial period, during which investors familiarize themselves with the contract, the position limits should be raised to the 10,000 contract level.

Sec. 7. The PSE believes exercise limits should be identical with position limits. The alternative could cause unforeseen distortions in prices and/or markets.

Sec. 8. The PSE believes that the current exercise price intervals and expiration dates for its Technology Index options are applicable and appropriate to its Currency Index Options.

Sec. 9. Trading on the Exchange in a Currency Index Option will be halted when quotations in 25% of the weighted index value of the currencies comprising the index become unavailable. The PSE believes that this policy will provide adequate protection for investors. The PSE shall also halt trading in the Currency Index Options whenever it is necessary for the maintenance of a fair and orderly market or to protect investors.

Trading in the Index options shall be resumed if the conditions which led to the halt or suspension are no longer present or the interests of a fair and orderly market are best served by a resumption of trading.

Sec. 10. Bids or offers for Currency Index Options will be expressed in the same terms as bids and offers for index options.

Sec. 11. The PSE proposes that trading rotations for the Currency Index should be conducted in the same manner as those which are used for the PSE Technology Index.

Sec. 12. The PSE believes the exercise procedures for Index options should apply to Currency Index Options.

Sec. 13. The PSE believes the margin standards currently applied to Index Options should be applied to Currency Index Options. The PSE believes that the PSE Currency Index is broad-based, given the size and liquidity of foreign currency markets.

Sec. 14. The PSE believes that the cash settlement procedure and rationale is specifically applicable to Currency Index Options.

The proposed rule change is consistent with Section 6(b)(5) of the Securities Exchange Act of 1934 which provides that the Rules of the Exchange be designed to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change imposes no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received. However, the proposed rule change was considered and unanimously approved by the New Products Committee, comprised of members of the Exchange.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of the publication of this notice in the **Federal Register** or within such longer period: (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change; or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 7, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

April 9, 1985.

John Wheeler,

Secretary.

Appendix A

Description: The Index would be based on ten currencies with the indicated weights.

Country	Base rate	Weight
West Germany	35.548 cents per mark	0.209
Japan	0.3819 cents per yen	.136
France	22.191 cents per franc	.131
United Kingdom	247.24 cents per pound	.119
Canada	100.33 cents per dollar	.091
Italy	0.176 cents per lira	.090
Netherlands	34.834 cents per guilder	.083
Belgium	2.5377 cents per franc	.064
Sweden	22.582 cents per kronin	.042
Switzerland	31.084 cents per franc	.036

Appendix B

The proposed Calculator of the PSE Foreign Currency Index is:

$$100 \times \exp\left[\sum_{i=1}^{10} (w_i \times \ln R_{it})\right.$$

Where:

R_{it} = Base period exchange rate of currency i divided by Exchange rate of currency i at time t.

w_i = Trade weight for currency i.

Appendix C

Historical values of Federal Reserve's Weighted-Average Exchange Value of the United States Dollar-Index.

1984	
November	144.92
October	147.56
September	145.70
August	140.21
July	139.30
June	134.31
May	133.99
April	130.01
March	128.07
February	131.71
January	135.07
1983	
December	132.84
November	130.26
October	127.50
September	129.74
August	129.77
July	126.62
June	125.16
May	122.05
April	121.82
March	120.71
February	119.70
January	117.73
1982	
December	119.22
November	124.27

[FR Doc. 85-9146 Filed 4-15-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/843]

Advisory Committee on Private International Law; Meeting

The 38th meeting of the subject Advisory Committee will take place at 10 a.m. on Friday, May 3, 1985, in room 6226 of the Department of State in Washington, D.C. Members of the general public may attend up to the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The meeting agenda will include reports on the Third Inter-American Specialized Conference on Private International Law in May, 1984 and the 15th session of the Hague Conference on Private International Law in October, 1984, as well as on other law unification/harmonization activities. Specifically to be discussed, among other projects, will be the 1984 Hague Convention on the Law Applicable to Trusts and on Their Recognition; the draft Hague convention on the law applicable to contracts for the international sale of goods that is to be adopted at an extraordinary session of the Hague Conference in October, 1985; the model law on international commercial arbitration prepared by a working group of the UN Commission on International Trade Law (UNCITRAL) that is to receive final review at the 18th session of the Commission in June, 1985; the planned submission of the 1980 Hague Convention on the Civil Aspects of International Child Abduction to the President for transmission to the Senate; and the status of Senate consideration of the 1980 UN Convention on Contracts for the International Sale of Goods. The work of UNCITRAL on a legal guide on the drawing up of contracts for the construction of industrial works and on rules dealing with the liability of operators of international transport terminals will also be reviewed.

There will be consideration of possible further means better to keep the general public informed of U.S. participation in international work on such projects, including proposals for publication in the **Federal Register** of notices about pending efforts to harmonize private law beyond the advance notices routinely published in the **Federal Register** to inform the public of meetings of the Advisory Committee and its specialized study groups, all of which are open to the public.

Entry to the Department of State building is controlled and members of the general public should use the main diplomatic entrance at 22nd and C Streets NW. As entry will be considerably facilitated by advance arrangements, members of the general public planning to attend should, prior to May 3, notify the Office of the Assistant Legal Adviser for Private International Law, Department of State, Washington, D.C. 20520 (telephone: (202) 632-8134) of their name, affiliation, address and telephone number.

Peter H. Pfund,

Assistant Legal Adviser for Private International Law and Vice Chairman, Secretary of State's Advisory Committee on Private International Law.

[FR Doc. 85-9125 Filed 4-15-85; 8:45 am]

BILLING CODE 4710-08-M

[Public Notice CM-8/842]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Working Group on Stability, Load Lines, and on Safety of Fishing Vessels; Meeting

The Working Group on Stability, Load Lines, and on safety of Fishing Vessels of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting on 7 May 1985 in room 1303 at 10:00 A.M. at Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC.

The purpose of the meeting is to discuss actions taken at the 30th Session of International Maritime Organization (IMO) Subcommittee on Stability, Load Lines, and Fishing Vessels (Feb. 85) and preparation for matters to be discussed at the 31st Session of the Subcommittee (Tentatively Feb. 86) and in particular:

Intact Stability

—Form of information to Master
—General Formulae for all sizes of ships

Subdivision

—Watertight Doors on all Cargo Ships
Residual Stability after Damage
Mobile Offshore Drill Unit Code
Load Line Interpretation
Revision of Load Line Convention
Timber Deck Cargoes
Tonnage
Safety of Fishing Vessels
Icing

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. W.A. Cleary, Jr., U.S. Coast Guard Headquarters (G-MTH-5), 2100 Second Street, SW., Washington, DC. 20593, Telephone: (202) 426-2187 or 2188.

Dated: April 8, 1985.

Samuel V. Smith,

Chairman, Shipping Coordinating Committee.

[FR Doc. 85-9214 Filed 4-15-85; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application

for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in March 1985. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: (1) Motor vehicle, (2) Rail freight, (3) Cargo vessel, (4) Cargo-only aircraft, (5) Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2582-P	DOT-E 2582	Synthatron Corp. Parsippany, NJ	49 CFR 175.3, Part 173, Subparts D, F, G.	To become a party to Exemption 2582. (Modes 1, 2, 3, 4)
2709-X	DOT-E 2709	U.S. Department of the Army, Falls Church, VA.	49 CFR 173.52, 173.93, 177.821, 177.834(L)(1), 177.834(k).	To authorize use of DOT Specification 6J/2S or 6D/2S metal drum/polyethylene containers or non-DOT specification drums, for shipment of Class A and B explosive liquids. (Mode 1)
2709-X	DOT-E 2709	Hercules, Inc. Wilmington, DE	49 CFR 173.52, 173.93, 177.821, 177.834(L)(1), 177.835(k).	To authorize use of DOT Specification 6J/2S or 6D/2S metal drum/polyethylene containers or non-DOT specification drums, for shipment of Class A and B explosive liquids. (Mode 1)
2709-X	DOT-E 2709	United Technologies Corp. San Jose, CA.	49 CFR 173.52, 173.93, 177.821, 177.834(L)(1), 177.835(k).	To authorize use of DOT Specification 6J/2S or 6D/2S metal drum/polyethylene containers or non-DOT specification drums, for shipment of Class A and B explosive liquids. (Mode 1)
3109-X	DOT-E 3109	U.S. Department of the Army, Falls Church, VA.	49 CFR 173.301(e), 173.302(a)(1), 173.3.	To authorize use of non-DOT specification pressure vessels, for shipment of a nonflammable, nonliquefied compressed gas. (Modes 1, 2, 3, 4, 5)
3109-X	DOT-E 3109	HR Textron, Inc. Pacoima, CA	49 CFR 173.301(e), 173.302(a)(1), 175.3.	To authorize use of non-DOT specification pressure vessels, for shipment of a nonflammable, nonliquefied compressed gas. (Modes 1, 2, 3, 4, 5)
3109-X	DOT-E 3109	Raytheon, Co. Lowell, MA	49 CFR 173.301(e), 173.302(a)(1), 175.3.	To authorize use of non-DOT specification pressure vessels, for shipment of a nonflammable, nonliquefied compressed gas. (Modes 1, 2, 3, 4, 5)
5315-X	DOT-E 5315	U.S. Department of the Army, Falls Church, VA.	49 CFR 173.87	To authorize transport of a rocket engine containing nitrogen tetroxide, methyl-hydrazine and helium contained in a specially designed temperature controlled semi-trailer. (Mode 1)
6484-X	DOT-E 6484	Dow Chemical Co., Freeport, TX	49 CFR 172.101, 173.149a	To authorize butylene oxide to be returned in the same cargo tank which previously contained a nitromethane-butylene oxide mixture. (Mode 1)
6538-P	DOT-E 6538	Precise International, Suffern, NY	49 CFR 173.304(d)(3)(ii), 178.33	To become a party to Exemption 6538. (Modes 1, 3)
7546-X	DOT-E 7546	Grumman Aerospace Corp., Bethpage, NY.	49 CFR 173.119, 173.302(a)(1), 173.304(a), 173.305(a), 173.34(d), 175.3.	To authorize an additional size heat pipe radiator assembly. (Modes 1, 4)
7595-X	DOT-E 7595	Rhone-Poulenc Inc., Monmouth Junction, NJ.	49 CFR 173.358, 173.359	To request party status and to authorize an additional class B poison. (Mode 1)
7625-X	DOT-E 7625	Hydrite Chemical Co., Milwaukee, WI	49 CFR 173.245, 173.249, 173.263, 173.268, 173.272.	To renew and to authorize shipment of sodium hydrogen sulfite solution 38% and acetic acid 56% as additional commodities. (Mode 1)
7638-X	DOT-E 7638	Minnesota Valley Engineering, Inc., New Prague, MN.	49 CFR 173.316(a), 175.3	To authorize two additional cylinder models for shipment of carbon dioxide, liquefied and nitrous oxide liquefied. (Modes 1, 2, 3, 4)
7657-X	DOT-E 7657	Welker Engineering Co., Sugar Land, TX.	49 CFR 173.302(a)(1), 173.304(a)(1), 173.304(b)(1), 175.3, 178.42.	To authorize cargo vessel and rail as additional modes of transportation. (Modes 1, 2, 3, 4)
7725-X	DOT-E 7725	Economics Laboratory, Inc., St. Paul, MN.	49 CFR 172.201(a)(3)	To authorize shipping description on shipping papers to contain coded information. (Modes 1, 2, 3)
7769-X	DOT-E 7769	Brunswick Corp., Lincoln, NE	49 CFR 173.302(a)(1), 175.3	To authorize manufacture, marking and sale of non-DOT Specification fiber reinforced plastic full composite cylinder, for transportation of certain nonflammable compressed gas. (Modes 1, 2, 3, 4, 5)
7862-X	DOT-E 7862	General Electric Co., Milwaukee, WI	49 CFR 173.302, 175.3	To authorize use of non-DOT specification aluminum, single trip, inside containers, or transportation of a nonflammable gas. (Modes 1, 4, 5)
7879-X	DOT-E 7879	Gearhart Industries, Inc., Fort Worth, TX.	49 CFR 173.246, 175.3, 178.42	To authorize shipment of bromine trifluoride, in non-DOT specification seamless cylinders. (Modes 1, 2, 3, 4)
8214-X	DOT-E 8214	Mercedes-Benz of North America, Inc., Montvale, NJ.	49 CFR 173.153, 173.154, 175.3	To authorize fiberboard containers for shipment of passive restraint systems. (Modes 1, 2, 3, 4)
8220-X	DOT-E 8220	Applied Environments Corp., Woodland Hills, CA.	49 CFR 173.320(a), 175.3	To authorize use of non-DOT specification girth welded steel cylinders, for transportation of nonflammable compressed gas. (Modes 1, 2, 4)
8221-X	DOT-E 8221	Applied Environments Corp., Woodland Hills, CA.	49 CFR 173.302(a), 175.3	To authorize use of non-DOT specification high pressure cylinders of welded construction for military missile systems use only. (Modes 1, 2, 4)
8299-X	DOT-E 8299	HTL Industries, Inc., Duarte, CA	49 CFR 173.304(a)(1), 175.3, 178.44	To authorize an additional pressure vessel design. (Modes 1, 2, 4, 5)
8516-X	DOT-E 8516	Atlas Powder International, Limited, Miami, FL	49 CFR 176.83(b)	To authorize stowage of certain oxidizers and blasting agents in the same hold, compartment or freight container. (Mode 3)
8526-P	DOT-E 8526	Birko Corp., Westminster, CO	49 CFR 177.834(L)(2)(i)	To become party to Exemption 8526. (Mode 1)
8851-X	DOT-E 8851	Process Engineering Inc., Plaistow, NH.	49 CFR 173.315	To authorize manufacture, marking and sale of non-DOT specification vacuum insulated portable tanks, for transportation of nonflammable gases. (Modes 1, 3)
8864-X	DOT-E 8864	Miller Transporters, Inc., Jackson, MS.	49 CFR 173.245(a), 178.340-10, 178.340-8, 178.341-3, 178.341-4, 178.341-5, 178.341-7.	To authorize use of non-DOT specification cargo tanks complying with DOT Specification MC-306, for transportation of a corrosive liquid. (Mode 1)
8886-X	DOT-E 8886	Arserex Corp., Trussville, AL	49 CFR 173.34(e)(9)	To authorize a longer period time period between retests of DOT Specification 4B or 4B240ET cylinders containing nonflammable gas. (Modes 1, 2, 4)
8938-X	DOT-E 8938	Cryogenic Services Inc., Canton, GA	49 CFR 173.304(a), 175.3	To authorize manufacture, marking and sale of DOT Specification 4L welded cylinders, for transportation of nonflammable gases. (Modes 1, 2, 3, 4)
8953-X	DOT-E 8953	Foseco, Inc., Brookpark, OH	49 CFR 173.206	To authorize shipment of metallic sodium fused solid, in a non-DOT specification aluminum can, overpacked in a non-DOT specification removable head, single trip steel drum. (Mode 1)
8955-X	DOT-E 8955	Dresser Industries, Inc., Houston, TX	49 CFR 173.110(c)(1), 173.80(b), 173.80(c).	To authorize transport of charged oil well guns with detonators attached. (Modes 1, 3)
8988-P	DOT-E 8988	Flopetrol Johnson, Houston, TX	49 CFR 172.101, 173.110, 173.80, 175.30.	To become a party to Exemption 8988. (Modes 1, 3, 4)
9201-X	DOT-E 9201	Cyanamid Canada, Inc., East Willowdale, Canada.	49 CFR 173.370	To authorize highway and rail as additional modes of transportation. (Modes 1, 2, 3)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9294-P	DOT-E 9294	Occidental Chemical Corp., Niagara Falls, NY.	49 CFR 173.247	To become a party to Exemption 9294. (Modes 1, 3)
9329-X	DOT-E 9329	Baker Sand Control, Anchorage, AK	49 CFR 172.101, column 6, 173.110, 173.80, 175.30.	To renew exemption previously issued as an emergency to provide for routine shipments and to convert it from air carrier to shipper type exemption. (Mode 4)
9374-P	DOT-E 9374	Poly Cal Plastics, Inc., Stockton, CA	49 CFR 173.119, 173.256, 173.266, 178.19, 178.253, Part 173, Subpart F.	To become a party to Exemption 9374. (Modes 1, 2, 3)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6563-X	DOT-E 9351	Benco Inc., Chatham, Ontario, Canada.	49 CFR 173.302(a)(1), 175.3, 178.42	To authorize shipment of certain nonflammable gases in non-DOT specification steel spheres made in compliance with DOT Specification 3E, with certain exceptions. (Modes 1, 2, 3, 4, 5)
9169-X	DOT-E 9361	Pacific Smelting Co., Torrance, CA	49 CFR 173.154	To authorize transportation of a water reactive solid, which evolves hydrogen slowly when wet, in open packagings such as drums, hopper trucks and gondola cars. (Modes 1,2)
9234-N	DOT-E 9234	AMVAC Chemical Corp., Los Angeles, CA.	49 CFR 173.359	To authorize use of one gallon glass bottles packed in DOT Specification 33A polystyrene cases, for transportation of organic phosphorus compound mixture, liquid. (Mode 1)
9113-N	DOT-E 9313	Corco Chemcial Corp., Fairless Hills, PA.	49 CFR 173.245, 173.263, 173.268, 173.272, 178.17.	To authorize shipment of various corrosive materials and an oxidizer in once-used DOT Specification 1D glass carboys overpacked in new, unused DOT Specification 1M expanded polystyrene over packs. (Mode 1)
9341-N	DOT-E 9341	International Chempack Corp., Hurst, TX.	49 CFR 173.3(c)	To authorize manufacture, marking and sale of polyethylene, removable head, salvage drums, for transportation of damaged or leaking packages of hazardous materials. (Modes 1, 2)
9344-N	DOT-E 9344	Industrial Farm Tank, Inc., Lewiston, OH.	49 CFR 178.19, 178.253, Part 173, Subpart F.	To authorize manufacture, marking and sale of non-DOT specification rotationally molded, linear medium-density polyethylene portable tanks, for shipment of corrosive liquids. (Mode 1)
9363-N	DOT-E 9363	Columbia University in the City of New York, New York, NY.	49 CFR 173.302(a)(1)	To authorize use of non-DOT specification cylinders manufactured from monel to DOT Specification 3A with certain exceptions, for transportation of certain flammable and nonflammable gases. (Mode 1)
9374-N	DOT-E 9374	Poly Processing Company, Inc., Monroe, LA.	49 CFR 173.119, 173.256, 173.266, 178.19, 178.253, Part 173, Subpart F.	To authorize manufacture, marking and sale of non-DOT specification rotationally molded, cross-linked polyethylene portable tank enclosed within a protective steel frame, for shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes, 1, 2, 3)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 9410-N	DOT-E 9410	Black & Decker (U.S.), Inc., Hampstead, MD.	49 CFR 173.234	To authorize use of non-DOT specification metal tanks, for transportation of an oxidizer. (Mode 1)
EE 9412-N	DOT-E 9412	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 172.101, 173.301(d) (2), 173.302(a) (3).	To authorize use of certain DOT Specification 3AAX2400 clyinders, for transportation of flammable gases. (Mode 1)

WITHDRAWALS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9399-N	HTL Industries, Inc., Duarte, CA	49 CFR 173.302(a), 175.3, 178.44	To manufacture, mark and sell non-DOT specification girth welded stainless steel pressure vessel patterned after a DOT Specification 3HT, for shipment of nitrogen classed as a nonflammable gas. (Modes 1, 2, 3)

Denials

9373-N—Repeat by T. H. Baylis Company, Warwick, RI to authorize transport of approximately 70% nitric acid, in a tank constructed of 304 stainless steel to DOT Specification 57 requirements denied March 5, 1985.

9387-N—Request by Virginia Chemicals, Inc., Portsmouth, VA to authorize transport of certain mixtures of 2,2-Dichlorovinyl Dimetyl Phospahte (DDV) and compressed gas in packagings which are not authorized for those mixtures denied March 26, 1985.

9397-N—Request by Austin Powder Company, Cleveland, OH to authorize shipment of Petaerythrite Tetranitrate (PETN) wetted with not less than 25% water contained in either plastic or rubberized textile bags over packed in specially constructed fiber drums denied March 26, 1985.

Issued in Washington, DC, on April 1, 1985.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulations, Materials Transportion Bureau.

[FR Doc. 85-9157 Filed 4-15-85; 8:45 am]

BILLING CODE 4910-60-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation of Authority of December 17, 1982 (47 FR 57600, December 27, 1982), I hereby determine that the objects to be included in the exhibit, "Marc Chagall"

(included in the list[1] filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to a loan agreement between various foreign lenders and the Philadelphia Museum of Art of Philadelphia, Pennsylvania. I also determine that the temporary exhibition or display of the listed exhibit objects at the Philadelphia Museum of Art, Philadelphia, Pennsylvania, beginning on or about May 12, 1985, to on or about July 7, 1985, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: April 10, 1985.

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 85-8987 Filed 4-15-85; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 85-69]

Recordation of Trade Name; "Crissair Inc."

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of recordation.

SUMMARY: On February 5, 1985, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "Crissair Inc." was published in the **Federal Register** (50 FR 5028). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views or arguments submitted in opposition to the recordation and received not later than April 8, 1985. No responses were received in opposition to the notice.

Accordingly, as provided in section 133.14, Customs Regulations (19 CFR 133.14), the name "Crissair Inc." is recorded as the trade name used by Crissair, Inc., a corporation organized under the laws of the State of California, located at 38905 Tenth Street East, Palmdale, California 93550. The trade name is used in connection with the following merchandise manufactured in the United States: hydraulic, fuel, and pneumatic system components (such as valves and actuators) for both military and civilian aircraft and helicopters.

DATE: April 16, 1985.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5765).

Dated: April 11, 1985.

Steven I. Pinter,

Acting Director, Entry Procedures and Penalties Division.

[FR Doc. 85-9104 Filed 4-15-85; 8:45 am]

BILLING CODE 4820-02-M

[T.D. 85-68]

Recordation of Trade Name; "Neenah Foundry Co."

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of Recordation.

SUMMARY: On January 30, 1985, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "Neenah Foundry Co." was published in the **Federal Register** (50 FR 4296). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views or arguments submitted in opposition to the recordation and received not later than April 1, 1985. No responses were received in opposition to the notice.

Accordingly, as provided in § 133.14, Customs Regulations (19 CFR 133.14), the name "Neenah Foundry Co." is recorded as the trade name used by "Neenah, Foundry Co.," a corporation organized under the laws of the State of Wisconsin, located at 2121 Brooks Avenue (P.O. Box 729), Neenah, Wisconsin 54956. The trade name is used in connection with construction castings manufactured in the United States.

DATE: April 16, 1985.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5765)

Dated: April 11, 1985.

Steven I. Pinter,

Acting Director, Entry Procedures and Penalties Division.

[FR Doc. 85-9103 Filed 4-15-85; 8:45 am]

BILLING CODE 4820-02-M

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

Sunshine Act Meetings

Federal Register
Vol. 50, No. 73
Tuesday, April 16, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

AFRICAN DEVELOPMENT FOUNDATION

Board Meeting

TIME: 10:00 a.m.

PLACE: African Development Foundation.

DATE: Saturday, May 4, 1985.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Chairman's Report.
2. President's Report.
3. Advisory Council Report—Arterbery/Robinson.
4. External Committee Report—Mr. A.C. Arterbery.
5. Program Committee Report—Dr. Patsy Blackshear.
6. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Ms Marjorie S. Cook (634–9853).

Leonard H. Robinson, Jr.,
President.

[FR Doc. 85–9255 Filed 4–12–85; 3:54 p.m.]

BILLING CODE 6116–01–M

2

FEDERAL COMMUNICATIONS COMMISSION

Special Open Commission Meeting, Thursday, April 11, 1985

April 11, 1985.

The Federal Communications Commission will hold a Special Open Meeting on the subject listed below on Thursday, April 11, 1985, which is scheduled to commence at 4:00 p.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

Mass Media—1—In re application of the Committee for Full Value of Storer Communications, Inc.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this item.

Action by the Commission April 11, 1985. Commissioners Fowler, Chairman; Quello, Dawson, Rivera and Patrick voting to consider this item.

Additional information concerning this meeting may be obtained from Judith Kurtich, FCC Office of Congressional and Public Affairs, telephone number (202) 254–7674.

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 85–9188 Filed 4–12–85; 11:54 am]

BILLING CODE 6712–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:17 p.m. on Wednesday, April 10, 1985, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to adopt a resolution making funds available for the payment of insured deposits in State Bank of Alexandria, Alexandria, Nebraska, which was closed by the Director of Banking and Finance for the State of Nebraska on Wednesday, April 10, 1985.

At that same meeting, the Board of Directors also approved the application of The Ohio Bank and Savings Company, Findlay, Ohio, an insured State member bank, for consent to merge, under its charter and title, with The Ottawa Home and Savings Association, Ottawa, Ohio, a non-federally-insured institution.

In calling the meeting, the Board determined, on motion of Director Irvine H. Sprague (Appointive), seconded by Mr. H. Joe Selby, acting in the place and stead of Director C.T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: April 11, 1985.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 85–9187 Filed 4–12–85; 11:44 am]

BILLING CODE 6714–01–M

4

LEGAL SERVICES COPRPORATION

Board of Directors Meeting

TIME AND DATE: The meeting will commence at 9:00 a.m., Friday, April 26, 1985 and continue until all official business is completed.

PLACE: Legal Services Corporation Headquarters, 733 Fifteenth Street, NW., Eighth Floor Conference Room, Washington, D.C. 20005.

STATUS OF MEETING: Open (A portion of the meeting is to be closed to discuss personnel, personal, litigation, and investigatory matters under The Government in the Sunshine Act (5 U.S.C. 552b (c)(2), (6), (7), (9), (B), and (10) and 45 CFR 1622.5 (a), (e), (f), (g), and (h)).

MATTERS TO BE CONSIDERED:

1. Approval of Agenda.
2. Approval of Minutes—March 8, 1985.
3. Report from Interim Corporation President.
4. Report from Special Committee on Presidential Search.
5. Action on Recommendations of the Operations and Regulations Committee:
—45 CFR Part 1601 (By-Laws)
—45 CFR Part 1622 (Sunshine Act)
—45 CFR Part 1620 (Priorities)
—45 CFR Part 1614 (Private Attorney Involvement)
6. Action on Recommendations of the Audit and Appropriations Committee:
—First Quarter Budget Review
—Reorganization of the Office of Field Services
—Allocation of Fiscal Year 1984 Carryover funds
—Allocation Formula for Fiscal Year 1986 Basic Field Grants
7. Discussion of litigation and investigatory matters (Closed).
8. Discussion of personnel and personal matters (Closed).

CONTACT PERSON FOR MORE INFORMATION: Dennis Daugherty, Executive Offices, (202) 272–4040.

Dated: April 11, 1985.

Dennis Daugherty,

Acting Secretary.

[FR Doc. 85-9164 Filed 4-12-85; 9:55 am]

BILLING CODE 6820-35-M

5

LEGAL SERVICES CORPORATION

Special Committee on Presidential Search

TIME AND DATE: Meeting will commence at 8 p.m., April 23, 1985 and continue until all official business is completed.

PLACE: Capitol Holiday Inn, Jupiter Room, 550 C Street, SW., Washington, D.C. 20024.

STATUS OF MEETING: Closed to discuss matters related to Presidential Search as authorized under The Government in the Sunshine Act (5 U.S.C. 552b(c) (2), (6) and (9)(B)) and 45 CFR 1622.5 (a), (e), and (g) and 1622.6(b).

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Adoption of Draft Minutes—April 14, 1985.
3. Review of Procedures (Closed).
4. Status Report (Closed).

CONTACT PERSON FOR MORE INFORMATION: Tim Baker, Office of General Counsel, (202) 272-4010.

Dated: April 11, 1985.

Dennis Daugherty,

Acting Secretary.

[FR Doc. 85-9165 Filed 4-12-85; 9:55 am]

BILLING CODE 6820-35-M

6

LEGAL SERVICES CORPORATION

Operations and Regulations Committee Meeting

TIME AND DATE Meeting will commence at 9:00 a.m., Thursday, April 25, 1985 and continue until all official business is completed.

PLACE: Legal Services Corporation Headquarters, 733 Fifteenth Street, NW., Eighth Floor Conference Room, Washington, D.C. 20005.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda.
2. Approval of Minutes:

—February 22, 1985
—March 7 and 8, 1985

3. Report from the Office of General Counsel:

—45 CFR 1601 (By-Law)
—45 CFR 1622 (Sunshine Act)
—45 CFR 1614 (Private Attorney Involvement)
—45 CFR 1620 (Priorities)
—45 CFR 1612 (Lobbying)

4. Recommendations to full Board on above cited Regulations.
5. Other Regulations Adopted after April 27, 1984.

CONTACT PERSON FOR MORE INFORMATION: Dennis Daugherty, Executive Office, (202) 272-4040.

Dated: April 11, 1985.

Dennis Daugherty,

Acting Secretary.

[FR Doc. 85-9166 Filed 4-12-85; 9:55 am]

BILLING CODE 6820-35-M

7

LEGAL SERVICES CORPORATION

Committee on Audit and Appropriations

TIME AND DATE: The meeting will commence at 1:30 p.m. on Thursday, April 25, 1985 and continue until all official business is completed.

PLACE: Legal Services Corporation Headquarters, 733 Fifteenth Street, NW., Eighth Floor Conference Room, Washington, D.C. 20005.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda.
2. Approval of Draft Minutes—March 7, 1985.
3. First Quarter Budget Review.
4. Reorganization of the Office of Field Services.
5. Allocation of Fiscal Year 1984 Carryover funds.
6. Allocation formula for Fiscal Year 1986 Basic Field Grants.

CONTACT PERSON FOR MORE INFORMATION: Dennis Daugherty, Executive Office, (202) 272-4040.

Dated: April 11, 1985.

Dennis Daugherty,

Acting Secretary.

[FR Doc. 85-9167 Filed 4-12-85; 9:55 am]

BILLING CODE 6820-35-M

8

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (To be published.)

STATUS: Open meeting.

PLACE: 450 Fifth Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, April 5, 1985.

CHANGE IN THE MEETING: Rescheduling. The following open item scheduled for Tuesday, April 16, 1985, at 10:00 a.m., has been rescheduled for Tuesday, April 23, 1985, at 2:30 p.m.

Consideration of whether to issue a release proposing technical amendments to Rule 3A-02 of Regulation S-X, "Consolidated financial statements of the registrant and its subsidiaries." For further information, please contact Dorothy Walker at (202) 272-7343.

Chairman Shad and Commissioners Cox, Marinaccio and Peters determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Alan Dye at (202) 272-2014.

Dated: April 11, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-9130 Filed 4-11-85; 4:40 pm]

BILLING CODE 8010-01-M

federal register

Tuesday
April 16, 1985

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 25 and 121

Improved Flammability Standards for Materials Used in the Interiors of Transport Category Airplane Cabins; Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 25 and 121

[Docket No. 24594; Notice No. 85-10]

Improved Flammability Standards for Materials Used in the Interiors of Transport Category Airplane Cabins

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to upgrade the fire safety standards for cabin interior materials in transport category airplanes by: (1) Establishing new fire test criteria for type certification; (2) requiring that the cabin interiors of airplanes manufactured after a specified date and used in air carrier service comply with these new criteria; and (3) requiring that the cabin interiors of all other airplanes type certificated after January 1, 1958, and used in air carrier service comply with these new criteria upon the first replacement of the cabin interior. These proposals are the result of fire testing and are intended to increase airplane fire safety.

DATES: Comments must be received on or before July 15, 1985.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 24594, 800 Independence Avenue SW., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue SW., Washington D.C. 20591. Comments delivered must be marked: Docket No. 24594. Comments may be inspected in Room 916 weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. In addition, the FAA is maintaining an information docket of comments in the Office of the Regional Counsel (ANM-7), FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments in the information docket may be inspected in the Office of the Regional Counsel weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m..

FOR FURTHER INFORMATION CONTACT: Richard Nelson, Regulations Branch (ANM-112), Regulations and Policy Office, Aircarft Certification Division, FAA, Norhwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; telephone (206) 431-2121.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the proposed rulemaking by sumitting such written data, views, or arguments as they may desire. Comments relating to the environomental, energy, or economic impact that might result from adoption of proposals contained in this notice are invited. Substantive comments should be accompanied by cost estimates. Commenters should identify the regulatory docket or notice number and submit comments, in duplicate, to the Rules Docket address specified above. All comments will be considered by the Administrator before taking action on the proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Rules Docket, both before and after the closing date for comments, for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No., 24594." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591; or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

During the nearly post-World War II period, a number of regulatory steps were taken to improve transport category airplanes from a fire safety standpoint. Among the areas of concern was flammability of the various materials used in the interiors of the pasenger cabins. Accordingly, Part 4b of the former Civil Air Regulations (CAR) was amended in 1947 to provide a test standard for such materials. The standard adopted at that time consisted of a requirement to show that the material was slow burning while in a horizontal orientation. This standard was upgraded periodically as the state-of-the-art in interior materials improved. The current standard, which was adopted in May of 1972 and is contained in § 25.853 of the Federal Aviation Regulations (FAR), specifies that all large-usage material must be self-extinguishing in a vertical orientation when subjected to a small flame. The test method used to show compliance with this standard is often referred to as the "vertical Bunsen burner test". The use of materials which meet this standard reduces the probability of ignition by a small flame, and the rate of flame propagation beyond the ignition source.

Which the current standard provides protection from small flames, it does not ensure that interior materials will not ignite and burn when subjected to a larger, external fire. The materials used in nonstructural applications in cabin interiors are almost exclusively organic in nature and, when ignited by an intense external fire, emit heat, smoke, combustibles and toxic gases. Although these emissions affect the survivability of the occupants of the airplane, the extent depends on a number of factors, such as fuselage integrity, fire locations and involvement, ambient wind conditions, exit locations and airplane configurations.

Because the standard adopted in 1972 considered only the flammability of interior materials, the FAA made two regulatory proposals pertaining to toxicity and smoke: Advance Notice of Proposed Rulemaking (ANPRM) No. 74-38 (39 FR 45044; December 30, 1974) and NPRM No. 75-3 (40 FR 6505; February 12, 1975), respectively. Advance Notice of Proposed Rulemaking No. 74-38 was issued to invite public participation in developing standards governing the toxic gas emission characteristics of compartment interior materials when subjected to fire. Notice of Proposed Rulemaking No. 75-3 was issued to solicit comments on proposed amendments of Parts 25 and 121 of the FAR concering standards for the smoke emission characteristics of compartment interior materials. The rules proposed in NPRM No. 75-3 would have required that certain material used in each compartment occupied by the crew or passengers meet certain test criteria pertaining to smoke emission. The materials that would have had to be tested would have been specified either in terms of their use in a compartment or in terms of the processes involved in their manufacture. In addition to type certification requirements, NPRM No.

75–3 proposed retrofit provisions to ensure that cabin interiors of airplanes already in service were upgraded with respect to the smoke emission characteristics of the compartment interior materials. Also, in 1975, the FAA proposed in NPRM No. 75–31 (40 FR 29410; July 11, 1975) to require the retrofit of certain transport category airplanes already in service with cabin materials meeting the flammability standard adopted in 1972. The public response to these proposals was negative. Commenters cited inadequate development of test methodology and the high cost of compliance coupled with questionable safety benefit. Of particular concern was an inadequate understanding of the interrelationship of flammability, smoke and toxicity. Following evaluation of the public comments, these proposals were withdrawn for further study.

As part of this study, public hearings on aircraft fire safety were held, and, in June of 1978, the Special Aviation Fire and Explosion Reduction (SAFER) Advisory Committee was established by the FAA. This Committee was directed to "examine the factors affecting the ability of the aircraft cabin occupant to survive in the post-crash environment and the range of solutions available." The Commitee consisted of 24 representatives of a wide range of aviation and general public interests. Technical support groups included approximately 150 of the world's top experts in fire research, accident investigation, materials development, and related fields. At the conclusion of its investigation into cabin materials technology, the Committee issued findings and formal recommendations pertaining to long-range research, design, testing, and the problems of smoke and toxic gas emission. The SAFER Advisory Committee recommended that further research and development be undertaken in regard to cabin materials, and that a test method using radiant heat for screening cabin materials be evaluated and implemented as soon as available. The FAA concurred with these recommendations and initiated the necessary reserach and development. See Report No. FAA-ASF-80–4, Final Report of the Special Aviation Fire and Explosion Reduction (SAFER) Advisory Committee, dated June 26, 1980. A copy of this report has been included in the Rules Docket and is available for public inspection. This document is available for purchase from the National Technical Information Service (NTIS) in Springfield, Virginia 22161.

The reseach and development program, managed and conducted primarily at the FAA Technical Center in Atlantic City, New Jersey, was designed to study aircraft fire characteristics, develop practical test methods and investigate the feasibility of the various new standards being considered at that time. Further study concerning toxicity was conducted at the FAA Civil Aeromedical Institute (CAMI) in Oklahoma City, Oklahoma. This program encompassed a number of other areas related to aircraft fire safety in addition to the flammability of interior materials. As a result, new standards have been adopted for floor proximity emergency escape path markings and flammability of seat cushions in Amendments Nos. 25–58 and 121–183 (49 FR 43182; October 26, 1984), and 25–59, 29–23 and 121–184 (49 FR 43188; October 26, 1984), respectively; and new standards have been proposed for cargo or baggage compartments in NPRM No. 84–11 (49 FR 31830; August 8, 1984) and for smoke detector and hand held fire extinguishers in NPRM No. 84–5 (49 FR 21010; May 17, 1984). Also, Technical Standard Order (TSO) C69 has been amended to improve the fire resistance of evacuation slides.

Among the tests conducted at the Technical Center were full-scale fire tests using the fuselage of a military C–133, configured to represent a wide-body jet transport airplane. The test conditions simulated typical post-crash, external fuel-fed fires. Among other aspects of cabin fires, the phenomenon known as "flashover" was investigated. ("Flashover" is a condition in which certain gases and other products emitted during the combustion process and trapped in the upper portions of the cabin reach their auto-ignition temperature and are ignited spontaneously. Due to the almost total involvement of the cabin atomosphere, survival after flashover is virtually impossible.) Numerous laboratory tests were also conducted to correlate possible material qualification test methods with the full-scale tests. As a result of these tests, the Ohio State University (OSU) rate of heat release apparatus standardized by the American Society of Testing and Materials (ASTM), ASTM–E–906, as modified with an oxygen analyzer for heat release measurement, was determined to be the most suitable for material quaification. This is a test method employing radiant heat, as recommended by the SAFER Advisory Committee. The feasibility of this test method and the proposed standards was then verified by testing a number of representative materials. The overall approach is outlined in Report No. FAA–ED–18–7, Engineering and Development, Program Plan, Aircraft Cabin Fire Safety, dated June 1980, revised February 1983. A copy of this report has been placed in the Rules Docket and is available for public inspection. It is available for purchase from the NTIS at the address given earlier.

Discussion

As noted, testing with the modified OSU test apparatus was found to be the most suitable means of assuring that prospective interior materials meet acceptable standards for flammability. Consideration was also given to establishing separate test methods and standards for such materials with respect to smoke and toxicity.

The full-scale fire tests dem=nstrated a correlation between flammability and smoke emission characteristics in the materials tested. Material flammability, as represented by an increase in air temperature, was also reflected in increased smoke emission in a growing fire enironment. Because of this correlation between flammability and smoke emissions, and the fact that fire growth is a more significant survivability factor than smoke alone, it is not considered ncessary to establish a separate test method and standards for measurieng smoke emission characteristics. For a further discussion of these tests and their results, see Report No. DOT/FAA/CT–83/43, entitled, "Aircraft Seat Fire Blocking Layers: Effectiveness and Benefits Under Various Scenarios" (available for purchase from the NTIS at the address stated earlier), and Draft Report No. 85–0393, "Evaluation of Aircraft Interior Panels Under Full-Scale Cabin Fire Test Conditions," which has been prepared for presentation at the American Institute of Aeronautics and Astronautics 23rd Aerospace Sciences Meeting, January 14–17, 1985. These document have been placed in the Rules Docket and are available for public inspection.

With respect to toxic emissions, the test program, including testing of individual panels in the C-133 airplane, showed that: (1) There is a correlation between flammability characteristics and toxic emissions; and (2) the severe hazard from toxic emissions occurs as a result of flashover in fires involving interior materials. The levels of toxic gases measured before flashover, or when flashover did not occur, were below levels estimated to prevent occupant survival. After flashover, occupant survival is virtually

impossible, regardless of the level of toxic emissions.

The proposed flammability standards address the toxicity problem in two ways. First, they require the use of cabin interior materials with higher ignition temperatures, reducted heat release rates, and lower content of thermally unstable components, thereby reducing toxic emission levels as well as smoke levels before flashover. Second, they delay or prevent the onset of flashover, where high levels of toxic emissions occur.

In view of the demonstrated improvements in toxicity characteristics which these standards will represent, and the fact that a satisfactory separate test for toxicity is not available, it is not considered practical or necessary to establish an entirely separate test method or standard for toxicity. For additional information concerning toxic emissions see Report No. DOT/FAA/CT-83-43, and draft Report No. 85-0393, referenced earlier in this document.

As proposed in this notice, all larger interior surface materials used from the floor up in compartments occupied by the crew or passengers would have to be qualified to the new flammability standards. This would include sidewalls, ceilings, bins and partitions, galley structures, and any coverings on these surfaces, but would not include smaller items, such as windows, window shades, or curtains. Floor coverings and floor structure would not have to meet these standards because the full-scale tests showed very little involvement of flooring until after flashover had occurred. Seats would not be tested because the recently-adopted standards for flammability of seat cushions will greatly inhibit involvement of the seats. In addition to the testing required to meet the new flammability standards, interior materials would still have to meet the current vertical Bunsen burner test. This test would be retained because it is possible that an extremely thin material might not release enough heat to exceed the proposed standards, yet be highly flammable. The vertical Bunsen burner is a relatively simple and inexpensive test to perform, and its retention should cause little or no additional burden.

Service items, such as pillows or blankets, magazines, food, and alcoholic beverages, are not part of the certification process and would not have to meet the new flammability standards. While these items are flammable, it is not considered practical or feasible to establish flammability standards for them at this time. Similarly, passenger carry-on items and even the clothing worn by passengers represent a significant quantity of flammable material; however, it is considered that it would be impracticable to establish and enforce flammability standards for such items.

Many of the fatalities in crashes involving transport category airplanes have been attributed to the effects of post-crash fire rather than from trauma at impact, and there have been at least three major accidents, world wide, with fatalities due to in-flight cabin fires since 1973. The recently-adopted standards for seat cushions will eliminate or delay involvement of a large quantity of flammable material during a cabin fire; however, the other interior materials also represent a significant quantity of flammable material. The FAA research and development program has shown that interior materials with improved flammability characteristics are feasible and would further reduce the number of fatalities from both post-crash and in-flight cabin fires. It is, therefore, considered essential that cabin interior materials meeting the proposed standards, based on the modified Ohio State University test method, be introduced into service—particularly air carrier service—as early as economically and technologically feasible. Accordingly, it is proposed to amend Part 25 to require the use of cabin interior materials meeting the new flammability standards for all transport category airplanes for which application for type certification is made after the effective date of the amendment. Concurrently, Part 121 is proposed to be amended to require such materials in all airplanes newly manufactured two years or more after the effective date of the amendment and operated under the provisions of Part 121 or 135, regardless of the basis for type certification. (Section 135.169(a) incorporates the provisions of § 121.312 by reference, insofar as operations with large airplanes are concerned.) The two year compliance period for newly manufactured airplanes is intended to allow the airplane manufacturers time to select and qualify prospective cabin interior materials and incorporate them with a minimum of disruption to the assembly line. In addition, all other large airplanes type certificated after January 1, 1958, and operated under the provisions of Part 121 or 135 would have to be modified to use such materials the first time the cabin interior is replaced after a date two years from the effective date of this proposed amendment. ("Replaced", as used in this context, means an essential complete replacement of the cabin interior. Replacement of individual panels on a piece-meal basis would not significantly increase the level of safety and might result in parts incompatibility.) Unlike the coverings on seat cushions which must be replaced frequently due to wear, the interior materials addressed by this notice are more durable and, at the same time, more costly to replace. It is, therefore, not considered economically feasible to require these materials to be replaced with materials that meet the new flammability standards within the same time frame as required for seat cushion materials meeting the new seat cushions flammability standards.

A general retrofit requirement is not being proposed at this time because of a number of practical and cost-benefit considerations. By relating introduction of new materials to normal interior replacement cycles, the financial burden and the resultant cost to the traveling public would be reduced. Based on FAA testing of a number of representative materials, many airplanes in service presently incorporate materials that would meet the proposed new standards; and many more have interior materials that come very close to meeting these standards. For these airplanes, the increase in safety resulting from a retrofit requirement would be negligible. Many other airplanes will be retired from air carrier service in the near future due to obsolescence. The interiors of most of the remaining airplanes will be replaced for other reasons, such as wear or modernization. It is impossible to predict exactly how rapidly new materials would be phased into these airplanes under the proposed rules, because the service life of an interior depends on a number of factors. Recently, interiors have typically been replaced after seven to ten years of service. This may, however, have been accelerated somewhat due to the introduction of the "wide-body look" in narrow-body airplanes. Nevertheless, it appears that there would be few, if any, airplanes in which the interiors are not replaced for other reasons within a reasonable period of time. If materials not meeting the proposed new standards do remain in service in a significant number of air carrier airplanes because routine interior replacements are not accomplished as anticipated, and a substantial increase in overall safety could be realized, the FAA would consider proposing a mandatory retrofit requirement in a subsequent rulemaking action.

Airplanes type certificated on or before January 1, 1958, are not included because their advanced age and very

limited numbers in Part 121 or 135 operation would make compliance impractical from an economic standpoint. That date was selected because it would include the Boeing 707 and Douglas DC-8 vintage and later airplanes and exclude older models, such as the Douglas DC-6/7 and Convair 340/440. It should be noted that the replacement provisions of this notice do not apply to airplanes that are not operated under the provisions of Part 121 or 135, such as executive airplanes.

The term "replacement" would be substituted for the terms "major overhaul" and "refurbishing" currently used in § 121.312 because the latter terms have been found to be technically inappropriate. Interiors are not "overhauled" in the sense of Part 43 of this subpart, and "refurbishing" implies renovation or refinishing, rather than replacement of components. As noted earlier, "replacement", as used in this context, means an essentially complete replacement of the interior rather than replacement of individual components on a piecemeal basis.

Regulatory Evaluation

I. Cost Benefit Analysis

The proposals contained in this notice would upgrade the fire safety standards for cabins in transport category airplanes. Such airplanes would have to comply with new fire test criteria if application for type certificate is made after the effective date of the proposed rule, or, for airplanes used in air carrier service only, if they are manufactured after a specified date or if substantial sections of their interiors are replaced after that date.

The proposals result from FAA research efforts recommended by the FAA sponsored SAFER Advisory Committee. The proposals address flammability, smoke and toxicity considerations of cabin materials by an improved flammability test. Compliance with the proposals is possible utilizing the current state-of-the-art in cabin materials. The cabin components covered will be all high volume usage, surface materials above the floor of the airplane cabin, including sidewalls, ceiling, bins, and partitions.

There are minimal costs in complying with the proposed tests. The test procedure is a relatively simple one, and tests already conducted indicate that a number of materials presently used comply with the proposed standards. Further, the materials which meet the standards are basically the same cost as other materials used today, which might not pass the test. Also, there is no apparent problem in substituting these materials for components which fail to meet the standards. For new certification programs, there should be no increased design engineering or material costs, and only a small cost for the required testing. To introduce the materials into the production of airplanes which have already been certificated, the costs are expected to total about $2.3 million for design, engineering and certification testing to assure compliance for a specific group of panel materials. Of this total, approximately $600,000 is expected to be required for initial testing, engineering and certification. This is based on the FAA estimate that such activities will require the equivalent of approximately 12,000 engineer-hours, at $26 per hour, plus an additional $300,000 for materials, test equipment, consultants, and other nondirect labor costs. These are not recurring costs, and future costs are expected to be negligible. Data indicate that the materials used in specific components do not change frequently over the production life of an airplane, so that any future testing cost is incurred infrequently. There is no cost associated with switching over manufacturing processes to use only materials which comply with the proposed tests.

The balance, approximately $1.7 million, involves redesign of components in current production airplanes to comply with the new standards. It is estimated approximately half of the components, as presently constructed, will pass the proposed tests. While the number of engineering hours required to redesign each of the remaining components will vary considerably, it is estimated that the total for all of these remaining components will approximate 33,000 engineer-hours. Again, a cost of $26 per engineer-hour is used. An equivalent amount can also be expected for other resources, including inventory adjustment costs and similar costs.

The benefits from these proposals result from the increased likelihood of surviving an in-flight cabin fire or a crash which involves a post-crash fire. The improved flammability standards proposed in this notice would provide an additonal increment of time for passengers trapped in a burning airplane to escape. This, in turn, would allow more passengers to survive in a given situation. The benefits of these proposals are in addition to those resulting from the improved seat cushion standards contained in Amendments 25-59 and 121-184 because of the additional survival time increment gained and resultant additonal lives saved. Unlike the costs, which would be incurred largely over the first two years, the benefits would not start until a year later and would increase gradually thereafter as airplanes with new materials are phased into service.

The National Bureau of Standards (NBA), on FAA's behalf, recently conducted an extensive review of all commercial accidents worldwide in which fire was a factor in fatalities. While the NBS study dealt primarily with standards for seat cushions, the conclusion reached with respect to escape time versus survivability are equally applicable to these proposals. A copy of the NBS study, Report No. DOT/FAA/CT-84/8, entitled "Decision Analysis Model for Passenger-Aircraft Fire Safety with Application to Fire-Blocking of Seats" and dated April 1984, has been placed in the Rules Docket and is available for public inspection. Based on the results of the NBS study and a monetized value of $650,000 per life, the FAA estimates that the cumulative difference in lives saved and damage reduced by the year 2000 would amount to a benefit of approximately $8.8 million dollars. These benefits are discounted to a present value using a ten percent discount rate. The benefit to cost ratio is, therefore, approximately four to one.

The complete economic analysis for these proposals has been placed in the Rules Docket and is available for public inspection.

II. Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress in order to ensure, among othe things, that small entities are not disproportionately affected by government regulations. The RFA requires agencies to review rules which may have "a significant economic impact on a substantial number of small entities." The entities potentially affected by these proposals are airplane manufacturers and, assuming that airplane costs go up moderately, the operators of large airplanes. The FAA has issued guidance on the meaning of small entities and significant economic impact for both of these entity types. (Order 2100.14, *Regulatory Flexibility Criteria and Guidance*, FAA, July 1983.)

With respect to airplane manufacturers, the FAA has determined that airplane and airplane parts manufacturers are small if they have 75 or fewer employees. The airplane manufacturers subject to the terms of this proposal are all large firms. Only five current U.S. firms have certificated airplanes under Part 25, and the smallest, Gates Lear Jet, has an estimated 6,500 employees. (*Million*

Dollar Directory—1983, Dunn and Bradstreet Inc.)

Since the proposal may add a small amount to the price of new airplanes, there may be an impact on small entities which are operators of airplanes. The FAA has determined that for operators of airplanes for hire, small entities are those which own nine or fewer airplanes. The significant cost thresholds for "operators of airplanes for hire" are $85,070 for scheduled operators with airplanes having 60 or more seats, $47,506 for other scheduled operators and $3,315 for unscheduled operators (1983 values). The cost increase for new airplanes manufactured under the standards of this proposal is expected to be under $10,000 per airplane. The typical small entity operator of large airplanes would have to buy so many airplanes per year to reach this level of impact, that the operator would cease to be a small entity. There are thousands of small entities who are unscheduled operators, but only a few which operate large airplanes. In this type of entity, the cost increase could seemingly reach a level of significant economic impact because of the low annual cost threshold. However, the overwhelming majority of unscheduled operators are on demand air taxis, which operate small airplanes that are not subject to the requirements of this proposal.

In view of the above, FAA finds that compliance with these proposals would not result in a significant economic impact for a substantial number of small entities.

III. International Trade Assessment

This proposal, if adopted, would have little or no impact on trade opportunities for both U.S. firms doing business overseas and foreign firms doing business in the U.S. The proposal affects the rules for certificating new airplanes. Also, newly manufactured airplanes for the U.S. market, whether made by U.S. or foreign manufacturers, would have to comply with the rule. Any cost of compliance is negligible, however, when compared to the cost of a new airplane.

Conclusion

For the reasons given earlier in the preamble, the FAA has determined that this is not a major regulation as defined in Executive Order 12291. The FAA has determined that this action is significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this regulation, at promulgation, will not have a significant economic impact on a substantial number of small entities.

List of Subjects

14 CFR Part 25

Air transportation, Aircraft, Aviation safety, Safety.

14 CFR Part 121

Aviation safety, Safety, Air carriers, Air transportation, Aircraft, Airplanes, Airworthiness directives and standards, Flammable materials, Transportation, Common carriers.

The Proposed Amendment

Accordingly, the FAA proposes to amend Parts 25 and 121 of the Federal Aviation Regulations (FAR) 14 CFR Parts 25 and 121, as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. By amending § 25.853, be adding a new paragraph (a–1).

§ 25.853 Compartment interiors.

* * * * *

(a–1) In addition to the flammability requirements prescribed in paragraph (a) of this section, interior ceiling panels, interior wall panels, partitions, galley structure, large cabinet walls and materials used in the construction of stowage compartments (other than underseat stowage compartments and compartments for stowing small items, such as magazines and maps) must also meet the test requirments of Part III of Appendix F of this part or other approved equivalent method.

* * * * *

2. By amending Appendix F by adding a new Part III to read as follows:

Appendix F

* * * * *

Part III—Test Method to Determine the Heat Release Rate From Cabin Materials Exposed to Radiant Heat

(a) *Summary of Method.* The specimen to be tested is injected into an environmental chamber through which a constant flow of air passes. The specimen's exposure is determined by a radiant heat source adjusted to produce the desired total heat flux on the specimen of 5.0 W/cm^2. The specimen is tested so that the exposed surface is vertical. Combustion is initiated by piloted ignition. The combustion products leaving the chamber are monitored in order to calculate the release rate of heat.

(b) *Apparatus.* The Ohio State University (OSU) rate of heat release apparatus standarized by the American Society of Testing and Materials (ASTM). ASTM E–906, as modified with an oxygen analyzer for heat release measurement, is used.

(1) This apparatus is shown in Figure 1. All exterior surfaces of the apparatus, except the holding chamber, shall be insulated with 25 mm thick, low density, high-temperature, fiberglass board insulation. A gasketed door through which the sample injection rod slides forms an airtight closure on the specimen hold chamber.

(2) *Oxygen Depletion Measurement.* (i) A sample probe for measuring the oxygen concentration in the calorimeter is located 50 mm below the point of innner and outer pyramidal sections flow convergence in the middle of and perpendicular to the long axis of the inner section. The probe is constructed of 6.3 mm outside diameter, 0.8 mm wall thickness stainless steel tubing with three #20 holes drilled such that one hole is in the geometric center of the inner pyramidal section and the other two holes are one-third the distance from the wall of the inner section to the middle hole. The holes are oriented up, away from the sample.

(ii) The oxygen analyzer is protected with a heated fiberglass filter located upstream of the sample pump, which is upstream of the analyzer. A 120 ml cartridge of indicator drierite and ascarite shall be in between the pump and the analyzer to remove water and CO_2 (This cartridge must be replaced whenever the drierite is exhausted.) The pump shall be a positive displacement type made of stainless steel construction. The pressure and flow to the analyzer shall remain constant during the test. A mercury-filled, open-end manometer shall be between the pump and filter to assure that the filter and probe remain obstructed. The maximum pressure drop from clogging of the filter and probe may not exceed 5 mm Hg. A calibration check of the oxygen depletion method for heat release rate measurement shall be made simultaneously with the calibration of the thermopile (see paragraph (c)), but shall be only for comparison between methods to verify the system is functioning properly.

(3) *Thermopile.* The temperature difference between the air entering the environmental chamber and that leaving is monitored by a thermopile having three hot and three cold, 24 gauge Chromel-Alumel junctions. The hot junctions are spaced across the top of the exhaust stack. Two hot junctions are located 25 mm from each side on diagonally opposite corners, and the third in the center of the chimney's cross-section 10 mm below the top of the chimney. The cold junctions are located in the pan below the lower air distribution plate (see paragraph (b)(5)).

(i) *Thermal Inertia Compensator.* A compensator tab is made from 0.55 mm stainless steel sheet, 10 by 20 mm. An 800 mm length of 24 gauge Chromel-Alumel glass insulated duplex thermocouple wire shall be welded or silver soldered to the tab as shown in Figure 2, and the wire bent back so that is is flush against the metal surface.

(ii) The compensator tab shall be mounted on the exhaust stack as shown in Figure 3 using a 6–32 round head machine screw, 12 mm long. Add small (approximately 4.5 mm O.D., 9 mm O.D.) washers between the head of the machine screw and the compensator tab to give the best response to a square wave input. (One or two washers should be adequate.) The "sharpness" of the square wave can be increased by changing the ratio

of the output from the thermopile and compensator thermocouple which is fed to the recorder. The ratio is changed by adjusting the 1-K ohm variable resistor (R_1) of the thermopile bleeder shown in Figure 4. When adjusting compensation, Keep R_1 as small as possible. Adjustment of compensator shall be made during calibration (see paragraph (c)(1)) at a heat release rate of 7.0 plus or minus 0.5 kW.

(iii) Adjust washers and variable resistor (R_1) so that 90 percent full scale response is obtained in 8 to 10 seconds. There shall be no overshoot as shown in Figure 5A. If an insufficient number of washers is added, or R_1 is too small, the output with square wave input will look like Figure 5B; if too many washers are added and R_1 is too large, the output will look like Figure 5A.

(iv) Subtract the output of the compensator from the thermopile. The junctions enclosed in the dotted circle of Figure 4 are kept at the same constant temperature by electrically insulating the junctions and placing them on the pipe carrying air to the manifold, then covering them and the pipe with thermal insulation.

(v) Thermopile hot junctions shall be cleared of soot deposits daily.

(4) *Radiation Source.* A radiant heat source for generating a flux up to 100 kW/m², using four silicon elements, Type LL, 20×12×5/8; nominal resistance 1.4 ohms, is shown in Figures 6A and 6B. The silicon carbide elements are mounted in the stainless steel panel box by inserting them through 15.9 mm holes in 0.8 mm thick ceramic fiber board. Location of the holes in the pads and stainless steel cover plates are shown in Figure 6B. The diamond shaped mask of 24 gauge stainless steel is added to provide uniform heat flux over the area occupied by the 150 by 150 mm vertical sample. A power supply of 12.5 kVA, adjustable from 0 to 270 volts is required. (If a heat flux of up to 100 kW/m² is desired, a separate power supply for each pair of elements can be used where maximum voltage is less than 270 volts.)

(5) *Air Distribution System.* The air entering the environmental chamber is distributed by a 6.3 mm thick aluminum plate having 8, No. 4 drill holes, 51 mm from sides on 102 mm centers, mounted at the base of the environmental chamber. A second plate of 18 gauge steel having 120, evenly spaced, No. 28 drill holes is mounted 150 mm above the aluminum plate. A well-regulated air supply is required. The air supply manifold at the base of the pyramidal section has 48, evenly spaced, No. 26 drill holes 10 mm from the inner edge of the manifold so that 0.03 m³/second of air flows between the pyramidal sections and 0.01 m³/second flows through the environmental chamber when total air flow to apparatus is controlled at 0.04 m³/second.

(6) *Exhaust Stack.* An exhaust stack, 133 by 70 mm in cross section, and 254 mm long, fabricated from 28 gauge stainless steel, is mounted on the outlet of the pyramidal section. A 25 by 76 mm plate of 31 gauge stainless steel is centered inside the stack, perpendicular to the air flow, 75 mm above the base of the stack.

(7) *Specimen Holders.* A vertical specimen holder shall be attached to the injection rod using the vertical support shown in Figure 7. The 150 mm by 150 mm specimen is tested in a vertical orientation (Figure 6). The holder is provided with a "V" shaped spring pressure plate and 12.7 mm backing plate of rigid insulation board having a density of 320 plus or minus 80 kg/m³ and thermal conductivity of 0.08 plus or minus 0.01 W/m, K. ("Kaowool" M-Board, Surface, Rigidized, Babcock/Wilcox Refractories, Augusta, Georgia, or its equivalent, is satisfactory.) The position of the spring pressure plate may be changed to accommodate different specimen thickness for inserting a retaining rod in different holes of the specimen holder frame. The adjustable radiation shield (Figure 1) on the vertical specimen holder, which covers the opening made when the radiation doors are in their open position and the specimen is inserted, is adjusted to position the front surface of the specimen 100 mm from the entrance to the environmental chamber.

(8) *Radiometers.* Total-flux meters (calorimeters) shall be used to measure the total heat flux at the point where the center of the specimen's surface is located at the start of the test. The total-flux meters shall have view angles of 180 degrees and be calibrated for incident flux. When positioned to measure flux, the sensing surface of the flux meter for vertical specimens shall extend beyond any solid supporting device so that air heated by such a support does not contact the sensing surface of the flux meter.

(9) *Pilot-Flame Positions.* Pilot ignition of the specimen shall be accomplished by simultaneously exposing the specimen to a lower pilot burner and an upper pilot burner, as described in paragraphs (b)(9)(i) and (b)(9)(ii) respectively.

(i) *Lower Pilot Burner.* Pilot-flame tubing shall be 6.3 mm O.D., 0.8 mm wall, stainless steel tubing. Fuel shall be methane or natural gas having 90 percent or more methane. A methane-air mixture, 120 cm³/min gas and 850 cm³/min air shall be the fuel mixture fed to the lower pilot flame burner. Normal position of the end of the pilot burner tubing is 10 mm from and perpendicular to the exposed vertical surface of the specimen. The centerline at the outlet of the burner tubing shall intersect the vertical centerline of the sample, 5 mm above the lower edge of the specimen.

(ii) *Upper Pilot Burner.* The pilot burner shall be a straight length of 6.3 mm O.D., 0.8 mm wall, stainless steel tubing 360 mm long. One end of the tubing shall be closed, and three No. 40 drill holes, 60 mm apart, drilled into the tubing for gas ports, all radiating in the same direction. The first hole shall be 5 mm from the closed end of the tubing. The tube is inserted into the environmental chamber through a 6.6 mm hole drilled 10 mm above the upper edge of the window frame. The tube is supported and positioned by an adjustable "Z" shaped support mounted outside the environmental chamber, above the viewing window. The tube is positioned above and 20 mm behind the exposed upper edge of the specimen. The middle hole shall be in the vertical plane perpendicular to the exposed surface of the specimen which passes through its vertical centerline and shall be pointed toward the radiation source. Fuel gas to the burner shall be methane or natural gas with at least 90 percent methane, adjusted to produce flame lengths of 25 mm.

(c) *Calibration of Equipment*—(1) *Heat Release Rate.* A burner as shown in Figure 9 shall be placed over the end of the pilot flame tubing using a gas tight connection. The gas to the pilot flame shall be accurately metered, e.g., by a wet test meter, and set at a low flow rate. The gas shall be at least 0 percent methane and have an accurately known net heating value. The output of the recorder is "zeroed". Then the gas flow to the burner shall be increased to a higher, preset value and allowed to burn for 4.0 minutes, after which the gas flow is again returned to its low flow rate. The sequence is repeated until a constant increase and consistent return to the "zero" base line is achieved. The difference in flow between the low and high settings for gas flow, multiplied by its net heating value, shall be used as the rate of heat release. The output of the differential temperature recorder, after reaching a steady state value, is the output corresponding to that heat release rate. At least three levels of heat release shall be used. The heat release rate shall not exceed 7.75 kW, nor be less than 1.5 kW when calibrating.

(2) *Flux Uniformity.* Uniformity of flux over the specimen shall be periodically checked and checked after each heating element change to determine if it is within acceptable limits of plus or minus 5 percent.

(d) *Sample Preparation.* (1) The standard size for vertically mounted specimens is 150 by 150 mm exposed surface with thickness up to 100 mm.

(2) *Conditioning.* Specimens shall be conditioned as described by Part 1 of this appendix (70° F. plus or minus 5° F. and 50 percent plus or minus 5 percent relative humidity).

(3) *Mounting.* Only one surface of a specimen shall be exposed during a test. Specimens having a slab geometry shall be insulated on five sides. A double layer of 0.025 mm aluminum foil wrapped tightly on sides and back is satisfactory. For products whose exposed surface is not a plane, the mounting and method of calculating surface area exposed must be described when reporting results.

(e) *Procedure.* (1) The pilot flames are lighted and their position as described in paragraph (b)(9) is checked.

(2) The power supply to the radiant panel is set to produce a radiant flux of 5.0 W/cm². The flux is measured at the point the center of the specimen surface will occupy when positioned for test. The radiant flux is measured with the lower pilot flame displaced to the side of the environmental chamber and after air flow through the equipment is adjusted to the desired rate. The sample should be tested in its end use thickness.

(3) The air flow to the equipment is set at 0.04 plus or minus 0.001 m³/s atmospheric pressure and 70° F. plus or minus 5° F.). The stop on the vertical specimen holder rod is adjusted so that the exposed surface of the specimen shall be positioned 100 mm from the entrance when injected into the environmental chamber.

(4) Steady state conditions, such that the radiant flux does not change more than 0.5 kW/m^2 over a ten minute period, shall be maintained before the specimen is injected.

(5) The specimen is placed in the hold chamber with the radiation shield doors closed. The airtight outer door is secured, recording devices started, and output oxygen analyzer set to "zero" on the recorder. "Zero" conditions are those existing at the time immediately before the specimen is injected. The specimen shall be retained in the hold chamber 60 seconds plus or minus 10 seconds before injection.

(6) When the specimen is to be injected, the radiation doors are opened, and specimen is injected into the environmental chamber.

(7) Unless immediate ignition occurs, a negative heat release will occur at elevated exposures due to heat absorption by the cold specimen holder. Data-acquistion devices shall have the capability of following these negative outputs, and correcting the sample burn with a "blank" test result.

(8) Injection of the specimen marks time zero. A continuous record of the output from the oxygen analyzer shall be made during the time the specimen is in the environmental chamber.

(9) Test duration time is five minutes.

(10) A minimum of three replicate tests shall be made.

(f) *Calculations*—(1) *Heat Release Rate by Oxygen Depletion.* Heat release rate is calculated by the oxygen depletion method by multiplying the change in oxygen mole fraction by the OSU flow rate ($0.1 m^3/sec$) by the heat of combustion ($16.7 MJ/m^3$) to CO_2. The final result is the heat release rate in kilowatts. This number shall then be standardized per unit sample area as appropriate.

Heat Release $= Q = 1.67 \times 10^4 (.01\ m^3/sec)$ $(X_o - X_a)$ A (m^2)

Heat Release $= 7.189 (X_o - X_a)$ (Kilowatts/m^2)

Where the sample area is $.0232\ m^2$, and X_o is the initial mole fraction of oxygen and X_a is the measured mole fraction of oxygen.

(2) *Heat Release Rate by Thermopile Measurement.* Heat release rates may also be calculated from the reading of the thermopile output, the exposed surface area of the specimen and the constant "k_H". "k_H" is obtained from calibration runs:

$$k_H = \frac{\textit{Heat Release Rate (kW)}}{\text{Chart Reading}}$$

Then: Heat Release Rate (kW/m^2) = kH (Chart Rdg.)/A

where:

A = exposed surface area of specimen (m^2).

Chart Reading = millivolts above the baseline thermopile output minus the "blank" test result.

(i) Heat release rates are determined from chart reading as a function of time.

(g) *Criteria.* The total heat release over the first two minutes of sample exposure shall not exceed 40 kilowatt-minutes per square meter if measurement is by thermopile or, alternatively, 70 kilowatt-minutes per square meter if measurement is by oxygen depletion.

(h) *Report.* The test report shall include the following:

(1) Description of specimen.

(2) Radiant heat flux to specimen, expressed in kW/m^2.

(3) Data giving release rates of heat (in kW/m^2) as a function of time, either graphically or tabulated at intervals no greater than 10 seconds. The data shall be integrated to give total heat release as a function of time for the five-minute test, as well as for the first two minutes of sample exposure.

(4) The time which total fire involvement is reached shall be noted.

(5) If melting, sagging delaminating, or other behavior that affects exposed surface area or mode of burning occur, these behaviors shall be reported, together with the time as which such behaviors were observed.

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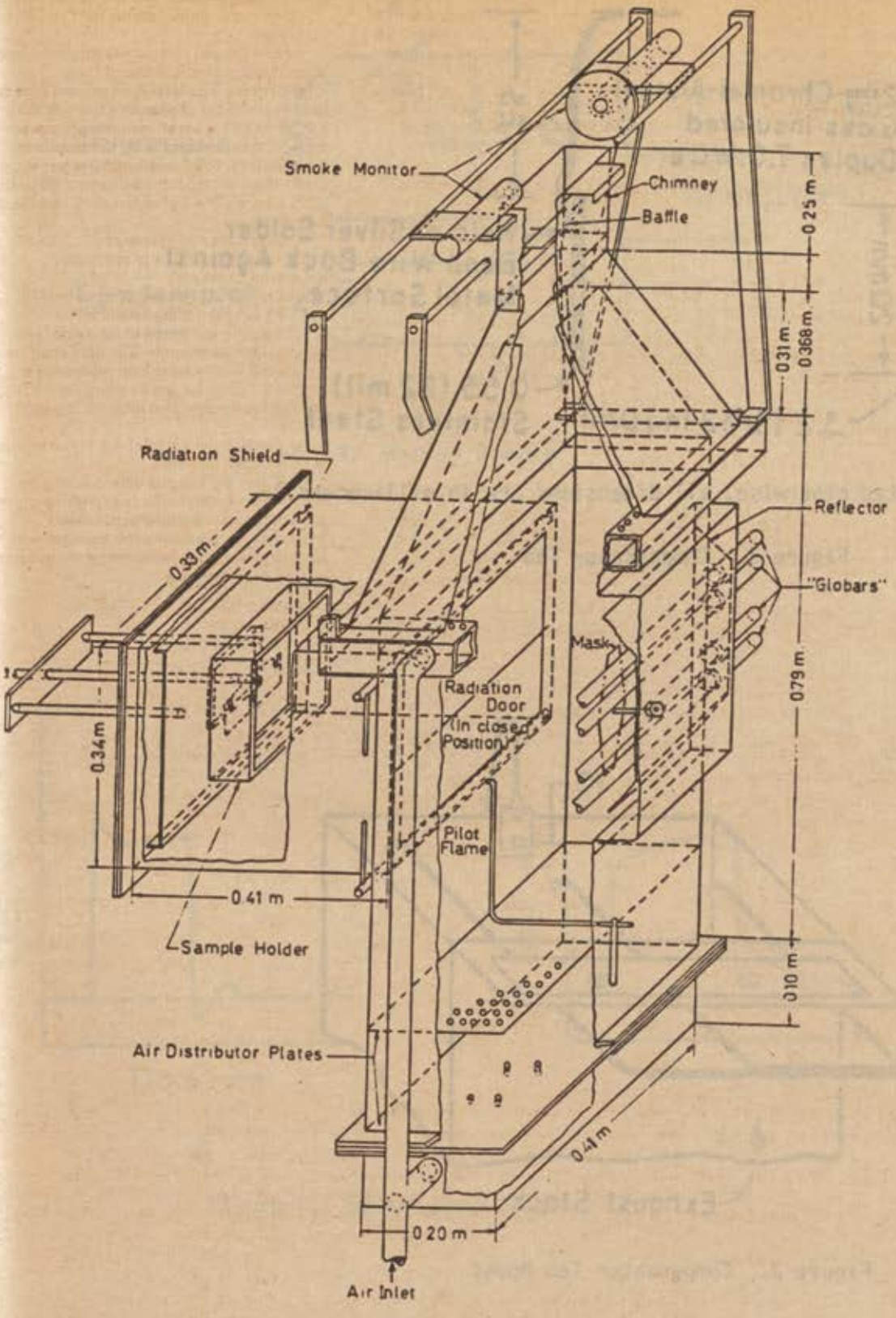
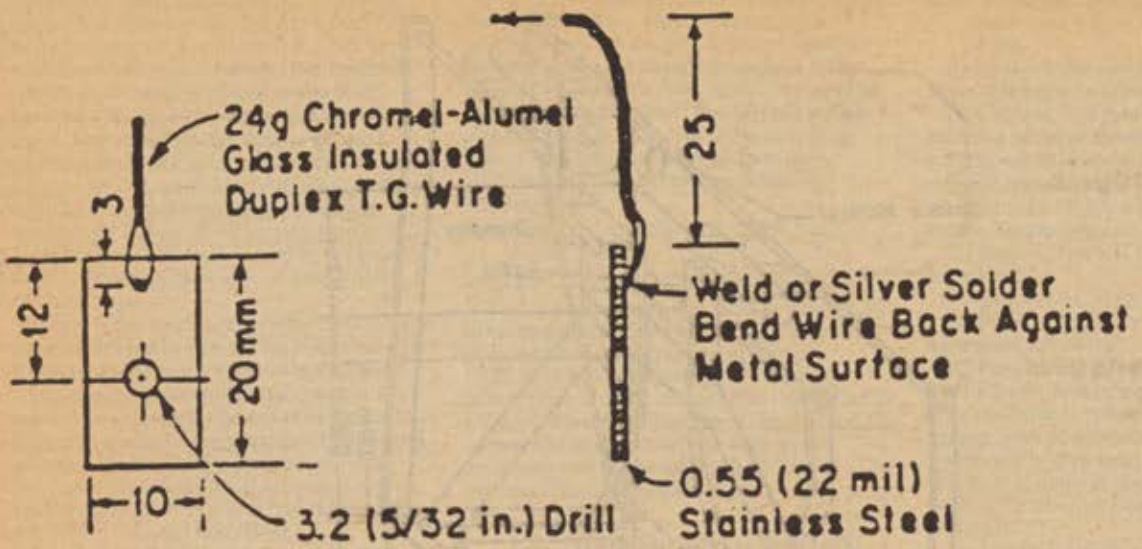


Figure 1. Release Rate Apparatus



(Unless denoted otherwise, all dimensions are in millimeters.)

Figure 2. Compensator Tab

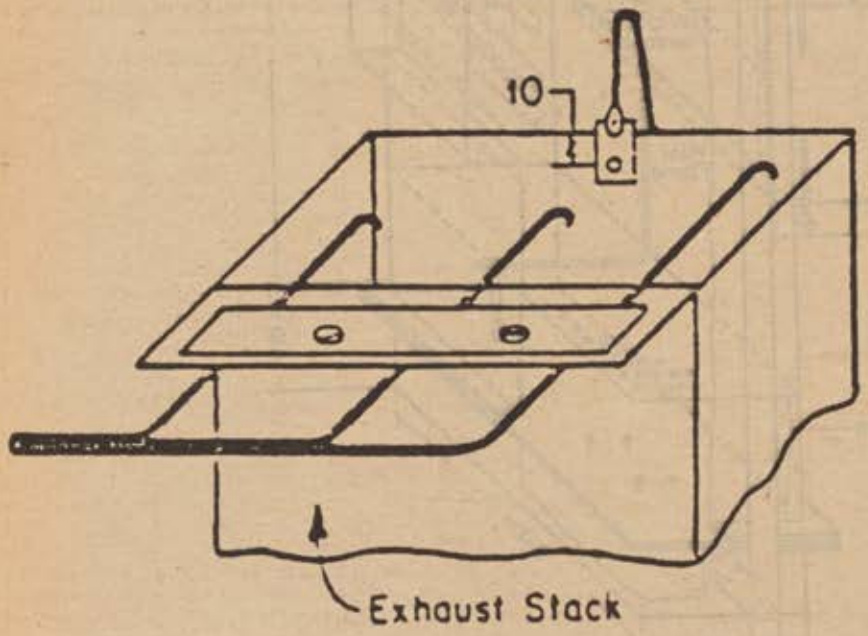


Figure 3. Compensator Tab Mount

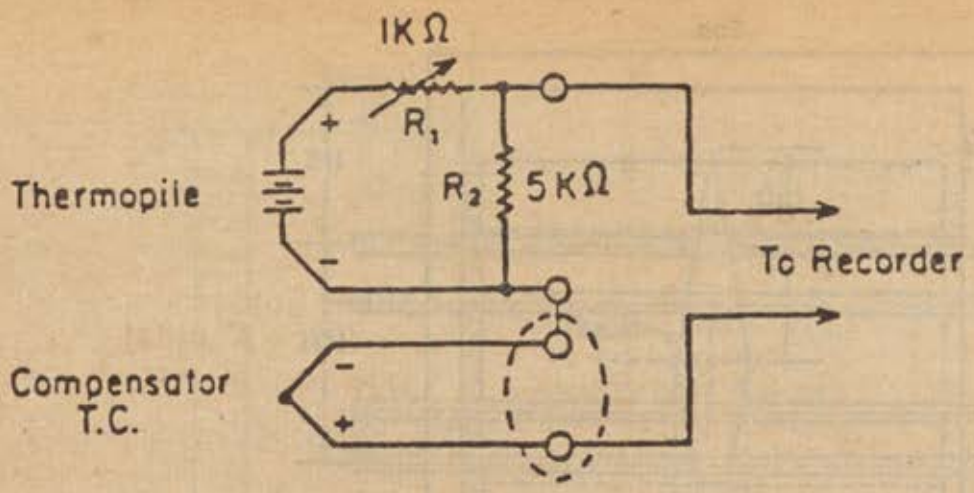


Figure 4. Wiring Diagram

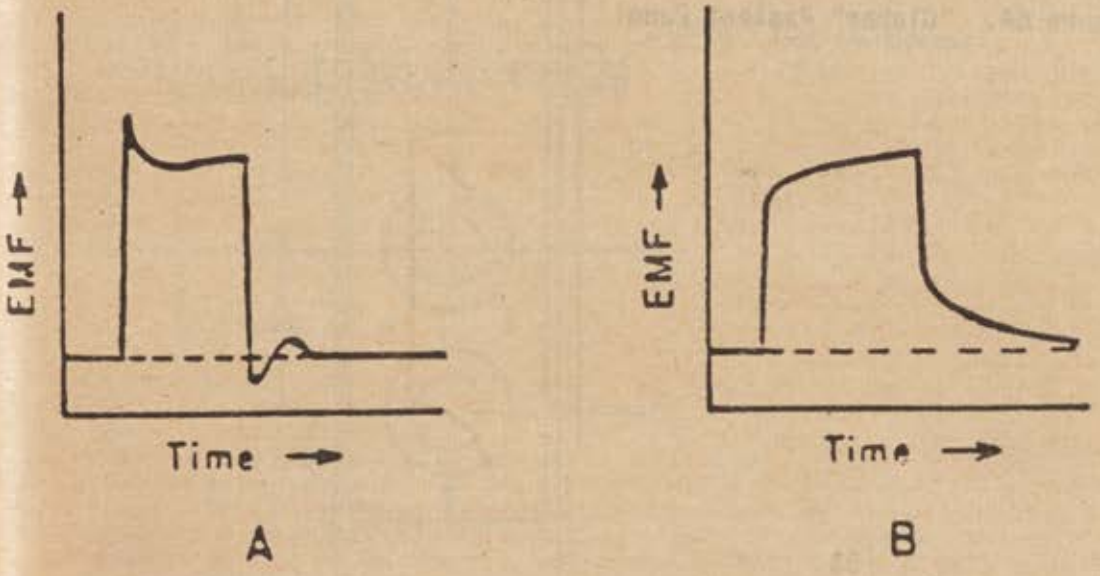
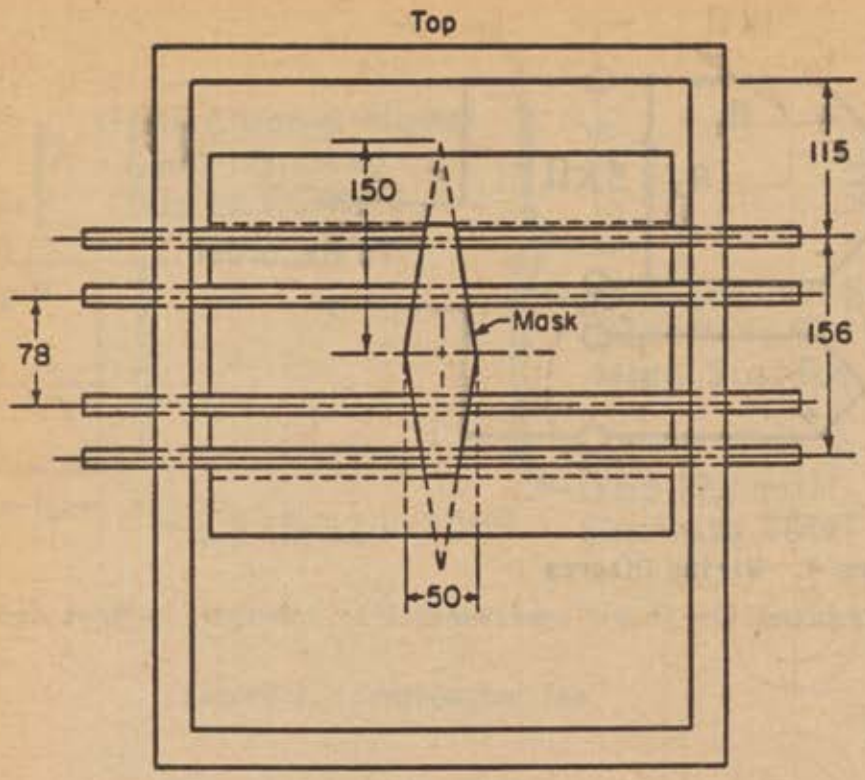
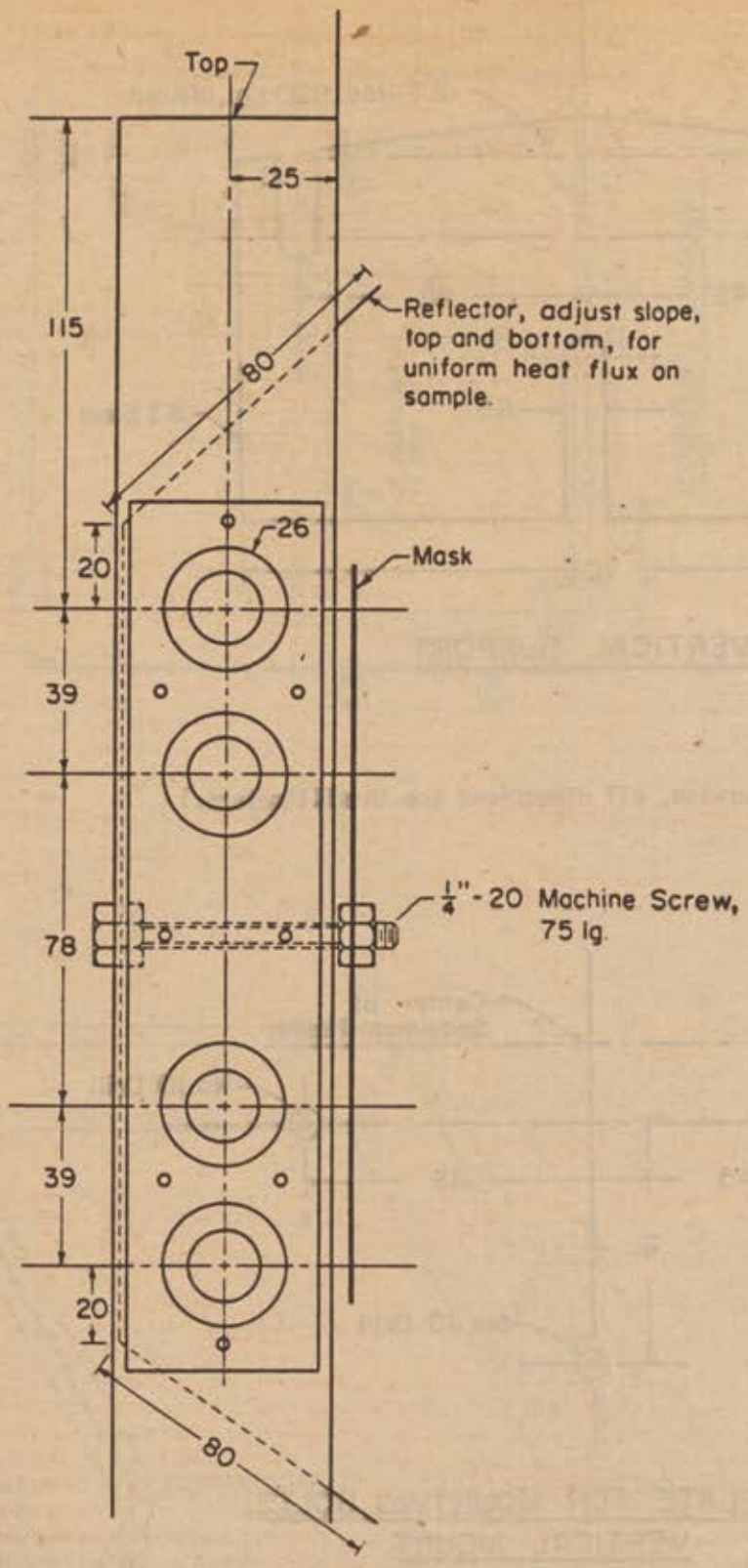


Figure 5. Square Wave Response



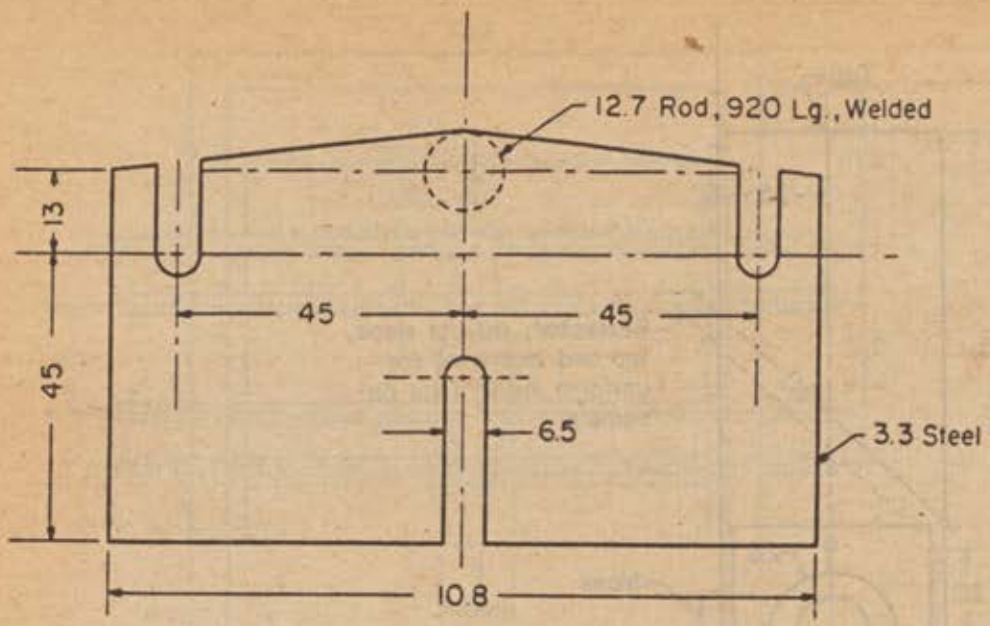
(Unless denoted otherwise, all dimensions are in millimeters.)

Figure 6A. "Globar" Radiant Panel



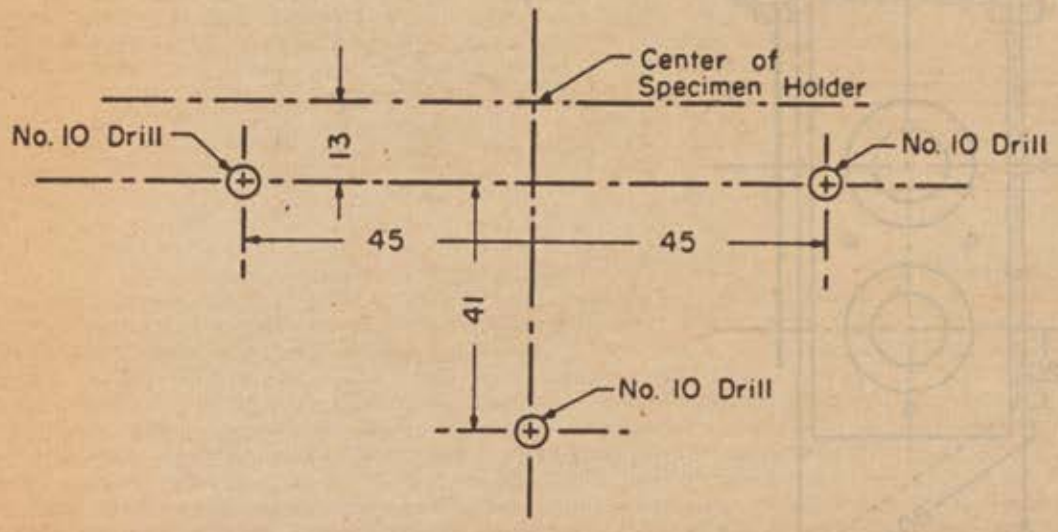
(Unless demonted otherwise, all dimensions are in millimeters.)

Figure 6B. "Globar" Radiant Panel



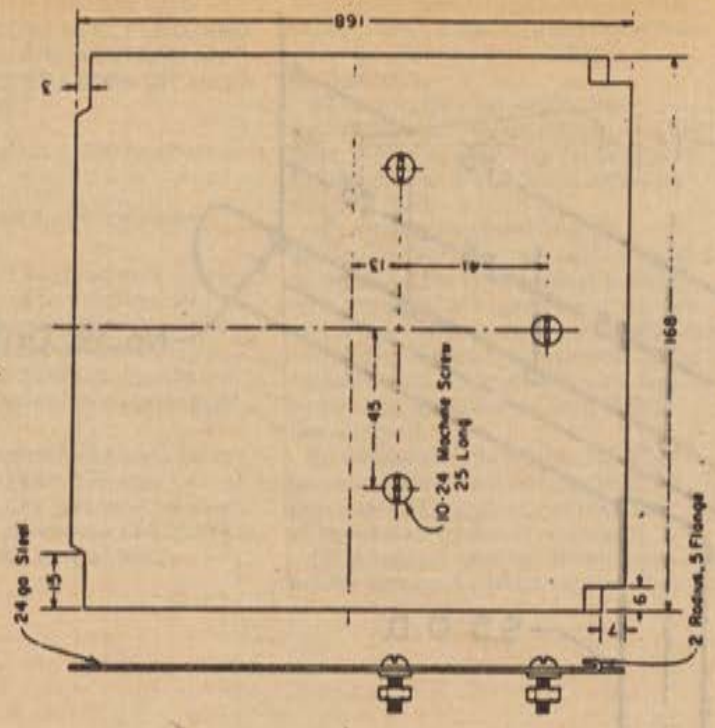
VERTICAL SUPPORT

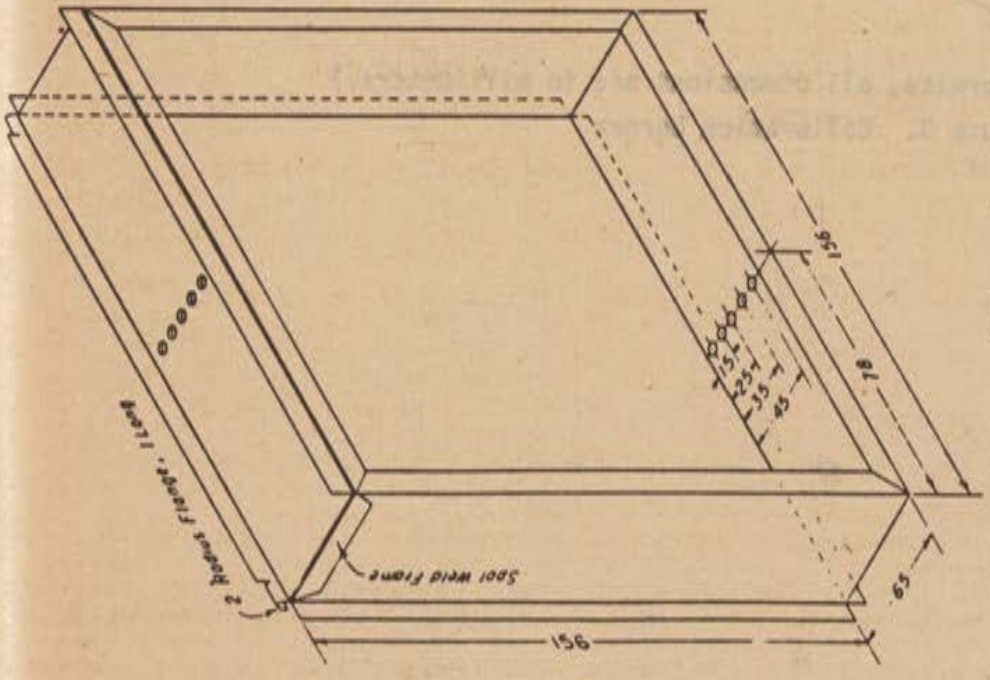
(Unless denoted otherwise, all dimensions are in millimeters.)



TEMPLATE FOR MOUNTING BOLTS
VERTICAL MOUNT

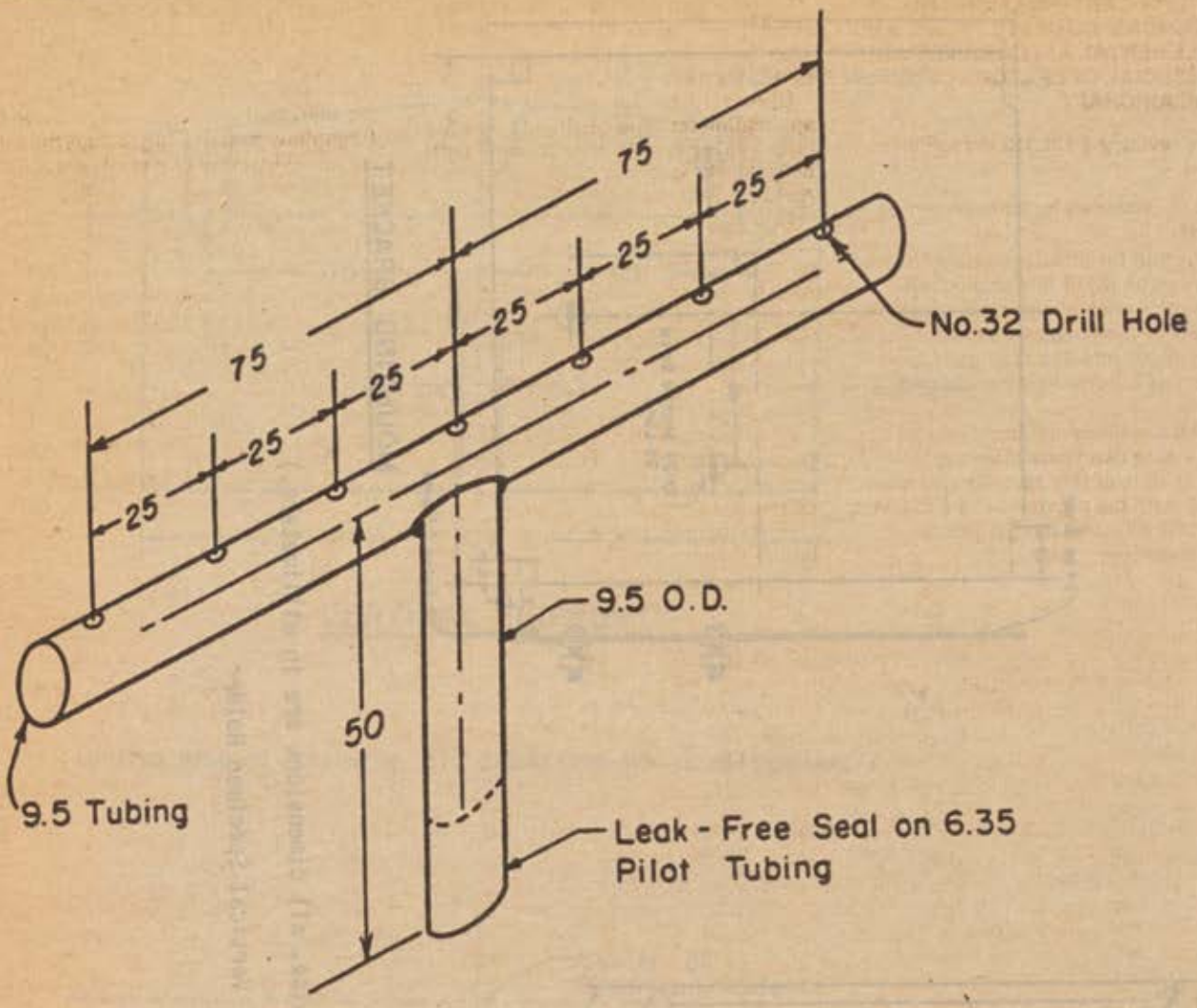
Figure 7. Vertical Holder Mount





(Unless denoted otherwise, all dimensions are in millimeters.)

Figure 8. Vertical Specimen Holder



(Unless denoted otherwise, all dimensions are in millimeters.)

Figure 9. Calibration Burner

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PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

3. By revising § 121.312 to read as follows:

§ 121.312 Materials for compartment interiors.

(a) Except for those materials covered by paragraph (b) of this section, all materials in each compartment used by the crew or passengers must meet the requirements of § 25.853 of this chapter in effect as follows or later amendment thereto:

(1) All airplanes manufactured on or after (a date two years after the effective date of this amendment) must comply with the provisions of § 25.853 in effect (the effective date of this amendment).

(2) Upon the first replacement of the cabin interior prior to (a date two years after the effective date of this amendment):

(i) An airplane for which the application for type certificate was filed prior to May 1, 1972, must comply with the provisions of § 25.853 in effect on April 30, 1972;

(ii) An airplane for which the application for type certificate was filed on or after May 1, 1972, must comply with the materials requirements under which the airplane was type certificated.

(3) Upon the first replacement of the cabin interior on or after (a date two years after the effective date of this amendment):

(i) Airplanes type cerificated after January 1, 1958 must comply with the provisions of § 25.853 in effect (the effective date of this amendment).

(ii) Airplanes type certificated on or before January 1, 1958 must comply with the provisions of § 25.853 in effect on April 30, 1972.

(b) For airplanes type certificated after January 1, 1958, after Novermber 26, 1987, seat cushions, except those on filightcrew seats, in any compartment occupied by crew or passengers must comply with the requirements pertaining to fire protection of seat cushions in § 25.853(c), effective November 26, 1984.

(Sec. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.45)

Issued in Seattle, Washington, on April 8, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-9045 Filed 4-11-85; 9:51 am]

BILLING CODE 4910-13-M

federal register

Tuesday
April 16, 1985

Part III

Department of the Interior

National Park Service

36 CFR Part 7

Cape Cod National Seashore, MA.; Off-Road Vehicle Regulations; Proposed Rule

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Cape Cod National Seashore, MA; Off-Road Vehicle Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: These regulations will specifically designate the off-road vehicle routes at Cape Cod National Seashore. Oversand routes were first officially designated in the Off-Road Vehicle Management Plan for the Seashore which took effect on April 15, 1981. These rules modify the previous Plan to take into account new information regarding allocation of areas for off-road vehicle use. In addition, commercial dune taxi and guide fees have been increased to levels commensurate with other off-road vehicle fees and dune taxi permits are limited to the numbers issued in the 1981 season. These regulations will generally facilitate the management of off-road vehicle within Cape Cod National Seashore.

DATES: Written comments, suggestions or objections will be accepted until May 16, 1985.

ADDRESS: Comments should be addressed to: Herbert Olsen, Superintendent, Cape Cod National Seashore, South Wellfleet, MA 02663.

FOR FURTHER INFORMATION CONTACT: Peter M. Hart, Chief Ranger, Cape Cod National Seashore, South Wellfleet, MA 02663, Telephone: (617) 349–3785.

SUPPLEMENTARY INFORMATION:

Background

Off-road vehicle use on the beaches, primarily for fishing, predates Seashore authorization in 1961. The University of Massachusetts, under contract to the National Park Service, completed a comprehensive five-year study of the Impacts of Off-Road Vehicles on Cape Cod National Seashore in 1979. The National Park Service then published a series of management alternatives and held hearings. On March 27, 1981, it released a Management Plan for the Use of Off-Road Vehicles, which became effective on April 15, 1981.

The Plan, which has been in effect for four years, closed the high dunes of the Province Lands and a fragile area of outer beach between Herring Cove and Long Point, Provincetown. It essentially limited off-road vehicles to a corridor defined on the outer beach. Seashore protected beaches and town beach closures limited off-road vehicle use on a 16-mile section of outer beach during the summer season. The number of permits issued has steadily declined from a high of 4,469 in 1979 prior to plan implementation to 2,870 in 1984.

On April 15, 1981, the Conservation Law Foundation and others filed suit to terminate all off-road vehicle use at the Seashore. On May 25, 1984, the U.S. District Court for the District of Massachusetts rule that the Management Plan adequately protected Seashore resources but remanded issues of appropriateness and user conflict to the agency for further consideration. The National Park Service Cooperative Research Unit at City University of New York completed a survey of beach users in the summer and fall of 1984. Route modifications are based on the results of this survey, experience with the Management Plan over four years, ecological considerations, geographical configurations of the Seashore, legal duties and responsibilities, public safety, visitor use and off-road vehicle statistics, existing local laws and regulations, scenic and aesthetic impacts, management feasibility and guidance given by the Court.

The ocean beach from the opening of Hatches Harbor around Race Point to High Head, a distance of 8 miles, will be open from April 15 through November 15, except when tide, beach configuration or bird nesting make the route impassable.

The beach area from High Head south to Coast Guard Beach in Eastham, a distance of 17.5 miles, previously open during all but the summer season, will be closed to all off-road vehicle use. This closure in an area of only limited off-road vehicle use will eliminate user conflicts while providing an additional area of vehicle-free beach throughout the year. In this section, there are 12 Seashore and town beaches and parking areas which will provide pedestrian access to fishing and other uses throughout the year. The closure between High Head and Head of the Meadow during the summer season will provide a mile and a-half buffer north of Head of the Meadow protected beach.

The corridor designation extends from a point 10 feed seaward of the Spring high tide drift line to the berm crest and is designed to protect vegetation in the drift line deposits, including any developing rhisomes. The utilization of the berm crest as the seaward limit of vehicle travel year-around is designed to protect pedestrians by maintaining a separation between pedestrians and vehicles. This restriction has been in effect since the Plan was adopted in 1981, although under the prior regulation it only applied during the period from May 15 to October 15.

All beach routes will be closed to general off-road vehicle use from November 16 through April 14. This closure is necessary to protect dormant beachgrass and rhisomes during the winter period of abnormally high storm tides when the corridor is narrow or nonexistent and the delineator posts are removed to prevent loss by storms. However, to accommodate certain specialized uses, a limited access pass will be used. This pass will permit infrequent but traditional winter uses such as shellfishing in the town shellfish beds at Hatches Harbor, caretaker maintenance at dune cottages, and removal of flotsam and jetsam materials from the beach. The pass will be tightly controlled and the holder will not be allowed to travel the beach within two hours on either side of high tide. Dune cottage residents with stipulated access rights will continue to have access to their individual cottage at any time that the route is passable. Dune taxi operations are limited to the period from April 15 through November 15.

Public Participation

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

Drafting Information

The following individual participation in the writing of this regulation: Peter M. Hart, Chief Ranger, Cape Cod National Seashore, South Wellfleet, MA. 02663.

Paperwork Reduction Act

The information collection requirements contained in § 7.67(a)(4) have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et. seq.* and assigned clearance number 1024–0026. The information is being collected to solicit information necessary for the Superintendent to issue off-road vehicle permits. This information will be used to grant administrative benefits. The obligation to respond is required to obtain a benefit.

Compliance With Other Laws

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 (February 19, 1981), 46 FR 13193, and that this document will not have a

significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) This conclusion is based on the finding that no costs should result for any small entity.

As required by the National Environmental Policy Act (42 U.S.C. 4332, *et seq.*), the Service prepared an Analysis of Management Alternatives including an environmental assessment and a Record of Decision on Off-Road Vehicle Use in 1981 and an amended Record of Decision in March 1985 on those portions of this rulemaking which are other than correcting or clarifying in nature. Copies of these documents are available for review at the address noted at the beginning of the rule.

List of Subjects in 36 CFR Part 7

National parks.

Authority: The Service's authority for promulgating these regulations is 16 U.S.C. 1 and 3 and 16 U.S.C. 459 relating specifically to Cape Cod National Seashore.

PART 7—[AMENDED]

In consideration of the foregoing, it is proposed to amend 36 CFR Part 7 as follows:

1. In § 7.67, paragraph (a) is revised to read as follows:

§ 7.67 Cape Cod National Seashore.

(a) *Off-road operation of motor vehicles*—(1) *Route designations.* The operation of motor vehicles, other than on established roads and parking areas, is limited to the following oversand routes during the prescribed dates:

(i) From April 15 through November 15 on the outer beach between the opening to Hatches Harbor, around Race Point to High Head, and including the beach access routes at Race Point and High Head and the bypass route at Race Point Light.

(ii) From January 1 through December 31 on controlled access routes for residents of individual dune cottages in the Province Lands.

(iii) From April 15 through November 15 on commercial dune taxi routes following portions of the outer beach and cottage access routes as described in the commercial vehicle permit.

(iv) Except as described in paragraph (a)(1)(ii), from November 16 through April 14 oversand travel is restricted to uses and routes approved in writing or by permit by the Superintendent on a single-trip daily basis.

(2) *Travel restrictions.* The operation of a motor vehicle on oversand routes is subject to all applicable provisions of Parts 2 and 4 of this chapter, as well as the specific provisions of this section.

(i) *Route Limits.* (A) On the beach, a vehicle operator shall drive in a corridor extending from a point 10 feet seaward of the Spring high tide drift line to the berm crest. An operator may drive below the berm crest only to pass a temporary cut in the beach but shall regain the crest immediately following the cut. Delineator posts mark the landward side of the corridor in critical areas.

(B) On an inland oversand route, a vehicle operator shall drive only in a lane designated by pairs of delineator posts showing the sides of the route.

(ii) An oversand route is closed at any time that tides, nesting birds or surface configuration prevent vehicle travel within the designated corridor.

(iii) When two vehicles meet on the beach, the operator of the vehicle with the water on the left shall yield.

(iv) When two vehicles meet on a single-lane oversand route, the operator of the vehicle in the best position to yield shall pull out of the track and then shall back into the established track before resuming the original direction of travel.

(v) When the process of freeing a vehicle which has been stuck results in ruts or holes, the operator shall fill the ruts or holes created by such activity before removing the vehicle from the immediate area.

(vi) The following are prohibited:

(A) Driving off a designated oversand route.

(B) Exceeding a speed of 15 miles per hour.

(C) Parking a vehicle in an oversand route so as to interfere with traffic.

(D) Riding on a fender, tailgate, roof or any other location on the outside of a vehicle.

(E) Driving a vehicle across a protected swimming beach at any time when it is posted with a sign prohibiting vehicles.

(F) Operating a motorcycle on an oversand route.

(3) *Equipment Requirements.* (i) Each vehicle operated on an oversand route shall be equipped as follows:(A) Shovel;

(B) Tow rope, chain, cable or other similar towing device;

(C) Jack;

(D) Jack support board;

(E) Low pressure tire gauge; and

(F) Five tires that meet or exceed standards established and made available by the Superintendent. These standards describe the approved tires for oversand travel and are subject to frequent revision due to technological and nomenclature changes by tire manufacturers.

(ii) Operating a vehicle on an oversand route without the required equipment is prohibited.

(4) *Oversand Permits.* No oversand vehicle, other than an authorized emergency vehicle, shall be operated on a designated oversand route without an oversand permit issued by the Superintendent.

(i) *Private oversand permits.* The Superintendent may establish a system of special recreation permits for oversand vehicles and establish special recreation permit fees for these permits consistent with the conditions and criteria of Part 71 of this chapter.

(A) Prior to being issued a permit, an operator of an oversand vehicle shall:

(*1*) Demonstrate that the vehicle is equipped as required in paragraph (a)(3) of this section; and

(*2*) Demonstrate evidence of compliance with all federal and state regulations that apply to licensing, registering, inspecting and insuring such a vehicle.

(B) Prior to being issued a permit, an applicant for an oversand permit and any other operator of the applicant's vehicle shall view an oversand vehicle operation educational program prescribed by the Superintendent.

(C) The Superintendent shall affix an oversand permit to the permitted vehicle at the time of issuance.

(D) Transfer of an oversand permit from one vehicle to another is prohibited.

(E) During the period from November 16 through April 14 the Superintendent may issue a single day, limited-access pass to the holder of an oversand permit.

(*1*) Travel under this pass is limited to that portion of the beach between High Head and Hatches Harbor only.

(*2*) Vehicle travel under this pass is prohibited within two hours either side of high tide.

(*3*) The pass may be issued for the following purposes:

(*i*) Access to town shellfish beds at Hatches Harbor;

(*ii*) Recovery of personal property, flotsam and jetsam from the beach; or

(*iii*) Caretaker functions at a dune cottage.

(ii) *Commercial Vehicle Permits.* The operation of a passenger vehicle for hire on a designated oversand route is permitted only pursuant to a commercial vehicle permit issued by the Superintendent, subject to all applicable regulations in this section and all applicable Federal, State and local regulations concerning vehicles for hire.

(A) Commercial vehicle permits are limited to 18, which is the number issued in the 1981 permit year.

(B) Each operator of a passenger vehicle for hire who is engaged in carrying passengers for a fee on a designated oversand route shall obtain a guide permit issued by the Superintendent. Such permit may only be issued upon a showing that the applicant possesses adequate knowledge of the Seashore's off-road system and points of interest and has complied with all applicable Federal, State and local regulations.

(C) *Annual Permit Fees.*—(*1*) *Commercial Vehicle Permit:* $10 for each passenger carrying seat in the vehicle to be operated.

(*2*) *Guide Permit:* $15 for the calendar year or any part thereof."

(iii) Failure to comply with any provision of an oversand permit or with any regulation listed in this section or Part 2 or Part 4 of this chapter is prohibited and is grounds for immediate revocation of an oversand permit.

(5) *Camping.* (i) Camping is allowed only in two designated self-contained vehicle areas on the beach having a maximum capacity of 100 vehicles.

(ii) Only an operator and occupants of a vehicle having a self-contained water or chemical toilet and a permanently installed holding tank with a minimum capacity of 3 days' waste material may camp on the beach.

(A) An operator shall drive such vehicle off the beach for the purpose of emptying holding tanks at a dumping station at intervals of no more than 72 hours.

(B) Before returning to the beach, a vehicle operator shall check in as specified by the Superintendent.

(iii) An operator shall not drive a self-contained vehicle outside the limits of a designated camping area except when entering or leaving the beach by the most direct route.

(iv) Each oversand permit holder is limited to a maximum of 21 days camping on the beach from July 1st through Labor Day.

(v) Tents and camping trailers are prohibited on the beach.

(vi) Beach camping in any manner other than authorized by this section is prohibited.

(6) *Information collection.* The information collection requirements contained in § 7.67(a)(4) have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024–0026. The information is being collected to solicit information necessary for the Superintendent to issue off-road vehicle permits. This information will be used to grant administrative benefits. The obligation to respond is required to obtain a benefit.

2. In § 7.67, paragraph (b), (c), and (h) are removed.

3. In § 7.67, paragraph (d) is redesignated as (b), (e) as (c), (f) as (d), (g) as (e), and (i) as (f).

Dated: April 3, 1985.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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Tuesday
April 16, 1985

Part IV

Department of Commerce

National Oceanic and Atmospheric Administration

Financial Assistance for Research and Development Projects To Strengthen and Develop the U.S. Fishing Industry; Notice

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Financial Assistance for Research and Development Projects To Strengthen and Develop the U.S. Fishing Industry

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

ACTION: Notice of availability of financial assistance.

SUMMARY: For fiscal year 1985, Saltonstall-Kennedy funds are available to assist persons in carrying out research and development projects which address any aspect of a U.S. fishery involving the U.S. fishing industry (recreational or commercial) including, but not limited to, harvesting, processing, marketing, and associated infra-structures. NMFS issues this notice describing the conditions under which applications will be accepted and how NMFS will determine which applications it will fund.

FOR FURTHER INFORMATION CONTACT: Mr. Roger W. Hutchinson, Industry Development Division, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: 202–634–7451.

SUPPLEMENTARY INFORMATION:

Classification

NMFS reviewed this solicitation in accordance with Executive Order 12291 and the Commerce Department guidelines implementing that Order. This solicitation is not "major" within the context of the Order or its implementing guidelines because the solicitation does not significantly affect the economy, costs or prices, competition, employment, investment, or productivity. Because the solicitation is issued without prior opportunity for public comment, it is not subject to the provisions of the Regulatory Flexibility Act.

Information collection requirements contained in this notice have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act and have been assigned OMB #0648–0135.

This notice of availability of financial assistance for fisheries research and development projects will also appear in the *Commerce Business Daily*.

Introduction

The Saltonstall-Kennedy (S–K) Act (15 U.S.C. 713c–2–713c–3) makes available to the Secretary of Commerce up to 30 percent of the gross receipts collected under the customs laws from duties on fishery products. The Secretary must use at least 60 percent of these funds each year to make available grants to assist persons in carrying out research and development projects which address any aspect of United States fisheries, including, but not limited to, harvesting, processing, and marketing. There is no guarantee that sufficient funds will be available to make awards for all approved projects. U.S. fisheries [1] include any fishery that is or may be engaged in by U.S. citizens or nationals or citizens of the Northern Mariana Islands. For fiscal year 1985, about $7 million of Saltonstall-Kennedy monies are available to fund fisheries research and development projects. The phrase "fishing industry" includes both the commercial and recreational sectors of U.S. fisheries.

Funding Priorities

Fisheries research, development, and utilization applications should relate to one or more of the priority areas in the Regional and National sections. The NMFS will also consider other projects, however, funding will only be available for exceptionally good projects outside the priority areas if sufficient projects adequately addressing the specific priorities are not received.

Except for the Western Pacific, Puerto Rico, and the U.S. Virgin Islands, funding will *not* be provided for projects primarily involving the following activities: (1) Infrastructure planning and construction; (2) port and harbor development; (3) aquaculture research and development; (4) resource enhancement; (5) research evaluating the ability or extent to which fish are attracted to artificial reefs or fish aggregating devices; and (6) extension activities such as newsletters or technology transfer unless identified as a necessary part of a specific project.

The NMFS identified fisheries and priorities on a Regional basis in conjunction with fishing industry groups, other organizations, and local governmental units having an interest in the development and use of fisheries in the Region. Some priorities were found to relate to several species or Regions and are listed as national priorities. The fisheries and the major needs related to their development or full use which the NMFS will give priority for funding follow:

[1] For purposes of this notice, a fishery is defined as one or more stocks of fish, including tuna, and shellfish which are identified as a unit based on geographic, scientific, technical, recreational and economic characteristics, and any and all phases of fishing for such stocks. Examples of a fishery are Alaskan groundfish, Pacific whiting, New England whiting, Gulf of Mexico groundfish, etc.

A. Northeast Region Priorities

1. *Squid, Mackerel, Butterfish:* a. Examine means to locate, assess and harvest fishery resources which have identifiable capacity for significant production.

b. Conduct in-plant demonstrations of new or innovative processing equipment to allow processors to evaluate opportunities to make greater use of nontraditional species of fish. Projects must assess the technical and economic feasibility of using the equipment.

c. Execute regional domestic and export marketing programs, including product development activities, in cooperation with states, media, industry and other interests.

d. Conduct feasibility review of economic viability of fishery efforts on nontraditional species, ideally, combining, a, b, and c above into overview.

e. Identify measurable factors which reflect quality differences in current and potential squid products and develop proposed quality standards for use by industry.

2. *Atlantic demersal finfish:* Proposals should build and expand on the results obtained from past, completed S-K funded studies, developing new leads where appropriate.

a. Evaluate existing techniques or develop new methods to process and use fish wastes (including waste treatment) and determine technical and economic feasibility of their application through in-plant demonstrations.

b. Conduct on-board demonstrations of methods (1) to increase the effectiveness of fisheries gear; (2) to improve product quality through improved on-board handling and holding procedures; and (3) to reduce operating costs of commercial fishing vessels. Projects must determine the technical and economic feasibility of these methods through demonstrations on vessels.

c. Conduct training activities for industry personnel in procedures to maintain the quality of fish as it moves through processing and distribution channels.

d. Evaluate the technical and economic feasibility of shifting fishing effort to other species, such as hake, and resolve problems associated with this.

e. Conduct regional domestic and export marketing programs to develop new markets for traditional species.

f. Consider vessel safety programs working with fishermens' associations and insurance carriers to maintain the availability of insurance to responsibly maintained and operated fishing vessels.

3. *Coastal, estuarine, Great Lakes fisheries:* Projects should address the following:

a. Expansion of domestic and foreign markets for freshwater fishery products. This may include new product development.

b. Expansion and implementation of strategies to integrate marine recreational fishing into tourism industry promotion programs.

B. Southeast Region

Commercial and recreational projects should concentrate on shifting current harvesting activity from traditional fisheries to alternate fisheries or should contribute to solutions for the specific problem areas identified in the following sections.

1. *Latent Resources:* Proposals should contribute to the increased use of any species of finfish which is underutilized, including the coastal herrings. Proposals should—

a. Assess the commercial significance of stocks.

b. Develop, evaluate, and demonstrate new technology for the commercial harvest of midwater schooling species in deeper offshore waters.

c. Develop, evaluate, and demonstrate new technology for on-board or shoreside handling, grading and storage systems which support commercial activity.

d. Develop new commercial products or processes including canned products which provide evidence of market potential and a determination of economic feasibility.

e. Develop indices of chemical metabolites/end products that form during harvesting, processing, or storage in small pelagic species which reflect changes in quality as perceived by sensory methods.

f. Investigate use of multiple species in surimi-based products.

g. Conduct market research and develop export or domestic markets for latent resources or freshwater catfish and crayfish.

h. Develop a profile of traditional marine recreational fishing in the Southeast to assist public and private sector organizations in stimulating economic development based on marine recreational fishing. This profile should synthesize and summarize existing information on fishing patterns, target species, demographic characteristics of anglers, trip expenditure information, and any other pertinent data.

i. Evaluate access and infrastructure needs of the U.S. Virgin Islands and Puerto Rico to support increased marine recreational fishing activity.

j. Develop and implement strategies to integrate marine recreational fishing into tourism industry programs giving special emphasis to the needs of charter and headboat fishing businesses.

k. Develop and implement programs to increase the use of underutilized sport-caught species.

2. *Menhaden.* Proposals should develop human food or other high value uses of menhaden. Areas of work should concentrate on the use of menhaden surimi or mince in development and comparison of analog products (ongoing projects should result in menhaden surimi being available for use by successful applicants). Proposals for the use of menhaden in canned, cured, or minced products will also be considered. Proposals should provide for test marketing to determine consumer acceptance. Potential domestic as well as export markets will be considered. In addition, priority will also be given (1) to conduct a study to characterize the amino acid profile of menhaden fish meal based on a statistically sound data base; and (2) to continue research on the use of high pressure carbon dioxide to extract and refine fish oil.

3. *Shrimp.* Proposals designed to stabilize the shrimp industry at its current economic value will be considered. Proposals can address quality issues including inspection of imports and an assessment of the relative value of different alternatives to bisulfites. Applicants must demonstrate a knowledge of current work in these areas. Proposals addressing problems of increasing insurance costs will also be given priority.

4. *Molluscan Shellfish.* Proposals should (1) address the development of product forms/products which reduce public health concerns associated with raw products; (2) provide for more effective monitoring control of existing shellfish growing areas, specifically to yield useful predictive indices of fecal contamination or pollutant loads; or (3) develop and demonstrate procedures, suitable for field use, to detect and measure human pathogenic viruses, i.e., hepatitis A, Norwalk, and rotaviruses, in oysters, including the correlation of virus levels with bacterial indicators. Proposals for new technology to address depuration or allied techniques to kill or eliminate enteric viruses will be considered only if the applicant can demonstrate potential economic feasibility. Proposers must demonstrate knowledge of ongoing efforts in these areas.

5. *Reef Resources.* Proposals in this area are limited (1) to those addressing development needs of deepwater reef resources in Puerto Rico and the U.S. Virgin Islands or (2) to the development and demonstration of a field test that can be used to remove ciguatoxic fish from commerce. Applicants proposing to develop a field test to detect ciguatoxic fish must demonstrate a knowledge of current research and have the ability to obtain the supplies of ciguatoxic fish required in the project. Proposals may build on the contemporary immunological approach seeking a specific antigen-antibody relationship or may be based on established chromatographic separation and chemical detection methods. Applicants must demonstrate that the proposed work has a reasonable chance of yielding a practical, cost-effective field test.

C. Southwest Region

The Southwest Region is compromised of two distinct geographic areas—the central and western Pacific Islands and the California coast. The island fisheries differ significantly in many instances form the mainland fisheries. Accordingly, we have established a list of funding priorities for each of the geographic areas. In both geographic areas, preference will be given to those proposals which—

a. Request continuation funding for ongoing projects which have demonstrated success, and can justify continued funding,

b. Have regionwide implications, and

c. Are consistent with established fishery development plans and policy or long range regional fishery development programs.

1. *Central and Western Pacific.* In the central and western Pacific, priority consideration will be given to projects that contribute to the fishery development goals of Hawaii, Gaum, American Samoa, the Commonwealth of the Northern Mariana Islands and the Trust Territories of the Pacific Islands. All proposals should be consistent with cultural and social perspectives of island people.

The NMFS will not fund projects related to fish aggregation devices (FADs) during this year's funding cycle. The key problem affecting FADs throughout the Pacific is the short life expectancy caused by basic deficiencies in mooring design. Based upon the recommendations of a recent mooring design study sponsored by the South Pacific Commission, NMFS has approved funding for FAD projects in Yap and American Somoa. Until this new system is evaluated, NMFS does not plan to support the use of S–K funds for further FAD research.

Proposals which address problems in the following areas will also be given priority for funding.

a. *Industry Development.* Projects to develop shoreside fisheries facilities and seafood marketing outlets by providing business management expertise, quality control systems, and marketing assistance will be considered. Projects designed to develop new markets and promote Pacific Island seafood products will also be considered. Such projects should have the ultimate goal of creating selfsustaining business enterprises or creating new marketing opportunities.

b. *Tuna.* Projects which investigate handlining for sashimi-grade tuna and pole-and-line bit fishing.

c. *Other Pelagic Species.* Projects related to other oceanic pelagic species (e.g., mahimahi, wahoo, billfish, shark) should focus upon developing local and overseas market outlets. Particular attention should be focused on maintaining product quality (e.g., avoidance of histamine in mahimahi, urea in shark) through improved handling, processing and storage methods.

d. *Trochus and Giant Clams.* Proposals for continued research and development on trochus and giant clams and projects that focus on transfer of reseeding technology to other island areas.

e. *Deepwater Shrimp.* Proposals should focus on gear development, area surveys, quality control, and the development of shrimp marketing outlets.

f. *Bottomfish.* Projects that would expand harvesting opportunities and development marketing channels (local and export) for these species. Projects for bottomfish development in areas where the resources may be distressed and unable to withstand added fishing pressure will not be funded.

g. *Vessel Support Facilities.* Proposals for the design, engineering and construction of fishing vessel support facilities (e.g., boat launch ramps, docks, etc.). Proposals requesting construction funds should contribute matching funds equal to the level of requested federal S–K funding. Proposals should demonstrate a need by local fishermen.

h. *Baitfish Culture.* Only innovative projects demonstrating use of cultured baitfish in trial fishing in order to determine technical and economic feasibility.

2. *California.* Proposals which address problems in the following areas will be given priority for funding.

a. *Groundfish.* Pacific whiting and shortbelly rockfish are recognized as being the highest priority groundfish species for commercial development. However, projects that demonstrate innovative fishing techniques, handling, processing, waste disposal, and quality assurance and control technology, and projects that investigate alternative product from and markets for all groundfish species will be considered.

b. *Albacore.* Projects that develop alternative product forms and markets, projects to educate consumers, and projects that develop quality controls for fresh and frozen marketing will receive high priority. Consideration will also be given to projects that propose to develop new fishing techniques and areas.

c. *Coastal Pelagics.* Jack mackerel is recognized as being the highest priority species for commercial development off Southern California. Product development and marketing promotion projects will be considered for all coastal pelagic species.

d. High priority consideration will also be given to projects that assist in the development of recreational fisheries including, but not limited to, programs that promote marine recreational activities and programs that investigate site feasibility for artificial reefs.

D. Northwest Region

The Northwest fishing industry requires a development program which focuses primarily on fully using groundfish resources off Oregon and Washington and groundfish found in the EEZ off Oregon, Washington and Alaska. The priorities expressed below will further development in these areas and continue to strengthen the base of the Region's industry.

1. Develop programs to reduce fishing vessel insurance costs.

2. Develop new and/or improved processing technology and product forms. Particular research might include use of minced fish and developing quality standards.

3. Develop marketing techniques contributing to full use of groundfish. Of particular interest are activities which generate market analyses and research with a goal towards measurable results to use in establishing strategies to penetrate the domestic markets for these species.

4. Develop data to support seafood nutrition claims and prepare educational and promotional materials emphasizing the nutritional qualities of seafood.

5. Conduct export promotion activities including development of export market analyses, export promotional material, and export trade missions, seminars, and trade shows.

6. Conduct surveys to identify and evaluate consumer preferences and biases for target species, angling, methods, and supporting facilities in marine recreational fisheries, and develop an advanced marketing program coordinating industry efforts with the travel and tourism industry to increase the awareness of, opportunity, and participation in marine recreational fisheries for non-salmonid species. These target species may include lingcod, black rockfish, and true cod.

7. Develop and demonstrate methods to detect and remove parasites from processed fish products.

E. Alaska Region

Proposals which address impediments to full use of Alaska groundfish in the following areas will be given priority consideration:

1. *Harvesting:* a. Develop and demonstrate new technology to improve the quality of fish delivered to processing facilities.

b. Prepare handling guidelines and design of delivery systems for quality assurance education efforts.

c. Address problems associated with obtaining insurance coverage for fishing vessels.

2. *Processing Activities:* a. Develop new product forms, which can involve the use of minced fish or surimi, having technical and economic potential for increasing use of groundfish.

b. Demonstration projects which produce by-products through application of existing technology and target on existing markets.

c. Develop technology to increase efficiencies of processing lines.

d. Develop quality assurance procedures and design of delivery systems to maximize effectiveness of in-plant educational efforts.

e. Develop methods to reclaim water used during surimi processing and determine technical and economic feasibility through in-plant demonstrations.

f. Research to develop and support a standard of identity for surimi as an ingredient in surimi-based foods that will obviate the need for imitation and multi-species labeling.

g. Research on vacuum packaged seafoods including shelf life, microbiological, and packaging studies.

3. *Marketing Activities:* a. Well focussed projects with measurable results that expand domestic and export markets for traditional and new product forms.

b. Develop and refine promotional or educational material for expanding industrial markets for Alaska pollock products.

F. National

Proposals addressing problems in the following areas must apply to *any* species of fish, unless otherwise indicated.

1. Identify and examine options and strategies to reduce fishing vessel insurance costs and stabilize availability of coverage including—

a. Analyze fishing vessel insurance systems and costs in selected countries;

b. Analyze the feasibility of self-supporting alternative insurance programs such as one patterned after the National Flood Insurance Program;

c. Develop manuals describing how to establish group insurance programs and how to organize self-insurance or mutual insurance associations with reinsurance, coinsurance, or stop-loss insurance; and

d. Develop guidelines for use by the marine insurance industry for evaluating risks associated with fishing vessel activities.

2. Develop and implement a standard nomenclature and numbering system for random-weight fish and seafood items for inclusion in the Uniform Product Code.

3. Develop public service announcements focusing on the health and nutritional benefits of seafood in the diet.

4. Conduct foodservice seminars to explain how to participate in the various Federal government purchasing programs including the school lunch and military feeding programs.

5. Develop training materials and conduct seminars for industry food inspection and production personnel: (1) To provide instruction in hygienic and technological practices in the handling, processing and storage of U.S. fishery products; (2) to provide instruction in the evaluation of the quality and manufacture of commercially significant fishery products for sale in domestic and export markets; (3) to develop self training courses in topics dealing with seafood quality and safety such as acceptance sampling, plant hygiene, product quality, characteristic species identification, etc.

6. Analyze the inspection programs for fish and fishery products of selected foreign countries (Canada, Iceland, Japan, New Zealand, Norway) in comparison to inspection of fishery products in the U.S. The analysis must include an economic impact analysis of adopting like controls or monitoring measures in the U.S., considering cost of implementation and maintenance, as well as anticipated sales/revenue increases.

7. Consistent with the FDA's advance notice of proposed rulemaking and previous food product irradiation research, determine (1) the effectiveness of low dosage radiation in extending the shelflife of fresh fish and shellfish, and (2) the feasibility for commercial use of radiation preservation technology used exclusively or in combination with other preservation techniques for extending the active shelflife of fish and shellfish.

8. Develop and demonstrate a standard objective method for routine determination of the thawed, drained weight of block frozen seafood based on performance criteria available from NMFS.

9. Develop and demonstrate a rapid method, for use in field locations, for determining the level of condensed phosphates in fresh/frozen seafoods based on performance criteria available from NMFS.

10. Provide information on, and coordinate the use of, existing techniques to facilitate and properly site artificial reefs to support marine recreational fisheries development.

11. Develop standard quality and storage indicators for fabricated food products made from minced fish meat and demonstrate use of the indicators in measuring changes in the quality of fabricated food products during refrigerated and/or frozen storage under typical domestic market conditions.

12. Develop test methods to measure the essential edibility characteristics (texture, color, odor, flavor) of natural crab leg meats, scallops, and shrimp in their ready-to-eat form and develop product specifications for use in evaluating minced fish/surimi products that simulate the natural product.

How-To-Apply

A. Eligible-Applicants

Applications for grants or cooperative agreements for fisheries development projects may be made, in accordance with the procedures set forth in this notice by:

1. Any individuals who is a citizen or national of the United States;

2. Any individuals who is a citizen of the Northern Mariana Islands (NMI), being an individual who qualifies as such under Section 8 of the Schedule on Transitional Matters attached to the Constitution of the NMI;

3. Any fishery development foundation or other private non-profit corporation located in Alaska;

4. Any corporation, partnership, association, or other entity (including, but not limited to, any fishery development foundation or other private non-profit corporation not located in Alaska), non-profit or otherwise, if such entity is a citizen of the United States within the meaning of Section 2 of the Shipping Act, 1916 as amended (46 U.S.C. 802).[3]

No individual or organization that is in arrears on any outstanding debt to the U.S. Department of Commerce will be considered for funding. Any first time applicant for Federal grant funds is subject to a preaward accounting survey prior to execution of the award. The NMFS encourages women and minority individuals and groups to submit applications. NOAA employees including full, part-time, and intermittent personnel, (or their immediate families) and NOAA offices or centers are not eligible to submit an application under this solicitation, or aid in the preparation of an application, except to provide necessary information or guidance about the fisheries development and utilization program and the priorities and procedures included in this solicitation.

B. Amount and Duration of Funding

For fiscal year 1985, the NMFS will have an estimated $7 million available to fund fishery research and development projects. Although grants or cooperative agreements will generally be awarded for a period of 1 year, multi-year projects are encouraged. Once approved, multi-year projects would not compete for funding in subsequent years. For multi-year projects, funding beyond the first year will be contingent on the availability of new fiscal year program funds and the extent to which project objectives are met during the

[3] To qualify as a citizen of the United States within the meaning of this statute, citizens or nationals of the United States or citizens of the NMI must own not less than 75 percent of the interest in the entity or, in the case of a non-profit entity, exercise control of the entity that is determined by the Secretary to be equivalent to such ownership; and in the case of a corporation, the president or other chief executive officer and the chairman of the board of directors must be citizens of the United States, no more of its board of directors than a minority of the number necessary to constitute a quorum may be non-citizens; and the corporation itself must be organized under the laws of the United States, or of a State, including the District of Columbia, Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the NMI or any other Commonwealth, territory, or possession of the United States. Seventy-five percent of the interest in a corporation shall not be deemed to be owned by citizens or nationals of the United States or citizens of the NMI, if: (1) The title to 75 percent of its stock is not vested in such citizens or nationals of the United States or citizens of the NMI free from any trust or fiduciary obligation in favor of any person not a citizen or national of the United States or citizen of the NMI; (ii) 75 percent of the voting power in such corporation is not vested in citizens or nationals of the United States or citizens of the NMI; (iii) through any contract or understanding it is arranged that more than 25 percent of the voting power in such corporation may be exercised, directly or indirectly in behalf of any person who is not a citizen or national of the United States or a citizen of the NMI; or (iv) by any means whatsoever, control of any interest in the corporation is conferred upon or permitted to be exercised by any person who is not a citizen or national of the United States.

prior year. Publication of this announcement does not obligate NMFS to award any specific grant or to obligate any part or the entire amount of funds available. Funding for successful applications generally will be provided by October 1985.

C. Cost-Sharing Requirements

The NMFS must provide at least 50 percent of the total cost of the project, but will provide no more than 80 percent of total project costs. The non-Federal share may include funds received from private sources or from State or local Governments or the value of in-kind contributions. Federal funds may not be used to meet the non-Federal share of matching funds. In-kind contributions are noncash contributions provided by the applicant or non-Federal third parties. In-kind contributions may be in the form of, but are not limited to, personal services rendered in carrying out functions related to, and permission to use real or personal property owned by others (for which consideration is not required) in carrying out the project.

The percentage of the total project costs provided from non-Federal sources, not to exceed 50 percent of the cost of the project, will be an important factor in the selection of projects to be funded. Exemption from cost-sharing requirements may be granted in unusual circumstances only to nonprofit, public interest organizations which demonstrate no financial ability to meet cost-sharing requirements and to government institutions in American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the U.S. Virgin Islands under the provisions of 48 U.S.C. 1469a. The total project costs and the percentage of cost sharing required will be determined as described below.

1. *Determining Total Project Cost.* The total costs of a project consist of all costs incurred in the performance of project tasks, including the value of the in-kind contributions, to accomplish the objectives of the project during the period the project is conducted. A project begins on the effective date of a grant, cooperative agreement, or contract award between the applicant and an authorized representative of the United States government and ends on the date specified in the award. Accordingly, the time expended and costs incurred in either the development of a project or the financial assistance application, or in any subsequent discussions or negotiations prior to award, are neither reimbursable nor recognizable as part of the recipient's cost share.

The NMFS will determine the appropriateness of all cost-sharing proposals, including the valuation of in-kind contributions, on the basis of guidance provided in Office of Management and Budget (OMB) Circulars. In general, the value of in-kind services or property used to fulfill the cost-sharing requirements will be the fair market value of the services or property. Thus, the value is equivalent to the costs of obtaining such services or property if they had not been donated. Appropriate documentation must exist to support in-kind services or property used to fulfill cost-sharing requirements.

2. *Determining the Level of Cost Sharing Required.* The percentage of the total costs that must be provided from non-Federal sources follows—

a. *20 percent.* For projects that would benefit the general public as well as the fishing industry but offer no unique advantage to specific industry sectors, the non-Federal cost share will be no less than 20 percent of the total project cost, and no greater than 50 percent. These projects would ordinarily involve research on the safety of fishery products or other activities for which members of the fishing industry would not necessarily receive direct benefits.

b. *30 percent.* For projects that contain economic risks which prevent an individual or group within the fishing industry from undertaking them without assistance, the non-Federal cost share will be no less than 30 percent of the total project cost. Most applications will be in this category.

c. *40 percent.* For projects which involve significant fishing industry participation, entail a limited risk, and in which the prospects for immediate future gain for the project are significant, the non-Federal cost share will be no less than 40 percent of the total project cost.

D. Format

Applications for project funding must be complete. They must identify the principal participants and include copies of any agreements between the participants and the applicant describing the specific tasks to be performed. Project applications should give a clear presentation of the proposed work, the methods for carrying out the project, its relevance to developing and strengthening the U.S. fishing industry and cost estimates as they relate to specific aspects of the project. Budgets will include a detailed breakdown by line item with appropriate justification. Applicants should not assume prior knowledge on the part of the NMFS as to the relative merits of the project described in the application.

Applications must be submitted in the following format:

1. *Cover Sheet.* An applicant must use OMB Standard Form 424 as the cover sheet for each project within an application. Applicants may obtain copies of the form from the NMFS Regional Offices, NMFS Washington Office or Department of Commerce Regional Administrative Support Centers (RASC); addresses are listed under the "Application Submission" section which follows.

2. *Project Summary.* Each project within the application must contain a summary of not more than one page which provides the following information:

a. Project title.

b. Project status: (new or continuing).

c. Project duration: (beginning and ending dates).

d. Name, address, and telephone number of applicant.

e. Principal Investigator(s).

f. Project objective.

g. Summary of work to be performed. For continuing projects the applicant is to briefly describe progress to date in addition to work proposed with the additional funds.

h. Total Federal funds requested (initial and total amount and percentage of total project costs).

i. Project costs to be provided from non-Federal Government sources (initial and total amount and percentage of total project costs).

j. Total project costs.

3. *Project Description.* Each project within the application must be completely and accurately described. Each project description may be up to fifteen pages in length. The NMFS will make all portions of the project description available to the public and members of the fishing industry for review and comment; therefore, NMFS will *not* guarantee the confidentiality of any information submitted as part of any project nor will NMFS accept for consideration any project requesting confidentiality of any part of the project. Each project must be described as follows:

a. *Identification of Problem(s).* For new projects described how exsiting conditions prevent the U.S. fishing industry from developing a fishery or using existing fisheries. In this description, identify (1) the fisheries involved, (2) the specific problem(s) that the fishing industry has encountered, (3) the sectors of the fishing industry that are affected, and (4) how the problem(s) prevent the fishing industry from using the fishery the fishery resources. If the application is for the continuation of an

existing S–K funded project, describe progress to date and explain why continuation funding is necessary.

b. *Project Goals and Objectives.* State what the proposed project will accomplish and describe how this will eliminate or reduce the problem(s) described above. For multi-year projects, describe the ultimate objective of the project and how the individual tasks contribute to reaching the objective. Describe the time frame in which tasks would be conducted.

c. *Need for Government Financial Assistance.* Explain why members of the fishing industry cannot fund all the proposed work. List all other sources of funding which are or have been sought for the project.

d. *Participation by Persons or Groups Other Than the Applicant.* Describe (1) the level of participation by the NMFS, Sea Grant, or other Government and non-Government entities, particularly members of the fishing industry, required in the project(s); and (2) the nature of such participation. In addition, list names and addresses of the members of the fishing industry consulted during the preparation of the project description.

e. *Federal, State, and Local Government Activities.* List any existing Federal, State, or local government programs or activities, including State Coastal Zone Management Plans, this project would affect and describe the relationship between the project and these plans or activities. List names and addresses of persons providing this information.

f. *Project Outline.* Describe the work to be performed during the project starting with the first month's work and continuing to the last month. Identify specific milestones that can be used to track project progress. For multi-year projects, major project tasks and milestones must be identified. If the work described in this section does not contain sufficient detail to allow for proper technical evaluation, the NMFS will not consider the application for funding and will return it to the applicant.

g. *Project Management.* Describe how the project will be organized and managed. List all persons, directly employed by the applicant, who will be involved in the project, their qualifications, and their level of involvement in the project. If any tasks will be conducted through subcontracts, provide copies of any agreements between the applicant and the proposed subcontractors which describe the specific tasks they will perform. If no subcontractor has been chosen, indicate this. All subcontracts must be awarded on a competitive basis. If a subcontractor is chosen prior to application submission, the competitive process used must be documented.

h. *Monitoring of Project Performance.* Identify who will participate in monitoring the project. Generally, those monitoring the project will provide expertise the applicant does not have. For example, an applicant who has little fishing industry experience should have fishing industry representatives monitoring project progress.

i. *Project Impacts.* Describe the impact of the project in terms of anticipated increased landings, production, sales, exports, product quality, safety, or any other measurable factors. Describe the specific products or services that will be produced by this project. Describe how these products or services will be made available to the fishing industry.

j. *Evaluation of Project Impacts.* The applicant is required to provide an evaluation of project accomplishments. Describe the methodology or procedures to be followed to determine, as appropriate, technical or economic feasibility, to evaluate consumer acceptability, or to quantify the impact of the project in promoting increased landings, production, sales, exports, product quality, safety, or other measurable factors.

k. *Project Costs.* Costs for the following must be provided: (1) Personnel salaries by position title; (2) total personnel benefits; (3) Consultant and contract services; (4) Travel; (5) Space costs and rentals; and (6) other costs. Costs must be allocated to the Federal share and matching provided by the applicant. Applicant matching costs are to be divided into cash and in-kind contributions. A standard budget form is available from the offices listed in Section E. A separate budget must be submitted for each project within an application. For multi-year projects, funds will be provided as specified tasks are completed. Therefore, applicants submitting multi-year projects must submit two budgets—one covering total project costs and one covering its initial funding request. Initial funding requests should only cover funds required during the first 12-month period. Ordinarily, funds will not be granted for the purchase of capital equipment. NMFS will not consider fees or profits as allowable costs for grantees. To support its budget the applicant must describe briefly the basis for estimating the value of the matching funds derived from in-kind contributions.

4. *Project Consolidation.* Applicants may submit two or more projects under one proposal but must identify project costs including administrative costs, separately for each individual project. As a result, the amount of administrative funds provided will be based on the actual number of projects funded.

5. *Supporting Documentation.* This section should include any required documents and any additional information necessary or useful to the description of the project. The amount of information given in this section will depend on the type of project proposed. The applicant should present any information which would emphasize the value of the project in terms of the significance of the problems addressed. Without such information, the merits of the project may not be fully understood, or the value of the project to fisheries development may be underestimated. The absence of adequate supporting documentation may cause reviewers to question assertions made in describing the project and may result in a lower ranking of the project. Reviewers will not necessarily examine all material provided as supporting documentation except where sufficient detail is lacking in the project description to properly evaluate the project. Therefore, information presented in this section should be clearly referenced in the project description, where appropriate.

E. Application Submission and Deadline

1. *Deadline.* The NMFS will accept applications for funding under this program between April 15, 1985 and June 7, 1985. An application will be accepted if the application is received by any of the offices listed below on or before June 17, 1985.

2. *Submission of Applications to the NMFS.* Applicants must submit one signed original and two (2) copies of the complete application. *Applications are not to be bound in any manner.*

a. Applications relating to a specific fishery or a particular region should be submitted to the appropriate NMFS Regional Office as specified below:

Northeast Region (Maine, Massachusetts, Rhode Island, Connecticut, Vermont, New Hampshire, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Wisconsin, Michigan, Minnesota):

Regional Director, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, MA 01930, Telephone No.: (617) 281–3600.

Southeast Region (North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, New Mexico, Oklahoma, Arkansas, Tennessee, Kentucky, Missouri, Kansas,

Nebraska, Iowa, Puerto Rico, Virgin Islands):

Regional Director, National Marine Fisheries Service, Duval Bldg., 9450 Koger Blvd., St. Petersburg, Florida 33702, Telephone No.: (813) 893-3142.

Southwest Region (California, Hawaii, Nevada, Arizona, American Samoa, Guam, Trust Territory of Pacific Islands, Northern Mariana Islands):

Regional Director, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, Telephone No.: (213) 548-2575.

Northwest Region (Washington, Oregon, Idaho, Montana, Wyoming, Utah, Colorado, North Dakota, South Dakota):

Regional Director, National Marine Fisheries Service, Bin C15700, 7600 Sand Point Way, N.E., Seattle, Washington 98115, Telephone No.: (206) 527-6150.

Alaska Region (Alaska):

Regional Director, National Marine Fisheries Service, P.O. Box 1668, 709 West Ninth Street, Juneau, AK 99802, Telephone No.: (907) 586-7221.

b. Applications addressing national priorities should be sent to:

Director, Office of Industry Services, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235.

c. Questions of an administrative nature should be referred to the offices listed below.

Northeast

NOAA RAS/EC32, Eastern Administrative Support Center, 253 Monticello Avenue, Norfolk, Virginia 23510.

Southeast

NOAA RAS/CC31, Central Administration Support Center, Federal Bldg. Room 1758, 601 East 12th Street, Kansas City, Missouri 64106.

Northwest/Southwest/Alaska

NOAA RAS/WC33, Western Administrative Support Center, BIN C15700, 7600 Sandpoint Way, NE, Seattle, Washington, 98115.

Washington

NOAA RAS/DC33, National Capital Administrative Support Center, NBOC1 Room 106, 11420 Rockville Pike Rockville, Maryland 20852.

Review Process and Criteria

A. Evaluation and Ranking of Proposed Projects

For applications meeting the requirements of this solicitation, NMFS will determine which Office should evaluate the proposed work. This will normally be the office where the application is filed. The NMFS will evaluate the project(s) contained in the application in consultation with representatives from other Federal Government agencies with programs affecting the U.S. fishing industry, members of the fishing industry, and other fisheries interests, as necessary. The regional and Washington offices of the NMFS will make project descriptions available for review as follows:

1. *Public review* and *comment.* Regional applications may be inspected at the office to which they are submitted. All applications will be available for inspection at the NMFS Office of Industry Services, 3300 Whitehaven Street NW., Room 324, Washington, D.C. from June 24, 1985 to July 3, 1985. Written comments will be accepted at the regional or Washington offices until July 3, 1985.

2. *Consultation with members of the fishing industry.* The NMFS shall, at its discretion, request comments from members of the fishing industry who have knowledge in the subject matter of a project or who would be affected by a project.

3. *Consultation with Government agencies.* Applications will be reviewed in consultation with NMFS Research Centers and Utilization Laboratories, RASC Grants/Contracts Offices and, as appropriate, Department of Commerce and other federal agencies. The Regional Fishery Management Councils may be asked to review projects and advise of any real or potential conflicts with Council activities.

The NMFS will conduct a technical evaluation of each project. If an application contains two or more projects, the NMFS will evaluate the projects separately. All comments submitted to the NMFS will be taken into consideration in the technical evaluation of projects. The NMFS will give projects point scores based on the following evaluation criteria:

Evaluation Criteria

a. Adequacy of research/development/demonstration for resolving an impediment and possibilities of securing productive results (20 points).

b. Soundness of design/technical approach for resolving an impediment (20 points).

c. Organization and management of the project, including qualifications and previous related experience of the applicant's management team and other project personnel involved (20 points).

d. Effectiveness of proposed methods for monitoring and evaluating the project (20 points).

e. Justification and allocation of the budget in terms of the work to be performed (20 points).

After the technical evaluation, each reviewing Office will solicit comments from the fishing industry, consumer representatives, and others, as appropriate, to rank the projects filed with the office. This review will consider the significance of the problem addressed in the project along with the technical evaluation and will rank each project in terms of importance or need for funding. This review will provide recommendations on the level of funding NMFS should award to each project and the merits and benefits of funding each project.

B. Funding Awards

After projects have been evaluated, the reviewing offices will develop recommendations for project funding. They will submit the recommendations to the Assistant Administrator for Fisheries for review who will determine the number of projects to be funded based on the recommendations provided, consistency of projects with the identified fisheries objectives, and the amount of funds available for the program.

The exact amount of funds awarded to a project will be determined in preaward negotiations between the applicant and NOAA/NMFS Program and grants management representatives. The Department of Commerce (DOC) will review and clear all recommended projects and funding before final authority is given to proceed on the project. The funding instrument will be determined by RASC Grants Officers. Projects may not be initiated until a notice of award document is received.

Administrative Requirements

A. Obligations of the Applicant

An Applicant must—

1. Meet all application requirements and provide all information necessary for the evaluation of the project.

2. Be available, upon request, in person or by designated representative, to respond to questions during the review and evaluation of the project(s).

3. If a project is awarded, manage the day-to-day operations of the project, be responsible for the performance of all activities for which funds are granted, and be responsible for the satisfaction of all administrative and managerial conditions imposed by the award.

4. If a project is awarded, keep records sufficient to document any costs incurred under the award, and allow access to records for audit and examination by the Secretary, the Comptroller of the United States, or their authorized representatives. NMFS may provide a proportionate share of funds as part of the financial award to pay for an audit.

5. If a project is awarded, submit quarterly project status reports on the use of funds and progress of the project to NMFS within thirty days after the end of each calendar quarter to the individual specified as the technical monitor in the funding agreement. The content of these reports will include, at a minimum:

a. a summary of work conducted which includes a description of specific accomplishments and milestones achieved;

b. the degree to which goals or objectives were achieved as originally projected;

c. where necessary, the reasons why goals or objectives are not being met; and

d. Any proposed changes in plans or redirection of resources or activities and the reason therefore.

6. If a project is funded, submit an original and 2 copies of a final report within 90 days after completion of each project. This report must describe the project and include an evaluation of the work performed and the results and benefits of the work in sufficient detail to enable NMFS to assess the success of the completed project. Results must be described in relation to the project objectives of resolving specific impediments and be quantified to the extent possible. Potential uses of project results in private industry should be specified. Any conditions or requirements necessary to make productive use of project results should be identified.

7. If a project is funded by grant or cooperative agreement, comply with Office of Management and Budget (OMB) Circulars, and Department of Commerce and NOAA policies. Copies of all circulars are available from the RASC Offices listed above.

8. Submit 25 copies of all publications or reports printed with grant funds.

B. Obligations of the National Marine Fisheries Service

The NMFS will—

1. Provide all forms and explanatory information necessary for the proper submission of applications for fisheries development and utilization projects;

2. Provide advice, through the NMFS Office servicing the applicant's area, to inform applicants of NMFS fisheries development policies and goals;

3. Monitor all projects after award to ascertain their effectiveness in achieving project objectives and in producing measurable results. Actual accomplishments of a project will be compared with stated objectives.

C. RASC Grants Officer Responsibility

The RASC Grants Officer is responsible for the administrative processing of NOAA federal assistance awards. Questions from the recipient of an administrative nature will be referred to the Grants Officer. The official grant file will be maintained by the Grants Officer who will ensure that OMB, DOC, and NOAA policies are met.

D. Legal Requirements

The applicant will be required to satisfy the requirements of applicable local, State and Federal Laws.

(Federal Domestic Assistance Catalogue No. 11.427 Fisheries Development and Utilization Research and Demonstration Grants and Cooperative Agreements)

Dated: April 11, 1985.

Carmen J. Blondin,

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

[FR Doc. 85-9128 Filed 4-15-85; 8:45 am]

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federal register

Tuesday
April 16, 1985

Part V

Office of Management and Budget

Budget Rescissions and Deferrals; Cumulative Report

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

April 1, 1985.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of April 1, 1985, of 242 rescission proposals and 69 deferrals contained in the first eight special messages of FY 1985. These messages were transmitted to the Congress on October 1, October 31, and November 29, 1984; and January 4, February 6 (two special messages), March 1, and March 22, 1985.

Rescissions (Table A and Attachment A)

As of April 1, 1985, rescission proposals totaling $1,805.9 million were pending before the Congress. Attachment A shows the history and status of each rescission proposal reported during FY 1985.

Deferrals (Table B and Attachment B)

As of April 1, 1985, $5,796.1 million in 1985 budget authority was being deferred from obligation and $9.1 million in 1985 outlays was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1985.

Information From Special Messages

The special messages containing information on the rescission proposals and deferrals covered by this cumulative report are printed in the **Federal Registers** listed below:

Vol. 49, FR p. 39464, Friday, October 5, 1984
Vol. 49, FR p. 44870, Friday, November 9, 1984
Vol. 49, FR p. 47804, Thursday, December 6, 1984
Vol. 50, FR p. 1420, Thursday, January 10, 1985
Vol. 50, FR p. 6582, Friday, February 15, 1985
Vol. 50, FR p. 6648, Friday, February 15, 1985
Vol. 50, FR p. 9410 Thursday, March 7, 1985
Vol. 50, FR p. 12504 Thursday, March 28, 1985

David A. Stockman,

Director, Office of Management and Budget.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1985 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	$1,805.9
Accepted by the Congress	0
Rejected by the Congress	0
Pending before the Congress	$1,805.9

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TABLE B

STATUS OF 1985 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$14,846.6
Routine Executive releases through April 1, 1985 (OMB/ Agency Releases of $9,204.6 million and cumulative adjustments of $163.1 million)	-9,041.4
Overturned by the Congress	0
Currently before the Congress	$ 5,805.2 a/

a/ This amount includes $9.1 million in outlays for a Department of the Treasury deferral (D85-13).

Attachments

Attachment A - Status of Rescissions - Fiscal Year 1985

As of April 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian Regional Development Programs	R85-1		99,000	2-6-85				
International Development Assistance Functional development assistance program	R85-2		5,168	2-6-85				
Peace Corps Peace Corps operating expenses	R85-3		1,231	2-6-85				
Overseas Private Investment Corporation Overseas Private Investment Corporation	R85-4		838	2-6-85				
DEPARTMENT OF AGRICULTURE								
Office of the Secretary Office of the Secretary	R85-5		114	2-6-85				
Departmental Administration Departmental Administration	R85-6		149	2-6-85				
Office of Governmental and Public Affairs Office of Governmental and Public Affairs	R85-7		497	2-6-85				
Office of the Inspector General Office of the Inspector General	R85-8		41	2-6-85				
Office of the General Counsel Office of the General Counsel	R85-9		24	2-6-85				
Agricultural Research Service Agricultural Research Service	R85-10		1,313	2-6-85				
Buildings and facilities	R85-11 R85-12		16,950 20,950	2-6-85 2-6-85				
Cooperative State Research Service Cooperative State Research Service	R85-13		151	2-6-85				
Extension Service Extension Service	R85-14		310	2-6-85				
National Agricultural Library National Agricultural Library	R85-15		11	2-6-85				
Statistical Reporting Service Salaries and expenses	R85-16		206	2-6-85				
Economic Research Service Salaries and expenses	R85-17		132	2-6-85				
World Agricultural Outlook Board World Agricultural Outlook Board	R85-18		32	2-6-85				
Foreign Agricultural Service Foreign Agricultural Service	R85-19		424	2-6-85				
Office of International Cooperation and Development Salaries and expenses	R85-20		52	2-6-85				
Scientific activities overseas (special foreign currency program)	R85-21		9	2-6-85				
Agricultural Stabilization and Conservation Service Salaries and expenses	R85-22		100	2-6-85				
Dairy indemnity program	R85-23		88	2-6-85				
Federal Crop Insurance Corporation Administrative and operating expenses	R85-24		1,906	2-6-85				
Commodity Credit Corporation Commodity Credit Corporation fund	R85-25		31	2-6-85				
Office of Rural Development Policy Salaries and expenses	R85-26		36	2-6-85				
Rural Electrification Administration Salaries and expenses	R85-27		288	2-6-85				
Reimbursement to the Rural Electrification and Telephone revolving fund	R85-28		215,964	2-6-85				
Purchase of Rural Telephone Bank capital stock	R85-29		30,000	2-6-85				

Attachment A - Status of Rescissions - Fiscal Year 1985

As of April 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Farmers Home Administration								
Salaries and expenses	R85-30		1,335	2-6-85				
Soil Conservation Service								
Conservation operations	R85-31		5,174	2-6-85				
River basin surveys and investigations	R85-32		235	2-6-85				
Watershed planning	R85-33		133	2-6-85				
Watershed and flood prevention operations	R85-34		918	2-6-85				
Great plains conservation program	R85-35		126	2-6-85				
Resource conservation and development	R85-36		164	2-6-85				
Animal and Plant Health Inspection Service								
Salaries and expenses	R85-37		1,464	2-6-85				
Federal Grain Inspection Service								
Salaries and expenses	R85-38		94	2-6-85				
Agricultural Marketing Service								
Marketing services	R85-39		150	2-6-85				
Office of Transportation								
Office of Transportation	R85-40		18	2-6-85				
Food Safety and Inspection Service								
Salaries and expenses	R85-41		2,473	2-6-85				
Food and Nutrition Service								
Food stamp administration	R85-42		684	2-6-85				
Food stamp program	R85-43		8,762	2-6-85				
Human Nutrition Information Service								
Human Nutrition Information Service	R85-44		34	2-6-85				
Packers and Stockyards Administration								
Packers and Stockyards Administration	R85-45		117	2-6-85				
Agricultural Cooperative Service								
Salaries and expenses	R85-46		50	2-6-85				
Forest Service								
Forest research	R85-47		921	2-6-85				
State and private forestry	R85-48		461	2-6-85				
National forest system	R85-49		12,134	2-6-85				
Construction	R85-50		1,922	2-6-85				
Land acquisition	R85-51		68	2-6-85				
DEPARTMENT OF COMMERCE								
General Administration								
Salaries and expenses	R85-52		3,700	2-6-85				
	R85-53		499	2-6-85				
Economic Development Administration								
Salaries and expenses	R85-54		120	2-6-85				
Economic development assistance programs	R85-55		24,000	2-6-85				
	R85-56		179,000	2-6-85				
Bureau of the Census								
Salaries and expenses	R85-57		241	2-6-85				
Periodic censuses and programs	R85-58		791	2-6-85				
Economic and Statistical Analysis								
Salaries and expenses	R85-59		433	2-6-85				
International Trade Administration								
Operations and administration	R85-60		2,783	2-6-85				
	R85-60A		18,750	2-6-85				
Participation in United States expositions	R85-61		6	2-6-85				
Minority Business Development Agency								
Minority business development	D85-62		305	2-6-85				
United States Travel and Tourism Administration								
Salaries and expenses	R85-63		468	2-6-85				
	R85-63A		3,417	2-6-85				

Attachment A - Status of Rescissions - Fiscal Year 1985

As of April 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
National Oceanic and Atmospheric Administration								
Operations, research, and facilities....	R85-64		4,140	2-6-85				
	R85-64A		100,200	2-6-85				
Fisheries loan fund.....	R85-65		1,550	2-6-85				
Patent and Trademark Office								
Salaries and expenses.....	R85-66		1,472	2-6-85				
National Bureau of Standards								
Scientific and technical research and services.....	R85-67		1,019	2-6-85				
National Telecommunications and Information Administration								
Salaries and expenses.....	R85-68		183	2-6-85				
Public telecommunications facilities, planning and construction.....	R85-69		32	2-6-85				
	R85-69A		9,968	2-6-85				
DEPARTMENT OF DEFENSE - CIVIL								
Corps of Engineers - Civil								
General investigations.....	R85-70		2,000	2-6-85				
Construction, general.....	R85-71		4,000	2-6-85				
Operation and maintenance, general.....	R85-72		8,000	2-6-85				
General expenses.....	R85-73		1,200	2-6-85				
Flood control, Mississippi River and tributaries.....	R85-74		1,000	2-6-85				
Revolving fund.....	R85-75		3,900	2-6-85				
DEPARTMENT OF EDUCATION								
Office of Elementary and Secondary Education								
Special programs.....R85-76			80,000	2-6-85				
Office of Bilingual Education and Minority Languages Affairs								
Grants to schools with substantial numbers of immigrants.....	R85-77		30,000	2-6-85				
Office of Postsecondary Education								
Higher education.....	R85-78		59,750	2-6-85				
Departmental Management								
Salaries and expenses.....	R85-79		4,189	2-6-85				
DEPARTMENT OF ENERGY								
Atomic Energy Defense Activities								
Atomic energy defense activities.....	R85-80		8,280	2-6-85				
Energy Programs								
General science and research activities.	R85-81		38	2-6-85				
Energy supply, research and development activities.....	R85-82		2,676	2-6-85				
Uranium supply and enrichment activities	R85-83		968	2-6-85				
Fossil energy research and development..	R85-84		3,276	2-6-85				
	R85-85		860	2-6-85				
Naval petroleum and oil shale reserves..	R85-86		181	2-6-85				
Energy conservation.....	R85-87		931	2-6-85				
Strategic petroleum reserve.....	R85-88		156	2-6-85				
Energy Information Administration.....	R85-89		846	2-6-85				
Emergency preparedness.....	R85-90		51	2-6-85				
Economic regulation.....	R85-91		156	2-6-85				
Federal Energy Regulatory Commission....	R85-92		204	2-6-85				
Alternate fuels production.....	R85-93		23	2-6-85				
Power Marketing Administration								
Operation and maintenance, Alaska Power Administration.....	R85-94		29	2-6-85				

Attachment A - Status of Rescissions - Fiscal Year 1985

As of April 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Operation and maintenance, Southeastern Power Administration	R85-95		15	2-6-85				
Operation and maintenance, Southwestern Power Administration	R85-96		243	2-6-85				
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	R85-97		432	2-6-85				
Departmental Administration Departmental administration	R85-98		2,786	2-6-85				
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Food and Drug Administration Salaries and expenses	R85-99		2,194	2-6-85				
Health Resources and Services Administration Health resources and services	R85-100		2,263	2-6-85				
Indian health	R85-101		161	2-6-85				
Centers for Disease Control Disease control	R85-102		2,261	2-6-85				
National Institutes of Health National Cancer Institute	R85-103		4,362	2-6-85				
National Heart, Lung and Blood Institute	R85-104		1,401	2-6-85				
National Institute of Dental Research	R85-105		166	2-6-85				
National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases	R85-106		1,171	2-6-85				
National Institute of Neurological and Communicative Disorders	R85-107		462	2-6-85				
National Institute of Allergy and Infectious Diseases	R85-108		428	2-6-85				
National Institute of General Medical Sciences	R85-109		211	2-6-85				
National Institute of Child Welfare and Human Development	R85-110		389	2-6-85				
National Eye Institute	R85-111		173	2-6-85				
National Institute of Environmental Health Sciences	R85-112		542	2-6-85				
National Institute on Aging	R85-113		196	2-6-85				
Research resources	R85-114		250	2-6-85				
John E. Fogarty International Center	R85-115		241	2-6-85				
National Library of Medicine	R85-116		354	2-6-85				
Office of the Director	R85-117		182	2-6-85				
Alcohol, Drug Abuse, and Mental Health Administration Alcohol, drug abuse, and mental health	R85-118		3,972	2-6-85				
Office of Assistant Secretary for Health Public health service management	R85-119		493	2-6-85				
Health Care Financing Administration Program management	R85-120		1,540	2-6-85				
Human Development Services Human development services	R85-121		1,334	2-6-85				
Family social services	R85-122		396	2-6-85				
Community services block grant	R85-123		34	2-6-85				
Departmental Management General departmental management	R85-124		1,246	2-6-85				
Office of the Inspector General	R85-125		496	2-6-85				
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Public and Indian Housing Programs Payments for operation of low income housing projects	R85-126		253,138	2-6-85				

Attachment A - Status of Rescissions - Fiscal Year 1985

As of April 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Management and Administration								
Salaries and expenses	R85-127		6,919	2-6-85				
DEPARTMENT OF INTERIOR								
Bureau of Land Management								
Management of lands and resources	R85-128		5,778	2-6-85				
Oregon and California grant lands	R85-129		679	2-6-85				
Working capital fund	R85-130		2,951	2-6-85				
Minerals Management Service								
Minerals and royalty management	R85-131		1,764	2-6-85				
Office of Surface Mining Reclamation and Enforcement								
Regulation and technology	R85-132		546	2-6-85				
Abandoned mine reclamation fund	R85-133		333	2-6-85				
	R85-133A		2,900	2-6-85				
Bureau of Reclamation								
Construction program	R85-134		2,571	2-6-85				
General investigations	R85-135		209	2-6-85				
Operation and maintenance	R85-136		1,540	2-6-85				
General administrative expenses	R85-137		1,468	2-6-85				
Geological Survey								
Surveys, investigations and research	R85-138		4,519	2-6-85				
Bureau of Mines								
Mines and minerals	R85-139		1,355	2-6-85				
United States Fish and Wildlife Service								
Resource management	R85-140		3,869	2-6-85				
Construction	R85-141		40	2-6-85				
National Park Service								
Operation of the national park system	R85-142		8,598	2-6-85				
National recreation and preservation	R85-143		94	2-6-85				
Construction	R85-144		397	2-6-85				
Land acquisition and state assistance	R85-145		52	2-6-85				
	R85-146		30,000	2-6-85				
Bureau of Indian Affairs								
Operation of Indian programs	R85-147		5,570	2-6-85				
Office of Territorial Affairs								
Administration of territories	R85-148		107	2-6-85				
DEPARTMENT OF JUSTICE								
General Administration								
Salaries and expenses	R85-149		166	2-6-85				
Working capital fund	R85-150		3,000	2-6-85				
Legal Activities								
Salaries and expenses, General Legal Activities	R85-151		470	2-6-85				
Salaries and expenses, Antitrust Division	R85-152		65	2-6-85				
Salaries and expenses, United States Attorneys and Marshals	R85-153		889	2-6-85				
Fees and expenses of witnesses	R85-154		309	2-6-85				
Salaries and expenses, Community Relations Service	R85-155		43	2-6-85				
Federal Bureau of Investigation								
Salaries and expenses	R85-156		3,505	2-6-85				
Drug Enforcement Administration								
Salaries and expenses	R85-157		876	2-6-85				
Immigration and Naturalization Service								
Salaries and expenses	R85-158		947	2-6-85				

Attachment A - Status of Rescissions - Fiscal Year 1985

As of April 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Federal Prison System								
Salaries and expenses	R85-159		451	2-6-85				
National Institute of Corrections	R85-160		894	2-6-85				
Buildings and facilities	R85-161		13	2-6-85				
Office of Justice Programs								
Justice assistance	R85-162		2,031	2-6-85				
DEPARTMENT OF LABOR								
Employment and Training Administration								
Program administration	R85-163		218	2-6-85				
	R85-163A		1,703	2-6-85				
Training and employment services	R85-164		11,447	2-6-85				
	R85-164A		244,291	2-6-85				
Labor-Management Services Administration								
Salaries and expenses	R85-165		1,678	2-6-85				
Employment Standards Administration								
Salaries and expenses	R85-167		1,635	2-6-85				
	R85-167A		600	2-6-85				
Occupational Safety and Health Administration								
Salaries and expenses	R85-168		1,694	2-6-85				
Mine Safety and Health Administration								
Salaries and expenses	R85-169		1,776	2-6-85				
Bureau of Labor Statistics								
Salaries and expenses	R85-170		765	2-6-85				
	R85-170A		5,000	2-6-85				
Departmental Management								
Salaries and expenses	R85-171		728	2-6-85				
Inspector General salaries and expenses	R85-172		3,766	2-6-85				
Special foreign currency program	R85-173		20	2-6-85				
DEPARTMENT OF STATE								
Administration of Foreign Affairs								
Salaries and expenses	R85-174		2,432	2-6-85				
DEPARTMENT OF TRANSPORTATION								
Federal Highway Administration								
Motor carrier safety	R85-175		164	2-6-85				
National Highway Traffic Safety Administration								
Operations and research	R85-176		767	2-6-85				
Trust fund share of operations and research	R85-177		408	2-6-85				
Highway traffic safety grants	R85-178		250	2-6-85				
Federal Railroad Administration								
Office of the Administrator	R85-179		100	2-6-85				
Railroad research and development	R85-180		170	2-6-85				
Rail service assistance	R85-181		90	2-6-85				
Railroad safety	R85-182		140	2-6-85				
Northeast corridor improvement program	R85-183		200	2-6-85				
Urban Mass Transportation Administration								
Urban mass transportation fund, administrative expenses	R85-184		265	2-6-85				
Federal Aviation Administration								
Operations	R85-185		18,888	2-6-85				
Headquarters administration	R85-186		1,065	2-6-85				
Operation and maintenance, Washington metropolitan airports	R85-187		17	2-6-85				
Facilities and equipment (Airport and airway trust fund)	R85-188		10,000	2-6-85				

Attachment A - Status of Rescissions - Fiscal Year 1985

As of April 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Coast Guard								
Operating expenses	R85-189		14,724	2-6-85				
Acquisition, construction and improvements	R85-190		500	2-6-85				
Reserve training	R85-191		441	2-6-85				
Research, development, test, and evaluation	R85-192		135	2-6-85				
Maritime Administration								
Operations and training	R85-193		888	2-6-85				
Office of the Inspector General								
Salaries and expenses	R85-194		300	2-6-85				
Office of the Secretary								
Salaries and expenses	R85-195		435	2-6-85				
Transportation planning, research and development	R85-196		65	2-6-85				
DEPARTMENT OF THE TREASURY								
Office of the Secretary								
Salaries and expenses	R85-197		969	2-6-85				
Office of Revenue Sharing								
Salaries and expenses	R85-198		90	2-6-85				
Federal Law Enforcement Training Center								
Salaries and expenses	R85-199		75	2-6-85				
Financial Management Service								
Salaries and expenses	R85-200		972	2-6-85				
Bureau of Alcohol, Tobacco and Firearms								
Salaries and expenses	R85-201		397	2-6-85				
United States Customs Service								
Salaries and expenses	R85-202		1,223	2-6-85				
Bureau of the Mint								
Salaries and expenses	R85-203		87	2-6-85				
Bureau of the Public Debt								
Administering the public debt	R85-204		52	2-6-85				
Internal Revenue Service								
Salaries and expenses	R85-205		198	2-6-85				
Processing tax returns and executive direction	R85-206		781	2-6-85				
Examinations and appeals	R85-207		1,588	2-6-85				
Investigation, collection, and taxpayer service	R85-208		1,633	2-6-85				
United States Secret Service								
Salaries and expenses	R85-209		1,465	2-6-85				
ENVIRONMENTAL PROTECTION AGENCY								
Salaries and expenses	R85-210		1,863	2-6-85				
Research and development	R85-211		4,125	2-6-85				
Abatement, control, and compliance	R85-212		7,413	2-6-85				
GENERAL SERVICES ADMINISTRATION								
Real Property Activities								
Federal buildings fund	R85-213		3,204	2-6-85				
Personal Property Activities								
Operating expenses	R85-214		300	2-6-85				
General supply fund	R85-215		30,848	2-6-85				
Office of Information Resources Management								
Operating expenses	R85-216		45	2-6-85				
Consumer information center fund	R85-217		63	2-6-85				
Federal telecommunications fund	R85-218		415	2-6-85				

Attachment A - Status of Rescissions - Fiscal Year 1985

As of April 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Automatic data processing fund	R85-219		145	2-6-85				
Federal Property Resources Activities Operating expenses	R85-220		207	2-6-85				
Expenses, disposal of surplus real and related personal property	R85-221		1,832	2-6-85				
General Activities General management and administration, salaries and expenses	R85-222		403	2-6-85				
Office of the Inspector General	R85-223		35	2-6-85				
Allowances and staff for former Presidents	R85-224		19	2-6-85				
Working capital fund	R85-225		8	2-6-85				
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION								
Research and program management	R85-226		4,000	2-6-85				
OFFICE OF PERSONNEL MANAGEMENT								
Salaries and expenses	R85-227		1,161	2-6-85				
SMALL BUSINESS ADMINISTRATION								
Salaries and expenses	R85-228		3,781	2-6-85				
VETERANS ADMINISTRATION								
Medical care	R85-229		10,761	2-6-85				
Medical and prosthetic research	R85-230		323	2-6-85				
Medical administration and miscellaneous operating expenses	R85-231		2,109	2-6-85				
General operating expenses	R85-232		4,334	2-6-85				
Construction, minor projects	R85-233		377	2-6-85				
OTHER INDEPENDENT AGENCIES								
ACTION Operating expenses	R85-234		1,139	2-6-85				
Federal Emergency Management Agency Salaries and expenses	R85-235		786	2-6-85				
Emergency management planning and assistance	R85-236		1,287	2-6-85				
National Archives and Records Administration Operating expenses	R85-237		166	2-6-85				
National Labor Relations Board Salaries and expenses	R85-238		1,070	2-6-85				
National Science Foundation Research and related activities	R85-239		2,002	2-6-85				
Nuclear Regulatory Commission Salaries and expenses	R85-240		4,329	2-6-85				
Tennessee Valley Authority Tennessee Valley Authority fund	R85-241		1,538	2-6-85				
United States Information Agency Salaries and expenses	R85-242		433	2-6-85				
Subtotal, rescissions			1,805,913					

Attachment B - Status of Deferrals - Fiscal Year 1985

As of April 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 4-1-85
FUNDS APPROPRIATED TO THE PRESIDENT									
Appalachian Regional Development Programs									
Appalachian regional development programs..	D85-1	10,000		10-1-84					10,000
International Security Assistance									
Foreign military sales credit.....	D85-24	4,939,500		11-29-84	-4356000				583,500
Economic support fund.....	D85-2	280,500		10-1-84					
	D85-2A		3,826,000	11-29-84					
	D85-2B		73,233	1-4-85	-3440550				739,183
Military assistance.....	D85-3	18,500		10-1-84					
	D85-3A		782,770	11-29-84	-695145				106,125
International military education and training.....	D85-25	55,521		11-29-84	-55521				0
Peacekeeping operations.....	D85-38	7,000		1-4-85					7,000
African Development Foundation									
African Development Foundation.....	D85-40	2,287		2-6-85					2,287
DEPARTMENT OF AGRICULTURE									
Forest Service									
Timber salvage sales.....	D85-4	9,704		10-1-84					
	D85-4A		3,471	3-1-85	-5000				8,175
Expenses, brush disposal.....	D85-5	55,850		10-1-84					
	D85-5A		22,063	3-1-85					77,913
Soil Conservation Service									
Watershed and flood prevention operations.....	D85-59	8,365		3-1-85					8,365
DEPARTMENT OF COMMERCE									
Patent and Trademark Office									
Salaries and expenses.....	D85-41	15,993		2-6-85					15,993
DEPARTMENT OF DEFENSE - MILITARY									
Military Construction									
Military construction, all services.....	D85-6	300,008		10-1-84					
	D85-6A		906,322	11-29-84	-392474				813,856
Family Housing									
Family housing, all services.....	D85-26	230,790		11-29-84	-100				230,690
DEPARTMENT OF DEFENSE - CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation.....	D85-7	1,127		10-1-84					
	D85-7A		64	1-4-85	-150			136	1,177
DEPARTMENT OF ENERGY									
Energy Programs									
Uranium Supply and Enrichment Activities...	D85-65	90,000		3-22-85					90,000
Fossil energy research and development.....	D85-27	4,871		11-29-84					
	D85-27A		43,525	2-6-85	-3582				44,815
Fossil energy construction.....	D85-28	2,165		11-29-84					
	D85-28A		2,973	2-6-85					5,137
Naval petroleum and oil shale reserves....	D85-29	21		11-29-84					
	D85-29A		155,644	2-6-85					
	D85-29B		1	3-22-85					155,668
Energy conservation.....	D85-30	3,398		11-29-84					
	D85-30A		2,374	3-22-85					5,772
Strategic petroleum reserve.....	D85-31	401		11-29-84					
	D85-31A		270,337	2-6-85					270,738

Attachment B - Status of Deferrals - Fiscal Year 1985

As of April 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 4-1-85
SPR petroleum account	D85-42	827,028		2-6-85					827,028
Energy security reserve and alternative production	D85-32	852		11-29-84					
	D85-32A		297	2-6-85					
	D85-32B		89	3-22-85					1,238
Power Marketing Administrations Southeastern Power Administration, Operation and maintenance	D85-16	12,467		10-31-84					
	D85-16A		3,494	2-6-85					15,961
Southwestern Power Administration, Operation and maintenance	D85-17	7,260		10-31-84					
	D85-17A		1,514	2-6-85					8,774
Western Area Power Administration, Construction, rehabilitation, operation and maintenance	D85-18	3,000		10-31-84					
	D85-18A		27,300	2-6-85					30,300
Departmental Administration Departmental administration	D85-43	8,501		2-6-85					8,501
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Office of Assistant Secretary for Health Scientific activities overseas (special foreign currency program)	D85-8	424		10-1-84					
	D85-8A		590	1-4-85					1,013
Health Care Financing Administration Program management	D85-66	4,271		3-22-85					4,271
Social Security Administration Limitation on administrative expenses (construction)	D85-9	15,488		10-1-84					
	D85-9A		224	3-1-85					15,712
Limitation on administrative expenses (information technology systems)	D85-44	81,926		2-6-85					81,926
Limitation on administrative expenses	D85-67	9,176		3-22-85					9,176
DEPARTMENT OF THE INTERIOR									
Bureau of Land Management Payments for proceeds, sale of water, Mineral Leasing Act of 1920, sec. 40 (d)	D85-10	49		10-1-84					49
National Park Service Construction (trust fund)	D85-45	38,172		2-6-85	-3500				34,672
Land Acquisition	D85-68	3,356		3-22-85					3,356
Bureau of Indian Affairs Construction	D85-33	8,918		11-29-84	-893				8,025
DEPARTMENT OF JUSTICE									
General Administration Salaries and expenses	D85-46	3,890		2-6-85					3,890
Legal Activities Support of United States prisoners	D85-47	5,319		2-6-85					5,319
Federal Prison System Buildings and facilities	D85-19	44,534		10-31-84					44,534
Office of Justice Programs Justice assistance	D85-60	13,026		3-1-85					13,026
DEPARTMENT OF LABOR									
Employment and Training Administration Program administration	D85-61	162		3-1-85					162
State unemployment insurance and employment service operations	D85-34	3,767		11-29-84					
	D85-34A			3-1-85					3,767
	D85-62	37,000		3-1-85					37,000

Attachment B - Status of Deferrals - Fiscal Year 1985

As of April 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 4-1-85
Unemployment trust fund (veterans employment and training)	D85-63	119		3-1-85					119
Pension Benefit Guaranty Corporation Pension Benefit Guaranty Corporation	D85-64	228		3-1-85					228
Bureau of Labor Statistics Salaries and expenses	D85-35	5,000		11-29-84	-5000				0
DEPARTMENT OF STATE									
Other United States emergency refugee and migration assistance fund	D85-20	32,928		10-31-84					
	D85-20A		153	1-4-85	-24905				8,175
DEPARTMENT OF TRANSPORTATION									
Federal Highway Administration Limitation on general operating expenses	D85-48	2,155		2-6-85					2,155
Federal Railroad Administration Rail service assistance	D85-49	413		2-6-85					413
Northeast corridor improvement program	D85-50	30,000		2-6-85					30,000
Railroad rehabilitation and improvement financing funds	D85-51	7,200		2-6-85					7,200
Urban Mass Transportation Administration Research, training and human resources	R85-52	25,206		2-6-85					25,206
Federal Aviation Administration Construction, metropolitan Washington airports	D85-53	910		2-6-85					910
Facilities and equipment (airport and airway trust)	D85-11	537,295		10-1-84					
	D85-11A		652,957	1-4-85					
	D85-11B		93,731	2-6-85	-163000			163,000	1,283,894
Maritime Administration Operations and training	D85-54	8,500		2-6-85					8,500
Office of the Secretary Salaries and expenses	D85-55	800		2-6-85					800
Payments to air carriers	D85-69	14,741		3-22-85					14,741
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing Local government fiscal assistance trust fund	D85-12	55,400		10-1-84	-32458				22,942
	D85-13	19,900		10-1-84	-10802				9,098
GENERAL SERVICES ADMINISTRATION									
National Archives and Records Service Operating expenses	D85-36	4,700		11-29-84					4,700
OTHER INDEPENDENT AGENCIES									
Board for International Broadcasting Grants and expenses	D85-21	4,408		10-1-84	-4408				0
National Science Foundation Science and engineering education activities	D85-56	31,450		2-6-85					31,450
Panama Canal Commission Operating expenses	D85-37	6,346		11-29-84	-6086				260
Pennsylvania Avenue Development Corporation Land acquisition and development fund	D85-14	14,300		10-1-84	-5000				9,300
Railroad Retirement Board Milwaukee railroad restructuring, administration	D85-15	108		10-1-84					
	D85-15A		7	2-6-85					115

Attachment B - Status of Deferrals - Fiscal Year 1985

As of April 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 4-1-85
Limitation on administration	D85-57	3,098		2-6-85					3,098
Limitation on Railroad Unemployment Insurance Administration fund	D85-58	502		2-6-85					502
U. S. Information Agency									
Salaries and expenses	D85-22	2,433		10-31-84					2,433
Salaries and expenses, special foreign currency program	D85-23	852		10-31-84					852
U.S. Institute of Peace									
U.S. Institute of Peace	D85-39	4,000		1-4-85					4,000
TOTAL, DEFERRALS		7,977,489	6,869,133		-9,204,574	0		163,135	5,805,183

Notes: All of the above amounts represent budget authority except the Local Government Fiscal Assistance Trust Fund (D85-13) of outlays only.

The Bureau of Labor Statistics deferral of $5.0 million (D85-35) was released and the funds were proposed for rescission as part of R85-170A.

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Part VI

Department of Labor

Occupational Saftey and Health Administration

29 CFR Part 1928

Field Sanitation; Final Determination

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1928

Field Sanitation

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final Determination: Statement of reasons.

SUMMARY: After a careful examination of the record in the field sanitation rulemaking and a review of a broad range of policy considerations, including prioritization of available resources, enforcement and inspection mechanisms, the impact of other state and federal standards, considerations of the most effective way to protect field workers from the relevant hazards, and considerations of federalism and the relationship of field sanitation facilities to traditional state public health activities, OSHA has determined that a federal field sanitation standard will not be issued at this time.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Occupational Safety and Health Administration, Office of Public Affairs, room N-3637, U.S. Department of Labor, 200 Constitution Avenue NW. Washington, D.C. 20210, Telephone (202) 523-8148.

SUPPLEMENTARY INFORMATION:

1. Events Leading to This Action

A. Background

On September 1, 1972, the Migrant Legal Action Program, Inc. (MLAP), on behalf of the National Congress of Hispanic American Citizens and several other organizations representing migrant and seasonal farm workers, petitioned OSHA to issue a standard for agricultural workers in the field requiring potable drinking water, handwashing facilities, and toilet facilities. The petition stated that agricultural workers are not adequately provided such facilities. It alleged that because of these existing inadequacies, communicable diseases are spread and other health problems are created. In 1973, dissatisfied with OSHA's progress, MLAP filed suit in U.S. District Court to compel OSHA to issue a standard.

On April 27, 1976, OSHA published a notice in the **Federal Register** (41 FR 17576) proposing a field sanitation standard. That notice of proposed rulemaking was withdrawn and replaced with the new proposal published on March 1, 1984 (49 FR 7589).

The 1976 proposal was based substantially upon the recommendations of the Standards Advisory Committee for Agriculture and existing standards in California and New Jersey. It required potable drinking water, handwashing facilities, toilet facilities and, where food was prepared, sanitary preparation facilities. Specifically, toilet and handwashing facilities were to be made available to employees in a ratio of one facility for every forty workers or fraction thereof, and to be located within a five minute walk of the workplace. If five or fewer employees were in the work group, however, the facilities were not required to be physically located in the field as long as they were easily accessible by readily available transportation. If workers were in the field for two hours or less on any day, toilet and handwashing facilities were not required.

The 1976 notice (41 FR 17576) requested comments and information on issues relating to the proposed standard. A total of 1113 comments were received and reviewed by OSHA. Thereafter, in the face of other priorities, development of the standard was discontinued.

In order to settle pending litigation, OSHA resumed work on the standard in 1982. On March 1, 1983, OSHA published an Advance Notice of Proposed Rulemaking (ANPR) informing the public and interested parties that the Agency was considering developing a new field sanitation standard and soliciting relevant data and comment on the incidence of disease among farmworks (48 FR 8493). 448 public comments were received in response to that ANPR. Supporters of a standard included farm workers and public interest groups (Ex. 2-99, 2-291, 2-237, 2-400, 2-414. Of those opposed, most questioned the need for and anticipated impact of such a regulation (ex. 2-63). Many of them, nonetheless, commented on provisions for a field sanitation standard (ex. 2-80, 2-252, 2-323, 2-415). A sizable portion of those opposed were small farm operators, employing mostly family members, who expressed concern that such a field sanitation standard would apply to them. Other groups having reservations and/or opposing the standard consisted mainly of small farm operators, loggers one farmworker association and various agricultural trade associations.

Consistent with the settlement agreement, OSHA published a Notice of Proposed Rulemaking (NPRM) and a request for comments on March 1, 1984 (49 FR 7589). OSHA stated that "[a]t issue is whether an OSHA standard is reasonably necessary and appropriate to deal with these health effects in the context of agricultural field labor." [49 FR 7590] This proposal would have required employers of 11 or more field workers to provide toilets, potable drinking water and handwashing facilities to farmworkers in the field. The rationale for the increase in the minimum numbers of employees is that Congress, through an express provision of law, has required OSHA to exempt small farming operations that employ 10 or fewer employees [ex. 11-109.]

The current rulemaking record, which includes 500 prehearing comments, 4,418 pages of testimony by 270 witnesses, and 221 additional exhibits, contains sufficient information to serve as a basis for decision. Public participation in the development of the record was broadly based, as illustrated by the following analysis of the affiliation of witnesses: Health experts, 30; state or federal government officials, 10; employer advocates, 15; employers, 30; economic experts, 4; employees, 63; employee advocates, 80; sanitation facility providers, 12; and others.

The proposed field sanitation standard was supported by health experts, representatives of major health associations (ex. 13-286, 35), religious organizations (ex. 13-278), employee organizations (ex. 29, 40, 218), and the Portable Sanitation Association (ex. 36). Opposition came from the American Farm Bureau Federation and its state and local subsidiaries (ex. 2-36, 13-71, 2-292, 2-145, 2-205), the National Council of Agricultural Employers (ex. 13-469), the forestry industry, (13-497, 13-483, 13-413) numerous individual (Tr. W3, p675; W3, p. 771; Tl, p. 251) farmers and others opposed to increased federal regulation on the farm (Tr. W3, p. 711).

B. Legal History

The litigation that commenced in 1973 has continued to the present. In the initial suit seeking to compel OSHA to make a determination on whether to issue a field sanitation standard, the U.S. District Court for the District of Columbia granted the relief sought by the National Congress of Hispanic American Citizens in October 1975. It held that the statutory guidelines of section 6(b)(1)-(4) of the Occupational Safety and Health Act of 1970 (OSH-Act) constituted mandatory time frames, which were triggered once the Secretary of Labor began action on the standard, and that the Secretary had violated these mandatory time frames. *National Congress of Hispanic American Citizens* v. *Dunlop*, 425 F. Supp. 900 (D.D.C. 1975).

On appeal by the Secretary, the Court of Appeals reversed the lower court's decision. *National Congress of Hispanic American Citizens* v. *Usery*, 554 F. 2d 1196 (D.C. Cir. 1977) (also known as *El*

Congresso I). The appeals court held that the Act's time frames are not mandatory and that the Secretary may "rationally order priorities and reallocate his resources at any rulemaking stage" so long as "his discretion is honestly and fairly exercised." Remanding the case to the District Court for action, the U.S. Court of Appeals for the District of Columbia ordered the Secretary to file a report on the proposed field sanitation standard, including a timetable for its development.

In September 1978, the Secretary submitted a report indicating that because of existing priorities no action would be taken on the standard for eighteen months. In December 1978, the District Court rejected the Secretary's report and ordered the Secretary "to complete development of a field sanitation standard . . . as soon as possible." *National Congress of Hispanic American Citizens* v. *Marshall*, No. 2142–73 (D.D.C. December 21, 1978). The Secretary again appealed, and the District Court's decision again was reversed. *National Congress of Hispanic American Citizens* v. *Marshall*, 626 F. 2d 882 (D.C. Cir. 1979) (also known as *El Congresso II*). The appeals court ruled that the lower court had "impermissibly substituted its judgement" for OSHA's.

In remanding the case once more to the District Court, the Court of Appeals directed the District Court to require the Secretary to provide a timetable reflecting his "good faith representation . . . regarding his reasonable expectation as to when the standard will be forthcoming." The Court of Appeals recognized that modifications in such a timetable might be justified by circumstances requiring readjustments of priorities. Such readjustments, the Court held, are proper so long as made in good faith.

Under the agreement, in June 1980, OSHA filed another timetable, indicating that completion work on the issue would take at least forty-five months. In December 1980, the District Court (D.D.C. Civ. Action No. 2142–73) conducted a five-day hearing to determine whether that timetable was consistent with the criteria set down in *El Congresso II*, 626 F. 2d 882 (D.C. Cir. 1979). At the hearing, the plaintiffs presented expert testimony and exhibits to show that medical and scientific opinion supported the need for field sanitation facilities. The Agency agreed that the absence and inadequacy of sanitation facilities may result in disease, but contended that the existing administrative record was an inadequate basis for issuance of a final standard and that further information was needed.

In 1981, the Secretary asked the District Court for time to permit the newly designated Assistant Secretary for OSHA to evaluate the June 1980 timetable before the court ruled on it (*National Congress of Hispanic American Citizens* v. *Raymond J. Donovan*, Civil Action No. 2142–73). The Secretary stated that intervening circumstances required a review of priorities and the timetable. The District Court approved the Secretary's request, and on August 17, 1981, the Assistant Secretary filed another timetable stating that the standard would be developed in a 34–39 month period, following an initial two-year deferral. The Agency asserted that a deferral period was necessary because in the interim all available resources would be allocated to the development of higher priority standards. The plaintiffs asked the court to order OSHA to complete a standard within a period they claimed to be feasible: 23–39 months.

On October 30, 1981, the District Court rejected the OSHA timetable. The Court ruled in favor of plaintiffs and ordered OSHA to make a good faith effort to promulgate a standard within 18 months. *National Congress of Hispanic American Citizens* v. *Raymond J. Donovan*. No 2142–73. OSHA appealed to the D.C. Court of Appeals, seeking a stay of the lower court's order pending a decision on the merits. *National Congress of Hispanic American Citizen* v. *Raymond J. Donovan*. (D.C. Cir. Nos. 81–2344, 81–2376). The stay was granted. Before the appellate hearing, the Agency negotiated a settlement with complainants. The District Court approved the settlement on July 16, 1982.

Under the terms of the settlement, OSHA agreed to make a good faith effort to develop, propose and complete a field sanitation standard or, alternatively, to publish in the **Federal Register** a determination that no such standard is needed . Should the agency determine that no standard is needed, and should the plaintiffs disagree with the Agency's published reasons for not promulgating a standard, under the court order the plaintiffs reserved the right to return to court to challenge the Agency's decision. An agreed-upon schedule for proceeding was negotiated. The schedule provided for the Agency to make a good faith effort to publish a proposal within 15–18 months, to hold hearings on any published proposal within 20–30 months, and to publish a final standard or determination not to publish a standard within 31 months. The proposal was issued in compliance with that settlement agreement.

Under the agreement, if the Agency was unable to meet any of these deadlines, OSHA was required to file an affidavit with the D.C. District Court explaining why the deadline could not be met and estimating when the task will be completed. If the plaintiffs then petition the court to compel the Agency to comply with the dates provided in the agreement, OSHA has the burden of demonstrating that the proposed deviation reflects a good faith effort to complete the standard.

On January 2, 1985, OSHA filed an affidavit in the U.S. District Court for the District of Columbia pursuant to the District Court's order of July 16, 1982 (Civil Action No. 73–2142) notifying the court and the parties to the settlement agreement that OSHA's effort could not be completed until April 16, 1985 or later.

On March 6, 1985, pursuant to Rule 7, Fd. R. Civ. P. and OSHA's request, the U.S. District Court for the District of Columbia transferred this case (Civil Action No. 73–2142) to the exclusive jurisdiction of the U.S. Court of Appeals for the District of Columbia Circuit.

II. Final Determination

OSHA has carefully examined the rulemaking record, weighed the role of the states in public health, and the preemptive effects of a Federal standard, considered its available enforcement mechanisms, taken into account other health and safety demands on OSHA's resources, and evaluated the most effective way to protect field workers from the relevant hazards, as well as other relevant factors, and has determined that a federal field sanitation standard will not be issued at this time.

III. Explanation of Findings

Historically, OSHA's response to a perceived need for health regulations has been based not only on credible scientific and technological evidence put forth to support the rulemaking process as outlined in section 6(b)5 of the OSH Act (29 U.S.C. 655(b)), but also on a broad range of policy considerations. Considerations such as risk prioritization, and available resources for development, implementation and enforcement of issued standards have also been given weight in the Secretary's decision to promulgate a final standard. These policy constraints affect the daily operation of the Agency and its capacity to accomplish its overall mission.

The Secretary has made the determination announced today for the following reasons. First, a federal field sanitation standard, if promulgated, would, in accordance with well-settled OSHA policy, be given a very low priority in enforcement relative to most other OSHA health standards already in effect and in development (e.g. asbestos, lead, various chemical carcinogens). It would not be appropriate to divert resources from the enforcement of other OSHA health standards already in effect and protecting workers from more life threatening chemical exposures. The promulgation of a field sanitation rule would, of necessity, reduce scarce resources available to enforce these high priority toxic chemical standards. Second, since the states having standards regulating field sanitation already cover more than three-quarters of the affected workers, OSHA believes it more appropriate that the states, which increasingly are moving to regulate this problem, be allowed to do so in accordance with each state's specific concerns for public health and particular conditions in agriculture. Third, most of the states currently regulating field sanitation do not enforce their own OSHA regulations under section 18 of the OSH Act as state plans. Nearly all of these states provide broader coverage of agricultural employees than would the proposed federal standard because they are not restricted by the Congressional mandate limiting OSHA from enforcing standards on farms employing ten or fewer farm workers. (See chart herein and 49 FR 7590). Consequently, promulgation of OSHA's proposed standard would likely reduce protection for workers in the many important agricultural states where state statutes and standards would be preempted by the federal standard. See discussion below. Although in some states where agricultural interests are relatively insignificant, protection might be increased, promulgation of the proposed federal standard would lead to a net diminution of overall protection.

A. Priorities

Section 6(g) of the OSH Act vests responsibility with the Secretary for establishing priorities:

> In determining the priority for establishing standards under this section, the Secretary shall give due regard for the urgency of the need for mandatory safety & health standards for particular industries, trades, crafts, occupations, businesses, workplaces, or work environments.

Moreover, OSHA is expressly authorized under section 6(b)(4) of the OSH Act to "make a determination that a rule should not be issued." In the absence of statutory criteria for making such determinations, OSHA presumably has broad discretion in this area, subject, of course, to the limitation that any determination must be rational in the context of the purposes and provisions of the Act and of the rulemaking record.

OSHA also must have broad discretion to order its priorities. That discretion is central to the efficient allocation of its limited resources. The Agency cannot possibly carry out all potential rulemakings or inspect all workplaces for every potential violation of existing standards. OSHA's discretion extends necessarily to the ordering of priorities in enforcement. With any level of resources the Agency must still set priorities to maximize protection of the largest number of employees from the worst occupational safety and health hazards. OSHA has a rationally ordered priorities system in place designed to protect the most endangered workers from the worst hazards.

Since October, 1983, OSHA has operated under field Instruction (CPL 2.25D) entitled, "Scheduling System For Programmed Inspections." On September 10, 1984, OSHA updated this Instruction with CPL 2.25E continuing the Agency's established policy of risk prioritization for programmed health inspections. This policy is summarized below. It is implemented as a Health Inspection Plan (HIP), a scheduling system for programmed health inspections. The targeting or selection criteria for OSHA health inspections is based on identification of those industries whose past record indicates they pose the greatest risk to workers (CPL 2.25E Appendix A). Under the current OSHA Instruction CPL 2.25E, the HIP identifies industries which OSHA determines to have the greatest potential for health problems.

This instruction provides as follows: The HIP is based on OSHA's previous inspection experience as recorded in the Integrated Management Information System (IMIS). Industries are selected by 4-digit Standard Industrial Classification (SIC) codes on the basis of the average number of *serious* health violations found during the previous 5 years of OSHA health inspections of that industry. The Occupational Safety & Health Act draws a distinction between serious and non-serious violations of the Act. See section 17 of the OSH Act. A serious violation is defined at section 17(k) as follows:

> [A] serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment . . . .

Thus serious violations merit particular attention from OSHA. Serious violations pose the greatest danger to workers. A ratio is calculated for all industries of the number of serious violations found to the number of inspections conducted within that industry over a recent five year period. Once an industry rank report for health (Health SIC List) has been created, a commercially available employer mailing list obtained from Dun's Marketing Services is used to identify all the establishments (with more than 10 employees) belonging to these industries to develop a Health Establishment List. Establishments are listed separately by OSHA Area or District office jurisdiction. Health Inspection schedules for OSHA's industrial hygienists are arranged according to this procedure to focus inspection resources on high hazard industries.

The overall task of providing service to a vast number of employees (80,000,000 or more) exposed to thousands of different and dangerous hazards in more than 5,000,000 workplaces with only 1,200 total person-years of inspection capability is most effectively accomplished if a priority system based on inspection experiences is used. OSHA area offices are, by design, placed in locations near the most hazardous industries (normally located in highly industrialized areas) in order to replace travel time with more productive inspection time. In consideration of the risks associated with field sanitation, it is unwise to assume an additional rural enforcement obligation which should properly be assigned a low priority because of the absence of life threatening situations.

A field sanitation standard misallocates OSHA's protective response capability in other ways, as well. In recent standards, OSHA has estimated the health impacts of its final rules in terms of lives saved. For example, the emergency temporary standard and proposed rule for asbestos noted that adoption of the standard would result in approximately 8500 cancer deaths avoided over the next 45 years [49 FR 14138]. Promulgation of the final ethylene oxide standard is expected to reduce the number of excess ethylene oxide-related cancer deaths from a range of 532 to 1017 deaths, to a range of 75 to 146 deaths, an 86 percent

reduction [49 FR 25768]. The inorganic arsenic standard, promulgated in 1978, predicted that reducing exposures from 500 $\mu g/m^3$ to 10 $\mu g/m^3$ would prevent approximately 11 lung cancer cases per year of exposure among copper smelter workers alone [Docket H-037C, Ex. 201-2A, p. 20]. Similarly, a recent analysis of the draft proposed standard for benzene predicated that 822 deaths from leukemia and aplastic anemia would be avoided over a working lifetime [Draft benzene proposal dated 2/15/85, p. 149].

OSHA has promulgated appropriately 25 standards since the Occupational Safety and Health Administration was established in 1971. A list of those standards follows, along with an identification of the health hazards they are intended to abate or address.

COMPREHENSIVE HEALTH STANDARDS PROMULGATED 1971-1985 [1]

[Listed in order of promulgation]

Standard	Health effects associated with
Asbestos	Asbestosis, Mesothelioma, Lung cancer.
4-Nitrobiphenyl	Cancer.
alpha-Naphthylamine	Do.
Methyl chloromethyl ether	Lung cancer.
3,3'-Dichlorobenzidine (and its salts	Cancer.
bis-Chloromethyl ether	Lung cancer.
beta-Naphthylamine	Bladder cancer.
Benezidine	Do.
4-Aminodiphenyl	Do.
Ethyleneimine	Cancer
beta-Propiolactone	Do.
2-Acetylaminofluorene	Liver and bladder cancer.
4-Dimethylaminoazobenzene	Lung, liver, and bladder cancer.
n-Nitrosodimethylamine	Do.
4,4'-Methylene bis (2-chloroaniline) [MOCA] [2].	Cancer.
Vinyl Chloride	Liver cancer.
Coke Oven Emissions	Lung cancer, urinary tract cancer, respiratory disease.
Benzene [3]	Leukemia, aplastic anemia, chromosome mutations.
1,2-Dibromo-3-chloropropane	Infertility, sterility.
Arsenic	Respiratory and lymphatic cancer.
Cotton Dust	Byssinosis, chronic bronchitis, emphysema.
Acrylonitrile	Cancer.
Lead	Damage to kidneys, central and peripheral nervous system, oxygen-carrying capacity of blood, and reproductive system. Anemia, miscarriage, sterility, brain damage, death and various behavioral effects.
Hazard Communication	All diseases associated with chemical exposure, including cancer, reproductive effects and others.
Hearing Conservation [4]	Hearing loss.
Ethylene Oxide	Cancer, mutagenic, teratogenic and reproductive effects.

[1] Standards promulgated pursuant to Section 6(b) of the OSHAct.
[2] MOCA was overturned on procedural grounds by the 3rd Circuit Court of Appeals in 1974.
[3] Vacated by the Supreme Court in July 1980.
[4] Standard overturned by U.S. Court of Appeals in 1984; rehearing *en banc* granted April, 1985.

There is a sharp contrast between the risks and diseases that the OSHA standards adopted since 1971 have dealt with and the risks and diseases that a filed sanitation standard would address. The various chemical standards prevent life-threatening diseases such as cancer, as well as reproductive and mutagenic effects. The field sanitation standard would deal with one major health effect, heat stroke, and a number of infectious diseases that are not typically life threatening and which often require no medical care for patient recovery, such as intestinal viruses, protozoal parasites, intestinal bacteria, and parasitic round worms.

There were no deaths in the record attributable to communicable disease, chronic pesticide exposure (regulation of which is an EPA duty), or urinary tract infections. Initial attacks of acute urinary tract infection in the absence of obstruction, tend to subside with treatment or spontaneously.

OSHA's ordering of priorities is further confirmed by the discussion in *OSHA, History, Law and Policy* by former Associate Solicitor of Labor, Benjamin W. Mintz. OSHA. Mr. Mintz states, has persistently given the highest priority in standards development of regulating carcinogenic substances:

> All of OSHA's health standards, except for those regulating cotton dust and lead, have related to carcinogens. The priority treatment for cotton dust and lead was based on the severe hazards involved, the large numbers of employees at risk and the excellent studies available on the hazards of cotton dust and lead. In 1983, OSHA stated that its highest health priorities were asbestos, ethylene dibromide, both carcinogens, and hazard communication, affecting numerous chemicals. (p. 84)

OSHA's determination of its priorities for enforcing OSHA standards reflects the Agency's expert judgment on the relative risk to employees from the various regulated hazards.

In the litigation discussed above the U.S. Court of Appeals for the District of Columbia Circuit broadly interpreted the Secretary's discretion in setting priorities under the act. In reaching this decision, the court pointed out that even the plaintiff agreed that "The secretary has discretion to allocate his limited resources among their contending uses. "The court then went on to say:

> The Act has built in flexibilities that the Secretary may use, such as his right to initially determine whether or not there will be a standard; what the standard will be; the priorities between the various occupations that may require standards; the altering and changing of these priorities even though once set; *the forgiving of inaction where the Secretary makes a contemporaneous statement of reasons;* the right to delay hearings; to process higher-priority standards more quickly than initiated ones; and, finally, *the Secretary's right to refuse to adopt any standards even though the whole process has been exhausted. National Congress of Hispanic American Citizens* v. *Usery,* 554 F. 2d 1196, 1199 (1977), (italics added).

From this analysis of the Secretary's broad discretion the court concluded:

> If the Secretary may rationally order priorities and reallocate his resources at the point which 6(b)(1) becomes applicable, he should be able to do so *at any rulemaking stage,* so long as his discretion is honestly and fairly exercised. (Ibid, 1200; italics added).

This decision was followed in a later, related case by the D.C. Court of Appeals in which the Secretary was again accused of unreasonable delay in issuing a field sanitation standard. Holding once again in favor of the Secretary, the court reiterated that:

> So long as his action is rational in the content of the statute, and is taken in good faith, the Secretary has authority to delay development of a standard at any stage as priorities demand. (*National Congress of Hispanic American Citizens* v. *Marshall,* 626 F. 2nd 882, 888 (1979); italics added)

In analyzing whether the Secretary's actions were "rational" and "in good faith," the court deferred to the Secretary's capacity to make comparative judgments regarding his own priorities. It recognizes that the Secretary's criteria for setting priorities, which weighed such factors as the number of workers exposed to particular unregulated hazards, the severity of the hazards in question and other factors affecting the enforceability of the standard, "adequately reflect the purposes and provisions of the statute, and are rational within that context" (*Ibid,* 889). The court also deferred to the Secretary's judgment that regulating other hazards deserved higher priority than regulating field sanitation. Thus, in overturning the lower court's summary judgment for plaintiff, the Court of Appeals said:

> This court is of the view that greater respect is due the Secretary's judgment that promulgation of a cancer policy, a lead standard, an anhydrous ammonia standard and the like, merited higher priority than a field sanitation standard. (Ibid, 889)

These same criteria, criteria the court validated, have been used to determine that a field sanitation standard shall not be issued at this time.

OSHA notes there is some evidence of risk to employee health as a result of the absence of field sanitation facilities (ex. 18, 19, 20, 26, 70, 81, 83, 94) evidence disputed by some parties to this proceeding (Ex. 2-63, 2-424, 13-71 Tr. W3, pp. 675-739; T1, pp. 251-324). The

Agency, in a risk balancing process, states that the risks faced by field workers are generally not life threatening and must be compared to the health risks associated with other, life-threatening risks, identified above. Moreover, these risks to field workers, as explained below, are being addressed by the various states.

This position is further supported by the fact that whatever risk that is present from lack of adequate sanitation in fields where people work (with the exception of heat stroke) is extremely difficult to separate from the risk presented from non worksite conditions of these same workers. Thus while an increase in disease can be documented among farm workers it is far more difficult to establish within any reasonable degree of certainty that this increase can be attributed to a lack of sanitation facilities in the field.

The difficulties in establishing this causal relationship, coupled with the obvious interconnection between exposures in the field and those from non-worksite conditions, further supports the Agency's position that this issue is better handled by the states.

Consequently, OSHA believes that the risk of disease to field workers owing to the inadequacy of field sanitation facilities is substantially less than the risk to the health of other workers from potentially life threatening hazards which require a higher priority of protective effort under the OSH Act. It is injudicious to take inspectors out of high-hazard worksites and put them in farmer's fields. In the exercise of its discretion under section 6 (b)(4) and its discretion to order its priorities for establishing standards under section 6(g) of the Act, OSHA concludes that there is no need for a field sanitation standard. Thus, in the language of the Occupational Safety and Health Act, it is not "reasonably necessary or appropriate" to issue a field sanitation standard at this time.

B. Federalism

"Federalism" involves a concept designed to restore an appropriate balance of responsibility between state & federal government and is appropriately applied in those instances where states are already taking charge of their police power responsibilities.

OSHA recognizes that it is authorized generally under the OSH Act to take regulatory action to control agricultural hazards where necessary. OSHA's authority to deal with the agricultural sector, however, is extremely limited as a result of subsequent Congressional Action. The Agency also recognizes that it is authorized generally to regulate sanitation at the work place. Indeed, OSHA already has standards requiring adequate sanitation at most industrial work sites.

But the Agency believes that regulating sanitation for tens of thousands of farms spread out across the entire United States and exhibiting widely varying conditions in terms of size, climate, terrain, workforce density and labor intensity is best left to the various states and their operational agencies, as they are best able to adapt their standards and enforcement policies to the particular conditions of agriculture in each state. OSHA also believes that it would be especially unfortunate and premature at this time for OSHA to intervene in an undifferentiated way just when the states appear to be exercizing their responsibility for regulating the relevant hazard on the local level. Under the circumstances, the federal government should focus its responsibility on regulation of toxic chemical exposures, where its resources and expertise can be effectively brought to bear on complex scientific and technical issues and where the need for uniform national standards is especially acute.

Thirteen states (California (ex. 11-035), Colorado (ex. 11-072), Connecticut (ex. 11-082), Florida (ex. 11-073), Idaho (ex. 11-077), Illinois (ex. 11074), Maine (ex. 31), New Jersey (ex. 11-079), New York (ex. 11-075), North Carolina (ex. 11-080), Oregon (ex. 11-076), Pennsylvania (ex. 11-078) and Texas (ex. 11-081)) currently have field sanitation standards (Table I). These include the big four agricultural states of California, Florida, North Carolina and Texas, which alone account for over 60 percent of the total person-years of agricultural labor annually expanded in the United States (ex. 21, pp. 24-25). Together, these 13 states account for between 75 and 90% of total person-years of hand labor annually expended in the agricultural field and over 75% of the farms affected by the proposed standard (Ex. 16; 13-71).

Of the 13 states with field sanitation standards, 10 do not have their own OSHA-approved occupational safety and health state plans, which, among other things, requires adoption by the state of a comparable standard within six months after publication of a final federal standard (§ 18 of the OSH Act). For those 10 states and for any other non-state-plan states that might issue a state field sanitation standard before promulgation of a federal standard, promulgation of a federal standard would preempt the state standards, whether the standards are more or less protective of the health of agricultural workers than the federal standard.

Of the 13 states that have field sanitation standards, five (Texas, North Carolina, Oregon, Maine and Illinois) have issued their standards within the past few years. Another two states (Wisconsin and Minnesota) are in the process of developing comparable standards. Thus, the states, especially those with substantial populations working in agriculture, currently are moving ahead vigorously to regulate field sanitation in the context of public health activities. James A. Graham, Commissioner of Agriculture, State of North Carolina supports this position in his submission to the record (ex. 13-54) as follows:

> Federal standards are unnecessary because of the existence of state standards. Each state should have the opportunity to determine whether such regulations are necessary and if so, to adapt such regulations to conditions in the state. The North Carolina Department of Labor has recently adopted field sanitation standards following very lengthy consideration of the issue. Also, the North Carolina Pesticide Board has recently adopted regulations to protect farm workers from exposure to pesticides. To preempt state efforts with single nationwide federal standard would be unproductive and inefficient.

As the data show, the workforce covered by a standard is localized in a few states. Moreover the size of the workforce engaged in hand labor in fields appears to be dropping. As the size of the workforce decreases, the aggregate health problems associated with ths workforce will decrease and the ability of states to deal with it should increase. The American Farm Bureau observed in its comments to the record:

> The most reliable source of data on agricultural employment is "The Hired Farm Working Force," published by the U.S. Department of Agriculture, based on data from the U.S. Census. The last available report is for 1981. It shows that although the number of hired farmworkers stayed about the same between 1968 and 1981, that since 1970 the number of migrant farmworker's decreased by 47 percent to 115,000 representing about 5 percent of the hired farm workforce. . . . [E]arlier reports have shown that migrants clearly represent less than 10 percent of the hired farm workforce in agriculture, and that the employment of migrant workers is concentrated in a few states. It is clear that migrancy in agricultural employment is fading out of the picture and within a few years will be virtually nonexistant. [Ex. 13-71]

OSHA's Contractor, Centaur, makes the same point, but goes further. (Ex. 16, p. 33) Centaur found that employment for all farm-workers had decreased from

TABLE I A COMPARISON OF STATE FIELD SANITATION REGULATIONS

STATE	TOILET FACILITIES REQUIRED	TOILET FACILITIES RATIO: FACILITY/ NUMBER OF WORKERS	HANDWASHING FACILITIES REQUIRED	HANDWASHING FACILITIES MOIST TOWELETTES ALLOWED AS SUBSTITUTE FOR WATER	MAXIMUM TIME/DISTANCE TO FACILITIES	DRINKING WATER REQUIRED***	MINIMUM NUMBER OF WORKERS FOR COVERAGE
CALIFORNIA (Food)	YES	1/40	YES	NO	Within 5 min. walk or	YES	5
(Non-Food Crops)	YES	VARIOUS RATIOS*	NO	N/A	or closest vehicular access Within 200 ft (61m) - For Non-Food Crops	YES	1
COLORADO++	YES	1/10	YES	YES	Within 1/4 mile (402m)	YES	NO MINIMUM
CONNECTICUT	YES	1/20 MALE 1/10 FEMALE	YES	NO	"Readily Accessible"	YES	1
FLORIDA	YES	1/40	YES	YES	if <10 workers, "available" if > 9 workers, "at location"	YES	1 (WATER) 10 (OTHER FACILITIES)
IDAHO	YES	1/40	NO	N/A	Within 1/4 mile (402m) or closest vehicular access	NO	8
ILLINOIS	YES	1/35	YES	YES	Within 1/6 mile (268m); if <10 workers, 1/2 mile (805m) or 5 min.	YES	10
NEW JERSEY	YES	SUITABLE NUMBER	YES	YES	Not more than 5 min. walk	YES	6
NEW YORK	NO	N/A	NO	N/A	"Reasonably Accessible"	YES	5
NORTH CAROLINA	NO	N/A	YES	YES	for drinking water, 200 yds (183m); for handwashing (if requested) at point of customarily used access	YES	11
OREGON	YES	1/40 1/25 IF 5 OR MORE HRS WORKED/DAY	YES	YES	"Readily Accessible"	YES	NO MINIMUM
PENNSYLVANIA	YES	VARIOUS+ RATIOS	YES	YES	"Reasonable distance"	YES	NO MINIMUM
TEXAS	YES	1/30	YES	NO**	Within unimpeded walk of 440 yd, or 400 m, or 1/4 mile	YES	6

Notes:

* Ratio: from one toilet/15 workers (1 toilet/each gender) to 6 toilets/150 workers, and toilet/each gender.

\+ Ratio from one toilet/10 workers within 1000 feet of worksite to one additional toilet for 11-15 workers with in 500 feet of worksite.

** Except on temporary basis.
N/A means not applicable.

++ Standard for the provision of field sanitation facilities excludes those employees not housed in temporary labor camps.

*** Minnesota requires employers of corn detasselers to provide an easily accessible supply of potable water for field employees.

+++ Alternatively, under a written agreement in the native language of workers, the employer will provide transportation to a toilet or handwashing facility at least once during any continuous 4 hours of work

**** Maine issued field sanitation standards that were effective July 21, 1984 for blueberry pickers based on the provisions of the OSHA proposal (49 FR 7589).

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3,488,000 in 1961 to 2,492,000 in 1981, with a continuing trend downward. And Centaur states the migrant farmworker population dropped from 395,000 in 1961 to 115,000 in 1981. Indeed, the Centaur evidence indicates a dramatic downward trend in total farm employment.

Preemption

Since the major agricultural states already have field sanitation standards and since between 75% and 90% quarters of the total person-years expended in agricultural labor are covered by existing state standards, a very practical issue which OSHA must address is whether the health of agricultural workers would be better protected by the issuance of a federal field sanitation standard. This question arises because, as indicated above, any federal standard would automatically preempt all state standards in states that do not have OSHA-approved state programs for occupational safety and health.

Federal preemption arises directly from the language of the OSH Act. Section 18 of the Act provides as follows:

> Sec. 18(a). Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any occupational safety and health issue with respect to which no standard is in effect under section 6.
>
> (b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement.

The preemptive effect was dramatically illustrated in recent litigation (*New Jersey State Chamber of Commerce et al.* v. *Hughey et al.* C.A. No. 84–3255; U.S. Dist. Ct., D.N.J.) between New Jersey and industry interests over implementation of that state's new right-to-know law. The issue was whether OSHA's hazard communication standard preempted the State law. The court observed:

> Section 18(a) has been consistently interpreted by OSHA and the courts to bar the exercise of state jurisdiction over issues addressed by an OSHA standard . . . (citations omitted). Slip opinion at p. 30.

The short answer is that in non-state-plan states that have state standards, it is likely that fewer agricultural workers will be protected with a federal standard. OSHA, by law, is prohibited from taking any actions toward regulating farms with fewer than 11 employees. A federal field sanitation standard, therefore, cannot protect any employee on a farm with fewer than 11 employees. This means, based on estimates by OSHA's contractor, Centaur Associates (Ex. 21, p. 6) that over 90% of all farms in the U.S. and nearly 80% of all hand laborers in agriculture would be excluded from any protection under a federal field sanitation standard.

The 13 states listed above already provide more expansive coverage than could be provided by the federal government. The minimum number of employees required by those state standards for coverage of farms ranges from, at the low end, no minimum number (Colorado and Pennsylvania) to at the high end, a minimum of 10 employees (Illinois), which is still lower than the mandated minimum for a federal standard (see Table I). More importantly, the majority of these state standards either have no minimum, a minimum of one employee (Connecticut and Florida, for water) or minimum numbers that are at least substantially below what the federal minimum would be (e.g., New York, 5; New Jersey, 6; Texas 6; and Idaho, 8). Considerably fewer employees, thus, would be protected in these states if a federal standard were promulgated.

As to states with field sanitation standards that operate their own occupational safety and health plans under section 18 of the OSH Act, promulgation of a federal standard would not result in any expansion in coverage since two of these states have minimum numbers that are lower than the federal minimum (California and Oregon) and the third, North Carolina, has the same minimum.

The only potential increase in the number of employees protected, would occur in states that do not already have state field sanitation standards, which account for between 10 and 25 percent of hired labor expended in agriculture (Ex. 16, 13–71). In those states, assuming national averages are applicable, approximately one-third of the field laborers not currently protected by any standard would be protected by a federal standard (or, in the case of a state-plan state, by a comparable state standard to be promulgated after the federal standard). The entire potential for increased coverage from promulgation of a federal standard, thus, appears to be limited to between 4% and 9% of all person-years of hired labor expended in agriculture. The net result of this limited increase combined with the decreases in coverage in other states described above, would actually result in a decrease in overall coverage.

Going beyond such quantitative comparisons to compare the quality of protection afforded by existing state standards with the quality of protection that would be afforded by a federal standard is much more difficult. Such a comparison involves two factors that are exceedingly difficult to evaluate: First, whether enforcement and compliance would be greater under a state or federal standard, and second, whether on the whole a particular state standard is more or less protective in its requirements when compared to the proposed federal standard.

Estimates of the current provision of facilities by employers indicate that over 63% of affected farm workers are currently provided toilets, over 79% are provided drinking water and over 45% are provided handwashing facilities. Moreover, these estimates incorporate voluntary provisions in states without standards, indicating that private sector market incentives also operate to promote improved public health.

Testimony in the record (ex. 87, Tr. L1, p. 2122) that the requirements of a federal standard offer protection equal to or greater than the protection provided by various state standards is not true. There is certainly record evidence that state standards are being enforced. (ex. 220). No reasoned basis for believing that a federal standard would be more stringently enforced than a state standard emerged from the record.

Conclusion

For the reason set forth above, OSHA decides today not to issue a final standard governing field sanitation at this time.

Authority

This document was prepared under the direction of Robert A. Rowland, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Ave., NW., Washington, D.C. 20210.

This action is taken pursuant to sections 4(b), 6(b), and 8 of the Occupational Safety and Health Act of 1970 (84 Stat. 1592, 1593, 1598, 29 U.S.C. 653, 655, 657) Secretary of Labor's Order No. 9–83 (48 FR 35736) and 29 CFR Part 1911.

Dated: April 12, 1985.

Robert A. Rowland,

Assistant Secretary of Labor.

[FR Doc. 85–9281 Filed 4–15–85; 9:33 am]

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Reader Aids

Federal Register

Vol. 50, No. 73

Tuesday, April 16, 1985

INFORMATION AND ASSISTANCE

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PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual 523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, APRIL

12761-12986.....1
12987-13160.....2
13161-13308.....3
13309-13536.....4
13537-13750.....5
13751-13962.....8
13963-14086.....9
14087-14206.....10
14207-14362.....11
14363-14690.....12
14691-14918.....15
14919-15092.....16

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
Ch. III.....13608

3 CFR

Executive Orders:
April 17, 1926
(Revoked in part by PLO 6599).....12804

Proclamations:
5164 (Amended by Proc. 5313).....12987
5312.....12761
5313.....12987
5314.....13751
5315.....13753
5316.....13755
5317.....13757

Administrative Orders:

Presidential Determinations
No. 85-9 of March 29, 1985.....14363
No. 85-10 of April 2, 1985.....14207

4 CFR

83.....13161

5 CFR

307.....13172
316.....13172
352.....13963
1201.....13173

7 CFR

1a.....13759
54.....14365
272.....13759
273.....13759
301.....12764, 13178, 13537, 13965, 14087
319.....14691
353.....14691
434.....12764
435.....12764
436.....12765
905.....13761
908.....13309
910.....13545, 14369
989.....14209
1126.....12765
1407.....12766
1488.....13966
1491.....13967
1872.....12989
1942.....12767, 12989, 13004
1944.....12989
1951.....12989
1955.....12989
1962.....12989
3015.....14088

Proposed Rules:
Ch. X.....13976
52.....13042
925.....13609
929.....12812
944.....13609
1002.....14110
1004.....12813, 14110
1007.....12817
1011.....12817
1032.....13976
1046.....12817
1093.....12817
1097.....12817
1098.....12817
1102.....12817
1106.....13977
1108.....12817
1150.....14390

8 CFR

103.....13546
238.....14369

9 CFR

78.....13546
92.....13309, 14919
327.....14370

Proposed Rules:
51.....14246
85.....14931
92.....13042
318.....14711

10 CFR

2.....13006
30.....14692
40.....14692
70.....14692
605.....14856

Proposed Rules:
19.....13797
20.....13797
21.....13797
30.....13797
39.....13797
40.....13797
50.....13810
51.....13797
70.....13797
71.....13797
140.....13978
150.....13797
430.....12966, 13042

12 CFR

5.....13762
204.....13010
205.....13180
208.....13010
217.....13010
226.....13181

325 13185
523 13968
Proposed Rules:
Ch. III 14247
611 14110

13 CFR

116 14210
120 13309
121 13310
122 13309
133 12772
Proposed Rules:
120 14248

14 CFR

39 ..... 12774, 12775, 13013–13015, 13310, 13548–13554, 13766, 14088, 14370, 14919
71 ..... 12776, 13186, 13767–13769, 14089–14092, 14694, 14695
75 14092
95 12777
97 14371
121 14373
1214 13186
1252 13311
Proposed Rules:
21 13810
25 ..... 13226, 15038
39 ..... 13611, 13810–13815, 14390, 14391, 14716, 14717
71 ..... 12818, 13227, 13817–13819, 14939
73 14717
121 15308
1261 13228

15 CFR

30 13016
369 13187
373 14373
399 13770
904 12781
922 12781
970 12781

16 CFR

13 ..... 13189, 13968, 13969
305 12786
1030 13555
Proposed Rules:
13 13240
305 13820
306 13048
460 13246

17 CFR

Proposed Rules:
33 14718
240 ..... 13388, 13612, 14111

18 CFR

2 14374
154 14374
157 14374
201 14374
270 14374
271 ..... 14374, 14378
Proposed Rules:
271 14249
410 13249

19 CFR

10 14093
101 13190
178 13771
Proposed Rules:
6 12819
175 14250

20 CFR

416 14211
Proposed Rules:
635 14720

21 CFR

5 ..... 14093, 14094, 14211
71 14212
81 ..... 13017, 13018
105 13555
107 13555
170 14212
171 14212
176 14696
177 14095
178 13556
180 14212
182 13557
184 13557
193 ..... 14096, 14097
201 14212
310 14212
312 14212
314 14212
330 14212
430 14212
431 14212
433 14212
510 14212
511 14212
514 14212
520 ..... 13560, 13561
558 13561–13563
561 ..... 14096, 14097
570 14212
571 14212
601 14212
812 14212
1003 14212
1010 ..... 13563, 13564, 14212
1030 13565
Proposed Rules:
101 13306
182 12821
184 12821
186 12821
211 13388
310 13388

22 CFR

2 14379
120 12787
121 12787
124 12787
125 12787
126 12787
127 12787
128 12787

23 CFR

625 14913
Proposed Rules:
635 ..... 14251, 14722
650 14251
658 ..... 12825, 13821

24 CFR

203 14379
204 14379
205 14921
232 12788
235 12788
570 12789
595 12789
888 14922

25 CFR

700 14379

26 CFR

1 13019
5c 13019
11 13019
301 ..... 13019, 14696
601 13020
602 ..... 13020, 13962, 14696
Proposed Rules:
1 ..... 13821, 14256, 14392
31 14392
54 14392

27 CFR

47 14380
178 14380

28 CFR

2 12789

29 CFR

1952 14924
1910 14698
2619 14700
2644 12790
2674 12791
2677 12796
Proposed Rules:
19 13049
1910 12827
1928 15086

30 CFR

Ch. VII 13566
914 13566
916 14212
917 13567
938 13315
Proposed Rules:
104 13617
216 12828
700 13250
761 13250
773 13724
915 13388
935 12833
943 14256
944 12834

32 CFR

78 14383
544 13771
706 ..... 14384, 14385
Proposed Rules:
62b 13985

33 CFR

45 13317
62 14213
100 ..... 12799, 14214, 14215, 14701
117 ..... 13318, 14702
146 14215
150 14215
157 12800
165 ..... 14701, 14703
Proposed Rules:
100 ..... 14257, 14722
110 ..... 12835, 12837, 14723, 14940
117 ..... 13389, 13835, 14258
165 12838

34 CFR

682 13916

36 CFR

Proposed Rules:
7 15056

37 CFR

Proposed Rules:
Ch. IV 13524
201 14725

38 CFR

17 14704
36 ..... 12800, 13020, 13191, 13970
Proposed Rules:
1 14393
21 13836

39 CFR

111 ..... 13569, 14216
255 14098
Proposed Rules:
111 ..... 12839, 13050

40 CFR

52 14925
60 ..... 12801–12803, 13021
61 ..... 12802, 12803, 13021, 13022
65 13970
117 13456
180 ..... 13194, 13195, 14104–14106
260 14216
261 14216
266 14216
302 13456
Proposed Rules:
50 13130
51 13130
52 ..... 13130, 13250, 13390, 14396
53 13130
58 13130
60 14941
61 14941
65 ..... 14259, 14396
81 ..... 12840, 13130
152 14115
158 14115
166 ..... 13251, 13944
180 13251
220 13986
227 13986
228 ..... 13986, 14336
234 13986
250 14076
264 13253
271 14945
300 14115
302 13514
712 13391
761 13393

41 CFR

Ch. 201 13023
13319, 14201, 14386

101–21.....14242
Proposed Rules:
101–38.....14260
101–39.....14260
101–40.....14260
101–41.....14261

42 CFR

435.....13196
436.....13196
Proposed Rules:
435.....14397

43 CFR

Public Land Orders:
6599.....12804
Proposed Rules:
3200.....14945
3500.....14512
3510.....14512
3520.....14512
3530.....14512
3540.....14512
3550.....14512
3560.....14512
3570.....14512
3580.....14512

44 CFR

Proposed Rules:
59.....14904
60.....14904
61.....14904
64.....14904, 14926, 14928
66.....14904
67.....13394
70.....14904
72.....14904
75.....14904

45 CFR

1321.....12942
1328.....12942
1340.....14878
1611.....13331
Proposed Rules:
1301.....13253

46 CFR

580.....14704
Proposed Rules:
Ch. IV.....14122
175.....13837
176.....13837
177.....13837
180.....13837
181.....13837
182.....13837
183.....13837
184.....13837
185.....13837
186.....13837
187.....13837
298.....13050
516.....13617
560.....13617
572.....13617, 14264

47 CFR

0.....14386
2.....14386
22.....13332, 14386
64.....13573
69.....13023
73.....13031–13038, 13333–13337, 13791, 13971, 13972
76.....13972
81.....13974
90.....13596, 14389
94.....13338
97.....13792
Proposed Rules:
Ch. I.....13623, 13986, 13991, 14727
1.....13394
2.....13255, 13394
5.....13394
18.....13394
21.....13394
22.....13255, 13394
25.....13255
67.....14729
73.....13050, 13394, 13402, 13838, 13994, 14265–14271, 14946–14954
83.....13394
90.....13394, 13997
95.....13394
99.....13394

48 CFR

Ch. 4.....14196
Ch. 5.....14243
Ch. 12.....14798
19.....13200
201.....13353
205.....13353
206.....13353
207.....13353
208.....13353
210.....13353
213.....13353
214.....13353
215.....13353
216.....13353
217.....13353
219.....13353
220.....13353
225.....13353
235.....13353
236.....13353
237.....13353
245.....13353
247.....13353
250.....13353
252.....13353
270.....13353
501.....14243
507.....14243
1501.....14356
1503.....14356
1505.....14356
1506.....14356
1513.....14356
1514.....14356
1515.....14356
1517.....14356
1527.....14356
1533.....14356
1536.....14356
1552.....14356
1803.....13365
1804.....13365
1808.....13365
1812.....13365
1815.....13365
1819.....13365
1822.....13365
1827.....13365
1832.....13365
1844.....13365
1845.....13365
1847.....13365
1851.....13365
1852.....13365
Proposed Rules:
Ch. 5.....14122
52.....13256

49 CFR

25.....12804
27.....13039
173.....13381
192.....13224
215.....13381
Proposed Rules:
393.....14630
571.....13402, 14580, 14589, 14602, 14626
572.....14602
575.....14400
584.....14632
585.....14589
1039.....14122
1132.....13051
1152.....13256, 14401
1175.....13841
1207.....13053
1249.....13053

50 CFR

10.....13708
216.....12781
217.....12806
219.....12781
222.....12806
246.....12781
285.....12781
296.....13796
301.....13382
611.....14107
621.....12781
652.....14930
671.....13040
672.....12809
Proposed Rules:
17.....13054, 14123
23.....14402
285.....13256
646.....13639
683.....13405

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List April 9, 1985

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Revised as of January 1, 1985

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		Total Order	$_____

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