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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

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 271

[Amdt. No. 263]

Food Stamp Program; Approval of Information Collection and Recordkeeping Requirements

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment adds a new section to Part 271 of Food Stamp Program (FSP) regulations to announce that the information collection and recordkeeping requirements contained throughout all Parts of the FSP regulations have been approved by the Office of Management and Budget (OMB). The approval by OMB is required by the Paperwork Reduction Act of 1980. OMB requires that the control numbers assigned to the approvals be published in the **Federal Register** for entry into the *Code of Federal Regulations* (CFR).

EFFECTIVE DATE: January 18, 1985.

FOR FURTHER INFORMATION CONTACT: Susan McAndrew, Chief, Program Design and Rulemaking Branch, Program Planning, Development and Support Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302; (703) 756-3429.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under Executive Order No. 12291 and Secretary's Memorandum No. 1512-1. This action merely codifies (enters into the CFR) the OMB control numbers of previously approved information collection and recordkeeping requirements contained in regulations. This regulation is not likely to result in: an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, this action has been classified "not major."

Regulatory Flexibility Act

This action has also been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601-612). The Administrator of the Food and Nutrition Service has certified that this action will have no impact on small entities because it imposes no new information collection and recordkeeping burdens, but simply codifies previously approved burdens.

Paperwork Reduction Act

This action codifies previously approved information collection and recordkeeping requirements contained in Food Stamp Program regulations and does not itself create any new burdens subject to approval by the OMB

Public Participation

This action is being published without providing an opportunity for public comment and will become effective on the date it is published in the **Federal Register.** The action is technical in nature and public comment would not be useful or necessary. The action concerns codification of prior approvals obtained from the OMB of the information collection and recordkeeping burdens contained in FSP regulations. These approvals were previously announced only in the preamble section of the regulations as they were individually published in the **Federal Register** over the years. For these reasons the Administrator of the Food and Nutrition Service has determined that good cause exists both for publishing this regulation without taking public comment and for making the rule effective upon publication.

Background

The Paperwork Reduction Act of 1980 seeks to minimize the paperwork burden imposed by the Federal government while maximizing the utility of the information requested. The Act requires that the agency responsible for imposing information collection and recordkeeping requirements balance the practical value of the information requested against the time and cost to the public in providing the requested information.

On March 31, 1983, the OMB implemented the Paperwork Reduction Act by publishing regulations at 5 CFR Part 1320. Those procedures became effective May 2, 1983. According to those procedures, once OMB has approved a collection of information and/or recordkeeping burden imposed by regulations, a control number is assigned. Previously, OMB control numbers and cites to the regulatory authority for the requirements were noted in the preamble of individually approved regulations published in the **Federal Register.** The OMB now requires that control numbers be noted in the regulatory text of a regulation in order that they will be included in the CFR.

In order to codify control numbers assigned to existing information collection and recordkeeping requirements approved by the OMB, to provide an easy method for codifying any future control numbers and to provide easy reference to OMB approvals by the public, we are creating a chart consolidating the control numbers and regulatory authority cites into a single location in the CFR. This action adds a new section to Part 271 to incorporate a chart which displays the OMB control numbers assigned to existing information collection and recordkeeping requirements contained in 7 CFR Parts 271, 272, 273, 274, 275, 277, 278, 280, 281, and 282. As future regulations are published which create new burdens, the approved OMB control number and pertinent regulatory authority cite will be entered into this chart.

List of Subjects in 7 CFR Part 271

Administrative practice and procedure, Food stamps, Grant programs—social programs, reporting and recordkeeping requirements.

Accordingly, 7 CFR Part 271 is amended as follows:

PART 271—GENERAL INFORMATION AND DEFINITIONS

A new § 271.8 is added to read as follows:

§ 271.8 Information Collection/ Recordkeeping—OMB Assigned Control Numbers.

7 CFR section where requirements are described	Current OMB control No.
271.7(d)	0584-0064
272.1(d)	0584-0274
272.1(f)	0584-0009
	0584-0010
	0584-0015
	0584-0022
	0584-0025
	0584-0034
	0584-0037
	0584-0052
	0584-0053
	0584-0064
	0584-0069
	0584-0074
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	0584-0081
	0584-0083
	0584-0124
	0584-0274
	0584-0285
	0584-0299
	0584-0301
	0584-0303
	0584-0333
	0584-0334
	0584-0336
	0584-0339
272.2 (a), (c), (d), (e), (f)	0584-0083
272.3 (a), (b), (c)	0584-0083
272.6 (g), (h)	0584-0025
272.7 (f), (g), (h), (i), (j), (k), (m)	0584-0064
273.1 (f), (g)	0584-0064
273.2 (b), (c), (f), (g), (h), (i), (j), (k)	0584-0064
273.4(e)	0584-0274
273.5(b)	0584-0064
273.6 (a), (b), (g)	0584-0064
273.7 (a), (c), (d), (f)	0584-0339
273.7(g)	0584-0064
273.8 (b), (c), (e), (g), (h), (i)	0584-0064
273.9(d)	0584-0064
273.10 (a), (c), (e), (f), (g)(1)	0584-0064
273.10(g)(3)	0584-0124
273.11 (a), (b), (c), (d), (e), (f), (h)	0584-0064
273.11(g)	0584-0334
273.11(i) (1)–(4)	0584-0080
	0584-0081
273.11(i)(5)	0584-0009
	0584-0081
273.11(i)(6)	0584-0009
	0584-0080
	0584-0081
273.12 (a), (b), (c), (d), (e), (f)	0564-0064
273.13(a)	0584-0064
273.14 (a), (b), (c)	0584-0064
273.15 (a), (c), (d), (f), (i), (k), (l), (m), (q)	0584-0064
273.16 (a), (b), (d), (e), (f), (g), (h), (i)	0584-0064
273.17(h)	0584-0301
273.18 (a), (c), (d), (e), (f), (g), (k)	0584-0064
273.18(h)	0564-0069
273.18(i)	0584-0053
273.21 (a), (c), (e), (f), (g), (h), (i), (j), (m), (p), (q)	0584-0064
273.22 (b), (c), (d), (e), (f), (g)	0584-0285
274.1(c)	0584-0009
274.1(d)	0584-0333
274.2(c)	0584-0069
274.2(g)	0584-0080
274.2(h)	0584-0080
	0584-0081
274.3(b)	0584-0009
274.3(c) (1)–(3)	0584-0080
	0584-0081
274.3(c)(4)	0584-0015
274.3(d)	0584-0009
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274.5 (a), (b), (c), (d), (e)	0584-0009
274.5(e)	0584-0053
274.6(b)	0584-0080
274.7 (a), (b), (c), (d)	0584-0009
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274.8(a)(3)	0584-0015
274.8(a)(5)	0584-0080
274.8(a)(6)	0584-0081
274.8(b)	0584-0009
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	0584-0303
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	0584-0303
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275.4(c)	0584-0034
	0584-0074
	0584-0299
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275.6(b)	0584-0010
275.8(a)	0584-0010
275.9 (b), (g)	0584-0010
275.10(a)	0584-0074
	0584-0299
	0584-0303
275.11(a)	0584-0303
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275.21(b)	0584-0034
	0584-0074
	0584-0299
275.21 (c), (d), (e)	0584-0034
275.22 (a), (b)	0584-0010
275.23	0584-0010
	0584-0034
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	0584-0299
277.12(a)	0584-0341
277.14 (b), (c), (d), (h), (i), (j), (k)	0584-0341
277.15(c)	0584-0064
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277.18 (a), (c), (d), (e), (g), (h)	0584-0083
278.1 (a), (b), (i)	0584-0008
278.1 (e), (f)	0564-0064
278.4 (b), (c)	0584-0065
278.5(a)	0584-0065
	0584-0314
278.5 (c), (d), (f)	0584-0008
278.6(b)	0584-0008
278.7 (b), (c)	0584-0008
278.8(a)	0564-0008
280.7 (c), (d), (g)	0584-0336
280.9(b)	0584-0009
	0584-0037
280.10(a)	0584-0336

(7 U.S.C. 2011–2029)

[Catalog of Federal Domestic Assistance Programs, No. 10.551 Food Stamps]

Dated: January 14, 1985.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 85-1518 Filed 1-17-85; 8:45 am]

BILLING CODE 3410-30-M

Animal and Plant Health Inspection Service

7 CFR Part 371

Organization, Functions and Delegations of Authority

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises the statement of organization, functions and delegations of authority of the Animal and Plant Health Inspection Service (APHIS) by making minor changes in the functions and organizational structure under the Deputy Administrator for Plant Protection and Quarantine. The organization title of National and Emergency Programs is changed to National Programs. The Plant Protection and Quarantine emergency programs responsibility previously assigned to National and Emergency Programs is transferred to the National Program Planning Staff. This change will consolidate related survey functions in one staff.

EFFECTIVE DATE: January 18, 1985.

FOR FURTHER INFORMATION CONTACT: John C. Frey, Classification, Employment and Executive Resources Programs, Human Resources Division, Animal and Plant Health Inspection Service, 6505 Belcrest Road, Hyattsville, MD 20782 (301) 436-6466.

SUPPLEMENTARY INFORMATION: The purpose of this document is to record minor changes in the functional and organizational structure under the Deputy Administrator for Plant Protection and Quarantine. The name of the National and Emergency Programs is being change to National Programs and the Plant Protection and Quarantine emergency resonsibilities are henceforth assigned to the National Program Planning Staff. This change will consolidate related survey functions in one program, clarify line and staff responsibilities, and result in greater efficiency and improved resources management.

This rule relates to internal agency management, and therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of E.O. 12291. Finally, this action is not a rule defined by Pub. L. 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 371

Organization and functions (Government agencies).

PART 371—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Accordingly, 7 CFR Part 371 is amended as follows:

1. The authority citation for Part 371 reads as follows:

Authority: 5 U.S.C. 301.

2. Section 371.3 is amended by revising the introductory paragraph, by adding a new paragraph (a)(4), by revising the title and introductory text of paragraph (c) and by removing paragraph (c)(5) as follows:

§ 371.3 Plant Protection and Quarantine.

The units of the National Program Planning Staff, the Professional Development Staff, National Programs, and International Programs, under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator for Plant Protection and Quarantine are responsible for Plant Protection and Quarantine as follows:

(a) *National Program Planning Staff.*

* * * * *

(4) Coordinating and directing all emergency actions against new pest outbreaks, mobilizing and utilizing existing PPQ line and staff resources.

* * * * *

(c) *National Programs.* National programs are responsible as follows:

* * * * *

(5) [Removed]

* * * * *

Dated: January 7, 1985.

Bert W. Hawkins,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 85-1083 Filed 1-17-85; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 612]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 612 establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period January 18–24, 1985. Such action is needed to provide for the orderly marketing of fresh navel oranges for the period specified due to the marketing situation confronting the orange industry.

DATE: Regulation 612 (§ 907.912) becomes effective on January 18, 1985.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

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

This regulation is issued under the Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation of and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act by establishing and maintaining, in the interests of producers and consumers, an orderly flow of oranges to market, and avoiding unreasonable fluctuations in supplies and prices for the week ending January 24, 1985. This action is not for the purpose of maintaining prices to farmers above the level which is declared to be the policy of Congress under the act.

This action is consistent with the marketing policy for 1984–85. The marketing policy was recommended by the committee following discussion at a public meeting on September 25, 1984. The committee met again publicly on January 8, 1985, at Exeter, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is improving.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (Navel).

1. Section 907.912 is added as follows:

§ 907.912 Navel Orange Regulation 612.

The quantities of navel oranges grown in California and Arizona which may be handled during the period January 18, 1985, through January 24, 1985, are established as follows:

(a) District 1: 1,300,000 cartons;

(b) District 2: Unlimited cartons;

(c) District 3: Unlimited cartons;

(d) District 4: Unlimited cartons.

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

Dated: January 15, 1985.

Thomas R. Clark,

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

[FR Doc. 85-1517 Filed 1-17-85; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 910

[Lemon Reg. 499]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 225,000 cartons during the period January 20–26, 1985. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

DATES: Effective for the period January 20–26, 1985.

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

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

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

This action is consistent with the marketing policy currently in effect. The committee met publicly on January 15, 1985, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed available to be handled during the specified week. The committee reports that lemon demand is good on smaller sizes and easy on larger sizes of fruit.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.799 is added as follows:

§ 910.799 Lemon Regulation 499.

The quantity of lemons grown in California and Arizona which may be handled during the period January 20, 1985, through January 26, 1985, is established at 225,000 cartons.

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

Dated: January 16, 1985.

Thomas R. Clark,

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

[FR Doc. 85–1616 Filed 1–17–85; 8:45 am]

BILLING CODE 3410–02–M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 85–29]

Statement of Condition

Dated: January 11, 1985.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board is amending its regulation requiring each federal association to either mail to its members (or depositors and borrowers) or publish in a local newspaper of general circulation an annual statement of condition in a format designated by the Board. The amendment allows each association to prepare its statement of condition in any format deemed suitable by it. The regulation also exempts associations that make public disclosures of their financial condition pursuant to the requirements of the Securities Exchange Act of 1934 or the annual disclosure regulation of the Federal Savings and Loan Insurance Corporation.

EFFECTIVE DATE: December 31, 1984.

FOR FURTHER INFORMATION CONTACT: Edward J. Taubert, (202) 377–6484, Deputy Associate Director, Office of Examinations and Supervision, or Sandra L. Richardson (202) 377–6455, Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Since April 7, 1941, the Federal Home Loan Bank Board ("Board") has required federally chartered saving and loan associations to disclose some basic financial information about themselves to their members; the current version of the disclosure requirements is set forth at 12 CFR 545.115. The purpose of the regulation is to provide the owners of the associations with information about their investment.

Section 545.115 requires each federal association, within the month after the annual closing of its books, to either mail to each member (or, if the association is in stock form, to each depositor and borrower) or publish in a local newspaper of general circulation a statement of condition on forms provided by the Board. The prescribed form, Form 303, requires the presentation of basic balance-sheet information, *i.e.*, assets, liabilities, and net worth; however, due to regulatory changes concerning the determination of regulatory net worth, Form 303 had become obsolete. Accordingly, by Resolution No. 83–38, dated January 18, 1983, the Board temporarily waived the required use of Form 303, and permitted each association to prepare its statement of condition in any format deemed suitable by it.

Because the elimination of a prescribed form provides for greater flexibility in reporting and obviates the need for frequent revision of that form, the Board has determined to amend section 545.115 to provide that each association may prepare its statement of condition in a format deemed suitable by it. However, the statement must conform with the definition of the term "statement of condition," *i.e.*, a formal statement of an association's assets, liabilities, and net worth as of the end of its most recent fiscal year. In addition, associations that are issuers of securities, *e.g.*, stock and repurchase agreements, must present the financial information in accordance with generally accepted accounting principles ("GAAP") so as to avoid violation of the antifraud provisions of the Securities Exchange Act of 1934 ("1934 Act"). Associations that are not issuers of securities may report the financial information in conformity with GAAP or with the regulatory accounting principles of the Federal Savings and Loan Insurance Corporation. *See* 12 CFR 563.23–3.

Most associations comply with the current regulation by publishing statements of condition in a local newspaper of general circulation, and the Board recognizes that disclosure in that manner is less costly than disclosure by mailing. Accordingly, the Board has determined to further amend § 545.115 to eliminate mailing as an alternative to publication. However, to ensure that members of the association and other members of the public have access to the financial information contained in the statement of condition, each association is also required to make available for public inspection at its home office and each branch office a copy of its statement of condition.

Section 454.115 currently provides that an association need not comply with its requirements in any year in which the association sends to its voting members an annual report as required by 12 CFR 563.45(a). The Board has determined to also exempt stock associations whose stock is registered pursuant to section 12

of the 1934 Act, because those associations are subject to the disclosure rules promulgated by the Securities and Exchange Commission, as applied to all insured institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation by operation of 12 CFR 563.1. This additional exemption will eliminate unnecessary duplication of disclosure.

The Board finds that observance of the notice and comment procedures prescribed by 5 U.S.C. 553(b) and 12 CFR 508.12 and 508.13, and delay of the effective date pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14, is unnecessary for the following reasons: (1) The amendments are minor and liberalizing in nature, relieving restrictions previously placed upon associations regarding the manner of their disclosure while providing the same financial information to members and depositors, and (2) the Board desires to act promptly to enable associations to utilize these liberalized disclosure procedures for statements of condition pertaining to fiscal year 1984, thereby reducing paperwork and related costs.

List of Subjects in 12 CFR Part 545

Savings and loan associations.

Accordingly, the Federal Home Loan Bank Board hereby amend Part 545, Subchapter C, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Revise § 545.115 as follows:

§ 545.115 Statement of condition.

(a) *General.* Each Federal association, within thirty days after the end of its fiscal year, shall (1) publish a statement of condition in any English language newspaper of general circulation in the county in which the association's home office is located, and (2) make available for public inspection at its home office and each branch office a copy of such statement of condition. A statement of condition is a formal statement of an association's assets, liabilities, and net worth as of the end of its most recent fiscal year.

(b) *Format.* The information set forth in a statement of condition may be presented in any format deemed suitable by the association: *Provided,* that if the association is subject to the requirements of § 563d.1 of this Chapter, the information shall be presented in accordance with generally accepted accounting principles.

(c) *Exemptions.* The requirements of this section shall not apply to an association:

(1) If, with respect to the same fiscal year that would be the subject of the statement of condition, the association transmits an annual report to each of its voting members (or shareholders) pursuant to § 563.45 of this Chapter; or

(2) In the case of a stock-chartered association, if the equity securities of the association are registered under section 12 of the Securities Exchange Act of 1934.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947; 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 85–1485 Filed 1–17–85; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 229

Implementation of the Provisions of Subsections 205 (c) and (d) of Title II of the Federal Oil and Gas Royalty Management Act of 1982

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: The MMS is issuing final regulations governing provisions of subsections 205 (c) and (d) of Title II of the Federal Oil and Gas Royalty Management Act of 1982. Section 205 of the Act provides for delegation of authority by the Secretary of the Interior to the States to conduct inspections, audits, and investigations with respect to all Federal lands within a State, and with respect to Indian lands with the permission of the affected Indian tribe or allottee.

Subsection (c) of section 205 requires the Secretary to promulgate regulations defining functions which must be carried out jointly to avoid duplication of effort. Subsection (d) requires the Secretary to promulgate regulations and standards pertaining to the authorities and responsibilities which a State would administer under a delegation of authority. This final rule establishes the standards required by the provisions of subsections (c) and (d).

DATE: Effective date January 18, 1985.

ADDRESS: Any inquiries should be sent to: Chief, Office of Royalty Regulations, Development and Review, Minerals Management Service (Mail Stop 660), 12203 Sunrise Valley Drive, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Mr. Orie L. Kelm (703) 860–7511, (FTS) 928–7511.

SUPPLEMENTARY INFORMATION: The principal author of this rulemaking is Mr. Robert E. Boldt, Associate Director for Royalty Management, Minerals Management Service.

I. Background

The Federal Oil and Gas Royalty Management Act of 1982 (the Act), 30 U.S.C. 1701 *et seq.*, has established new avenues for cooperative efforts between States and the Federal Government in carrying out royalty management activities for onshore Federal leases and mineral leases on Indian lands. Under Section 205 of the Act the Secretary, after proper notice, opportunity for hearing, and rulemaking, is authorized to delegate to any State that properly petitions for it, all or part of the authorities and responsibilities of the Secretary to conduct inspections, audits, and investigations with respect to all Federal and Indian lands within that State; except that the Secretary may not undertake such a delegation with respect to any Indian lands unless the permission of the affected Indian tribe or allottee involved has been obtained.

On September 21, 1984, MMS adopted a set of regulations to implement its new authorities under the Act. Part 229 of the new regulations implemented Section 205 of the Act by providing the general procedures for delegations of authority to the States. However, the Act contemplated more detailed regulations governing delegations of authority. This final rule, therefore, defines those MMS authorities and responsibilities subject to delegation to State governments, those authorities and responsibilities reserved to the Secretary, and promulgates standards by which State governments will carry out audit activities under Section 205 delegation of authority.

II. Comments Received on Interim Rule

On October 12, 1984 (49 FR 40024), the MMS published an Interim Final rule with a request for comments. In response, 11 comment letters were received. Among the commentors were representatives of both industry and the affected States.

The comments received fall generally on both sides of a single issue. The States commented that MMS requirements restricting their functions by requiring them to coordinate audits through MMS or Inspector General resident auditors and not granting them

full enforcement and subpoena powers are unduly restrictive. Industry commented that such MMS requirements on States were needed to insure that a uniform approach to audits is taken by all States receiving delegations, and felt that the MMS requirements did not go far enough in insuring that auditing by States would be performed in a consistent and uniform manner. In fact, one industry commentor recommended that MMS not delegate authority at all until more definitive product valuation guidance has been implemented by regulation.

The MMS believes that it has chosen a reasonable middle ground to provide for accomplishing audits pursuant to the established standards and criteria. The MMS agrees with industry that, in the interest of fairness and uniformity, MMS must be the final arbiter of the standards under which audits are conducted. However, MMS believes that ever detail of such requirements cannot be included in the written regulations. Specific instructions to cover unique situations not found in the regulations would be incorporated in individual delegation agreements.

MMS agrees in principle with the States that they should not be unduly inhibited in conducting audits where the MMS or Inspector General maintains a resident auditor. In such cases, MMS requires the State auditors to "coordinate" their activities through the resident auditor to preclude duplication of efforts and maximize use of available resources of audit.

In addition to the above, specific comments were received on some other issues.

Three industry commentors objected to the provision in § 229.125 which stipulates that a company must respond to an "issue letter" within 30 days of receipt. Two of the commentors believed at least 60 days should be permitted. Thirty days is current MMS practice for MMS conducted audits. The MMS believes that 30 days is sufficient.

Other industry commentors asked that State audit plans be made available in advance to the company to be audited to allow audits to be more cooperative and efficient, and that States have full access to MMS files to obviate any need for companies to submit the same data to a State which had already been submitted to MMS.

The MMS believes that is not necessary that a State audit plan be made available in advance to the company to be audited. The company will be given adequate notice and sufficient time to produce records required for the audit.

One industry commentor stated that State audit workpapers should be made available to companies as well as to MMS in the event additional royalties and late payment charges are to be assessed. The MMS will have accessibility to the State workpapers and, similar to current MMS procedures, the States will provide detail of audit findings to companies.

Another commentor recommended that State auditors should be required to meet the same financial disclosure and conflict of interest standards as MMS employees, and that such requirement be placed in the regulations. The MMS agrees that certain standards should be required but disagrees that the requirement must be in the regulations. The MMS understands that some States have more stringent and other States less stringent standards than those imposed on MMS employes. Therefore, MMS plans to incorporate requirements for imposing these standards in the delegation agreement contract documents rather than requiring such by written regulation.

Two commentors objected to § 229.100(b)(4) of the interim final rule because the denial of subpoena power to the States is in conflict with the Act.

The MMS disagrees and will retain the authority to issue subpoenas. Section 205 of the Act unambiguously provides that the Secretary may delegate "all *or part* of the authorities and responsibilities * * *" Thus, the Act does not require the delegation of subpoena authority. Moreover, in almost all instances companies have provided documents and other materials without the need for subpoenas. In those few instances where such action is required, it will not be burdensome for the State to request a subpoena from MMS. Finally since issuance of a subpoena could require enforcement under section 107(b) of the Act, which is not delegable, MMS has determined that it should retain all of the subpoena issuance and enforcement authority.

Consequently, the MMS concludes that no changes are required to the interim final rules promulgated on October 12, 1984.

III. Procedural Matters

Administrative Procedure Act

The MMS has determined that good cause exists pursuant to 5 U.S.C. 553(d) to issue this final rule effective immediately.

The 30-day waiting period is unnecessary because this rule was issued previously as an interim final rule currently is effective. Since no changes to the interim final rule are being made in this final rule, there is no reason to delay its effectiveness.

For the above reasons, MMS has determined that good cause exists to make this final rule immediately effective.

Executive Order 12291

The Department has determined that this rule is not a major rule and does not require the preparation of a regulatory impact analysis under Executive Order 12291.

This rulemaking has minimal economic effect on any business, large or small, as it only addresses who will perform the functions. The delegated functions will be no more stringent than are presently being performed.

Regulatory Flexibility Act

Some portion of the lessees/payors who will be assessed for royalty underpayments resulting from the implementation of this rulemaking will be small businesses. However, because the requirement to pay royalties is imposed by other regulations and because most of the affected lessees/payors are not small businesses, the Department has determined that this rule will not have a significant economic effect on a substantial number of small entities. Therefore, a small entity flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.)* is not required.

Paperwork Reduction Act of 1980

The information collection requirements contained in this rule do not require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*, because there will be fewer than 10 respondents annually.

National Environmental Policy Act of 1969

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

List of Subjects in 30 CFR Part 229

Auditing standards, Delegations of authority, Intergovernmental relations, Investigations, Mineral royalties.

Under the authority of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1735), Chapter II, Title 30 of the Code of Federal Regulations is amended by implementing without change as a final rule the interim rule

published at 49 FR 40024 on October 12, 1984, effective immediately.

Dated: January 4, 1985.

J. Steven Griles,

Acting Assistant Secretary for Land and Minerals Management.

[FR Doc. 85-1559 Filed 1-17-85; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 63

[DoD Directive 1340.16]

Former Spouse Payments From Retired Pay

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This rule implements section 1002 of the Uniformed Services Former Spouses' Protection Act (Pub. L. 97-252) and amendments found in section 643 of the DoD Authorization Act for Fiscal Year 1985 (Pub. L. 98-525) which are codified under title 10, United States Code, section 1408 (10 U.S.C. 1408). It provides guidance on direct payments to a former spouse from the retired pay of the member in response to court ordered alimony, child support or division of property. The rule applies to former spouses of members who request direct payments from the Uniformed Services.

EFFECTIVE DATE: January 2, 1985.

ADDRESS: Office of the Deputy Assistant Secretary of Defense (Management Systems), Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: James T. Jasinski, telephone 202-697-0536.

SUPPLEMENTARY INFORMATION: In the Federal Register of January 28, 1983 (48 FR 4003), DoD issued a proposed rule for comments. Comments were received from 189 interested parties. The Uniformed Services considered these comments in the development of the final rule. Significant comments and changes are highlighted in the following discussion. Changes were made throughout the final rule to conform to the amendments made by Pub. L. 98-525, which eliminated the requirement that the court order specifically provide for payments from the member's disposable retired pay, except in cases of division of property. The citations given below refer to the final rule, unless otherwise noted.

Comments and Changes

Section 63.3—The definitions of alimony, court order, and final decree were challenged as inconsistent with the statutory intent of 10 U.S.C. 1408. These definitions were taken directly from the statute. Where the definition was based on a specific statute, we have added the citation. Respondents are asked to review the statutes cited. Many comments urged that the alimony definition be expanded to include a division of property when the court order of State law considers a property division as "alimony." The statutory definition of alimony, found in Title IV-D of the Social Security Act (42 U.S.C. 662(c)), clearly states that alimony does *not* include a division of property. The definition included in this final rule conforms to the statutory definition. Many respondents took exception to the definition of a court order. They pointed out that the court order must provide for the payment of retired pay to a member's former spouse. The objections centered on the lack of prior knowledge of such a condition placed a burden on the former spouse to seek amendment of the court order. The definition in the final rule reflects the language in 10 U.S.C. 1408(a)(2). Some comments questioned why the court order must be a final decree. They pointed out the potential variances from one jurisdiction to another with regard to what constituted a final decree. Many thought this created an unnecessary delay in payments. Again, this definition is consistent with the statutory language.

Section 63.6(a)—Several comments suggested changing § 63.6(a)(2) to state clearly that the 10-year marriage requirement applied only to a division of retired pay as property. The final rule adopted the suggestion.

Section 63.6(b)—Respondents recommended that former spouses receiving voluntary allotments from retired pay be permitted to convert these allotments to payments under 10 U.S.C. 1408. Since allotments are initiated voluntarily by the member and are not subject to the other conditions of 10 U.S.C. 1408, conversion under this statute is not possible. Several questioned why an application was required. The application is necessary to affirm the former spouse's eligibility. Others questioned whether an official application form must be submitted. DD form 2293, "Request for Former Spouse Payments from Retired Pay," is available for use. The form is not required, provided all the information necessary to process an applicant's request for payments, as outlined in this final rule, is furnished by the former spouse. Some comments stated that an attorney's assistance was necessary to furnish the Uniformed Services with an acceptable application. The use of professional assistance is a personal choice. Several persons stated that the application was unnecessary since the requested information was allegedly on file with the Uniformed Services. This is not the case. An application is essential in documenting and in determining a former spouses's eligibility. One comment asked if the Uniformed Services would accept applications filed by a State child support enforcement agency, since applicants under the Aid to Families with Dependent Children program must assign all rights of support to a State agency. The Uniformed Services cannot honor such assignments given the prohibitions in 10 U.S.C. 1408(c)(2). In response to questions about the certification of a court order, § 63.6(b)(1)(ii) was modified to describe clearly who has certifying authority. A number of reviewers asked what constitutes sufficient proof that a former spouse satisfied the 10-year marriage requirement. Any evidence supporting the former spouse's claim will be considered. This may include court records, military documents, a marriage certificate, birth certificates, etc. Section 63.6(b)(1) (vi) and (vii) were formerly designated § 63.6(h) (10) and (11) in the proposed rule. Several persons objected to notification conditions in § 63.6(b)(1)(vii) requiring the former spouse to report events that may affect continued eligibility. Such information is necessary to administer this regulation. Section 63.6(b)(3) was amended to state when effective service was completed. This has importance in establishing priorities under the first-come-first-served condition in § 63.6(h)(4).

Section 63.6(b)(4) has been rewritten setting forth the required actions of the designated agent when payments are due the former spouse or when the applications has a deficiency. Several persons objected to the release of information on retired pay to the former spouse. Disclosure is necessary to ensure proper payment. Applicable statutes concerning disclosure have been considered and complied with. A statement has been added under § 63.6(b)(6) that U.S. Attorneys will not accept or process former spouse payments under this rule.

Section 63.6(c)—With regard to § 63.6(c)(2), reviewers mentioned that certification of the court order within 90 days of the application was overburdening, unnecessary, and unfair. The procedure ensures that service is accomplished with current and effective documents. Concerning § 63.6(c)(6), conflicting comments were received. Several found the subsection to be restrictive and to encourage members to

forum shop. Others expressed concern that the designated agent should require a statement from the court detailing the basis of jurisdiction. The Uniformed Services have found through examination of court orders that the jurisdictional basis is rarely an issue. Many respondents found § 63.6(c)(7) incomplete and inferred that the Uniformed Services' position conflicted with congressional intent and improperly treated the division of property in both pre- and post-*McCarty* decrees (*McCarty* v. *McCarty*, 453 U.S. 210; 101 S.Cp. 2728 (1981)). The allegations were carefully reviewed and they could not be substantiated. The subsection has not been revised. On § 63.6(c)(8), respondents pointed out that a decree may not express the former spouse's share of a member's retired pay as a dollar amount or percentage of disposable retired pay. Typically, a court decree expressed a former spouse's interest in the member's retired pay as a percentage of gross retired pay. Some comments stated that these decrees should be satisfied in the amounts expressed on their face. However, 10 U.S.C. 1408(a)(2)(C) limits payment to only those decrees "specifically" providing for payment "from the *disposable* retired or retainer pay of a member." Therefore, decrees expressed in terms of gross retired pay will be construed as through they had been expressed in terms of disposable retired pay. The last sentence in § 63.6(c)(8) was added to indicate what action must be taken to establish the intent of the court when the computation of the amount payable is subject to interpretation.

Section 63.6(d)—Comments received on this subsection claimed that garnishment was not a viable alternative in many jurisdictions due to State law and the cost to the former spouse. The purpose of the statute and the rule is merely to provide for garnishment as an optional remedy when permitted under State law. Some reviewers suggested that the rule include a provision for payment of legal fees, court costs, and interest on outstanding or unpaid monies under this section. The Uniformed Services have concluded that 10 U.S.C. 1408(d)(5) precludes such collections.

Section 63.6(e)—Many comments suggested that deductions be taken solely from the member's portion of retired pay after paying the former spouse a percentage of the gross retired pay. Respondents are directed to 10 U.S.C. 1408 (a)(4), (c)(1), and (d)(1), all of which indicate that deductions are to be taken into account *before* the former spouse's share is computed. Page 11 of Senate Report 97–502 (hereafter referred to as "the Committee report") stated "The committee agreed that some portion of a former military member's retired or retainer pay should be sheltered." Others noted that the definition of disposable retired pay applied in determining the amount payable to a former spouse could dilute the available retired pay to the point that no money was available for the former spouse. The allowed deductions were created by statute. Modification of the statute would be necessary to resolve such situations. Several persons requested an explanation of the percentage limitations applied in this subsection. Only 50% of a member's disposable retired pay may be paid by the Uniformed Service pursuant to court orders and garnishments under 10 U.S.C. 1408. If, in addition, the member's pay is garnished under 42 U.S.C. 659, then the combined total payments may not exceed 65% of disposable retired pay. There are specific limitations regarding garnishments that may be found in 15 U.S.C. 1673 and 5 CFR Part 581. Additional information is found on page 13 of the Committee report. Many former spouses questioned the treatment of income taxes under the rule. Based on guidance provided by the Internal Revenue Service (IRS), federal taxes are withheld from the member's gross retired pay based on the total amount and the withholding allowances claimed by the retiree. The amount payable to the former spouse for court ordered alimony, child support, or division of property is considered a deduction from the retired pay that does not affect the amount of tax to be withheld. There are no provisions in statute or in IRS regulations for withholding of taxes on direct payments to former spouses, since no employer-employee relationship exists. The former spouse receiving direct payment of military retired pay must report any taxable amount directly to the IRS and make estimated tax payments when appropriate. In the final rule, State taxes were added as an authorized deduction based on section 654 of Pub. L. 98–525. A member may now authorize voluntary State tax withholding from retired pay, when the Uniformed Services have entered into an agreement with the State concerned under 10 U.S.C. 1045. For further information on tax withholding, see 5 U.S.C. 5516, 5517, and 5520. The final rule has been changed to clarify that a member may request supplemental withholding under 26 U.S.C. 3402(i), when the member presents evidence supporting such withholding. The change is consistent with the statutory authority in 10 U.S.C. 1408(a)(4)(D) and Comptroller General decision B–213895. The former § 63.6(e)(2)(vi) of the proposed rule is now (v). National Service Life Insurance has been deleted from the list of allowed deductions, because this insurance was determined to be supplemental insurance coverage, and thereby excluded under 10 U.S.C. 1408(s)(4)(E).

Section 63.6(f)—Many suggested the substitution of "shall" for "may" in § 63.6(f)(2)(vi). At the time the member is notified, the application is still under review. The designated agent may or may not authorize payment upon completion of the review. Substitution of "shall" would infer that in all cases when an application is forwarded to a member, it has been approved for payment. This is not the case. Early notification of the member allows more orderly processing and has permitted payments on approved applications to begin within 60 days of application. Some individuals questioned why a member is given an opportunity to contest a former spouse's application for payments from retired pay. Page 23 of the Committee report outlines clearly the concern that affected members have an opportunity to take legal action, if necessary, regarding a court order that a former spouse seeks to have enforced by direct payments from a Uniformed Service. The 30-day response period in this subsection has been clarified to add that it begins when notice is mailed to the member. There is no requirement under 10 U.S.C. 1408(g) that the member actually receive notice. The designated agents are only obligated to send notice to the last known address of the member. Page 23 of the Committee report supports this interpretation. Section 63.6(f)(3)(iii) of the proposed rule was deleted because filing an action to contest a court order was not a sufficient basis to suspend compliance with the court order. However, § 63.6(h)(6) was added to provide that payments shall be suspended in the event either the member or the former spouse obtains a stay of execution issued by a court of competent jurisdiction. Suspended payments will be retained by the designated agent pending resolution of the contest.

Section 63.6(g)—This subsection was amended to qualify the designated agent's reponsibilities. When a court order is regular on its face, the designated agent has limited responsibility to review such a court order for jurisdictional issues. The final rule makes clear that the designated

agent is required to issue timely replies to interrogatories.

Section 63.6(h)—On § 63.6(h)(3), many comments stated that payments should terminate only with the death of the member or the former spouse. Congress intended former spouse payments to operate under the applicable State law. When a former spouse is no longer entitled to alimony under State law, direct payments to satisfy court ordered alimony will terminate. The final rule affirms this. Section 63.6(h)(7) was expanded to explain procedures when the member is on active duty at the time the former spouse applies for direct payment. The application, if approved for payment, will be retained indefinitely and will be satisfied at such time that the member becomes entitled to retired pay. Several comments took exception tothe requirement of § 63.6(h)(10) that payments be prospective, because this prevented collection of arrearages. Support for prospective payments is found on page 18 of the Committee report. This does not prevent amendment of the operative court order to increase the monthly amount payable in consideration of the fact that the member is in arrears. The courts are the proper place to address this issue.

Section 63.6(i)—Several respondents had questions about administrative appeal procedures when the former spouse or member disagrees with the determination of the designated agent. A new § 63.6(i) was added incorporating such procedures. Disputed issues will be resolved within the designated agent structure.

Executive Order 12291

DoD has determined that this rule is not a major rule for the purpose of E.O 12291, because it is not likely to have an annual effect on the economy of $100 million or more, and therefore, does not require a regulatory impact analysis.

Paperwork Reduction Act

This rule imposes information requirements that have been approved by the Office of Management and Budget (OMB). OMB Control Numbers 0704–0160 and 0704–0182.

Regulatory Flexibility Act of 1980

I certify that this rule shall be exempt from the requirements under 5 U.S.C. 601–612. In addition, the rule does not have a significant economic effect on small entities as defined in the Regulatory Flexibility Act.

List of Subjects in 32 CFR Part 63

Alimony, Child support, Retirement, Uniformed Services, Payments to former spouses, Military retired pay.

Accordingly, 32 CFR, Chapter 1, is amended by adding a new Part 63, reading as follows:

PART 63—FORMER SPOUSE PAYMENTS FROM RETIRED PAY

Sec.
63.1 Purpose.
63.2 Applicability and scope.
63.3 Definitions.
63.4 Policy.
63.5 Responsibilities.
63.6 Procedures.

Authority: 10 U.S.C. 1408.

§ 63.1 Purpose.

Under 10 U.S.C. 1408, this part establishes policy and authorizes direct payments to a former spouse of a member from retired pay in response to court-ordered alimony, child support, or division of property.

§ 63.2 Applicability and scope.

(a) This part applies to the Office of the Secretary of Defense, the Military Departments, the Coast Guard (under agreement with the Department of Transportation), the Public Health Service (PHS) (under agreement with the Department of Health and Human Services); and the National Oceanic and Atmospheric Administration (NOAA) (under agreement with the Department of Commerce). The term "Uniformed Services," as used herein, refers to the Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned corps of the PHS, and the commissioned corps of the NOAA.

(b) This part covers members retired from the active and reserve components of the Uniformed Services who are subject to court orders awarding alimony, child support, or division of property.

§ 63.3 Definitions.

(a) *Alimony.* Periodic payments for the support and maintenance of a spouse or former spouse in accordance with State law under 42 U.S.C. 662(c). It includes, but is not limited to, spousal support, separate maintenance, and maintenance. Alimony does not include any payment for the division of property.

(b) *Annuitant.* A person receiving a monthly payment under a survivor benefit plan related to retired pay.

(c) *Child Support.* Periodic payments for the support and maintenance of a child or children, subject to and in accordance with State law under 42 U.S.C. 662(b). It includes, but is not limited to, payments to provide for health care, education, recreation, and clothing or to meet other specific needs of such a child or children.

(d) *Court.* Any court of competent jurisdiction of any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands and any court of the United States as defined in 28 U.S.C. 451 having competent jurisdiction; or any court of competent jurisdiction of a foreign country with which the United States has an agreement requiring the United States to honor any court order of such country.

(e) *Court Order.* As defined under 10 U.S.C. 1408(a)(2), a final decree of divorce, dissolution, annulment, or legal separation issued by a court, or a court ordered, ratified, or approved property settlement incident to such a decree. It includes a final decree modifying the terms of a previously issued decree of divorce, dissolution, annulment, or legal separation, or a court ordered, ratified, or approved property settlement incident to such previously issued decree. The court order must provide for the payment to a member's former spouse of alimony, child support, or a division of property. In the case of a division of property, the court order must specify that the payment is to be made from the member's disposable retired pay.

(f) *Creditable Service.* Service counted towards the establishment of any entitlement for retired pay. See paragraphs 10102 through 10108 of DoD 1340.12–M, 42 U.S.C. 212 for the PHS, and 33 U.S.C. 864 and 10 U.S.C. 6323 for NOAA.

(g) *Designated Agent.* A representative of a Uniformed Service who will receive and process court orders under this part.

(h) *Division of Property.* Any transfer of property or its value by an individual to his or her former spouse in compliance with any community property settlement, equitable distribution of property, or other distribution of property between spouses or former spouses.

(i) *Entitlement.* The legal right of a member to receive retired pay.

(j) *Final Decree.* As defined under 10 U.S.C. 1408(a)(3), a decree from which no appeal may be taken or from which no appeal has been taken within the time allowed for taking such appeals under the laws applicable to such appeals or a decree from which timely appeal has been taken and such appeal

has been finally decided under the laws applicable to such appeals.

(k) *Former Spouse.* The former husband or former wife, or the husband or wife, of a member.

(l) *Garnishment.* The legal procedure through which payment is made from an individual's pay that is due or payable to another party in order to satisfy a legal obligation to provide child support, to make alimony payments, or both, under 5 CFR Part 581 and 42 U.S.C. 659 or to enforce a division of property other than a division of retired pay as property under 10 U.S.C. 1408(d)(5).

(m) *Member.* A person originally appointed or enlisted in, or conscripted into, a Uniformed Service who has retired from the regular or reserve component of the Uniformed Service concerned.

(n) *Renounced Pay.* Retired pay to which a member has an entitlement, but for which receipt of payment has been waived by the member.

(o) *Retired Pay.* The gross entitlement due a member based on conditions of the retirement law, pay grade, years of service for basic pay, years of service for percentage multiplier, if applicable, and date of retirement (transfer to the Fleet Reserve or Fleet Marine Corps Reserve); also known as retainer pay. It does not include benefits paid to a member retired for disability under 10 U.S.C. Chapter 61.

§ 63.4 Policy.

It is the policy of the Uniformed Services to honor a former spouse's request for direct payment from a given member's retired pay in enforcement of a court order that provides for a alimony, child support, or division of property, when the terms, conditions, and requirements in this part are satisfied.

§ 63.5 Responsibilities.

(a) The Assistant Secretary of Defense (Comptroller) shall establish policy and procedures, provide guidance, coordinate changes with the Uniformed Services, and monitor the implementation of this part within the Department of Defense.

(b) The Secretaries of the Military Departments and Heads of the other Uniformed Services shall implement this part.

§ 63.6 Procedures.

(a) *Eligibility of Former Spouse.* (1) A former spouse of a member is eligible to receive direct payment from the retired pay of that member only pursuant to a court order that satisfies the requirements and conditions specified in this part. In the case of a division of property, the court order must specifically provide that payment is to be made from disposable retired pay.

(2) For establishing eligibility for direct payment under a court order that provides for a division of retired pay as property, a former spouse must have been married to the member for 10 years or more, during which the member performed 10 years or more of creditable service. There is no 10-year marriage requirement for payment of child support, alimony, or both.

(b) *Application By Former Spouse.* (1) A former spouse shall deliver to the designated agent of the member's Uniformed Service a signed DD Form 2293, Request for Former Spouse Payments from Retired Pay, or a signed statement that includes:

(i) Notice to make direct payment to the former spouse from the member's retired pay.

(ii) A copy of the court order and other accompanying documents certified by an official of the issuing court that provides for payment of child support, alimony, or division of property.

(iii) A statement that the court order has not been amended, superseded, or set aside.

(iv) Sufficient identifying information about the member to enable processing of the application. The identification should give the member's full name, social security number, and Uniformed Service.

(v) The full name, address, and social security number of the former spouse.

(vi) Before payment, the former spouse shall agree personally that any future overpayments are recoverable and subject to involuntary collection from the former spouse or his or her estate.

(vii) As a condition precedent to payment, the former spouse shall agree personally to notify the designated agent promptly if the operative court order upon which payment is based is vacated, modified, or set aside. This shall include notice of the former spouse's remarriage if all or a part of the payment is for alimony or notice of a change in eligibility for child support payments under circumstances of the death, emancipation, adoption, or attainment of majority of a child whose support is provided through direct payment to a former spouse from retired pay.

(2) If the court order is for a division of retired pay as property and it does not state that the former spouse satisfied the eligibility criteria found in § 63.6.(a)(2), of this Part, the former spouse shall furnish sufficient evidence for the designated agent to verify that the requirement was met.

(3) The notification of the designated agent shall be accomplished by certified or registered mail, return receipt requested, or by personal service. Effective service is not accomplished until a complete application providing all information required by this part is received in the office of the designated agent, who shall note the date and time of receipt on the notification document.

(4) Not later than 90 days after effective service, the designated agent shall respond to the former spouse as follows: (i) If the court order will be honored, the former spouse shall be informed of the date that payments tentatively begin; the amount of each payment; the amount of gross retired pay, total deductions, and disposable retired pay (except in cases where full payment of a court-ordered fixed amount will be made); and other relevant information if applicable; or (ii) If the court order will not be honored, the designated agent shall explain in writing to the former spouse why the court order was not honored.

(5) The designated agent for each Uniformed Service is:

(i) Army: Commander, Army Finance and Accounting Center, Attn: FINCL–G, Indianapolis, IN 46249, (317) 542–2155.

(ii) Navy: Director, Navy Family Allowance Activity, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199, (216) 522–5301.

(iii) Air Force: Commander, Air Force Accounting and Finance Center, ATTN: JA, Denver, CO 80279, (303) 370–7524.

(iv) Marine Corps: Commanding Officer, Marine Corps Finance Center (Code AA), Kansas City, MO 64197, (816) 926–7103.

(v) Coast Guard: Commandant (G–LGL), General Law Division, United States Coast Guard Headquarters, 2100 2nd Street SW., Washington, D.C. 20593, (202) 426–1553.

(vi) Public Health Service: Office of General Counsel, Department of Health and Human Services, Room 722A, Humphrey Building, 200 Independance Avenue SW., Washington, D.C. 20201, (202) 245–7741.

(vii) National Oceanic and Atmospheric Administration: Director, Navy Family Allowance Activity, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199, (216) 522–5301.

(6) U.S. Attorneys are not designated agents authorized to receive court orders or garnishments under this part.

(c) *Review of Court Orders.* (1) The court order must be regular on its face, meaning that it is issued by a court of competent jurisdiction in accordance with the laws of the jurisdiction.

(2) The court order must be legal in form and must include nothing on its face that provides reasonable notice that it is issued without authority of law. It is required that the court order be authenticated or certified within 90 days immediately preceding its service on the designated agent.

(3) The court order must be a final decree.

(4) If the court order was issued while the member was on active duty and the member was not represented in court, the court order or other court documents must certify that the rights of the member under the "Soldiers' and Sailors' Civil Relief Act of 1940" (50 U.S.C. Appendix 501–591) were complied with.

(5) Sufficient information must be contained in the court order to identify the member.

(6) For court orders that provide for the division of retired pay as property, the following conditions apply:

(i) The court must have jurisdiction over the member by reason of (A) the member's residence, other than because of military assignment in the territorial jurisdiction of the court; (B) the member's domicile in the territorial jurisdiction of the court; or (C) the member's consent to the jurisdiction of the court.

(ii) The treatment of retired pay as property solely of the member or as property of the member and the former spouse of that member must be in accordance with the law of the jurisdiction of such court.

(iii) The court order or other accompanying documents served with the court order must show the former spouse was married to the member 10 years or more, during which the member performed at least 10 years of creditable service.

(7) Court orders awarding a division of retired pay as property that were issued before June 26, 1981, shall be honored if they otherwise satisfy the requirements and conditions specified in this part. A modification on or after June 26, 1981, of a court order that originally awarded a division of retired pay as property before June 26, 1981, may be honored for subsequent court-ordered changes made for clarification, such as the interpretation of a computation formula in the original court order. For court orders issued before June 26, 1981, subsequent amendments after that date to provide for a division of retired pay as property are unenforceable under this part. If the court order awarding a division of retired pay as property is issued on or after June 26, 1981, subsequent modifications of that court order shall be honored if they otherwise satisfy the requirements and conditions specified in this part.

(8) In the case of a division of property, the court order must provide specifically for payment of a fixed amount expressed in U.S. dollars or payment as a percentage or fraction of disposable retired pay. Court orders specifying a percentage or fraction of retired pay shall be construed as a percentage or fraction of disposable retired pay. A court order that provides for a division of retired pay by means of a formula wherein the elements of the formula are not specifically set forth or readily apparent on the face of the court order will not be honored unless clarified by the court.

(d) *Garnishment Orders.* (1) If a court order provides for the division of property other than retired pay in addition to an amount of disposable retired pay to be paid to the member's former spouse, the former spouse may garnish that member's retired pay in order to enforce the division of property. The limitations of 15 U.S.C. 1673(a) and the limitations of § 63.6.(e) of this Part apply in determining the amount payable to a former spouse.

(2) The designated agents authorized to receive service of process of garnishment orders under this part shall be those listed in § 63.6.(b)(5) of this Part.

(3) Garnishment orders under this part for enforcement of a division of property other than retired pay shall be processed in accordance with 5 CFR Part 581 to the extent that the procedures are consistent with this part.

(e) *Limitations.* (1) Upon proper service, a member's retired pay may be paid directly to a former spouse in the amount necessary to comply with the court order, provided the total amount paid does not exceed:

(i) 50 percent of the disposable retired pay for all court orders and garnishment actions paid under this part.

(ii) 65 percent of the disposable retired pay for all court orders and garnishments paid under this part and garnishments under 42 U.S.C. 659.

(2) Disposable retired pay is the gross pay entitlement, including renounced pay, less authorized reductions. Disposable retired pay does not include the retired pay of a member retired for disability under 10 U.S.C. Chapter 61 or annuitant payments under 10 U.S.C. Chapter 73. The authorized deductions are:

(i) Amounts owed to the United States.

(ii) Fines and forfeitures ordered by a court-martial.

(iii) Amounts waived in order to receive compensation under title 5 or 38 of United States Code.

(iv) Federal employment taxes and income taxes withheld to the extent that the amount deducted is consistent with the member's tax liability, including amounts for supplemental withholding under 26 U.S.C. 3402(i), when the member presents evidence to the satisfaction of the designated agent that supports such withholding. State employment taxes and income taxes when the member makes a voluntary request for such withholding from retired pay and the Uniformed Services have entered into an agreement with the State concerned for withholding from retired pay.

(v) Premiums paid as a result of a election under 10 U.S.C. Chapter 73 to provide an annuity to a spouse or former spouse to whom payment of a portion of such member's retired pay is being made pursuant to a court order under this part.

(vi) Other amounts required by law to be deducted.

(f) *Notification of Member.* (1) As soon as possible, but not later than 30 calendar days after effective service of a court order or garnishment action under this part, the designated agent shall send written notice to the affected member at his or her last known address.

(2) This notice shall include:

(i) A copy of the court order and accompanying documentation.

(ii) An explanation of the limitations placed on the direct payment to a former spouse from a member's retired pay.

(iii) A request that the member submit notification to the designated agent if the court order has been amended, superseded, or set aside. The member is obligated to provide an authenticated or certified copy of the operative court documents when there are conflicting court orders.

(iv) The amount or percentage that will be deducted if the member fails to respond to the notification as prescribed by this part.

(v) The effective date that direct payments to the former spouse tentatively will begin.

(vi) Notice that the member's failure to respond within 30 days from the date that the notice is mailed may result in the payment of retired pay as provided in the notification.

(vii) That if the member submits information in response to this notification, the member thereby consents to the disclosure of such information to the former spouse or the former spouse's agent.

(3) If the member responds to the notification, the designated agent shall consider the response and will not honor the court order whenever it is shown that the court order is defective, or the court order is modified, superseded, or set aside.

(g) *Designated Agent Liability.* (1) The United States and any officer or employee of the United States will not be liable with respect to any payment made from retired pay to any member or former spouse pursuant to a court order that is regular on its face if such payment is made in accordance with this Part.

(2) An officer or employee of the United States, who under this part has the duty to respond to interrogatories, will not be subject under any law to any disciplinary action or civil or criminal liability or penalty for, or because of, any disclosure of information made by him or her in carrying out any of the duties that directly or indirectly pertain to answering such interrogatories.

(3) If a court order on its face appears to conform to the laws of the jurisdiction from which it was issued, the designated agent will not be required to ascertain whether the court has obtained personal jurisdiction over the member.

(4) Whenever a designated agent is effectively served with interrogatories concerning implementation of this part, the designated agent shall respond to such interrogatories within 30 calendar days of receipt or within such longer period as may be prescribed by applicable State law.

(h) *Payments.* (1) Subject to a member's eligibility for retired pay, effective service of a court order, and the limitations and requirements of this part, the Uniformed Service concerned shall begin payments to the former spouse not later than 90 days after the date of effective service.

(2) Payments shall conform with the normal pay and disbursement cycle for retired pay. Payments may be expressed as fixed in amount or as a percentage or fraction of disposable retired pay. With regard to payments based on a percentage or fraction of disposable retired pay, the amount will change in direct proportion and at the effective date of future cost-of-living adjustments that are authorized, unless the court order directs otherwise.

(3) Payments terminate on the date of the death of the member, death of the former spouse, or as stated in the applicable court order, whichever occurs first. Payments shall be terminated or shall be reduced upon the occurrence of a condition that requires termination or reduction under applicable State law.

(4) When several court orders are served with regard to a member's retired pay, payment shall be satisfied on a first-come, first-served basis within the amount limitations prescribed in § 63.6(e) of this Part.

(5) If conflicting court orders are served on the designated agent that direct that different amounts be paid during a month to the same former spouse from a given member's retired pay, the designated agent shall authorize payment on the court order directing payment of the least amount. The difference in amounts on conflicting court orders shall be retained by the designated agent pending resolution by the court that has jurisdiction or by agreement of the parties. The amount retained shall be paid as provided in a subsequent court order or agreement. The total of all payments plus all moneys retained under this paragraph shall be within the limitation prescribed in § 63.6(e) of this Part.

(6) The designated agent shall comply with a stay of execution issued by a court of competent jurisdiction and shall suspend payment of disputed amounts pending resolution of the issue.

(7) When service is made and the identified member is found not to be currently entitled to payments the designated agent shall advise the former spouse that no payments are due from or payable by the Uniformed Service to the named individual. If the member is on active duty when service is accomplished, the designated agent shall retain the application until the member's retirement. In such case, payments to the former spouse, if otherwise proper, shall begin not later than 90 days from the date the member first becomes entitled to receive retired pay. If the member becomes entitled to receive retired pay more than 90 days after first being notified under § 63.6(f) of this Part, the notification procedures prescribed by that section shall be repeated by the designated agent.

(8) In moneys are only temporarily exhausted or otherwise unavailable, the former spouse shall be fully advised of the reason or reasons why and for how long the moneys will be unavailable. Service shall be retained by the designated agent and payments to the former spouse, if otherwise proper, shall begin not later than 90 days from the date the member becomes entitled to receive retired pay. If the member becomes entitled to receive retired pay more than 90 days after first being notified under § 63.6(f) of this Part, the notification procedures prescribed by that section shall be repeated by the designated agent.

(9) The order of precedence for disbursement of retired pay when the gross amount is not sufficient to permit all authorized deductions and collections shall follow Volume I, Part 3, Section 7040, "Order of Payment," in the Treasury Fiscal Requirements Manual for Guidance of Departments and Agencies. Court-ordered payments to a former spouse from retired pay shall be enforced over voluntary deductions and allotments.

(10) Payments made shall be prospective in terms of the amount stated in the court order. Arrearages will not be considered in determining the amount payable from retired pay.

(11) No right, title, or interest that can be sold, assigned, transferred, or otherwise disposed of, including by inheritance, is created under this part.

(12) At the request of the designated agent, the former spouse may be required to provide a certification of eligibility that attests in writing to the former spouse's continued eligibility and that includes a notice of change in status or circumstances that affect eligibility. After notice to the former spouse, payments to the former spouse may be suspended, or terminated, when the former spouse fails to comply, or refuses to comply, with the certification requirement.

(i) *Reconsideration.* A former spouse or member may request that the designated agent reconsider the designated agent's determination in response to service of an application for payments under this part or the member's answer to the designated agent with respect to notice of such service. For reconsideration, the request must express the issues the former spouse or the member believes were incorrectly resolved by the designated agent. The designated agent shall respond to the request for reconsideration, giving an explanation of the determination reached.

(Approved by the Office of Management and Budget under OMB Contract Numbers 0704-0160 and 0704-0182)

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

January 15, 1985.

[FR Doc. 85-1468 Filed 1-17-85; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF THE INTERIOR

43 CFR Part 20

Employee Responsibilities and Conduct

AGENCY: Office of the Secretary of the Interior.

ACTION: Notice of availability of appendix C.

SUMMARY: This notice announces the availability of Appendix C to 43 CFR Part 20. This Appendix lists all positions within the Department of the Interior for which Statements of Employment and Financial Interests (Form DI-212) are required to be filed. This Appendix has been updated as of December 1, 1984 and has been printed as an agency document. The Appendix will not be published in the **Federal Register** but will be available to the public upon request.

EFFECTIVE DATE: December 1, 1984.

ADDRESS: Copies of Appendix C may be obtained from the Deputy Ethics Counselor for each bureau or office within the Department of the Interior. You may address your requests to Deputy Ethics Counselor (insert the name of the specific bureau or office), 18th & C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Gabriele J. Paone or Mr. Mason Tsai, Department Ethics and Audit Coordination Staff, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343–5916 or 343–3932.

SUPPLEMENTARY INFORMATION: The Department of the Interior requested and received approval from the Office of Government Ethics, Office of Personnel Management, to publish Appendix C to 43 CFR Part 20 as an agency document. The availability of this document is hereby announced in the **Federal Register**. The initial notice of this annual process was provided with the publication of 43 CFR Part 20 as a proposed rule on October 6, 1980 (45 FR 66370). This arrangement meets administrative requirements which affect only Department of the Interior employees and at the same time defrays the cost of publishing the Appendix C listing in the **Federal Register**. Copies of Appendix C are available from the above address and are filed with the original.

Appendix C lists Department of the Interior positions, in addition to GS (or GM)–15's for which a Confidential Statement of Employment and Financial Interests (Form DI–212) is required to be filed by Executive Order 11222. Positions identified in Appendix C are effective for the Februrary 1, 1985 filing deadline. Appendix C has been approved by the Office of Personnel Management.

List of Subjects in 43 CFR Part 20

Conflicts of interest, Government employees.

Authority: Appendix C to Part 20 of Title 43 of the Code of Federal Regulations is published under Executive Order 11222, 30 FR 6469, 3 CFR 1964–65 Comp., as amended (18 U.S.C. 201 Note); 5 CFR 735.104; and 5 U.S.C. 301.

Appendix C was compiled by Bureau and Office Ethics Counselors and consolidated by Mason Tsai and Deborah Williams of the Departmental Ethics and Audit Coordination Staff.

Dated: January 8, 1985.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

[FR Doc. 85–1313 Filed 1–17–85; 8:45 am]

BILLING CODE 4310–10–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[CC Docket No. 81–704; FCC 84–487]

Licensing of Space Stations in the Domestic Fixed-Satellite Service and Related Revisions

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In the Commission's order concerning licensing of space stations in the Domestic fixed-satellite service and related revisions of Part 25 (hereinafter Reduced orbital spacing), the Commission adopted a reduction in orbital spacing to 2° in both the 4/6 GHz and 12/14 GHz frequency bands for the domestic fixed satellite service. This action denies in part and grants in part petitions for reconsideration filed in connection with the Commission's order. In addition, it addresses issues raised regarding satellite space station technical standards and makes certain revisions in the antenna performance rules.

EFFECTIVE DATE: February 15, 1985.

FOR FURTHER INFORMATION CONTACT: Rosalee C. Gorman, (202) 634–1624.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 25

Communications equipment; Satellite radio communications.

In the matter of licensing of space stations in the domestic fixed-satellite service and related revisions of part 25 of the Rules and Regulations (CC Docket No. 81–704).

Memorandum Opinion and Order

Adopted: October 17, 1984.

Released: January 9, 1985.

By the Commission: Commissioner Quello absent.

I. Introduction

1. In *Reduced Orbital Spacing*,[1] we adopted a reduction in orbital spacing to 2° in both the 4/6 GHz and 12/14 GHz frequency bands for the domestic fixed-satellite service,[2] and a consequent tightening of antenna performance standards set out at 47 CFR 25.209 of the Commission rules. As a result of these decisions, we were able to grant authorizations for construction and/or launch of 19 new satellites and to assign orbit locations to 38 space stations in the domestic fixed-satellite service. In addition, we specified processing procedures governing the next group of satellite applications.

2. Petitions requesting partial reconsideration of *Reduced Orbital Spacing*[3] were filed by Alascom, Inc. (Alascom), American Satellite Company (American Satellite), Communications Satellite Corporation (Comsat), Equatorial Communication Services (Equatorial), Group W Cable, Inc. (Group W), Satellite Syndicated Systems, Inc. (SSS), Society for Private and Commercial Earth Stations (SPACE) and Vitalink Communications Corporation (Vitalink). In general, these petitions focussed on the difficulties of immediate implementation of reduced spacing and conformance to more stringent technical standards.[4] For the

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[1] *Licensing of Space Stations in the Domestic Fixed-Satellite Service*, (hereinafter *Reduced Orbital Spacing*), 54 Rad. Reg. 2d 577 (1983).

[2] Orbital spacings of 2° between domestic satellites are to be implemented immediately in the 12/14 GHz band. In the 4/6 GHz band, the transition will be more gradual due to the nature of the operation of existing earth station and satellite facilities in service there. A combination of 3°, 2.5° and 2° spacings in that band have been assigned in the interim.

[3] Other parties filing oppositions and/or reply comments include Associated Press, Ford Aerospace Satellite Services Corporation, M/A-Com, Inc., Public Broadcasting Service, SatCom Technologies, Inc., and Satellite Business Systems.

[4] The petition for reconsideration of *Reduced Orbital Spacing* filed by Western Union Telegraph Company and related pleadings regarding authorization actions will be addressed when we act on Western Union's petition for reconsideration of *Western Union Telegraph Company*, 94 FCC 2d 467 (1983). Reconsideration of specific orbital assignments have already been addressed in *Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service*, FCC 84–32, released February 2, 1984, and FCC 84–181, released May 15, 1984.

reasons set forth below, we find that some minor changes to these standards are warranted.

II. Orbital Spacing

3. Several parties seeking reconsideration have restated their concern that current technology is not sufficiently developed to provide equipment which would be effective with reduced satellite spacing at 4/6 GHz.[5] In particular, Group W urged the Commission to delay implementation of reduced spacing in this band until improved small antennas are available to serve the cable television industry both efficiently and economically in a 2° spacing environment. Group W argues that only larger and more expensive antennas are currently available for such use, and that the Commission has not adequately considered certain technical factors that would adversely affect current small antennas if orbital spacings were reduced. In the same vein, SPACE urges us to require strict and mandatory polarization standards between satellites actually spaced 2° apart at 4/6 GHz to combat the increased interference caused by reduced spacing.[6]

4. Notwithstanding these concerns, the parties support our objectives in reducing satellite spacing to 2° to assure future domestic satellite development and to create opportunities for expansion of existing services. They emphasize the difficulties acknowledged in *Reduced Orbital Spacing* related to high costs and disruption that would be caused by an immediate move to 2° spacing at 4/6 GHz.[7] We recognized these problems when we ordered a gradual transition to reduced spacing. This accommodation provided for an average 2.5° separation with spacings as high as 3° and as low as 2° for a transitional period. The parties are apparently not satisfied with this result, but they suggest no specific remedy that would alleviate the problems they have identified other than SPACE's request for mandatory cross polarization.

5. The impact of reduced spacing on the type of services represented by the Group W and SPACE petitions was fully considered in *Reduced Orbital Spacing*.[8] It was concluded that at 2° spacing video service to small antennas was feasible, though marginal according to some submitted data, provided that receiving antenna equipment was upgraded.[9] We recognized that broadcast quality video would not occur with smaller antennas even at 4° spacing.[10] Because interference would be masked by thermal noise in such cases, it would be unrealistic to adopt overly strick interference criteria without recognition of these practical circumstances.[11]

6. With regard to SPACE's request for mandatory cross-polarization between adjacent satellites, it was our intent to require cross-polarization in any future orbit assignment plan which implements uniform 2° spacing in the 4/6 GHz band. However, because of the uncertainties surrounding the achievement of the desired levels of universal cross-polarization at this time, we provided a margin for less than ideal conditions by our transitional plan of 3°, 2.5° and 2° spacings announced in the *1983 Orbit Assignment Order*.[12] We intend to review the current conditions prior to adoption of a revised orbital assignment plan which would implement uniform 2° separations.[13]

7. Nothing in the petitions for reconsideration or the comments filed in response to our *Report and Order* causes us to question the feasibilty of 2° spacing criteria at 4/6 GHz.[14] Moreover, the gradual implementation of 2° spacings at 4/6 GHz recognized concerns repeated here. This delay in implementation of uniform 2° spacings until future satellite launches is intended to provide the relief requested by these petitions. Nothing beyond mere speculation has been proffered to demonstrate that this remedy will not be sufficient to ease difficulties during the transitional stage.[15] All parties and future applicants must recognize that technical and economic adjustments will be necessary to attain reduced orbital spacings in order to assure future expansion of domestic satellite services.

III. Space Station Standards

8. In *Reduced Orbital Spacing* we set certain minimum technical standards with which future proposed satellites must comply. These standards included "full frequency re-use" in order to insure a minimal level of efficient orbit and spectrum utilization. Specifically, in the 12/14 GHz band, this criteria was defined as systems with the capability of providing the same transmission capacity between the earth stations as a 12/14 GHz satellite equipped with 20 transponders having 43 MHz bandwidth and 20 watt amplifiers.[16] We noted that all satellites currently under consideration would meet this standard with the exception of certain hybrid satellite proposals. Although we noted the possibility of obtaining a waiver of our standard, we warned that in the future hybrid satellites would have to meet the required technical standards of efficiency for each of the bands involved.[17]

9. American Satellite filed a petition for reconsideration which addresses two aspects of our technical definition of full frequency re-use. The first of these concerns useable bandwidth specifications. American Satellite proposed an interleaved channel system and contends that our standard of 860 out of 1000 MHz does not allow sufficient excess bandwidth to interleave cross polarized channels and mitigate internal interference. It asks that our standards be revised to require a useable bandwidth of 817 MHz and

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[5] We have also noted and considered the late comments filed by Entertainment and Sports Programming Network Inc. on July 27, 1984 which reiterate issues raised by other commenting parties and ask that our move to 2° spacing be made slowly and with due regard for increased expenses and decreased signal quality. It proposes a time-phased approach in implementing 2° spacing.

[6] Satellite Syndicated Systems urges us to assign contiguous orbit locations to all satellites providing service to cable systems, but offers no practical suggestions regarding identification of these "cable" satellites or the implementation of its proposal.

[7] Technical analysis indicated that an improvement in antenna performance standards was necessary if 2° spaced operations are to be successful. None of the parties seek reconsideration of the immediate implementation of 2° spacings at 12/14 GHz.

[8] *See* at paras. 27–30.

[9] *Id.* at paras. 30.

[10] *Id.* at 13 n. 29. *See also American Broadcasting Companies, Inc.*, 62 FCC 2d 901, 925 (1976).

[11] Our action does not have the effect of reducing existing service and SPACE's reference to *C.J. Community Service, Inc. v. FCC* 246 F.2d 660 (1957) is inappropriate. That case reversed a Commission finding that it could not, consistent with section 312 of the Communications Act, permit an unlicensed booster station to continue its operation, even though the station was providing a needed service and the Commission had failed to enact rules that would provide for the licensing of booster stations. Here we are attempting to increase satellite capacity and therefore expand service to the public.

[12] *Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service*, (hereinafter *1983 Orbit Assignment Order*) 94 FCC 2d 129 (1983).

[13] As recognized in *Reduced Orbital Spacing*, the Advisory Committee established today will investigate and make recommendations on spacecraft and earth station antenna measurement and verification standards necessary for accurate assessment and control of adjacent satellite interference levels under 2° spacing conditions.

[14] 94 FCC 2d 129 (1983). We expressly recognized the unique situation of services distributing video and audio programming by provision of 3° transitional spacing for such systems. *Id.* at para. 10.

[15] The parties complain of increased costs to replace equipment in order to assure signal quality but have offered no data or analysis demonstrating what these actual costs will be. Without such information, we must conclude that our decision to implement 2° spacing within the originally articulated time parameters was sound.

[16] *See Reduced Orbital Spacing* at n. 67. The standards applicable to satellites at 4/6 GHz have not been questioned.

[17] *Reduced Orbital Spacing* at para. 78.

that satellites equipped with the equivalent of 19 as opposed to 20 transponders with a bandwidth of 43 MHz be deemed acceptable. Attached to its petition is an analysis showing that, despite the loss of one transponder, greater total throughput for high capacity digital transmissions is achieved with this interleaved system design of 19 transponders than with a 20 transponder design which is not fully interleaved.

10. American Satellite's second recommendation is that the total minimum power requirement for satellites operating in the 12/14 GHz band be lowered to 323 watts.[18] It contends that the current 400 watt requirement for a hybrid satellite results in a design that is too heavy for the normal launch vehicle and that the use of a larger vehicle would raise costs significantly. According to American Satellite, such costs would not be justified in light of the small amount of added power achieved.[19]

11. Ford Aerospace Satellite Services Corporation (Ford), in opposition to American Satellite's petition, argues that any relaxation of the standards would result in our authorization of inefficient satellites and would not be in the public interest.[20] In reply, American Satellite contends with regard to bandwidth requirements that Ford's arguments are simplistic and that Ford's alternate proposal offers no utilization advantages while entailing unnecessary additional costs. American Satellite claims that Ford's response to its power level proposal is again too simplistic and that Ford has equated reduction in power to reduction in utilization efficiency which it claims is subject to the characteristics of the service offered.

12. Our primary objective at this juncture is to achieve as efficient and effective utilization of the orbital arc as is reasonably feasible to satisfy growing demands for domestic satellite services as they arise. The establishment of our minimal frequency re-use standards for space stations is intended to promote efficient orbital utilization by eliminating from consideration satellite proposals that are clearly below state-of-the-art design as it existed when *Reduced Orbital Spacing* was decided.[21] However, we did not wish to define a frequency re-use standard that would arbitrarily eliminate a satellite design that would provide the same level of throughput capacity as the baseline designs we then had before us. American Satellite has demonstrated that its proposed interleaved channel system will offer at least as much total throughput as one conforming to our initial bandwidth specifications and will do so without significantly raising costs. We therefore accept this bandwidth formulation as being within the public interests of economy and efficiency.

13. However, American Satellite has not made a convincing showing that the transponder power standard should be reduced below 20 watts. In *Reduced Orbital Spacing* we expressly recognized that, while hybrid satellites may be cost effective for the operator, they have often been inefficient compared to two single band satellites.[22] Thus, we stated that hybrids must meet minimum threshold efficiency criteria in both bands including a transponder power standard of 20 watts.[23] This also has the desirable effect of increasing homogeneity of space stations operating at 2° spacing. By offering increased launch costs as its only justification for lowering the power standard, American Satellite fails to satisfy the concerns which prompted formulation of our original standards in terms of the state-of-the-art power criteria as it existed when *Reduced Orbital Spacing* was issued.[24] We therefore retain this 20 watt power aspect of our standard for "full frequency re-use" so that 19 transponders with a bandwidth of 43 MHz and 20 watts of power each are required.[25]

IV. Antenna Performance Standards

14. In *Reduced Orbital Spacing*, certain revisions were made of the rules pertaining to transmit antenna performance standards as set out at 47 CFR 25.209. We recognized the potentially higher costs to earth station owners of conforming to these new regulations by the upgrade or replacement of existing antennas. However, we were convinced that improved antenna performance is the most effective way to achieve reduced orbital spacing. None of the parties seeking reconsideration dispute this conclusion or the feasibility of achieving general improvements in antenna sidelobe performance as required by our revised rules. Instead, modifications or clarifications of certain details of the provisions of § 25.209 are requested to reduce unnecessary costs or to alleviate uncertainty caused to earth station licensees.

15. In adopting *Reduced Orbital Spacing*, we recognized the problems faced by manufacturers and operators of earth station equipment and we provided several methods to ease the transition to higher performance equipment. Initially, an implementation date of July 1, 1984 was set[26] for newly installed antennas to afford sufficient time for compliance. Existing equipment must conform to new standards by January 1, 1987. In addition, we indicated that a waiver procedure may be available[27] for a newly constructed antenna not meeting our standards and may be utilized where the operator can demonstrate by technical analysis that its use will not cause interference nor impede operations at 2° spacing.[28]

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[18] This would result in a standard reflecting its proposed satellite design with 19 transponders with 43 MHz bandwidth and 17 watt amplifiers.

[19] American Satellite estimates this additional power to be 0–15% depending on the type of service offered.

[20] Ford maintains that its pending hybrid satellite design corresponds to a minimum of 600 watts of power for a 24 transponder satellite and that American Satellite's proposal would result in a space station having almost 50 percent less transponder capacity.

[21] Essentially, we found a compelling public interest in assuring minimally efficient orbit use, as characterized by the concept of "full-frequency reuse" quantified in an unambiguous fashion, in order to determine a satellite proposal's filing acceptability. Relative efficiency of proposals meeting this threshold standard could be compared in light of other public interest considerations. Since these criteria are only threshold standards for acceptability for filing, we treat the bandwidth and power aspects separately here for administrative convenience. However, we also recognize that the power-bandwidth product may be a better measure of orbit/spectrum efficiency when considered as an ultimate comparative criteria.

[22] *Reduced Orbital Spacing* at para. 78.

[23] *Id.* at para. 79; *See also id.* at p. 33, n.67.

[24] *See, e.g., Southern Pacific Communications Company*, 84 FCC 2d 650 (1981). We have long recognized the difficulties in applying our orbital assignment policies caused by hybrid satellites. Applicants are on notice that private cost and operational advantages of such hybrid designs will be given little weight when such orbital assignment difficulties arise or when they are compared to more efficient systems with greater transponder capacity. As pointed out by Ford Aerospace, hybrid satellite designs which fully satisfy our full frequency re-use standard are feasible if a larger and more costly launch vehicle is used.

[25] Indeed, single band satellites using 40 watt transponders have apparently become the standard since the adoption of *Reduced Orbital Spacing*, as demonstrated by the designs proposed in the pending group of space station applications.

[26] This compliance date was delayed until this further order on reconsideration in order to spare users what may prove to be unnecessary expenses should these standards be changed. *Effective Date of the Revised Rules Concerning Earth Station Antenna Performance Standards for Newly Installed Antennas*, Mimeo No. 5082, released June 27, 1984.

[27] M/A-Com, Inc. criticizes the use of a waiver procedure because, in its view, it chills the market by discouraging customers, places a burden on the Commission's limited resources, and incurs time delays.

[28] Vitalink Communications Corporation (Vitalink) has already utilized this waiver request procedure contending that the new standards fail to

Continued

16. Various antenna manufacturers have submitted technical data demonstrating that our performance standards are achievable but will necessitate larger, more expensive equipment. In particular, SatCom Technologies, Inc. recommends that some form of antenna type acceptance criteria be developed in order to standardize testing procedures. We will not resolve this issue here but believe it is appropriate for discussion by the Advisory Committee on Reduced Orbital Spacing established today by concurrent order.

17. Equatorial Communications, Inc. (Equatorial), although supporting the move to 2° spacing and the resulting necessity to accommodate this move with adoption of changes in earth station antenna performance standards, contends that the Commission's solution creates unintentional side effects. It proposes certain changes in the language of the rules which would recognize protection from terrestrial interference and would clarify the applicability of § 25.209 of the rules. In addition, Equatorial argues that in order to promote innovation and technical advances the Commission should authorize operation of any non-conforming antenna where it can be demonstrated that it causes no harmful interference.[29]

18. Vitalink requests the Commission to modify its standards to require an antenna's performance envelope to begin at 2° off-axis as opposed to 1°. In making this request, Vitalink acknowledges that certain South American satellites are located within 1° of their United States' counterparts, which thus raises the possibility of interference problems. However, Vitalink also believes that such potential interference cases can be successfully resolved.

19. We see some merit in the issue raised by Equatorial concerning the revisions of § 25.209. There is a possibility that the revised rule might be misread with respect to interference protection from terrestrial services. As recognized by SPACE and Equatorial, our optional receive-only licensing program[30] is oriented toward protection of receiving stations from terrestrial interference sources.[31] As a practical matter, the licensing of individual receiving earth stations addresses interference protection only from the specific terrestrial sources identified within the coordination distance contour of the earth station. Such a licensing process can not, however, afford to each individual licensee an absolute level of interference protection from any particular present or future orbital arrangement of satellites or r.f. carriers on them. To offer such protection would add an obligation to our optional licensing program beyond its expectations or capabilities.[32] We did, however, consider the effects of adjacent satellite interference on a generalized or baseline receiving antenna facility conforming to the standards of § 25.209 (a) and (b) for baseline transmissions when our reduced orbital spacing criteria were adopted.

20. This generalized approach is a departure from the specific methodology employed in *American Broadcasting Companies*[33] where we examined receiving antennas on a case-by-case basis. Such an approach is no longer practical in light of the thousands of receiving earth stations that have now been licensed. Therefore, we will adopt an alternative formulation of § 25.209(c) which reflects the fact that discrete interference protection provided by a license is only from terrestrial sources identified by the frequency coordination process and that the patterns of § 25.209 (a) and (b) are used only as reference patterns in our evaluation of the general effects on receiving earth stations caused by our orbital spacing and satellite location assignment decisions. As these standards will no longer be strictly applied, we will not require filing of receive antenna patterns or apply our small antenna licensing procedures on a case-by-case basis.[34] A strict analysis will continue to be applied to our evaluation of transmit antennas. We also adopt Equatorial's proposed revision of § 25.209(e).

21. Comsat and Alascom request that we grandfather their existing transmit/receive antenna facilities with respect to the applicability of the new standard in 1987. Both parties were concerned with the costs occasioned by the necessity for premature replacement of existing equipment and with the significant disruption such replacement would entail. Alascom, Inc. requested that operations with its existing antennas be authorized for the duration of their useful life in order to avoid passing on higher costs to its customers who are already paying high rates for telephone service. In addition to high economic costs, Comsat was concerned with the potential disruption of existing antennas especially with regard to its international operations. As an alternative to a waiver procedure, it suggested "grandfathering" existing stations to avoid these problems.[35]

22. In adopting *Reduced Orbital Spacing*, it was not our intent to require existing antennas to be modified simply for the sake of complying with the new standard. Instead, we indicated a liberal waiver policy to be implemented where non-conforming, existing antennas did not cause actual interference.[36] We believe that we can make our intent clearer with the revised text adopted here today. The revised rule will operate in the following manner. The new regulations will not go into effect until 30 days after publication of revised 47 CFR 25.209 in the **Federal Register.** After that date any newly authorized[37] antennas must comply with one of two requirements. These antennas must meet the strict sidelobe standard defined in 47 CFR 25.209 (a) and (b)[38] or, in the alternative, demonstrate that its operation fully complies with 2° spacing.[39] In making such a

take into account systems operating with small antennas. This request will be disposed of in another proceeding. Vitalink Communications Corporation, File No. 806-DSE-ML-84.

[29] Several parties supported Equatorial's proposal including Public Broadcasting Service, Associated Press and M/A-Com, Inc. Satellite Business Systems prefers retention of the current standard pending further evaluation.

[30] *See Deregulation of Receive-Only Earth Stations*, 74 FCC 2d 205 (1979).

[31] Indeed, this was the original justification for the antenna pattern standard in § 25.209. *See Earth and Terrestrial Stations*, 40 FCC 2d 395 (1972).

[32] As characterized by M/A-COM, in its comments at 5, "[i]n practice, a license for a receive-only earth station is no more and no less than a grant of protection for interference due to future terrestrial microwave systems."

[33] 62 FCC 2d 901 (1977).

[34] *See, e.g., Trinity Broadcasting*, FCC 78-562 (released August 17, 1978) and *DeKalb Cable*, Mimeo No. 18156 (released June 7, 1979), which imposed responsibility for adjacent satellite interference levels on equipment choices made by the licensee.

[35] Comsat expressed confidence in its ability to obtain a waiver for its nondomestic service but preferred a "grandfathering" procedure.

[36] Because the costs of manufacturing new antennas did not appear to be increased substantially by the new sidelobe standard, we did not intend to be as liberal with respect to waivers for new installations.

[37] In order to avoid any confusion, we are revising 47 CFR 25.209 to apply to antennas "initially authorized" as opposed to "installed." By this term, we mean a Commission action, such as the grant of a construction permit, Section 319(d) waiver or temporary authorization, for the specific facility. We feel that this change will obviate any difficulties in definition of the term "installed" and will provide more certainty in the rules' application.

[38] As part of its responsibilities, the Advisory Committee is encouraged to develop detailed test and verification procedures acceptable to the antenna manufacturing industry and users by which compliance with our sidelobe standards can be determined.

[39] Again, the Advisory Committee is encouraged to propose operational criteria to which existing

Continued

demonstration, the operator must show that it has taken affirmative steps to overcome the failure of the antenna to meet the sidelobe standard.

23. Antennas authorized before the effective date may continue operations without modification until January 1, 1987. After that date, antennas must meet one of three requirements. They must either (a) comply with the strict sidelobe standards, (b) show their strict compatibility with 2° spacing as set forth above, or, (c) if unable to do either of these, an operator may continue to operate the antenna as long as it can be demonstrated that the use of its nonconforming antenna will not cause unacceptable interference.[40]

24. We believe that these adjustments to the rules will accommodate the interests of most parties. Specifically, by granting Equatorial's request for an alternative showing of 2° compatibility, we recognize the problems arising from the operation of smaller antennas. According to data submitted in this proceeding,[41] large antennas can generally meet the new, stricter performance standard. Problems arise, however, with the use of smaller antennas of the Cassegrain design. Because such antennas will have to be reviewed under our small antenna licensing procedures in any event, we agree that a single technical analysis will be sufficient to routinely license such non-conforming antenna facilities with respect to potential inter-satellite interference.[42] In addition, by allowing a demonstration of non-interference of nonconforming antennas operating after January 1, 1987, we have recognized and provided a solution for the problem raised by Comsat and Alascom regarding premature replacement of equipment.

25. Vitalink's proposal to begin the applicability of the performance envelope at 2° off-axis rather than 1° is less easily disposed of. The use of the 29-25 log Θ pattern for international coordination has proven effective. While international coordination of specific facilities on a case-by-case basis is of course possible, we wish to avoid such case-by-case coordination requests in light of the delays such a procedure would cause in the initiation of service. Thus, we believe it preferable to retain the rule as it currently stands, i.e., to continue the 29–25 log Θ pattern from 1° off-axis to simplify our international coordination efforts. However, we are modifying the rule as described above to indicate the conditions under which non-conforming antennas would be licensed. Thus, where this 1° criteria is not satisfied, applicants will be required to show non-interference to non-domestic satellites at 1° spacing before such facilities will be licensed, and grant authorizations may be delayed until any necessary international coordination has been completed.

V. Conclusion

26. The Commission's decision to reduce orbital spacings between domestic satellites was made after a careful balancing of the benefits resulting from expanded service capacity against increased costs and reduced design flexibility which may be incurred by satellite operators and equipment users. We took a variety of steps intended to minimize possible detrimental effects of our order and to facilitate transition to 2° spacings. Such steps included gradual reduction of spacings at 4/6 GHz, liberal time periods within which antenna equipment must be brought into conformity with revised performance standards, the availability of a waiver procedure where warranted, and continued emphasis of our desire for flexibility in shaping domestic satellite policies.

27. In today's action on reconsideration we have fully considered the arguments of all parties and have attempted to satisfy their particular concerns where doing so would not compromise our commitment to efficient operations at 2° spacings. There are however, certain circumstances where our paramount concern for providing expanded capacity has outweighed private interests in order to insure growth in services offered to the public.

VI. Order

28. Accordingly, it is ordered that the petitions for reconsideration of *Reduced Orbital Spacing* listed in paragraph 2 above ARE GRANTED to the extent described herein and denied in all other respects.

29. It is further ordered that § 25.209 of the Commission's Rules, 47 CFR 25.209, is modified as specified in the Appendix, and the modified rule will become effective February 15, 1985.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 25—[AMENDED]

47 CFR 25.209 is amended by revising paragraphs (c), (d) and (e) and by adding a new (f) to read as follows:

§ 25.509 Antenna performance standards.

* * * * *

(c) Earth station antennas licensed for reception of radio transmissions from a space station in the fixed-satellite service are protected from radio interference caused by other space stations only to the degree to which harmful interference would not be expected to be caused to an earth station employing an antenna conforming to the referenced patterns defined in paragraphs (a) and (b) above, and protected from radio interference caused by terrestrial radio transmitters identified by the frequency coordination process only to the degree to which harmful interference would not be expected to be caused to an earth station conforming to the reference pattern defined in subparagraph (a)(ii) above.

(d) The patterns specified in paragraphs (a) and (b) above shall apply to all new earth stations antennas initially authorized after February 15, 1985 and shall apply to all earth station antennas after January 1, 1987.

(e) The operations of any earth station with an antenna not conforming to the standards of paragraphs (a) and (b) above shall impose no limitations upon the operation, location or design of any terrestrial station, any other earth station, or any space station beyond those limitations that would be expected to be imposed by an earth station employing an antenna conforming to the reference patterns defined in paragraphs (a) and (b) above.

(f) An earth station with an antenna not conforming to the standards of paragraphs (a) and (b) above will be routinely authorized after February 15, 1985 upon a finding by the Commission that unacceptable levels of interference will not be caused under conditions of uniform 2° orbital spacings. An earth station antenna initially authorized on or before Feburary 15, 1985 will be

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licensees will simply certify rather than requiring separate justifications as to 2° spacing compatibility for each licensee. The methodology to be employed is that used in Appendices B and C to Reduced Orbital Spacing. The Committee should investigate and make any recommendations on inter-satellite coordination procedures necessary or desirable to supplement this analysis.

[40] 47 CFR 25.209(f). It will be an additional responsibility of the Advisory Committee to develop and recommended standards which, if met, will demonstrate this lack of interference potential.

[41] *See, e.g.*, Satcom Technologies comments.

[42] *See, e.g., Schlumberger Technology Corporation*, Mimeo No. 4658 (released June 7, 1984); *Equatorial Communications Services*, Mimeo No. 2831 (released March 13, 1984). In such cases, conditions are attached that limit transmission parameters to those for which the necessary technical showings have been made.

authorized by the Commission to continue to operate as long as such operations are found not to cause any unacceptable levels of adjacent satellite interference. In either case, the Commission will impose appropriate terms and conditions in its authorization of such facilities and operations.

[FR Doc. 85-1336 Filed 1-17-85; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Rail Carriers; Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul & Pacific Railroad Co., Debtor

AGENCY: Interstate Commerce Commission.

ACTION: Fifteenth Revised Order No. 1471.

SUMMARY: Pursuant to section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96-254, this order authorizes various railroads to provide interim service over the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie), Trustee, and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 11:59 p.m., January 15, 1985, and continuing in effect until 11:59 p.m., March 31, 1985, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (2) 275-7840 or 275-1559.

SUPPLEMENTARY INFORMATION:

List of Subjects in 49 CFR Part 1033

Railroads.

Decided January 11, 1985.

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

In view of the continued urgent need for rail service over certain MILW lines pending the implementation of long-range solutions, this order permits carriers named in Appendix A to this order, to provide service to shippers which might otherwise be deprived of essential rail transportation.

On January 3, 1985, Central Wisconsin Railroad Company (CWRC) ceased all rail operations. This cessation included the operation addressed in this decision, and all operations over lines owned by the State of Wisconsin. The Milwaukee Trustee has requested the deletion of CWRC's authority. Such deletion will permit the possible resumption of essential rail services by a new operator.

Appendix A of Fourteenth Revised Service Order No. 1474 is revised in this order by deleting Item 2.

This order is further revised by extending the expiration date until March 31, 1985.

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

PART 1033—[AMENDED]

It is Ordered, that § 1033.1474 be revised to read as follows:

§ 1033.1474 Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee).

(a) Various railroads are authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), as listed in Appendix A to this order, to provide interim service over the MILW.

(b) The Trustee shall permit the affected carriers to enter upon the property of the MILW to conduct service essential to these interim operations.

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

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the MILW Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of those operations over the MILW lines, interim operators shall be responsible for preserving the value of the lines, associated with each interim operation, to the MILW estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

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

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

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

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

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

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

(m) *Effective date.* This order shall become effective at 11:59 p.m., January 15, 1985.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1985, unless otherwise modified, amended, or vacated by order of this Commission.

Appendix A—MILW Lines Authorized To Be Operated by Interim Operators

1. *Des Moines Union Railway Company (DMU):*

A. Between Des Moines (milepost 0) and Clive, (milepost 8.5) Iowa; and between Clive (milepost 0) and Grimes, Iowa (milepost 7), a total distance of 15.5 miles.

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

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

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien. Member J. Warren McFarland not participating.

James H. Bayne,

Secretary.

[FR Doc. 85–1460 Filed 1–17–85; 8:45 am]

BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 50, No. 13
Friday, January 18, 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

Agricultural Marketing Service

7 CFR Part 1094

[Docket No. AO-103-A44]

Milk in the New Orleans-Mississippi Marketing Area; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and To Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends that 12 counties of northeastern Mississippi be added to the marketing area. Plant location adjustments to prices would be revised to accommodate the area expansion. Also, the proportion of member milk that must be received at pool distributing plants for a cooperative association to qualify its plant for pooling is reduced five percentage points. The recommended changes, which are based on industry proposals considered at a public hearing on August 28, 1984, are needed to reflect current marketing conditions and to assure orderly marketing in the New Orleans-Mississippi marketing area.

DATE: Comments are due on or before February 8, 1985.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-7311.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding.

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

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and the order regulating the handling of milk in the New Orleans-Mississippi marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, on or before 21 days after publication in the **Federal Register.** The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing held at Tupelo, Mississippi, on August 28, 1984, pursuant to notice thereof issued July 24, 1984 (49 FR 30316).

The hearing notice specifically invited interested persons to present evidence concerning the probable regulatory and informational impact of the proposals on small businsses. However, no participants at the hearing testified about any potentially adverse impact of the proposals on small businesses.

William T. Manley, Acting Administrator, Agricultural Marketing Service, has certified that the proposed amendments, if adopted, will not have a significant economic impact on a substantial number of small entities.

The material issues on the record relate to:

1. Marketing area expansion.
2. Handler location adjustments.
3. Pooling a cooperative association plant.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

The New Orleans-Mississippi milk order should be changed to add 12 Mississippi counties to the marketing area. The 12 counties are: Alcorn, Benton, Chickasaw, Clay, Itawamba, Lee, Monroe, Pontotoc, Prentiss, Tippah, Tishomingo, and Union.

Also, the above counties of Chickasaw, Clay, and Monroe should be added to the present Zone 5 of the order marketing area. The remaining 9 counties would be added to a new Zone 6.

At present, Zone 5 of the Order 94 marketing area comprises the Mississippi counties of Calhoun, Grenada, Quitman, Tallahatchie, and Yalobusha. A location adjustment of minus 65 cents applies to Class I and uniform prices at pool plants located in the Zone, and that rate would not be changed. The applicable Class I differential for the Zone is $2.20.

For Zone 6, a location adjustment of minus 75 cents would apply, and the applicable Class I differential would be $2.10. Also, the minus 75-cent adjustment would apply to a plant located in the State of Mississippi, but outside the marketing area.

It is anticipated that two added pool distributing plants would be subject to the minus 75-cent adjustment, one added pool distributing plant to the minus 65-cent adjustment, and none to the adjustment outside the marketing area but within Mississippi.

A third change to the order would lower to 45 percent (from 50 percent) the proportion of member milk that must be received at pool plants for a cooperative association to qualify its plant for pooling.

The marketing area and location adjustment changes were proposed by Associated Milk Producers, Inc. (AMPI), and Dairymen, Inc. (DI). The cooperative plant pooling change was proposed by Gulf Dairy Association, Inc. (Gulf).

Proponents' Presentation

The following points were made by witnesses for AMPI and DI in connection with their proposals.

A. *A representative of Barber Pure Milk Company of Tupelo, Mississippi (Barber), testified for AMPI as follows:*

1. Barber operates a fluid milk plant at Tupelo, Mississippi, regulated under the Alabama-West Florida Federal milk order.

2. If the marketing area is expanded, the plant would be regulated by the New Orleans-Mississippi order.

3. Approximately 52 percent of Barber's milk sales from the Tupelo plant is distributed in the proposed 12-county area, a lesser amount in the Alabama-West Florida marketing area, and a small quantity in the Memphis marketing area.

4. Barber purchases milk from Northeast Mississippi Milk Producers, Inc., and from AMPI.

5. There are 15 handlers who have Class I sales in the 12-county area.

6. Thirteen of the 15 handlers have been regulated for a substantial period of time under various Federal milk marketing orders.

7. The remaining two handlers are Turner Dairies at New Albany, Mississippi (Turner), and Reese Dairy at Amory, Mississippi.

8. Turner, New Albany was fully regulated for the first time in July 1984 by the Memphis order.

9. Turner was regulated by the Memphis order as a result of some distribution in that order area by a former Sealtest distributor, acquired by Turner when the Sealtest plant in Memphis, Tennessee, closed.

10. Barber does not know if its purchase price for milk is competitive with an unregulated plant and if the sales of an unregulated plant are audited.

11. The milk business is very competitive and a cent per gallon can make a very large difference in the marketplace. Barber could be uncompetitive with an unregulated handler who is not paying at least the same Federal order Class I price as Barber.

12. The entry of an unregulated source of milk in the 12-county area has resulted in an erosion of resale prices. In 1983, Malone and Hyde in Nashville, Tennessee, sold fluid milk products in northeastern Mississippi under their private label on a "drop price" basis. Drop price sales do not include services.

13. Turner, in order to meet competition from Malone and Hyde, offered full service sales at "drop prices."

14. Barber's margins declined in order to meet this competition.

15. Barber, with the help of AMPI, conducted a 12-county sales survey.

16. The major portion of Class I sales in the 12-county area are by handlers fully regulated.

17. If the 12-county area is not included in the New Orleans-Mississippi marketing area, disruptive and disorderly marketing conditions will result.

18. Barber estimates that Turner disposes of 850,000 pounds of Class I sales per month into northeastern Mississippi and that Turner would be regulated under the New Orleans-Mississippi order.

19. Sales of only 1,000 pounds per day into the Memphis order marketing area are sufficient to fully regulate a plant under that order.

B. *A representative of AMPI testified as follows:*

1. AMPI estimates that approximately 5.5 million pounds of fluid milk products per month are disposed of in the 12-county area.

2. More than 86 percent of Turner's fluid milk sales from the New Albany plant are in the 12-county area.

3. AMPI delivers milk to Barber at Tupelo, Mississippi, and Turner at New Albany, Mississippi.

4. AMPI also delivers milk to other handlers selling in the 12-county area.

5. All of this milk, except the milk delivered to Turner, is producer milk under some Federal order.

6. AMPI, in July 1984, delivered approximatley 70 percent of Turner's milk receipts.

7. AMPI expects five of its members to become independent producers shipping to Turner.

8. Milk from some of the members of the Northeast Mississippi Milk Producers, Inc., will be delivered to Turner as nonmember milk.

9. Turner is offering more for milk than AMPI is able to pay.

10. Turner is almost 100 percent Class I utilization.

11. If Turner buys milk at what amounts to a blend price, that price becomes its Class I milk cost.

12. The difference between a fully regulated handler's classified use value and the blend price, is available to an unregulated handler to use for distribution of packaged fluid milk products or to acquire a supply of milk.

13. AMPI expects Turner to continue to purchase milk from the cooperative in order to balance its supply.

14. Turner could supply this 12-county area from its plants at Covington, Tennessee, or Fulton, Kentucky.

15. Turner, during the flush production months, has the ability to cut back on AMPI or other cooperatives supplying milk. Therefore, some other Federal order would be carrying the burden of that surplus.

16. At the present time, Turner has the flexibility in any month to avoid regulation by shifting sales from its Covington, Tennessee, or Fulton, Kentucky, plants.

17. Turner Dairies in Covington, Tennessee, supplies a distribution point at Houston, Mississippi, which is in the 12-county area.

18. AMPI believes that the 12-county area should be included in the marketing area in order to preserve orderly marketing.

19. Turner would have a procurement and distribution advantange in the absence of the expansion of the marketing area because of their ability to become unregulated.

20. The advantage is even greater in the summer months when the utilization percentages under the New Orleans-Mississippi order are approximately 65 percent Class I and 35 percent Class II. Since Turner is almost 100 percent Class I, it could pay dairy farmers on this 65–35 percent blend price value and have a substantial price advantage.

21. Since all of Turner's Class II distribution comes from its Covington, Tennessee, plant, the Memphis order producers bear this burden.

22. If the 12-county area becomes part of the marketing area, New Orleans-Mississippi handlers would have almost 77 percent of the Class I sales in this area. Georgia order handlers would have about 3.8 percent, Paducah order handlers 2 percent, and Memphis handlers 7 percent.

23. Turner was regulated by the Memphis order for July 1984 because of the small quantities of fluid milk products disposed of in that market.

24. There is free and unrestricted movement of Grade A milk in the 12-county area because of reciprocal agreements. Grade A health requirements for the 12-county area are administered by the State of Mississippi and are based on the U.S. Public Health Code.

25. AMPI supports D.I.'s proposal to change the minus plant location adjustment from a minus 65 cents to a minus 75 cents for a plant located in the State of Mississippi but outside the marketing area.

C. *A representtive of DI testified as follows:*

1. DI supports AMPI proposals 3 and 4. The proposals of both organizations are identical in purpose.

2. The proposals to restructure Zone 5 and add a Zone 6 will result in reasonable alignment of Class I prices under the order with Class I prices under nearby or adjacent Federal orders.

3. The recent purchase of the New Albany plant by Turner Dairies has intesified the need for Federal regulation in the 12-county area.

4. The New Albany plant prior to July 1984, was not regulated.

5. Regulatory status of the New Albany plant can be affected by rearranging sales between Turner's

plants at Covington, Tennessee, Fulton, Kentucky, and New Albany, Mississippi.

6. The twelve county area should be regulated in order to promote equitable treatment among all handlers selling Class I milk within the area.

7. Adoption of the proposals will price producer milk on a uniform basis to all competing handlers and eliminate the opportunity for a handler in the area to purchase milk advantageously on a blend or flat price basis.

8. The inclusion of this area in any other Federal milk marketing area would not be logical because of the clear interrelationship between this area and to the current New Orleans-Mississippi order marketing area.

9. DI supplies Turner Dairies at Fulton, Kentucky, and other handlers who distribute fluid milk products in the 12-county area.

10. Unless the proposals to expand the marketing area are adopted, DI believes that disorderly marketing conditions will develop in the area.

11. Unregulated handlers can pay higher than the blend price and still have an advantage.

The proposals to expand the marketing area also were supported by a proprietary handler and two cooperative associations.

A witness for Borden, Inc. (Borden) testified that Borden has three fluid milk plants regulated under the New Orleans-Mississippi milk order. The Borden plant at Jackson, Mississippi, he said, sells fluid milk products in the 12-county area.

The witness stated that at one time Borden enjoyed the benefits of having an unregulated plant at Pensacola, Florida. He said that if Borden is going to be regulated, all handlers should be regulated. The witness testified that if an unregulated plant is surrounded by regulated plants, the unregulated plant has a price advantage in acquiring milk. This, he says, is because the unregulated plant can pay a higher price for milk from independent dairy farmers than a cooperative association can pay its members. A cooperative has taken on the responsibility of balacing the milk supply to regulated handlers in the market. The Borden witness said that even though an unregulated plant may pay more than the blend price for its milk, its total costs are lower than regulated plants paying class prices.

A witness for Southern Milk Sales, Inc., testified that it delivers milk to plants regulated under the New Orleans-Mississippi milk order and supports the AMPI proposals. Also, a witness for Gulf Dairy Association, Inc., testified that it supports all proposals.

Opponent's Presentation

The marketing area proposals were opposed by Turner Dairies (Turner) on the following basis:

1. Turner sales were fully regulated, except for the period of January 1984 through June 1984.

2. DI was the most disturbing influence in the market at the time Turner acquired the New Albany, Mississippi plant.

3. Turner's plant at New Albany, Mississippi, was fully regulated in July 1984 and not marginally regulated by the Memphis milk order.

4. In July 1984, approximately 189,000 pound of fluid milk products or 17 percent of Turner's receipts were disposed of in the Memphis marketing area. This is far more than the minimum sales requirement in order to be regulated under the Memphis milk order.

5. At no time has Turner's New Albany plant paid less than the Memphis or New Orleans-Mississippi blend price for milk.

6. Because a cooperative association is not regulated on what it pays for milk, Turner does not know their costs.

7. Turner does not understand why its plant at New Albany, Mississippi, prior to July 1984, would be a dsiturbing influence in the New Orleans-Mississippi market.

8. Premiums charged by cooperative associations are a disturbing influence in the market.

9. The 12-county area more logically is associated with the Memphis milk order area than with the New Orleans-Mississippi milk order area. In July 1984, on the basis of the total number of handlers selling in the 12-county area, 28 percent of the handlers were regulated by the Memphis milk order and only 16 percent were regulated by the New Orleans-Mississippi milk order.

10. Publications written by the United States Department of Agriculture, in Turner's opinion, say that a milk plant should be regulated by the milk order area that is close to the area that the plant serves.

11. Disturbing factors in the market, far more often, come from other places than the entry of Turner's New Albany plant. The Malone and Hyde plant, for example, regulated under the Memphis order, but located in Nashville, Tennessee, was a disturbing factor.

12. In July 1984, the New Albany, Mississippi, plant received over 1.1 million pounds of milk and disposed of 1.0 million pounds or better than 90 percent as Class I. Seventeen percent of the total Class I sales was in the Memphis marketing area and the balance was disposed of in the 12-county area.

13. The acquisition of a former Sealtest distributor, who served part of the Memphis marketing area, was the reason for Turner's sales in the area for July 1984.

14. Turner acquired the New Albary plant in January 1984 and at that time the volume of milk at the plant was small. Most of Turner's packaged milk disposed of in the 12-county area in early 1984 came from its plants at Fulton, Kentucky, and Covington, Tennessee.

15. The New Albany, Mississippi, plant has been upgraded to handle more volume.

16. Additional milk needed at the New Albany, Mississippi, plant is purchased from AMP. Turner expects to take on about 10 AMPI and Northeast Mississippi Dairymen Association members as independent producers. They would be paid the same price as the other independent dairy farmers delivering milk to the New Albany, Mississippi plant.

17. The price they pay for milk at New Albany, Mississippi, is related to the Federal order blend price.

Discussion of the Issues

1. Orderly marketing conditions for all milk dealers who sell fluid milk products in the counties of Alcorn, Benton, Chickasaw, Clay, Itawamba, Lee, Monroe, Pontotoc, Prentiss, Tippah, Tishomingo, and Union, in northeastern Mississippi, can be assured by adding the 12 counties to the New Orleans-Mississippi marketing area (Order No. 94).

The proposal to add the 12 counties to the New Orleans-Mississippi marketing area was made by Associated Milk Producers, Inc. (AMPI), and by Dairymen, Inc. (DI). AMPI has members whose milk is processed and distributed in the 12-county area. The cooperative supplies milk to the Barber Pure Milk Company (Barber) at Tupelo, Mississippi, (Lee County), and to Turner Dairies (Turner) at New Albany, Mississippi, (Union County). The cooperative also supplies milk to 6 handlers outside the 12-county area, in Mississippi and 3 other states, who sell fluid milk products in the 12 counties and are regulated by various Federal milk orders. For July 1984, AMPI supplied 70 percent of the milk receipts of Turner at New Albany.

AMPI is concerned that if the 12 counties are not included in the New Orleans-Mississippi marketing area, Turner would have the option to become unregulated at any time, with a

competitive advantage in milk procurement and distribution over regulated handlers selling milk in the 12 counties.

A witness of DI testified that the January 1984 purchase of the plant at New Albany by Turner has intensified the need for the Federal regulation of all handlers distributing milk in the 12 counties.

A principal witness for AMPI was a representative of Barber who discribed disorderly marketing conditions that result when an unregulated milk handler exploits that status in competition with regulated handlers.

As indicated, the 12 counties are in northeastern Mississippi. The population of the counties was 297,964 or about 11.8 percent of the population of the State of Mississippi, based on the United States Census of 1980. At the time, Tupelo, which is near the center of the 12-county area, had about 25,000 persons and was the largest population center for the area.

The handling of milk in the 12 counties is in the current of interstate commerce, and directly burdens, obstructs, and affects interstate commerce in milk and milk products. Also, the Grade A health requirements for the 12 counties are based on the recommended U.S. Public Health Service Code, and are administered by the State of Mississippi.

In July 1984, fifteen milk handlers were selling fluid milk products in the 12-county area. Eight of them were from Mississippi, four of them from Tennessee, and one each from Alabama, Kentucky, and Arkansas. It is estimated that the milk handlers distributed about 4.9 million pounds of fluid milk products in the area for that month. Fourteen of the milk handlers were regulated by various Federal milk orders. Reese Dairy at Amory, Mississippi (Monroe County) was the only unregulated milk handler with fluid sales in the 12-county area in July 1984.

Three of the handlers selling fluid milk products in the 12-county area are regulated by the New Orleans-Mississippi order, three by the Alabama-West Florida order, five by the Memphis order, and one each by the Paducah, Central Arkansas and Georgia orders.

The estimated percentages of total Class I sales in the 12 counties by handlers for July 1984 are as follows:

Handlers	Percentage
1—Order 7 (Georgia)	3.75
3—Order 93 (Alabama)	46.58
3—Order 94 (New Orleans)	16.07
5—Order 97 (Memphis)	26.30
1—Order 99 Paducah)	2.03
1—Order 106 (Cent. Arkansas)	0.20
1—Unregulated	5.07
15 Handlers	100.0

Turner, New Albany, became regulated by the Memphis order in July 1984. Previously, the plant was unregulated. It became regulated by the Memphis order when some distribution in that area by a former Sealtest distributor was acquired by Turner when the Sealtest plant at Memphis was closed. In July 1984, about 189,000 pounds of fluid milk products or 17 percent of the New Albany plant receipts were disposed of in the Memphis marketing area. Turner sells about 850,000 pounds of fluid milk products per month in the 12-county area, and would be regulated by the New Orleans-Mississippi order if the 12 counties are added to the New Orleans-Mississippi marketing area.

Turner acquired the New Albany plant on January 1, 1984. It upgraded the plant, and put additional equipment in it to handle more volume. The objective was to save hauling costs from its plants at Fulton, Kentucky, and Covington, Tennessee, by buying milk in the 12-county area and processing it and selling it there.

Historically, the previous owners of the New Albany plant were supplied with milk by producers who were not members of a cooperative association. Turner has continued that policy except that in expanding the New Albany operation, Turner has bought milk from AMPI on a regular basis. Some of that supply is now being supplanted by 10 newly acquired independent producers who formerly were members of AMPI and the Northeast Mississippi Dairymen's Association.

The need to include the 12-county area in the New Orleans-Mississippi marketing area is centered on the operations of Turner Dairies. Although the New Albany plant was regulated by the Memphis order at the time of the hearing, previously it was unregulated. In that capacity, it contributed to disorderly marketing conditions for milk in the 12-county area. If the 12 counties are not added to the New Orleans-Mississippi marketing area, the previous disorderly marketing conditions could be repeated.

Turner operates plants at New Albany, Mississippi, Covington, Tennessee, and Fulton, Kentucky. At present, all the plants are regulated by Federal milk orders. If the 12 counties are not included in the New Orleans-Mississippi marketing area, the Turner plant at New Albany could be operated as an unregulated plant.

Turner at Fulton, Kentucky historically has been regulated under the Paducah, Kentucky, milk order, and the Turner plant at Covington, Tennessee, has been regulated by the Memphis order. Prior to July 1984, the New Albany plant had not been regulated by any Federal milk order. By rearranging sales among its three plants, Turner could determine the regulatory status of the New Albant plant.

In operating an unregulated plant, Turner would not be obliged to pay an order Class I price for milk as regulated competitiors must do. In July 1984, the Turner Class I utilization was 91 percent of producer receipts at the New Albany plant. Even though, in an unregulated capacity, Turner might pay a Federal order blend price to producers, the firm still would have a competitive advantage over regulated handlers in procuring or selling milk. This results because Turner would not have to pay an order Class I price for its high Class I utilization.

The uniform prices to producers under the New Orleans-Mississippi order for 1983 reflected an average Class I utilization of 63 percent. The average uniform price of the New Orleans-Mississippi order for 1983 was $14.47 a hundredweight for milk testing 3.5 percent butterfat. The average Class I price was $15.39, a difference of 92 cents a hundredweight. At 46.5 quarts a hundredweight, the difference amounts to 1.98 cents a quart, or 8 cents a gallon.

Turner testified that in an unregulated capacity the firm has paid its producers the New Orleans-Mississippi blend price. When the Turner plant is unregulated and buys milk at a Federal order blend price, that price becomes its effective Class I price. The difference between the order Class I price and the blend price is what would be available to Turner to use competitively in milk procurement or distribution.

When the Turner plant at New Albany was unregulated, the firm became involved in at least one price war with another milk handler. The disorderly marketing conditions that resulted were detrimental to regulated handlers distributing fluid milk products in the 12-county area. The competitive advantage that Turner could exploit as an unregulated milk handler could be detrimental to orderly marketing even without price wars. Milk handlers who can buy milk on an unregulated basis can be a disruptive factor in competing with handlers who are regulated and

who must account for fluid milk sales at the Class I prices of an order.

Turner opposed the proposals concerning the 12 counties chiefly on the basis that the area was more appropriately associated with the Memphis order because the largest block of handlers distributing in the 12 counties, five out of fifteen, are regulated by the Memphis order.

The addition of the 12 counties to the New Orleans-Mississippi marketing area, specifically, is supported by the record. Five handlers distributing in the 12 counties are regulated by the Memphis order. However, excluding Turner, New Albany, the distribution of four Memphis handlers in the 12-county area amounted to 9 percent of the fluid sales there in July 1984. Turner's fluid milk disposition in the 12-county area for the month amounted to 850,000 pounds compared with 189,000 pounds in the Memphis order. Also, a majority of Barber's fluid sales would be in the New Orleans-Mississippi order with the 12-county area included. Turner and Barber account for over 55 percent of the fluid sales in the 12 counties. Three New Orleans-Mississippi handlers account for an additional 16 percent—a total of 71 percent for the 5 handlers. It is concluded that adding the 12 counties to the New Orleans-Mississippi marketing area would be reasonable and appropriate.

All participants at the hearing who testified on this issue, except Turner, supported the addition of the 12 counties to the New Orleans-Mississippi marketing area. The witnesses included representatives of Barber Pure Milk Company, Borden, Inc., Associated Milk Producers, Inc., Dairymen, Inc., Southern Milk Sales, and Gulf Dairy Association.

The record is clear that by not having the 12 counties included in the New Orleans-Mississippi marketing area, Turner Dairies could exploit the competitive advantage available to it from an unregulated status whenever it chose to do so. However, if this option were available for Turner Dairies, or any milk firm similarly situated, disorderly marketing conditions could result.

By including the 12 counties in the New Orleans-Mississippi marketing area, the milk of all handlers distributing there would be accounted for on a classified-price basis. This would eliminate the option of a handler, such as Turner, to buy producer milk on a blend or flat price basis and thereby gain a competitive advantage in the cost of milk over competing handlers who are buying milk on a Federal order classified-price basis.

It is concluded that the adoption of the proposal would promote competitive equity in the cost of milk among handlers, and provide greater marketing stability for the 12 counties than has been the case previously. Inclusion of the 12 counties in the New Orleans-Mississippi marketing area is needed to minimize disruptive marketing conditions for milk in northeastern Mississippi. The public interest will be served by assuring orderly marketing for milk in the 12-county area that will provide a continuing and adequate supply of fluid milk for the area at reasonable prices.

2. The plant location adjustments to Class I and uniform prices that were proposed by AMPI and DI should be adopted.

The cooperatives proposed that Chickasaw, Clay, and Monroe Counties, Mississippi, be added to present Zone 5 of Order 94. In Zone 5 a plant location adjustment of minus 65 cents is applicable, or a Class I differential of $2.20. The cooperatives also proposed that a new Zone 6 be provided consisting of the Mississippi counties of Alcorn, Benton, Itawamba, Lee, Prentiss, Pontotoc, Tippah, Tishomingo, and Union. The Zone 6 location adjustment would be minus 75 cents, or a Class I differential of $2.10. Also, the minus 75-cent adjustment would apply to a plant located in the State of Mississippi, but outside the marketing area. These adjustments would provide reasonable and appropriate Class I price alignment with other Federal milk orders.

The Class I differential of the Barber plant at Tupelo, Mississippi, is $2.10 under the Alabama-West Florida order, and would be the same under Zone 6 of the New Orleans-Mississippi order.

The Turner plant at New Albany, Mississippi, regulated by the Memphis order, has a Class I differential of $2.075. Under the amendment adopted herein, if the Turner plant at New Albany were regulated by Order 94, the applicable Class I differential would be $2.10

This differential is appropriate for the Barber and Turner plants. The chief competition of the Barber plant outside the 12-county area of northeastern Mississippi is with plants regulated by the Alabama-West Florida order. When the Barber plant is regulated by that order, the applicable Class I differential is $2.10. Thus, being regulated by Order 94 will not change principal competitive price relationships for the plant. Also, the new Zone 6 for Order 94 corresponds geographically with Zone 1 of the Alabama-West Florida order applicable to 11 counties of northern Alabama.

Because Class I differentials of Federal milk orders generally increase 1.5 cents for each 10 miles of distance from Eau Claire, Wisconsin, a Class I differential of $2.10 for Zone 6 of Order 94 that corresponds with Zone 1 of Order 93 will maintain this price alignment policy.

The Class I differential of $2.10 will be appropriate for the Turner plant at New Albany because the plant is located in Zone 6 within 23 miles of Tupelo, Mississippi. The record evidence is that 83 percent of Turner's fluid sales are in the 12-county area, and that a principal competitor is Barber. It is appropriate that the Class I differentials applicable at these plants be the same considering prevailing marketing conditions.

The inclusion of Chickasaw, Clay, and Monroe Counties in the present Zone 5 of Order 94, with a Class I differential of $2.20 also is appropriate. The three counties are a logical extension eastward to the Mississippi-Alabama line. Also, that Zone 5 differential will maintain proper alignment of the Zone 5 Class I price with a counterpart Class I price one under Order 93. The differential would apply to Reese Dairy, Amory, Mississippi, in Monroe County. In July 1984, the plant distributed an estimated 250,000 pounds of fluid milk products in the 12-county area. This distribution represented an estimated 5 percent of total fluid sales by all handlers in the area, and 100 percent of the Reese plant distribution.

The purpose of the plant location adjustment is to reflect the location value of bulk milk received at a handler's plant in relation to other plants regulated by an order and in relation to prices established under other Federal milk orders. There is no evidence in the record that the adjustments adopted herein would make it difficult for any handler to acquire a supply of milk, or to compete for sales with other handlers.

3. The New Orleans-Mississippi milk order should be changed to provide that a cooperative association deliver each month at least 45 percent of the milk of member producers to pool distributing plants to qualify the cooperative's plant for pooling.

The order presently provides that any plant located in the marketing area that is operated by a cooperative association shall be a pool plant if such status is requested by the cooperative association and 50 percent or more of the producer milk of members of the cooperative association is physically received during the month in the form of a bulk fluid milk product at pool distributing plants either direct from

farms or by transfer from plants of the cooperative association for which pool status has been requested, subject to specified conditions. The single change made herein reduces the numeral "50 percent" to "45 percent".

The proponent's witness testified that Gulf Dairy Association operates a fluid milk plant at Kentwood, Louisiana. This plant, he said, normally qualifies as a pool plant under the New Orleans-Mississippi milk order by shipping 50 percent of its members' milk to pool distributing plants.

The witness indicated that Gulf markets a relatively small volume of milk and they are not in the business to sell Class III milk. Gulf sometimes has some excess supplies due to variations in production and sales.

Proponent's witness said that presently, milk production is substantially down in the Kentwood, Louisiana, region. Therefore, Gulf is not experiencing any difficulty in shipping 50 percent of its members' milk to pool distributing plants.

The spokesman indicated, however, that in prior years, when milk production was higher, the plant often experienced difficulty in meeting the 50 percent shipping requirement. Gulf does not know in advance if variations in production and sales will enable the association to meet the 50 percent shipping standards. Furthermore, the witness said, if the plant were qualified as a supply plant, only 45 percent of its members' milk would have to be transferred to pool distributing plants to qualify its plant for pooling.

The cooperative association's plant at Kentwood, Louisiana, functions as a "balancing plant." When milk is temporarily not needed by distributors, producers can pool their milk by delivery to a balancing plant. The plant becomes an outlet for reserve milk without involving the need to divert milk from distributing plants in order to keep the milk pooled.

Although milk should be moved, when possible, directly from the farm to distributing plants, there are occasions when balancing plants are called upon for supplemental supplies. Pool status for balancing plants facilitates the transfer of milk from the plant to distributing plants.

It is necessary, however, that there be a reasonable demonstration that the milk pooled through balancing plants be a part of the regular market supply. Milk should not be permitted to be associated with the market merely for manufacturing purposes since this would reduce returns to producers and discourage the production of an adequate supply of milk by those producers regularly supplying the fluid market. Any shipping requirements for a balancing plant would be inconsistent with the balancing function of the plant. For this reason, the pooling of a cooperative balancing plant should be contingent on its function with respect to the milk supply for the fluid market and this is reasonably reflected in how much of the cooperative's total milk supply from member producers is furnished to pool distributing plants.

When the balancing plant provisions were first adopted (Final Decision, 41 FR 4542, January 26, 1976), the 50 percent pooling standard was considered reasonable in view of marketing conditions at that time. The 50 percent standard demonstrated a substantial association of the cooperative's total milk supply with the fluid market and minimized the opportunity to pool unneeded milk through balancing plants.

Marketing conditions since 1976 have changed substantially in the New Orleans-Mississippi market. Class I utilization, as a percentage of producer milk for the year 1976, dropped from a yearly average of 70 percent [1] to 63.5 percent for 1983. Although Class I utilization for the first 6 months of 1984 is higher than the same period of 1983, this is due to the substantial decline in milk production. Milk production for the first six months of 1984 declined from 613.0 million pounds to 538.7 million pounds for the same period of 1983 or 13.8 percent. Milk production throughout the southeastern region of the United States has declined in response to several national programs intended to reduce the national surplus of milk and the Government's puchases of dairy products under the price support program.

Based on marketing conditions, it is concluded that there is merit to the proposal, particularly since the shipping standard for a supply plant during the months of August through November is 45 percent.

On the basis of this record, it is concluded that lowering the balancing plant performance percentage would not create any disorderly marketing conditions or lower the returns of producers by pooling unneeded milk. The plant is located in the marketing area which encompasses most of the production area and provides a service for the market.

[1] Official notice is taken of "Federal Milk Order Market Statistics, Annual Summary for 1976," USDA–AMS, Statistical Bulletin 575, June 1977.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

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

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreement and the order as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and

functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1094.85 of the aforesaid tentative marketing agreement and the order as proposed to be amended.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended regulating the handling of milk in the New Orleans-Mississippi marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out.

List of Subjects in 7 CFR Part 1094

Milk Marketing Orders, Milk, Dairy Products.

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

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

§ 1094.2 New Orleans-Mississippi marketing area.

* * * * *

Zone 5

Mississippi Counties

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

* * * * *

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

§ 1094.2 New Orleans-Mississippi marketing area.

* * * * *

Zone 6

Mississippi Counties

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

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

§ 1094.7 Pool plant.

* * * * *

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

* * * * *

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

§ 1094.52 Plant location adjustments for handlers.

(a) * * *

(1) * * *

Adjustment per hundredweight

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

* * * * *

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

§ 1094.52 Plant location adjustments for handlers.

(a) * * *

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

* * * * *

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

Signed at Washington, D.C., on January 14, 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85–1455 Filed 1–17–85; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Parts 145 and 147

[Docket No. 84–068]

National Poultry Improvement Plan and Auxiliary Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the National Poultry Improvement Plan (NPIP) and its auxiliary provisions by (1) amending the definition of Salmonella to include the arizona group; (2) adding the microhemagglutination inhibition test and the enzyme-labeled immunosorbent assay (ELISA) test as supplemental tests for *M. gallisepticum* and *M. synoviae* for chicken breeding flocks and turkey breeding flocks and as a supplemental test for *M. meleagridis* for turkey breeding flocks; (3) establishing criteria for allowing egg yolk testing for monitoring testing for the *M. gallisepticum* and *M. synoviae* classifications for multiplier chicken breeding flocks; (4) establishing criteria for classifying States as "U.S. M. Gallisepticum Clean State, Meat-Type Chickens"; (5) establishing criteria for classifying turkey breeding flocks as "U.S. M. Synoviae Clean", (6) providing that primary breeding flocks of waterfowl and of exhibition poultry located in U.S. Pullorum-Typhoid Clean States may be qualified under certain conditions as "U.S. Pullorum-Typhoid Clean" with less than an annual test of 300 birds; (7) and establishing procedures for filling vacancies of certain positions on the General Conference Committee. It appears that proposed changes (1) through (6) are necessary in order to incorporate in the NPIP the latest effective procedures to facilitate control of poultry diseases. The intended effect is to improve poultry and poultry products. It appears that proposed change (7) is warranted in order to help provide orderly procedures for ensuring full and fair participation on the General Conference Committee.

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

ADDRESS: Written comments 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, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. I.L. Peterson, Senior Coordinator, National Poultry Improvement Plan, VS, APHIS, USDA, Room 828, Federal Building, Hyattsville, MD 20782, (301) 436–5140.

SUPPLEMENTARY INFORMATION:

Background

The National Poultry Improvement Plan (NPIP) is a cooperative State-Federal program through which new technology can be effectively applied to the improvement of poultry breeding stock and hatchery products through the control of certain hatchery-disseminated diseases. It is a voluntary program for both the State and the participating poultry member. At the present time, it

is essentially a disease control program. The diseases, for the most part, that are controlled are egg transmitted and hatchery disseminated. These diseases include pullorum and fowl typhoid, which are caused by *Salmonella pullorum* and *Salmonella gallinarum*, and include infections caused by *Mycoplasma gallisepticum*, *Mycoplasma synoviae*, and *Mycoplasma meleagridis*. The Plan provides a mechanism for controlling diseases by identifying flocks, hatcheries, and dealers that meet certain disease control standards. The customer then has the opportunity of purchasing stock that are tested "clean" of certain diseases or that are produced under certain other requirements. The regulations for this voluntary program are contained in 9 CFR Parts 145 and 147 (referred to below as the regulations). These provisions are changed from time to time to conform with the development of the industry and to utilize new information as it becomes available. This document proposes to make various amendments to the regulations. The proposed amendments are consistent with recommendations made at the meeting of the General Conference Committee on June 25 and 26, 1984, and at the meeting of the Biennial National Plan Conference on June 26–28, 1984. The participants at these meetings represented flockowners, breeders, and hatcherymen from all cooperating States. Since the NPIP is a voluntary program, the proposed amendments, if adopted, would apply only to those who choose to participate in the program.

Definition of Salmonella

Salmonella is currently defined in § 145.1(cc) of the regulations as "Any of the species of the bacteria belonging to the Salmonella genus, except that members of the arizona group are not included in this definition." Members of the arizona group previously were not considered as part of the Salmonella genus. However, the scientific community now recognizes members of the arizona group as bacteria belonging to the Salmonella genus based on studies indicating a high degree of morphological and biochemical similarities. Therefore, it is proposed to change the definition to read as follows: "*Salmonella*. Any bacteria belonging to the genus Salmonella, including the arizona group."

The adoption of this proposed change would not be a substantive change since it would not change any requirements under the regulations. Also, it should be noted that this proposed amendment is consistent with recent changes in the system for reporting arizona serotyping results at the National Veterinary Services Laboratories at Ames, Iowa, and at the Centers for Disease Control, U.S. Public Health Service, Atlanta, Georgia.

Blood Testing

Infections caused by *M. gallisepticum* and *M. synoviae* are a major cause of cronic respiratory disease in poultry and are manifested as airsacculitis when complicated by certain other infections. The regulations in §§ 145.23 and 145.33 provide that egg-type and meat-type chicken breeding flocks that meet certain testing and sanitation criteria may be classified as "U.S. M. Gallisepticum Clean" and "U.S. M. Synoviae Clean." The regulations in § 145.43 also provide that turkey breeding flocks that meet certain testing and sanitation criteria may be classified as "U.S. M. Gallisepticum Clean." These regulations provide for negative tests as a condition of qualifying for these classifications and for subsequent negative monitoring tests as a condition for retaining these classifications. Screening tests are used in both the qualifying and monitoring tests. If results of a screening test are not negative, supplemental tests are used.

The regulations in § 145.14(b)(1) provide, in part, that the official blood tests for *M. gallisepticum* or *M. synoviae* for qualifying testing and subsequent monitoring testing for such breeding flocks shall be the serum plate agglutination test, the tube agglutination test, the hemagglutination inhibition (HI) test, or a combination of two or more of these tests. It is proposed to add the microhemagglutination inhibition test and the enzyme labeled immunosorbent assay (ELISA) test as official blood tests for *M. gallisepticum* and *M. synoviae* in such breeding flocks. Research and experience have shown the efficacy of these tests for detecting antibodies for *M. gallisepticum* and *M. synoviae* in such breeding flocks.[1]

M. meleagridis causes economic loss to turkey breeders by causing, among other things, airsacculitis and skeletal deformities in young turkeys. The regulations in § 145.43(d)(2) provide, among other things, that the hemagglutionation inhibition (HI) test, serum plate dilution test, and microagglutination test may be used as supplemental tests to determine the status of turkey breeding flocks for *M. meleagridis*. It is proposed to add the microhemagglutination inhibition test and the ELISA test as supplemental tests for *M. meleagridis* in turkey breeding flocks. Research and experience have shown the efficacy of these tests for detecting antibodies of *M. meleagridis* in turkey breeding flocks.[1]

The procedures for the microhemagglutination inhibition tests are already set forth in § 147.7 (see 49 FR 19799–19807). It is proposed to add a footnote to §§ 145.14(b)(1) and 145.43(d)(2) to explain that the procedures for the ELISA test are set forth in the following publications:

A.A. Ansari, R.F. Taylor, T.S. Chang, "Application of Enzyme-Linked Immunosorbent Assay for Detecting Antibody to Mycoplasma gallisepticum Infections in Poultry," *Avian Diseases*, Vol. 27, No. 1, pp. 21–35, January–March 1983; and

H.M. Opitz, J.B. Duplessis, and M.J. Cyr, "Indirect Micro-Enzyme-Linked Immunosorbent Assay for the Detection of Antibodies to Mycoplasma synoviae and M. gallisepticum," *Avian Diseases*, Vol. 27, No. 3, pp. 773–786, July–September 1983; and

H.B.Ortmayer and R. Yamamoto, "Mycoplasma Meleagridis Antibody Detection by Enzyme-Linked Immunosorbent Assay (ELISA)," *Proceedings, 30th Western Poultry Disease Conference*, pp. 63–66, March 1981.

Further, it is proposed that both the microhemagglutination inhibition test and the ELISA test be allowed only as supplemental tests to confirm the positive results of other tests since currently it appears that adequate diagnostic materials are available only for using these tests as supplemental tests.

Egg Yolk Testing

It is proposed to amend the regulations to allow certain egg yolk testing and an alternative to blood testing for subsequent monitoring testing for *M. gallisepticum* and *M. synoviae* for any chicken multiplier breeding flocks (both egg-type and meat-type). In this connection it is proposed to add a new § 147.8 to provide the following testing provisions to be used for retaining the classification "U.S. M. Gallisepticum Clean" and for retaining the classification "U.S. M. Synoviae Clean" for chicken multiplier breeding flocks:

(a) Under the supervision of an Authorized Agent or State Inspector, the eggs which are used in egg yolk testing must be selected from the premises where the breeding flock is

[1] Results of this research are available from the Poultry Improvement Staff, VS, APHIS, USDA, Room 828, Federal Building, Hyattsville, MD 20782.

located, must include a representative sample of 30 eggs collected from a single day's production from the flock, must be identified as to flock of origin and pen, and must be delivered to an authorized laboratory for preparation for diagnostic testing.

(b) The authorized laboratory must identify each egg as to the breeding flock and pen from which it originated, and maintain this identity through each of the following procedures:

(1) Crack the egg on the round end with a blunt instrument.

(2) Place the contents of the egg in an open dish (or a receptacle to expose the yolk) and prick the yolk with a needle

(3) Using a 1 ml syringe without a needle, aspirate 0.5 ml of egg yolk from the opening in the yolk.

(4) Dispense the yolk material in a tube. Aspirate and dispense 0.5 ml of PBS (phosphate-buffered saline) into the same tube, and place in a rack.

(5) After all the eggs are sampled, place the rack of tubes on a vortex shaker for 30 seconds.

(6) Centrifuge the samples at 2500 RPM (1000 x g) for 30 minutes.

(7) Test the resultant supernatant for *M. gallisepticum* and *M. synoviae* by using test procedures specified for detecting IgG antibodies set forth for testing serum in § 147.7 [see 49 FR 19799–19807] (for these tests the resultant supernatant would be substituted for serum); except that a single 1:20 dilution hemagglutination inhibition (HI) test may be used as a screening test in accordance with the procedure set forth in § 147.7.

Note—For evaluating the test results of any egg yolk test, it should be remembered that a 1:2 dilution of the yolk in saline was made of the original specimen.

The level of confidence in the results of a single egg yolk test in accordance with the conditions set forth above is not as high as the level of confidence in the results of a single blood test. However, it appears that the added frequency of testing (at least every 30 days instead of at least every 90 days that is provided for blood testing) raises the level of confidence in the testing procedure for detecting infection in a flock to a level almost comparable to the level of confidence in the results of blood testing. Under these circumstances, it does not appear at this time that the egg yolk testing should be allowed for qualifying testing. However, it appears that the level of confidence in the egg yolk testing sufficiently high to allow it to be used for subsequent monitoring testing for retaining the classification "U.S. M. Gallisepticum Clean" and "U.S. M. Synoviae Clean" for multiplier chicken breeding flocks.

Also, as a precautionary measure, at this time it appears that the egg yolk testing should not be allowed to be used for any testing for primary breeding flocks. Commercial poultry and eggs are produced from numerous multiplier breeding flocks. Vast numbers of multiplier breeding birds are derived from a much smaller number of primary breeding flocks. Hatching eggs from flocks of primary breeders participating in the Plan, and the baby poultry produced from those eggs, are distributed throughout the world from premises of origin. Hatching eggs from flocks of multiplier breeders participating in the Plan have a much more limited distribution. Accordingly, if *M. gallisepticum* or *M. Synoviae* were to become established in a primary breeder's flock, the effect could be far-reaching compared to the establishment of such diseases in a multiplier breeding flock.

Further, it should be noted that the procedures described above are designed to maintain the identity of the eggs with the flock, and to provide uniform procedures for testing in order to ensure the accuracy and reliability of test results.

U.S. M. Gallisepticum Clean State, Meat-Type Chickens

It is proposed to add a new § 145.34(b) to read as follows:

* * * * * *

(b) *U.S. M. Gallisepticum Clean State, Meat-Type Chickens.* (1) A State will be declared a U.S. M. Gallisepticum Clean State, Meat-Type Chicken, when it has been determined by the Service that:

(i) No *M. Gallisepticum* is known to exist nor to have existed in meat-type chicken breeding flocks in production within the State during the proceding 12 months;

(ii) All meat-type chicken breeding flocks in production are classified as U.S. M. Gallisepticum Clean or have met equivalent requirements for *M. gallisepticum* control under official supervision;

(iii) All hatcheries within the State which handle meat-type chicken products must handle products which are classified as U.S. M. Gallisepticum Clean or have met equivalent requirements for *M. gallisepticum* control under official supervision

(iv) All shipments of meat-type chicken products other than those classified as U.S. M. Gallisepticum Clean, or equivalent, into the State are prohibited;

(v) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all meat-type chicken specimens that have been identified as being infected with *M. gallisepticum;*

(vi) All reports of *M. gallisepticum* infection in meat-type chickens are promptly followed by an investigation by the Official State Agency to determine the origin of the infection;

(vii) All meat-type chicken flocks found to be infected with *M. gallisepticum* are quarantined until marketed under supervision of the Official State Agency.

(2) Discontinuation of any of the conditions described in paragraph (b)(1) of this section, or if repeated outbreaks of *M. gallisepticum* occur in meat-type chicken breeding flocks described in paragraph (b)(1)(ii) of this section, or if an infection spreads from the originating premises, the Service shall have grounds to revoke its determination that the State is entitled to this classification. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity for a hearing.

Based on research and experience, it appears that compliance with these criteria would represent the optimum control program for meat-type chicken breeding flocks and products that could be reasonably established by a State against *M. gallisepticum.*[3] It appears that any State meeting these criteria should be specifically recognized for the effectiveness of its *M. gallisepticum* control program. A similar program has already been established for turkey breeding flocks (see 9 CFR 145.44(c)).

Also, it is proposed to provide an official logo as set forth in the rule portion of this document for a "U.S. M. Gallisepticum Clean State, Meat-Type Chickens." These logos are often used on letterheads and wall plaques to provide appropriate recognition for qualifying States and participants.

As additional progress is made in the control of *M. gallisepticum* in egg-type chicken breeding flocks and products, consideration will be given for establishing a similar program for recognizing States taking action against *M. gallisepticum* in egg-type chicken breeding flocks.

U.S. M. Synoviae Clean Turkey Breeding Flocks and Products

It is proposed to add a new § 145.43(e) to provide the following criteria for classifying turkey breeding flocks and products as "U.S. M. Synoviae Clean":

* * * * *

(e) * * *

(1) All birds, or a sample of at least 100 birds from flocks of more than 100 and each bird in flocks of 100 or less, have been tested for *M. synoviae* when more than 4 months of age in accordance with the procedures in § 145.14(b): *Provided,* That to retain this classification a minimum of 30 samples from male flocks and 60 samples from female flocks shall be retested at 28–30 weeks of age and at 4–6 week intervals thereafter.

(2) When reactors to the official test are found and can be identified, tracheal swabs and their corresponding blood samples from 10 (all if fewer than 10) reacting birds shall be submitted to an authorized laboratory for

[3] See footnote 1, supra.

serological and cultural examination. If reactors cannot be identified, at least 30 tracheal swabs and their corresponding blood samples shall be submitted. In a flock with a low reactor rate (less than five reactors) the reactors may be submitted to the laboratory within 10 days for serology, necropsy, and thorough bacteriological examination. When reactors to the official test are found, the procedures outlined in § 147.6 will be used to determine the status of the flock.

(3) Flocks located on premises which, during 3 consecutive years, have contained breeding flocks qualified as U.S. M. Synoviae Clean, as described in paragraph (e)(1) above, may qualify for this classification by a negative blood test of at least 100 birds from flocks of more than 100 and each bird in flocks of 100 or less, when more than 4 months of age, and by testing a minimum of 30 samples from male flocks, and 60 samples from female flocks at 28–30 weeks of age and at 45 weeks of age.

Based on research and experience, it appears that compliance with these criteria would represent the optimum control measures for turkey breeding flocks that could be reasonably implemented by a turkey breeder against *M. synoviae*.[3] These criteria were effectively used on large numbers of turkey breeding flocks in Minnesota during 1982–1984 to determine their *M. synoviae* status. It appears that a turkey breeder whose flock meets these criteria should be allowed to use the classification "U.S. M. Synoviae Clean."

An appropriate logo for identifying poultry flocks as "U.S. M. Synoviae Clean" has already been established and is set forth in § 145.10(e).

Breeding Flocks of Waterfowl, Exhibition Poultry, and Game Birds and the Eggs and Poultry Produced From Them

Section 145.53(b) provides criteria under which breeding flocks of waterfowl, exhibition poultry, or game birds and the eggs and baby poultry produced from them (referred to below as Subpart E flocks) may be recognized as "U.S. Pullorum-Typhoid Clean." A Subpart E primary breeding flock may be classified as "U.S. Pullorum-Typhoid Clean" under § 145.53(b)(5) if:

It is a primary breeding flock located in a State determined to be in compliance with the provisions of paragraph (b)(4) of this section, and in which a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid within the past 12 months with no reactors: *Provided*, That a bacteriological examination monitoring program or serological examination monitoring program for game birds acceptable to the Official State Agency and approved by the Service may be used in lieu of annual blood testing.

It is proposed to allow the alternative monitoring programs for primary breeding flocks of waterfowl and exhibition poultry which are located in a U.S. Pullorum-Typhoid Clean State, provided the State has had this status for the past three years, and no pullorum or typhoid isolations have been made which can be traced to a source in that State during that period.

The purpose of the testing is to detect the presence of pullorum-typhoid. Under such conditions, the alternative monitoring testing programs would be an effective monitoring program for these breeding flocks and would be easier for a flockowner to administer. It appears that it is necessary to restrict the use of alternative monitoring programs for primary breeding flocks of waterfowl and exhibition poultry to those flocks located in States which have had "U.S. Pullorum-Typhoid Clean State" status for the past three years and States to which no pullorum or typhoid isolations have been traced for that period. As noted above, these additional restrictions are not applicable to game birds. However, it appears that the additional restrictions are necessary for primary breeding flocks of waterfowl and exhibition poultry because these types of flocks are more susceptible to pullorum and typhoid than game birds and are usually reared in closer proximity to commercial poultry.

General Conference Committee—NPIP

The General Conference Committee of the NPIP includes, among other members, six regional committee members. An alternate is designated to replace each regional committee member who does not complete his or her term in office. Currently the regulations in § 147.43 provide, in part, that all regional members shall serve for four years and may not succeed themselves. A question has arisen as to whether alternates who replace regional committee members should be eligible to succeed themselves. In order specifically to allow such persons an opportunity to compete for a position on the committee, it is proposed to amend the regulations to provide that an alternate member who assumes a committee member vacancy following mid-term would be eligible for reelection to a full term.

Currently the regulations do not contain provisions concerning the procedure to be followed if a vacancy occurs because both a regional member and alternate are unable to complete the four-year term of office. It is proposed to amend the regulations to provide that if a vacancy occurs due to both a regional member and alternate being unable to serve, the vacant position will be filled by an election at the earliest regularly scheduled national or regional Plan Conference, where members of the affected region have assembled.

Miscellaneous

Also, nonsubstantive changes would be made for purpose of clarity.

Executive Order 12291 and Regulatory Flexibility Act

This proposed action has been reviewed in conformance with Executive Order 12291, and has been classified as not a "major rule." The Department has determined that this action would have an annual effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not 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.

The regulations, among other things, currently provide for testing for pullorum-typhoid, *M. gallisepticum*, *M. synoviae*, and *M. meleagridis*. The proposed blood testing and egg yolk testing provisions are designed to provide additional testing alternatives, for use at the flockowner's option. The proposed criteria for classifying State as "U.S. M. Gallisepticum Clean State, Meat-Type Chickens," and for classifying turkey breeding flocks as "U.S. M. Synoviae Clean" would allow recognition of those States and flocks that meet optimum control program standards. The adoption of the proposed amendments would not cause significant changes in the costs of producing or buying poultry and poultry products or in the amount of poultry and poultry products marketed.

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

List of Subjects in 9 CFR Parts 145 and 147

Animal diseases, Poultry and poultry products, National Poultry Improvement Plan.

Accordingly, it is proposed to amend 9 CFR Parts 145 and 147 as follows:

[3] See footnote 1, supra.

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN

1. In § 145.1, paragraph (cc) would be revised to read as follows:

§ 145.1 Definitions.

* * * * *

(cc) *Salmonella.* Any bacteria belonging to the genus Salmonella, including the arizona group.

* * * * *

2. In § 145.10, the text of paragraphs (c) and (e) would be revised and a new paragraph (j) would be added to read, respectively, as follows:

§ 145.10 Terminology and classification; flocks, products, and States.

* * * * *

(c) *U.S. M. Gallisepticum Clean.* (See §§ 145.23(c), 145.23(f), 145.33(c), 145.33(f), 145.43(c), and 145.53(c).)

* * * * *

(e) *U.S. M. Synoviae Clean.* (See §§ 145.23(e), 145.23(g), 145.33(e), 145.33(g), and 145.43(e).

* * * * *

(j) *U.S. M. Gallisepticum Clean-State, Meat-Type Chickens.* (See § 145.34(b).)

3. In § 145.14, "or arizona" would be removed from the fourth sentence of paragraph (a)(10).

4. In § 145.14, paragraph (b)(1) would be revised and a new paragraph (c) would be added to read as follows:

§ 145.14 Blood testing.

* * * * *

(b) *For M. gallisepticum and M. Synoviae:* (1) The official blood tests for *M. gallisepticum and M. synoviae* shall be the serum plate agglutination test, the tube agglutination test, the hemagglutination inhibition (HI) test, the microhemagglutination inhibition test, the enzyme-labeled immunosorbent assay (ELISA) test [1] or a combination of two or more of these tests. The HI test, the microhemagglutination inhibition test, and the ELISA test shall be used to confirm the positive results of other serological tests. HI titers of 1:40 or less may be interpreted as equivocal, and final judgment may be based on further samplings and/or culture of reactors.

* * * * *

(c) *For M. meleagridis.* The official blood tests for *M. meleagridis* are specified in § 145.43(d)(2).

5. Section 145.23 would be amended by adding a new paragraph (c)(1)(ii) (*c*) to read as follows:

§ 145.23 Teminology and classification; flocks and products.

* * * * *

(c) * * *

(1) * * *

(ii) * * *

(*c*) At intervals of not more than 30 days, egg yolk testing shall be conducted in accordance with § 147.8.

* * * * *

6. In § 145.23, paragraph (e)(1)(ii) would be revised to read as follows:

* * * * *

(e) * * *

(1) * * *

(ii) It is a multiplier breeding flock which originated as U.S.M. Synoviae Clean chicks from primary breeding flocks and from which a sample comprised of a minimum of 75 birds has been tested for *M. synoviae* as provided in § 145.14(b) when more than 4 months of age: *Provided,* That to retain this classification, the flock shall be subjected to one of the following procedures:

(*a*) At intervals of not more than 90 days, a sample of 50 birds shall be tested: *Provided,* That a sample of less than 50 birds may be tested at any one time, provided that a minimum of 30 birds per flock with a minimum of 15 birds per pen, whichever is greater, is tested each time and a total of at least 50 birds is tested within each 90-day period; or

(*b*) At intervals of not more than 30 days, egg yolk testing shall be conducted in accordance with § 147.8.

* * * * *

7. Section 145.33 would be amended by adding new paragraph (c)(1)(ii) (*c*) to read as follows:

§ 145.33 Terminology and classification; flocks and products.

* * * * *

(c) * * *

(1) * * *

(ii) * * *

(*c*) At intervals of not more than 30 days, egg yolk testing shall be conducted in accordance with § 147.8.

* * * * *

8. In § 145.33, paragraph (e)(1)(ii) would be revised to read as follows:

* * * * *

(e) * * *

(1) * * *

(ii) It is a multiplier breeding flock which originated as U.S.M. Synoviae Clean chicks from primary breeding flocks and from which a sample comprised of a minimum of 75 birds has been tested for *M. synoviae* as provided in § 145.14(b) when more than 4 months of age: *Provided,* That to retain this classification, the flock shall be subjected to one of the following procedures:

(*a*) At intervals of not more than 90 days, a sample of 50 birds shall be tested: *Provided,* That a sample of less than 50 birds may be tested at any one time, provided that a minimum of 30 birds per flock with a minimum of 15 birds per pen, whichever is greater, is tested each time and a total of at least 50 birds is tested within each 90-day period; or

(*b*) At intervals of not more than 30 days, egg yolk testing shall be conducted in accordance with § 147.8.

* * * * *

9. In § 145.34, a new paragraph (b) would be added to read as follows:

§ 145.34 Terminology and classification; States.

* * * * *

(b) *U.S. M. Gallisepticum Clean State, Meat-Type Chickens.* (1) A State will be declared a U.S. M. Gallisepticum Clean State, Meat-Type Chickens, when it has been determined by the Service that:

(i) No *M. gallisepticum* is known to exist nor to have existed in meat-type chicken breeding flocks in production within the State during the preceding 12 months;

(ii) All meat-type chicken breeding flocks in production are classified as

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[1] Procedures for the enzyme-labeled immunosorbent assay (ELISA) test are set forth in the following publications:

A.A. Ansari, R.F. Taylor, T.S. Chang, "Application of Enzyme-Linked Immunosorbent Assay for Detecting Antibody to Mycoplasma gallisepticum Infections in Poultry," *Avian Diseases,* Vol. 27, No. 1, pp. 21–35, January-March 1983; and

H.M. Opitz, J.B. Duplessis, and M.J. Cyr, "Indirect Micro-Enzyme-Linked Immunosorbent Assay for the Detection of Antibodies to Mycoplasma synoviae and M. gallisepticum," *Avian Diseases,* Vol. 27, No. 3, pp. 773–786, July–September 1983; and

H.B. Ortmayer and R. Yamamoto, "Mycoplasma Meleagridis Antibody Detection by Enzyme-Linked Immunosorbent Assay (ELISA)," *Proceedings, 30th Western Poultry Disease Conference,* pp. 63–66, March 1981.

U.S. M. Gallisepticum Clean or have met equivalent requirements for *M. gallisepticum* control under official supervision;

(iii) All hatcheries within the State which handle meat-type chicken products must handle products which are classified as U.S. M. Gallisepticum Clean or have met equivalent requirements for *M. gallisepticum* control under official supervision;

(iv) All shipments of meat-type chicken products other than those classified as U.S. M. Gallisepticum Clean, or equivalent, into the State are prohibited;

(v) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all meat-type chicken specimens that have been identified as being infected with *M. gallisepticum*;

(vi) All reports of *M. gallisepticum* infection in meat-type chickens are promptly followed by an investigation by the Official State Agency to determine the origin of the infection;

(vii) All meat-type chicken flocks found to be infected with *M. gallisepticum* are quarantined until marketed under supervision of the Official State Agency.

(2) Discontinuation of any of the conditions described in paragraph (b)(1) of this section, or if repeated outbreaks of *M. gallisepticum* occur in meat-type chicken breeding flocks described in paragraph (b)(1)(ii) of this section, or if an infection spreads from the originating premises, the Service shall have grounds to revoke its determination that the State is entitled to this classification. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity for a hearing.

10. In § 145.43, paragraph (d)(2) would be revised and a new paragraph (e) would be added to read as follows:

§ 145.43 Terminology and classification; flocks and products.

* * * * *

(d) * * *

(2) The official blood tests for *M. meleagridis* shall be the serum plate agglutination test, the tube agglutination test, or the microagglutination test. The hemagglutination inhibition (HI) test, microhemagglutination inhibition test, serum plate dilution test, microagglutination test and the enzyme-labeled immunosorbent assay (ELISA) [2] test may be used as supplemental tests to determine the status of the flock, in accordance with § 147.6(b).

* * * * *

(e) *U.S. M. Synoviae Clean.* (1) All birds, or a sample of at least 100 birds from flocks of more than 100 and each bird in flocks of 100 or less, have been tested for *M. synoviae* when more than 4 months of age in accordance with the procedures in § 145.14(b): *Provided,* That to retain this classification a minimum of 30 samples from male flocks and 60 samples from female flocks shall be retested at 28–30 weeks of age and at 4–6 week intervals thereafter.

(2) When reactors to the official test are found and can be identified, treacheal swabs and their corresponding blood samples from 10 (all if fewer than 10) reacting birds shall be submitted to an authorized laboratory for serological and cultural examination. If reactors cannot be identified, at least 30 tracheal swabs and their corresponding blood samples shall be submitted. In a flock with a low reactor rate (less than five reactors) the reactors may be submitted to the laboratory within 10 days for serology, necropsy, and thorough bacteriological examination. When reactors to the official test are found, the procedures outlined in § 147.6 will be used to determine the status of the flock.

(3) Flocks located on premises which, during 3 consecutive years, have contained breeding flocks qualified as U.S. M. Synoviae Clean, as described in paragraph (e)(1) above, may qualify for this classification by a negative blood test of at least 100 birds from flocks or more than 100 and each bird in flocks of 100 or less, when more than 4 months of age, and by testing a minimum of 30 samples from male flocks and 60 samples from female flocks at 28–30 weeks of age and at 45 weeks of age.

11. In § 145.53, paragraph (b)(5) would be amended by changing the punctuation mark at the end of the paragraph from a period to a colon and adding a new proviso to read as follows:

§ 145.53 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(5) * * * *And Provided further,* That when a flock is a waterfowl or exhibition poultry primary breeding flock located in a State which has been deemed to be a U.S. Pullorum-Typhoid Clean State for the past three years, and during which time no isolation of pullorum or typhoid has been made that can be traced to a source in that State, a bacteriological examination monitoring program or a serological examination monitoring program acceptable to the Official State Agency and approved by the Service may be used in lieu of annual blood testing.

PART 147—AUXILIARY PROVISIONS OF NATIONAL POULTRY IMPROVEMENT PLAN

§ 147.6 [Amended]

12. In the heading for § 147.6 "Mycoplasma gallisepticum and Mycoplasma synoviae" would be changed to "Mycoplasma gallisepticum, Mycoplasma synoviae, and Mycoplasma meleagridis."

13. In the material preceding the colon in paragraph (a) of § 147.6, "M. gallisepticum or M. synoviae:" would be changed to "M. gallisepticum, M. synoviae, or M. meleagridis:".

14. Part 147 would be amended by adding a new § 147.8 to read as follows:

§ 147.8 Procedures for preparing egg yolk samples for diagnostic tests.

The following testing provisions may be used for retaining the classification U.S. M. Gallisepticum Clean under § 145.23(c)(1)(ii)(*c*) and § 145.33(c)(1)(ii)(*c*), and for retaining the classification U.S. M. Synoviae Clean under § 145.23(e)(1)(ii)(*b*) and § 145.33(e)(1)(ii)(*b*).

(a) Under the supervision of an Authorized Agent or State Inspector, the eggs which are used in egg yolk testing must be selected from the premises where the breeding flock is located, must include a representative sample of 30 eggs collected from a single day's production from the flock, must be identified as to flock of origin and pen, and must be delivered to an authorized laboratory for preparation for diagnostic testing.

(b) The authorized laboratory must identify each egg as to the breeding flock and pen from which it originated, and maintain this identity through each of the following:

(1) Crack the egg on the round end with a blunt instrument.

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[2] Procedures for the enzyme-labeled immunosorbent assay (ELISA) test are set forth in the following publications:

A. A. Ansari, R F. Taylor, T. S. Chang, "Application of Enzyme-Linked Immunosorbent Assay for Detecting Antibody to Mycoplasma gallisepticum Infections in Poultry," *Avian Diseases*, Vol. 27, No. 1, pp. 21–35, January–March 1983; and

H. M. Opitz, J. B. Duplessis, and M. J. Cyr, "Indirect Micro-Enzyme-Linked Immunosorbent Assay for the Detection of Antibodies to Mycoplasma synoviae and M. gallisepticum," *Avian Diseases*, Vol 27, No. 3, pp. 773–780, July–September 1983; and

H. B. Ortmayer and R. Yamamoto, "Mycoplasma Meleagridis Antibody Detection by Enzyme-Linked Immunosorbent Assay (ELISA)," *Proceedings, 30th Western Poultry Disease Conference*, pp. 63–66, March 1981.

(2) Place the contents of the egg in an open dish (or a receptacle to expose the yolk) and prick the yolk with a needle.

(3) Using 1 ml syringe without a needle, aspirate 0.5 ml of egg yolk from the opening of the yolk.

(4) Dispense the yolk material in a tube. Aspirate and dispense 0.5 ml of PBS (phosphate-buffered saline) into the same tube, and place in a rack.

(5) After all the eggs are sampled, place the rack of tubes on a vortex shaker for 30 seconds.

(6) Centrifuge the samples at 2500 RPM (1000 x g) for 30 minutes.

(7) Test the resultant supernatant for *M. gallisepticum* and *M. synoviae* by using test procedures specified for detecting IgG antibodies set forth for testing serum in § 147.7 (for these tests the resultant supernatant would be substituted for serum); except that a single 1:20 dilution hemmagglutination inhibition (HI) test may be used as a screening test in accordance with the procedures set forth in § 147.7.

Note.—For evaluating the test results of any egg yolk test, it should be remembered that a 1:2 dilution of the yolk in saline was made of the original specimen.

§ 147.11 [Amended]

15. In § 147.11, "or arizonae" would be removed from the first sentence of paragraph (h).

§ 147.21 [Amended]

16. In § 147.21, "and Arizona" would be removed from the second sentence of paragraph (f).

17. In § 147.43, paragraph (c) would be revised to read as folows:

§ 147.43 General Conference Committee

* * * * *

(c) Three regional members shall be elected at each Plan Conference. All members shall serve for a period of 4 years, subject to the continuation of the Committee by the Secretary of Agriculture, and may not succeed themselves: *Provided*, That an alternate member who assumed a Committee member vacancy following mid-term would be eligible for re-election to a full term. When there is a vacancy for the member-at-large position, the General Conference Committee shall make an interim appointment and the appointee shall serve until the next Plan Conference at which time an election will be held. If a vacancy occurs due to both a regional member and alternate being unable to serve, the vacant position will be filled by an election at the earliest regularly scheduled national or regional Plan Conference, where members of the affected region have assembled.

* * * * *

Authority: Sec. 101(b), Pub. L. 425, 78th Cong. 58 Stat. 734, as amended; 7 U.S.C. 429; 7 CFR 2.17, 2.51, 371.2(d).

Done at Washington, D.C., this 15th day of January 1985.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 85-1516 Filed 1-17-85; 8:45 am]

BILLING CODE 3410-34-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-21651; File No. S-7-3-85]

Net Capital Requirements for Brokers and Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Solicitation of comments on financial responsibility rules.

SUMMARY: The Commission is soliciting comments on a broad range of questions regarding the financial responsibility rules for brokers and dealers in its reexamination of the scope, adequacy and necessity of those rules. To assist commenters in addressing the issues raised in this release, the Commission also is releasing today a study, *The Financing and Regulatory Capital Needs of the Securities Industry*, prepared by the Commission's Directorate of Economic and Policy Analysis.

DATE: Comments to be received by April 30, 1985.

ADDRESSES: All comments should be submitted in triplicate and addressed to John Wheeler, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. All comments should refer to File No. S-7-3-85 and will be available for public inspection at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Michael A. Macchiaroli, Assistant Director, Division of Market Regulation (202) 272-2904, 450 5th Street, NW., Washington, D.C. 20549. For questions relating to the study, contact William J. Atkinson, Branch Chief, Directorate of Economic and Policy Analysis, (202) 272-7100, 450 5th Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The structure and essence of the present net capital rule, Rule 15c3-1 under the Securities Exchange Act of 1934, was adopted by the Commission in 1975, after nearly three years of analysis and comment from interested persons. The Commission had up to that time a much less complex rule which did not apply to exchange members. Those members operated pursuant to their respective exchange's net capital rule.

The present Rule continued the basic liquidity concept which constituted the primary financial responsibility standards for broker-dealers since the 1940's. That concept requires a firm to have and maintain designated minimum amounts of liquid assets in relation to its aggregate indebtedness, *i.e.*, the broker-dealers' liabilities (with certain exclusions). In addition, the Commission introduced an alternative concept linked the capital requirements of brokers and dealers to their customer related business as measured by the requirements of Rule 15c3-3 under the Securities Exchange Act of 1934. The alternative net capital approach integrates the net capital requirements with the custodial and reserve requirements of Rule 15c3-3 and places greater reliance for the protection of customer funds and securities on Rule 15c3-3. These reforms were significant steps in the Commission's continuing efforts to structure its rules to provide adequate protection for customers' assets while recognizing the need of securities firms for flexibility in efficiently using their capital resources.

Rule 15c3-3, adopted in 1972, was designed to give more specific protection to customer funds and securities, in effect forbidding brokers and dealers from using customer assets to finance any part of their businesses unrelated to servicing securities customers; *e.g.*, a firm is virtually precluded from using customer funds to buy securities for its own account. In October 1980,[1] the Commission published two releases proposing amendments to the net capital rule and asking for a substantial revisitation of the basic concepts underlying the structure of the net capital rule.

The basic thrust of the comments received in response to the releases was that the capital requirements for those firms on the alternative method of computing net capital should be substantially reduced. Many of the comments did not fully address the more fundamental questions raised by the Commission in its releases.

[1] See Securities Exchange Act Release Nos. 17208 and 17209 [(October 9, 1980) 45 FR 69915, 69911, respectively].

When it adopted the present capital rule, the Commission anticipated that it would continue to revisit the financial responsibility rules to ensure that, as the securities industry evolves, the rules continue to the be effective and not impose unnecessary burdens. The Commission believes it is appropriate at this time to resolicit public comment regarding the future course of the financial responsibility rules. The Commission made an extensive study of the securities industry in 1980–1982 when it amended the net capital rule. But the nature of the business has changed in some respects and matters heretofore raised, but not resolved, should now be revisited.

To help in this effort, the Commission's Directorate of Economic and Policy Analysis has recently prepared a study on the financial structure of the securities industry ("Capital Study").[2] The Capital Study describes the net capital and other financial responsibility rules, the reasons for their enactment, and their evolution. It examines how the capital needs of the securities industry have been affected by trends in the industry's financial structure and by regulatory change, and analyzes the financing and regulatory capital needs of various kinds of broker-dealers. The study also presents data on the effects of the 1982 amendments to the rules. The Commission hopes that the Capital Study, which is being released today, will serve as an empirical base for renewed dialogue on the future of the financial responsibility rules. Copies of this study can be obtained from the Commission's Directorate of Economic and Policy Analysis, U.S. Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549.

Areas of Inquiry

The Commission is interested in public comments on whether the current rules are adequate, or whether fundamental changes are in order. The specific topics on which the Commission requests comments are: (1) Whether the financial responsibility rules can be simplified; (2) how the financial responsibility rules affect firm decision making; (3) whether there should be a single net capital standard for all firms; (4) whether a net worth test using generally accepted accounting principles (GAAP) should replace the net capital rule only for firms which do not hold customer funds or securities or perhaps for all firms doing a public business; (5) whether capital charges on common stock should be the same for all broker-dealers; and (6) whether there should be additional restrictions on dealer leverage. It is not necessary, however, that comments be limited to these questions. Comments are encouraged with respect to any aspect of the Commission's financial responsibility program.

Simplifying the Financial Responsibility Rules

1. In Securities Exchange Act Release No. 11497 (June 26, 1975) 40 FR 29795 (July 16, 1975) announcing amendments to the net capital rule, the Commission indicated that "[u]ltimately, it may be possible for Rule 15c3–3 in some form to replace the liquidity requirements of the net capital rule and become the primary source of protection of customer assets held by the broker or dealer." But the Commission recently stated, in Securities Exchange Act Release No. 18417 (January 13, 1982), 47 FR 3512 (January 25, 1982) that "the present Rule 15c3–3, by itself, is not an adequate financial responsibility test. There are theoretical and practical limitations to its subtitution for the net capital rule."

(a) Do you believe that the net capital rule can be substantially revised or even eliminated so as to place greater emphasis on the other financial responsibility rules, particularly Rule 15c3–3?

(b) If so, please explain how and what the effect would be on brokers and dealers and their customers. Would it be necessary to strengthen the other financial responsibility rules, particularly Rule 15c3–3 ? Please explain how this might be achieved and how it would ensure that firms are not inappropriately leveraged.

(c) If not, can Rule 15c3–1 be so structured as to make the computation of net capital less complex? If so, please explain.

(d) Do you believe that Rule 15c3–1 and Rule 15c3–3 can be integrated into a single less complex financial responsibility requirement? If so, how can this best be accomplished?

(e) Can the financial responsibility rules, other than the net capital rule, be structured to make such rules less complex? If so, how can this be accomplished?

2. The liquidity concept of the net capital rule is premised, in part, on the policy that a broker or dealer must maintain a cushion of cash or assets readily convertible into cash in order to meet promptly the demands of customers. It may be unnecessary, however, to require such a strict standard of liquidity with respect to firms who do not carry customer accounts and who do not hold customer funds or securities.

(a) What, if any, financial responsibility standards are appropriate for brokers and dealers who do not hold customer funds or securities? How should the financial responsibility rules address the effects on the securities industry of the failure of a broker-dealer who does not hold customer funds or securities? Please explain.

(b) Should the standard for firms which do not hold customer funds or securities be different than for firms that hold customer funds and securities?

i. Should there be a minimum dollar amount? If so, what should this minimum dollar amount be?

ii. Should there be a ratio test? Should the base for the ratio test be total assets, total liabilities, or some other measure?

iii. Are the present minimum levels of net capital too low considering the inflation since 1975 and the relative ease of entry into the securities business?

Effects on Firms' Decision Making

1. The securities industry is undergoing change. Brokers and dealers deploy their capital in new and different areas to enhance their competitive positions and provide new services to investors and corporate issuers.

(a) In what ways, if any, have current financial responsibility requirements, including the net capital rule, altered firms' investment decisions?

(b) Are current regulatory capital standards adaptable to the changing capital needs of a firm? If not, please explain.

2. The ability of small or regional brokers and dealers to raise investment capital may differ from that of larger firms or those which are national in scope. Do the present financial responsibility rules affect the ability of these brokers and dealers to raise capital? In particular, can the rules be made less burdensome to smaller brokers and dealers without substantially reducing customer protection? How should this be done?

3. A number of securities firms have formed subsidiaries or affiliates whose product lines are beyond the regulatory reach of the Commission. To what extent, if any, have financial responsibility requirements, including the net capital rule, created incentives to form such subsidiaries? Please explain.

A Single or Dual Ratio Test

1. The Commission would like to explore the possibility of supplanting the

[2] The Financing and Regulatory Capital Needs of the Securities Industry, Directorate of Economic and Policy Analysis, U.S. Securities and Exchange Commission, January 1985.

traditional aggregate indebtedness test with the alternative method of computing net capital.

(a) Do you believe the alternative can effectively replace the traditional aggregate indebtedness test for brokers and dealers? Please explain.

(b) Should all brokers and dealers be required to compute pursuant to the alternative method? How could this be accomplished in the case of firms who do not hold customer funds or securities or otherwise are not subject to the provisions of Rule 15c3–3? Would it be necessary to modify or eliminate the exemptive provisions to Rule 15c3–3 found in (k)(2)(i) of that rule (and perhaps other of its exemptive provisions) and other adjustments? Please explain.

(c) If all brokers and dealers were required to compute net capital under the alternative method, what should the minimum capital requirements be? Should different size firms be subject to different ratio requirements? Please explain.

(d) Do you think that the existence of two net capital standards provides flexibility for some firms by allowing them to compute their regulatory capital requirements under the method best suited for their business activities? If so, is such flexibility desirable from a regulatory standpoint?

(e) The alternative method measures a broker or dealer's capital requirement in terms of its customer related business. However, a broker or dealer has many obligations to other brokers and dealers, registered clearing agencies and other financial institutions. Would requiring all firms to compute under the alternative method undermine the interdependence of the broker-dealer industry by inadequately protecting brokers and dealers who do a large business outside their customer activity?

(f) Does determining aggregate indebtedness add to accounting, compliance or reporting costs? Please explain.

2. The ratio requirement of the aggregate indebtedness method tends to demand more net capital than that of the alternative. Because of the $100,000 minimum dollar requirement of the alternative, small firms must compute their required net capital using the aggregate indebtedness method. Do you think the $100,000 minimum requirement of the alternative is appropriate? Should it be lowered? Should it be raised? Please explain.

3. What is the appropriate function of the ratio tests under the aggregate indebtedness and alternative methods?

(a) Do you think that the ratio tests should be linked only to customer-related activities, with the capital requirements of non-customer activities regulated solely by capital charges?

i. The non-customer activities of brokers and dealers are primarly affected by capital charges and haircut requirements. Is this approach adequate for the protection of customers and non-customers?

ii. Under the alternative method, non-customer assets are not included in the ratio requirement. Is this appropriate?

(b) Alternatively, should the ratio test encompass a broader aspect, and restrict leverage in non-customer areas of the firm's business?

i. Should the base for determining the ratio requirement include some or all non-customer assets or liabilities?

ii. If so, are the non-customer liabilities included in aggregate indebtedness the appropriate ones? Should the compass of non-customer liabilities included in the base of the ratio test be increased or decreased?

4. The ratio test under the alternative method is linked to Reserve Formula debits.

(a) Is this linkage appropriate or would Reserve Formula credits be a more appropriate base for the ratio test?

(b) If Reserve Formula credits were the base for the ratio test, should broker-dealers be able to exclude from the base the amount on deposit in the Rule 15c3–3 Reserve Bank Accounts?

(c) If brokers and dealers were able to reduce their net capital requirements by the amount on deposit in the Reserve Bank Accounts, could abuses occur? How should the potential for such abuse be addressed?

Net Worth Test

1. Should the Commission replace the net capital rule with a net worth test using GAAP for broker-dealers that do not carry customer accounts and do not hold customer funds and securities?

2. Should the Commission consider a net worth test using GAAP for all brokers or dealers doing a public business?

3. Would a new worth test using GAAP be an adequate financial responsibility standard?

4. How would a new worth test using GAAP ensure that brokers and dealers would be able to meet the claims of customers and other creditors for immediate payment?

5. Would a new worth test using GAAP adequately protect customers and other creditors of brokers and dealers?

6. If the net capital rule were replaced by a new worth test using GAAP, what benefits would be obtained? Would certain legal, accounting, compliance or reporting costs be reduced or eliminated? Please explain.

7. What form should a net worth test using GAAP take?

(a) Should firms be required to maintain net worth in excess of a minimum dollar requirement?

(b) Should a firm's net worth be required to satisfy a ratio test? What should be the base for the ratio test? Should the ratio be higher for small firms?

8. Could a net worth test using GAAP serve as a basis for futher integration of capital requirements with the customer protection concepts embodied in Rule 15c3–3?

Haircuts on Stocks and Warrants

1. The alternative net capital provisions sought to enhance the ability of brokers and dealers to engage in market-making. It does this primarily by modifying the haircuts from those applicable in the basic net capital rule.

(a) Firms on the alternative method of computing net capital compute haircuts on their inventories of common stocks and warrants differently from those which compute under the basic method. Is this appropriate or do you believe that haircuts related to these positions should be the same for all firms?

(b) Does the alternative net capital provision measure market risk in any unreasonable manner and thus require more or less net capital of market makers with no customer exposure than necessary to ensure the liquidity of a broker or dealer?

(c) What standards of financial responsibility are appropriate for market makers? Please explain.

(d) Do you believe that any of the percentage deductions are too high or too low? If so, which are unwarranted and what should be the appropriate deduction? Please supply any data or explanation which may support such changes.

(e) Is there any other method of providing for haircuts on equity securities other than the methods in the net capital rule. For example, should low-priced stocks be haircut differently than higher priced stocks? Should haircuts vary depending on the size of the position, the volatility of the security, or some other standard relating to trading characteristics?

Additional Restrictions on Dealer Leverage

1. In recent years, brokers and dealers have become increasingly involved in government financial instruments.

(a) What rules, if any, should the Commission adopt to protect the

liquidity of brokers and dealers from the risks of dealing in the financial instruments market?

(b) What amendments, if any, should be made to the net capital rule to protect the liquidity of a broker or dealer from the risks of dealing in the financial instruments market?

(c) What risks, if any, does a broker or dealer experience because of customer transactions in the financial instruments futures or forward markets which are not now provided for by the net capital rule? How should the net capital rule treat those risks?

(d) What modifications, if any, should be made to Rule 15c3–3 in connection with brokers and dealers or customers' transactions in these financial instruments?

2. In recent years, the Commission has observed that the assets and liabilities of many brokers and dealers have grown more rapidly than their total capital or their regulatory capital needs. These brokers and dealers have experienced this asset growth without a corresponding increase in capital needs, primarily as a result of the increased use of repurchase agreements, short sales, and securities loans. These are generally low risk activities carried out by large, financially strong institutions. However, there may be some danger that this increase in financial leverage (asset/capital ratio) could harm investors, other brokers and dealers, or the securities markets.

(a) Does the net capital rule sufficiently take into account the risks that exist in certain situations involving matched repurchase agreements or securities loaned, especially in those situations where brokers and dealers lend securities (or sell securities under agreements to repurchase) in such a way that the transaction has no effect on the regulatory capital needs of brokers and dealers?

(b) Does the lack of a capital charge on some repurchase agreements or securities lending activities result in undercapitalization in these instances with resulting risk to customers or other creditors?

(c) Who is at risk if these operations are in fact undercapitalized?

(d) Firms making a market solely in U.S. Government securities are not generally subject to the Commission's jurisdiction and need not comply with the net capital rule. What would be the effect of a capital charge on matched repurchase agreements in the context of this unregulated sector?

i. Would registered brokers and dealers find it advantageous to spin off their government securities operations?

ii. If the unregulated subsidiary were to fail because of inadequate capitalization, what would be the implications on the parent and its creditors including customers and other brokers and dealers?

(e) If you think that matched agreements and securities lending activities should face a capital charge, how should this charge be determined?

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

January 11, 1985.

[FR Doc. 85–1519 Filed 1–17–85; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 148

[Docket No. 78N–0063]

Frozen Strawberries; Withdrawal of Proposals

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposals.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing two proposals which would have established U.S. definitions for frozen fruits and standards of identity and quality for frozen strawberries. This action is based on the comments received in response to the proposals.

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

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 4, 1974 (39 FR 35809), FDA proposed to establish a new Part 32 (21 CFR Part 32) (redesignated as Part 148 after recodification published in the **Federal Register** of March 15, 1977 (42 FR 14302)) to establish definitions for frozen fruits under § 148.3 and standards of identity under § 148.170(a) and quality under § 148.170(b) for frozen strawberries. The proposals were based on the "Recommended International Standard for Quick Frozen Strawberries" (CAC/RS 52–1971) developed by the Codex Alimentarius Commission.

FDA received a number of comments requesting substantive changes in the proposal. The agency concluded that some of the comments had merit. Because the comments called for substantive changes, FDA published a revised proposal (43 FR 16991; April 21, 1978). Interested persons were given until June 20, 1978, to comment on the revised proposal. FDA received nine letters, each containing one or more comments, from trade associations, food processors, and a Federal agency.

All comments opposed the revised proposal. The comments stated that mandatory label declaration of the percentage of strawberries in the food as part of the name of the food would result in consumer confusion and dissatisfaction because, after the product is frozen and thawed, the ingoing percentage declaration would not properly reflect the amount of strawberry ingredient in the container due to breakdown of strawberry tissues resulting from cell rupturing and osmotic changes and therefore would not appear to be as high as the amount of strawberry ingredient in the food described on the label.

Based on the comments received, FDA concludes that the proposed standards are not necessary to promote honesty and fair dealing in the interest of consumers. FDA is, therefore, withdrawing the proposals and terminating the rulemaking proceedings. Frozen strawberries will continue to be regulated as nonstandardized food subject to the applicable U.S. laws and regulations.

List of Subjects in 21 CFR Part 148

Frozen fruits, Food standards.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), the October 4, 1974 (39 FR 35809) and April 21, 1978 (43 FR 16991) proposals to establish definitions for frozen fruits and standards of identity and quality for frozen strawberries are hereby withdrawn. This action is without prejudice to the further consideration of the development of definitions for frozen fruits and standards of identity and quality for frozen strawberries upon appropriate justification.

FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the "Recommended International Standard for Quick Frozen Strawberries" may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

Dated: January 11, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-1445 Filed 1-17-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 650

[FHWA Docket No. 84-12]

Erosion and Sediment Control on Highway Construction Projects; Proposed Revision

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA requests comments on proposed revisions to its regulation on erosion and sediment control on highway construction projects. The FHWA is proposing to adopt as FHWA policy Sections 208.01 and 208.03 of a document entitled "Guide Specifications for Highway Projects" which has been approved by the American Association of State Highway and Transportation Officials (AASHTO). The revisions would essentially impose measures which would be taken in order to minimize erosion and sediment damage in the course of highway construction. The AASHTO document will be referred to as the "AASHTO Specifications" in this notice.

DATE: Written comments must be received on or before March 19, 1985.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 84-12, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m., e.t., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel S. O'Connor, Office of Engineering (HNG-31), (202) 472-7690, or Mr. Michael J. Laska, Office of the Chief Counsel (HCC-10), (202) 426-0761, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: The policies and procedures for controlling erosion and sediment on highway construction projects are set forth in 23 CFR Part 650, Subpart B. The regulations require that Federal-aid highways shall be located, designed, constructed and operated according to standards that will minimize erosion and sediment damage to the highway and adjacent properties and abate pollution of surface and ground water resources pursuant to 23 U.S.C. 109 (g), (h) and 33 U.S.C. 1323.

The FHWA conducted a review of the existing regulation to determine the effectiveness of current procedures in minimizing soil erosion from highway construction. As part of this effort, the specifications for water pollution control that are contained in section 208 of the AASHTO publication entitled "Guide Specifications for Highway Construction," 1984, (AASHTO Specifications) were reviewed.

Among other functions, AASHTO develops and issues standards, specifications, policies, guides and related materials for selected use by the States on their highway projects. Due to AASHTO's recognized expertise and representation of almost all State highway and transportation agencies, the FHWA has worked with AASHTO over the years in the development of design standards pursuant to the provisions of Federal law (Title 23 U.S.C.) which direct the FHWA to consult and cooperate with the States in that regard. Many of the standards, policies, and guides approved by the FHWA and incorporated in 23 CFR Part 625 were developed and issued by AASHTO. Revisions made to such documents by AASHTO are reviewed and adopted by the FHWA, as appropriate, for use on Federal-aid projects.

Publications of AASHTO have a significant influence on the highway construction policies of State and local agencies. Because it is to the advantage of all parties to use a single policy on highway construction procedures regardless of funding source (i.e., Federal, State, or local), the specifications for water pollution control contained in the AASHTO publication were reviewed for application on Federal-aid projects.

The FHWA has determined that the AASHTO Specifications are adequate and appropriate for managing and enforcing erosion and sediment control activities on Federal-aid projects. By proposing to adopt the AASHTO Specifications, a single policy for State and Federal highway projects would be in effect, and would help to insure that soil erosion is in fact minimized.

The AASHTO Specifications incorporate the essential requirements for erosion and sediment control during construction that are contained in present 23 CFR 650.209. The provisions of 23 CFR 650.209 (a), (b) and (c) are essentially unchanged in the AASHTO Specifications. The provisions of present 23 CFR 650.209(d), which do not allow Federal-aid funds to be used for erosion and sediment control measures made necessary because of faulty work of the contractor, are incorporated in the AASHTO Specifications by disallowing payment to the contractor for this work. The provisions of present 23 CFR 650.209(e), which restrict waste disposal methods, are incorporated in the AASHTO Specifications by requiring a disposal plan for this work to be submitted by the contractor for advance approval.

The AASHTO Specifications, in addition, contain procedures for implementing these provisions: (1) By requiring schedules and methods of erosion control to be accepted by the engineer before work is started and (2) by giving the engineer authority to limit and direct the contractor's operations so as to prevent water contamination.

It is proposed that the AASHTO Specifications be included as an Appendix to 23 CFR Part 650, Subpart B. Section 650.207 of the existing regulation would be revised to require inclusion of appropriate erosion and sediment control measures in a project's plans, specifications and estimates; and to include the reference to Sections 208.01 and 208.03 of the AASHTO Specifications with the requirement that policies and procedures of agencies subject to this regulation must meet or exceed the AASHTO Specifications.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory policies and procedures.

The anticipated economic impact of this proposed rule is minimal since the AASHTO guide specifications are, in general, representative of specifications currently used by highway agencies. Whatever added costs the proposed revisions would incur would be more than offset by a decrease in overall construction costs and future maintenance costs. Therefore, a full regulatory evaluation is not required. For these reasons and under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, and under the authority of 23 U.S.C. 109 (g)

and (h), and 315; 33 U.S.C. 1323; and 49 CFR 1.48(b), the FHWA proposes to amend Chapter I of Title 23, Code of Federal Regulations, by revising Part 650, Subpart B to read as set forth below. (Catalog of Federal Domestic Assistance Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

List of Subjects in 23 CFR Part 650

Grant programs—transportation, Highways and roads, Water pollution control.

Issued on: January 11, 1985.

L.P. Lamm,

Deputy Federal Highway Administrator, Federal Highway Administration.

PART 650—BRIDGES, STRUCTURES, AND HYDRAULICS

* * * * *

Subpart B—Erosion and Sendiment Control on Highway Construction Projects

Sec.

Authority: 23 U.S.C. 109(g), (h), and 315; 33 U.S.C. Section 1323; 49 CFR 1.48(b).

Subpart B—Erosion and Sediment Control on Highway Contruction Projects

§ 650.201 Purpose.

The Purpose of this subpart is to prescribe policies and procedures for the control of erosion, abatement of water pollution and prevention of damage by sediment deposition for Federal-aid highway projects and projects under the direct control of the Federal Highway Administration.

§ 650.203 Policy.

It is the policy of the Federal Highway Administration (FHWA) that Federal-aid highways and highways constructed under the direct supervision of FHWA shall be located, designed, constructed and operated according to standards that will minimize erosion and sediment damage to the highway and adjacent properties and prevent pollution of surface and ground water resources.

§ 650.205 Definitions

(a) Erosion control measures are installations used to inhibit dislodging of soil particles by water or wind.

(b) Sediment control measures are installations used to remove or partially remove settable sediments from surface runoff for the purpose of water pollution control.

(c) Permanent erosion and sediment control measures are installations which remain in place and in service on completion of the construction project.

(d) Temporary erosion or sediment control measures are installations used on an interim basis during construction.

(e) Pollutants are substances, including sediment, which cause deterioration of water quality when added to surface or ground waters in sufficient quality.

§ 650.207 Plans, specifications and estimates.

(a) Appropriate provisions for erosion and sediment control shall be included in plans, specifications and estimates.

(b) All reasonable steps shall be taken to insure that highway project designs for the control of erosion and sedimentation and the protection of water quality comply with applicable standards and regulations of other agencies.

(c) The Federal Highway Administration has determined that sections 208.01 and 208.03 of the Specifications Association of State Highway and Transportation Officials "Guide Specifications for Highway Construction," 1984, as shown in the Appendix to this subpart, are applicable and shall apply to Federal-aid highway projects and to projects under the direct control of the Federal Highway Administration. Alternative erosion and sediment control methods may be used where FHWA finds that such policies and procedures meet or exceed the AASHTO Guide Specifications

Appendix to Subpart B—Specifications for Water Pollution Control (Section 208.01 and Section 208.03 of AASHTO's "Guide Specifications for Highway Construction")

Description. This work shall consist of temporary control measures as shown on the plans or ordered by the Engineer during the life of the contract to control water pollution through use of berms, dikes, dams, sediment basins, fiber mats, netting, gravel, mulches, grasses, slope drains and other erosion control devices or methods.

The temporary pollution control provisions contained herein shall be coordinated with the permament erosion control features specified elsewhere in the contract to the extent practical to assure economical, effective and continuous erosion control throughout the construction and post-construction period.

Construction Requirements. At the preconstruction conference or prior to the start of the applicable construction, the Contractor shall submit for acceptance the schedules for accomplishment of temporary and permanent erosion control work, as are applicable for clearing and grubbing; grading; bridgens and other structures at water courses; construction and paving. The Contractor shall also submit for acceptance the proposed method of erosion control on haul roads and borrow pits and the plan for disposal of waste materials. Work shall not be started until the erosion control schedules and methods of operations for the applicable construction have been accepted by the Engineer.

The Engineer has the authority to limit the surface area of erodible earth material exposed by clearing and grubbing, the surface area of erodible earth material exposed by excavation, borrow and fill operations and to direct the Contractor to provide immediate permanent or temporary pollution control measures to prevent contamination of adjacent streams or other water courses, lakes, ponds or other areas of water impoundment. Such work may involve the construction of temporary berms, dikes, dams, sediment basins, slope drains and use of temporary mulches, mats, seeding or other control devices or methods as necessary to control erosion. Cut and fill slopes shall be seeded and mulched as excavation proceeds to the extent considered desirable and practicable.

The Contractor will be required to incorporate all permanent erosion control features into the project at the earliest practicable time as outlined in his accepted schedule. Temporary pollution control measures will be used to correct conditions that develop during construction that were not foreseen during the design stage; that are needed temporarily to control erosion that develops during normal construction practices, but are not associated with permanent control features on the project.

Where erosion is likely to be a problem, clearing and grubbing operations should be so scheduled and performed that grading operations and permanent erosion control features can follow immediately thereafter if the project conditions permit; otherwise,

temporary erosion control measures may be required between successive construction stages. Under no condition shall the surface area of erodible earth material exposed at one time by clearing and grubbing exceed 750,000 square feet per equipment spread without approval of the Engineer.

The Engineer will limit the area of excavation, borrow and embankment operations in progress commensurate with the Contractor's capability and progress in keeping the finish grading, mulching, seeding and other such permanent pollution control measures current in accordance with the accepted schedule. Should seasonal limitations make such coordination unrealistic, temporary erosion control measures shall be taken immediately to the extent feasible and justified.

Under no condition shall the amount of surface area of erodible earth material exposed at the time by excavation, borrow or fill within the right-of-way exceed 750,000 square feet per equipment spread without prior approval by the Engineer.

The Engineer may increase or decrease the amount of surface area of erodible earth material to be exposed at one time by clearing and grubbing, excavation, borrow and fill operations as determined by an analysis of project conditions.

In the event that temporary erosion and pollution control measures are required due to the Contractor's negligence, carelessness or failure to install permanent controls as a part of the work as scheduled and are ordered by the Engineer, such work shall be performed at the expense of the Contractor. Temporary erosion and pollution control work required, which is not attributed to the Contractor's negligence, carelessness or failure to install permanent controls, will be performed as ordered by the Engineer.

Temporary pollution control may include construction work outside the right-of-way where such work is necessary as a result of roadway construction such as borrow pit operations, haul roads and equipment storage sites.

The erosion control features installed by the Contractor shall be acceptably maintained by the Contractor.

[FR Doc. 85-1508 Filed 1-17-85; 8:45 am]

BILLING CODE 4910-22-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 147

[FRL-2759-3]

Commonwealth of the Northern Mariana Islands Division of Environmental Quality; Underground Injection Control Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to annonce that: (1) The Environmental Protection Agency (EPA) has received a complete application from the Commonwealth of the Northern Mariana Islands, Division of the Environmental Quality (DEQ), requesting approval of its Underground Injection Control program; (2) the application is available for inspection and copying; (3) public comments are requested; and (4) a public hearing has been scheduled.

This notice is required by the Safe Drinking Water Act as a part of the response to the States complying with the statutory requirement that there be an Underground Injection Control program in designated states.

The proposed comment period and public hearing will provide EPA the breadth of information and public opinion necessay to approve, disapprove, or approve in part, the application from the Division of Environmental Quality to regulate all injection wells.

DATES: A public hearing has been scheduled for 1:00 p.m.—4:00 p.m., February 19, 1985. Any party who wishes to present oral testimony must notify EPA in writing by February 5, 1985. The notification must include the name of the party and a brief description of his intended testimony. If sufficient interest is not demonstrated, the public hearing will be cancelled and any interested parties will be directly notified. Any written comments regarding this primacy application must be received no later than February 26, 1985.

ADDRESSES: Comments or requests to testify may be mailed to Meiling Odom, Water Management Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94105. Copies of the application and pertinent material are available between 8:00 a.m. and 5:00 p.m. at the following locations:

Environmental Protection Agency, Region IX, Library, 6th Floor, 215 Fremont Street San Francisco, CA 94105, (415) 974-8076

Division of Environmental Quailty, Dr. Torres Hospital Saipan, CNMI 96950, (670) 6984

The hearing, if held, will be at the Environmental Protection Agency, Region IX, Conference Room, 215 Fremont Street, San Francisco, California, 94105.

FOR FURTHER INFORMATION CONTACT: Meiling Odom, Water Management Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, (415) 974-7430.

SUPPLEMENTARY INFORMATION: This application from the Division of Environmental Quality is for the regulation of all wells in the Commonwealth of the Northern Mariana Islands (CNMI). The CMNI program proposes a ban on all Class I, II, III and IV injection wells. The application includes a descriptin of the State Underground Injection Control program, a copy of the CNMI Environmental Protection Act of 1982, a copy of the adopted UIC regulations and amendments, a signed statement by the Attorney General, a copy of the Coastal Resources Management Act of 1983, and copies of relevant portions of the Coastal Resources Management regulations.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 147, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control Program is a part. These terms may not apply to this particular notice.

List of Subjects in 40 CFR Part 147

Indian—lands, Reporting and recordkeeping, Intergovernmental relations, Penalties, Confidential business information, Water supply, Incorporation by reference, Water pollution control.

Authority: 42 U.S.C. 300.

Dated: January, 14 1985.

Henry L. Longest, II,

Assistant Administrator for Water.

[FR Doc. 85-1476 Filed 1-17-85; 8:45 am]

BILLING CODE 5560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 2800 and 2880

Rights-of-Way, Principles and Procedures; Rights-of-Way under the Mineral Leasing Act; Intent To Propose Rulemaking

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to Propose rulemaking.

SUMMARY: The Bureau of Land Management, in cooperation with the Forest Service, U.S. Department of Agriculture, is studying the possibility of revising the existing policy and regulations concerning the determination of fair market rental fees for lineal rights-of-way crossing Federal lands. In response to an initial Notice of Intent to Propose Rulemaking that was published in the **Federal Register** on May 4, 1984 (49 FR 19049), the public provided general, predominately non-specific, suggestions in their comments. While these suggestions related to methods of determining fair market rentals, few satisfied all of the goals, i.e., that the method should: (1) Reliably estimate fair market rental, (2) reduce administrative costs for individual appraisals, and (3) be easily updated to reflect changes in fair market rental.

This Notice of Intent to Propose Rulemaking contains a new process that the Bureau of Land Management is now considering which would establish fair market rentals for rights-of-way and the public is asked to consider this new process and provide its comments and suggestions.

DATE: Comments should be submitted by March 19, 1985. Comments received or postmarked after the above date may not be considered in the decisionmaking process on issuance of a proposed rulemaking.

ADDRESS: Comments should be submitted 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 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ted Bingham, (202) 343-5441.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.) and the Mineral Leasing Act, as amended and supplemented (30 U.S.C. 181 et seq.) require that the holder of a right-of-way across public lands pay annually in advance the fair market rental value of the right-of-way "as determined by the Secretary." Circular No. A-25, September 23, 1959, as amended and supplemented, of the Office of Management and Budget sets forth the Administration's policy on user charges. The pertinent portion of this circular provides:

> Lease or sale. Where Federally-owned resources or property are leased or sold, a fair market value should be obtained. Charges are to be determined by the application of sound business management principles, and so far as practicable and feasible in accordance with comparable commercial practices. Charges need not be limited to the recovery of costs; they may produce net revenues to the Government.

Supplemental to Circular No. A-25 is the Bureau of the Budget's (now Office of Management and Budget) "Natural Resources User Charges: A Study" of June, 1964, setting forth further guidance "to insure that agencies carry out the policies (Circular No. A-25) more consistently."

General Use of Land Resources

The Federal Government in its role as manager of its vast land resources enters into numerous leases, agreements, and arrangements for both private and public use of Federal areas. These arrangements range from permits for private power companies to use Federal land and water for hydroelectric purposes to permits for individuals to use Federal land for agricultural purposes. Most land administering agencies have authority to grant easements and/or permits for varying types of rights-of-way, including power transmission lines, telegraph and telephone lines, radio sites, railroads, pipe lines, access roads, etc. Other examples of Federally-owned land uses include agriculture, home and industrial sites, dump grounds, wells, rifle ranges, etc.

Principle

The Federal Government should recover the fair market value for the use of Federal land resources. Competitive bidding will be used to establish the fair market value in all instances where an identifiable competitive interest exists. Where a competitive interest does not exist, fees should be comparable to those charged for the use of similar private lands. Fees and charges for long-term use should be established in such a manner as will allow for periodic timely adjustment.

Implementation

This basic principle of obtaining fair market value for the use of Federal land areas is being followed by all Federal agencies. Current regulations require annual reviews of user charges activities to determine if fair market value is being recovered. Where market values have changed, agencies are required to take action to change rates when current leases expire or when leases provide for readjustment of fees. When present leases do not provide for periodic adjustment of fees, such provisions shall be included when leases are reviewed.

Responses to the Notice of May 4, 1984

A total of 33 comments were received in response to the Notice of Intent that was published in the **Federal Register** on May 4, 1984; 4 from governmental agencies, 6 from industry associations, 6 from primarily electric utilities, 16 from oil and gas transportation related companies, and 1 from a product slurry transportation interest company. The Notice requested suggestions for developing a method of estimating annual fair market rental payments for rights-of-way crossing public lands. As a result of earlier Interior Board of Land Appeal decisions, questions had been raised concerning the application of various appraisal approaches in determining rental payments. Comments on current methods used by the Bureau of Land Management were requested and the public was asked to evaluate the assumption implicit in those approaches and any other method suggested for adoption.

Special attention was directed to development of a cost-effective method or procedure to estimate fair market rental. Since the average rental payment was estimated to be $60 per year, it was concluded that the cost of individual appraisals, including site inspection, may equal or exceed the revenue received. Therefore, the public was requested to provide comments on a market derived formula or schedule that could be applied on a State or regional basis.

Such formulas or schedules should be applicable to most linear right-of-way grants crossing public lands and should result in rentals that are applied consistently for various types of right-of-way grants. (The Forest Service received 26 comments in response to their notice which was published in the **Federal Register** of April 28, 1984 (49 FR 16823). Information provided by the public to the Forest Service was basically the same as provided to the Bureau of Land Management. Many of the comment letters were identical).

Current Bureau of Land Management Methods

Of those comments which specifically addressed the current Bureau of Land Management methods of determining rent, nearly all voiced opposition to the "going rate" method. These comments varied from simple words of opposition to legal briefs detailing the erroneous application of "going rates." A few comments suggested that "going rate"

purchases of private easements did not reflect a market condition; most directed their comments to the Bureau's method of adjustment from purchase value of rent for a Bureau right-of-way. These latter comments, without providing a specific, measurable data basis, primarily were directed at proffered differences between the private easement and the Bureau grant which, in their opinion, does not allow comparison between the two types of right-of-way instruments.

Most comments expressed either approval of the "land value" method or a preference for the "land value" method over the "going rate" method. Again, comments were directed at making more of a downward adjustment for rights obtained and raised questions over the interest rate used for establishing the annual rent.

Differences Between Private and Bureau of Land Management Instruments

This appeared to be the area of most concern to those commenting on current Bureau of Land Management methods and possible future methods. Many of the comments suggested that the 30 percent adjustment used by the Bureau in the "going rate" method was insufficient or greatly understated. Some comments provided lengthly lists of the differences between private and Bureau instruments.

In sum, the comments are a listing of perceived differences which, in the opinion of those commenting, make a Bureau of Land Management grant greatly inferior to easements purchased from private parties. No comment provided data (or indicated that such existed) on which to measure any such differences in the market place. All of the comments inferred that it was greater than 30 percent, with a few expressing an adjustment as high as 90 percent.

Other Considerations

Many comments felt the law or regulations should be changed to remove periodic review of fees and allow the issuance of a perpetual easement for a lump sum payment. Such proposals are contrary to existing policy of the Administration (see earlier reference to Circular A–25).

Suggested Methods

A few comments suggested the use of a "before and after" appraisal. Appraisals of rights-of-way for acquisition or condemnation purposes generally reiy on a before and after appraisal analysis to determine just compensation due the landowner resulting from a taking. This method has little practical use for setting rental payments because the function is to show damages to the landowner and not the benefit to the user. It also assumes that rent is directly related to land value and that the type of right-of-way use has no bearing on the rent required. Under certain market conditions, these assumptions are inaccurate. Additionally, this method does not assist in reducing individual appraisal costs.

One comment suggested a form of income approach and another a one-time payment of 40 percent of the land value. Some comments suggested other methods ranging from no fees for public utilities, a fee related to other surface uses, such as grazing, to a fee of between $2 and $5 per acre.

A number of comments suggested a fee schedule, or indicated that such would be acceptable, provided that the fees were based on sound, recognized and tested valuation techniques. Areas of concern were identified as to land typing, burden on the land, area encumbered versus area actually used, rate of return, and comparision between "private" and "Federal" easements or grants.

Bureau of Land Management—Forest Service Studies

Various studies have been prepared over the last year. Although some of the study recommendations are contradictory, there is common agreement on the following:

- Prices paid by companies for a right-of-way easement to cross private land are more indicative of right-of-way value than land value methods requiring substantial, unsupported assumptions;
- There is no generally accepted appraisal method(s) for establishing rental payments in the absence of a rental market;
- The privileges authorized under terms of a Government right-of-way grant are similar to those conveyed by a private easement.
- Procedures to convert the value of a one-time payment for an easement to a rental payment is subjective; however, business practices can prudently be applied to estimate a fair return.

Proposed Process

From discussions with knowledgeable persons and examinations of data in the private market, it is apparent that rights-of-way are seldom acquired in the private market at a price determined through a specific appraisal. This is not to say that market surveys and general value ranges are not estimated through recognized appraisal techniques.

Business practices of the grantees in the private market appear to approach value setting (purchasing) from three approaches or practices. The first group are those that determine a price they are willing to pay "to get the job done" without exercising eminent domain rights or entering into prolonged negotiations. Transactions that have occurred based on this method are called "going rate" transactions. The "going rate" values established by grantees in various market areas throughout the fossil fuel energy producing areas in the Western United States bear no relation to land value.

Another establishes a beginning level through a market survey or broad general appraisal techniques to arrive at an approximate land value, or value range, estimate. With this value as a starting point, the general practice is for the grantee to permit his/her negotiator to offer up to one, two or three times this starting value.

A third practice involves an appraisal of each specific parcel or groups of parcels. This practice is normally performed where the grantee is a governmental entity and is done by some non-governmental grantees. Generally, most non-governmental grantees appraise specific parcels only when there are unique situations, such as when high value property is involved, condemnation is required, or the chances of high damages are involved.

Based on this observed business practice, the Bureau of Land Management proposes to administratively establish a schedule of right-of-way rents based on: (1) Identifiable zones of relatively similar purchase prices, (2) adjustments for measurable differences between "private" right-of-way easements and Bureau right-of-way grants, and (3) an appropriate conversion of adjusted value to a rental. Such a schedule would be periodically adjusted to reflect current market conditions.

This will be accomplished through a new process that the Bureau of Land Management is now considering which would establish fair market rentals for rights-of-way and the public is asked to consider this new process and provide its comments and suggestions. The fair market values would be established by using the following:

A. Through a market survey, identify right-of-way purchase prices by right-of-way type and geo-political areas;

B. Use this data to portray possible price comparative, geo-political zones for individual right-of-way types or groups of types;

C. Based on the purchase within a geo-political zone, select a price that is representative of the right-of-way type or group as a whole;

D. Determine a reasonable administrative adjustment (percentage) for measurable differences, if any, between "private" right-of-way easements and Federal right-of-way grants;

E. Select a readily obtainable market interest rate to convert the adjusted right-of-way value to an annual rent; and

F. Issue, and periodically update, a schedule or series of schedules setting the rental rate for an appropriate unit (per mile, per acre, per pole, etc.) for the identified right-of-way types and geo-political zones.

The public is specifically requested to comment and make suggestions on the proposed process. To receive consideration, comments and suggestions should be specific and be supported with appropriate data.

Both the Bureau of Land Management and the Forest Service, U.S. Department of Agriculture, intend to use the proposed process described in this Notice and to use the comments generated to formulate policy and/or regulations in the setting of rental fees for linear rights-of-way across Federal lands under the agencies' jurisdiction. The intent is to arrive at fee or rate schedules that can be used by officials from either agency for rights-of-way that cross the agency's lands. For the sake of brevity, only Bureau methods, regulations and policies have been discussed in this Notice. Those reviewing and commenting on the proposal should be aware, however, that the Forest Service has similar, if not identical methods and requirements, in their right-of-way grants. These are contained in promulgated policies of the Forest Service and regulations of the Secretary of Agriculture. Persons wanting more information on Forest Service issues should contact Bill Wakefield at (703) 235-2594 or Robert Sipe at (503) 221-2921.

Purchase Price Zone Determinations

Analysis of various non-governmental right-of-way easement acquisitions indicates that similar price zones can be identified. The Bureau of Land Management proposes to complete a market survey in the Western United States and identify zones of reasonably common purchase prices. Purchase prices are more likely to be specified on a per acre or per mile basis; however, other units of measure may be utilized in developing a proposed schedule.

While the purchase price would basically establish the zones, adjustments may be made to provide for administrative convenience in identifying zone boundaries, i.e., adjustment to correspond to an administrative, State or county boundary or to a predominant physical feature.

Upon determination of common price zones, a single value for the zone and type of right-of-way would be administratively selected. Comment is requested as to whether this selection of value should be based on typical, mean, average or some other method.

Differential Adjustments

There are three distinct areas for considering differential adjustments—annual v. one-time payments, periodic adjustment of the annual payment and other terms and conditions.

Except for the selection of a rate of return for determining a reasonable, sound business practice conversion from purchase value to annual payments, no evidence has been found that warrants adjusting the purchase value. Where actual cases in which the non-Federal granted made annual payments were reviewed, no adjustments in purchase value were disclosed.

The Bureau of Land Management proposes no adjustments for requiring annual payments.

A price adjustment to compensate for the periodic adjustment of rental fees presents a slightly more complicated issue. In the few observed cases where the grantee offers a choice to the landowner to receive single or annual payments, the annual payments are adjusted periodically. No adjustment is made in the purchase value of the right-of-way.

There is evidence elsewhere in real estate financing that adjustable rent leaseholds are usually valued less than fixed rent leaseholds. A difference is also found in the fixed and adjustable rate mortgage market.

Our analysis of market conditions indicates a range from 0 percent upwards to about 30 percent for adjustable rent conditions. The Bureau of Land Management is proposing to adjust purchase price values downward 20 percent as an allowance for the periodic adjustment of annual payments. Comments on this adjustment percentage are requested together with market data supporting any different level of adjustment.

The perceived differences for other terms and conditions received a preponderance of the comments submitted in response to the Notice of May 4, 1984.

In a free, open and knowledgeable market, it should be only by chance that two or more right-of-way documents involving different grantees or grantors would be identical or highly similar in content wording. Such occurrences may be traced either to convenience or one of the parties holding a negotiating edge. Most grantee utilities have a standard easement format that has been crafted by their legal staffs that is offered to grantors as a first step in the negotiation process. However, standard or "canned" easements are rarely accepted by knowledgeable non-benefitting grantors.

The Bureau of Land Management has looked at and analyzed issues or purported differences between "private easements" and Bureau grants. Principle among these issues or differences are:

1. *The Relocation Clause.* An oil and gas grant holder agrees to modify, adapt or discontinue the right-of-way upon a finding by the Secretary of the Interior that a proposed conflicting use will better serve the national interest (43 CFR 2881.2(a)(2)). No such requirement exists for rights-of-way issued pursuant to the Federal Land Policy and Management Act.

In actual application, the cost of relocation is usually borne by the conflicting land use and instances of outright revocation are virtually nonexistent.

There are, however, documented instances of relocation work required as a result of conflicting Federal projects.

The possibility of Federal projects on public lands does present a continuing possibility for right-of-way relocations.

Few private easements contain such a relocation clause. Where such has occurred, there is no apparent difference in the prices paid. Some landowners have indicated that they have obtained no cost relocations either due to the good will of the grantee or as a condition of granting a secondary easement.

2. *The Right to Issue Secondary Grants.* The Bureau of Land Management reserves the right to issue additional right-of-way grants that do not conflict with the existing grant (43 U.S.C. 1763) and, unless provided for in the original grant, requires a holder to amend his/her existing right-of-way or file a new right-of-way for additional facilities.

For private easements, some documents require the holder's concurrence before the landowner may convey a secondary easement. Also, it appears more common for the grantee to negotiate additional facilities in the original right-of-way document. This latter practice appears to be in

transition as there is an increased occurrence of grantors limiting the easement to the initial facility.

Although there is a perceived difference, market data do not seem to reflect an actual difference in the prices paid.

3. *Lack of Eminent Domain Authority.* Rights-of-way on public lands must be negotiated, whereas many grantees have eminent domain authority for private lands. Some grantees feel this is a detriment in relation to the Bureau of Land Management right-of-way. Others prefer to route their facilities across public lands to eliminate the possible need to exercise eminent domain and resultant "bad will" situations.

Data are incomplete or nonexistent from which to judge whether the existence of eminent domain authority results in the payment of higher or lower prices.

4. *Common Carrier Provisions.* Right-of-way grants for oil and gas pipelines require that the line be operated as a common carrier. This requirement does not normally occur in private grants. However, State law or regulations may require such lines to be operated as common carriers. Essentially, all natural gas transportation lines must be operated as common carriers.

Due to the existence of non-Federal common carrier requirements, it does not appear that this condition creates a significant or measurable difference.

5. *Renewal of Right-of-Way Grants.* By law or administrative decision, most right-of-way grants are issued for a term less than perpetuity but usually provide for renewal. Comparable private right-of-way easements are normally acquired in perpetuity. Thus, some administrative burden is placed on Bureau of Land Management right-of-way grantees for renewing the right-of-way when the term expires. In many cases, due to the established life of a project, the right-of-way term corresponds to its useful life and no measurable difference between term and perpetual grants exist.

6. *Use Rights Reserved to Grantor.* A difference exists in that the private easement generally conditions the grantor's uses to those that will not interfere with the grantee's facility. Thus, on a private easement, it is usually the grantee who decides on interference as opposed to the grantor on Bureau of Land Management grants. While the Bureau seeks not to cause interference, such has and could occur.

Market data are not sufficient, or are nonexistent, to measure a price differential.

7. *Strict Liability and Bonding.* The Bureau of Land Management has the authority to impose strict liability with a right-of-way grant, thus insulating the government from third party damage situations. Grantee negligence liability is essentially the same for Bureau grants and private easements. Generally, a grantee has a greater ability to protect his/her interests in a private easement.

Performance bonding may be similar, but is perceived by various grantees as being more onerous in Bureau of Land Management grant situations. Market data are inconclusive as to a price differential for this issue.

8. *Assignability.* A private easement is normally freely assignable by the grantee, whereas the Bureau of Land Management must approve any assignment to a new grantee. However, a Bureau refusal to approve an assignment is highly unlikely, all else being regular; accordingly this issue should not be of major concern.

A minor additional administrative burden is placed on the grantee due to this difference.

9. *Public Benefits.* Grantees suggest differences exist that may be termed public benefit issues. These include such things as public use of access roads under a Bureau of Land Management grant as contrasted to the private easement where the grantor may not desire public use and/or the grantee may prohibit public use. Also cited are major alignment changes required by the Bureau for public benefits such as reducing impacts on critical wildlife habitat. In private easements, generally, only minor alignment changes are considered. Occasionally, however, private landowners have joined together and achieved a major alignment change in a proposed facility.

10. *Processing Delays.* Many grantees have commented that the longer processing time for Bureau of Land Management grants, especially major projects, is a significant difference. These comments appear to have merit where the grantee has eminent domain authority. While it is a truism that governmental processing usually takes longer than one-on-one negotiation, it is equally true that the governmental process is a specific process which is known or available to the grantee. Thus, the generally longer processing time can be planned.

Actual delays in governmental process may occur due to the nature of government, i.e., such as funding procedures that cause an inability to rapidly respond to new requests. Such actual delays also occur in the non-Federal and private sector although perhaps not with the same frequency.

11. *Cultural, T&E, Environmental.* This issue covers a number of areas where it is alleged that the Bureau of Land Management grant is inferior due to either added processing delays, realignment or additional construction and operational costs. Some of these also occur on areas of private lands due to State or local law or regulations.

Some of these concerns do properly rest solely with the Federal situation. Others are shared with local governments. Still others may be caused by improper planning by the grantee. In some cases, the governmental requirements may actually save the grantee costs in the long run.

In relating these to market evidence, we have not been able to identify any significant price paid differential. The market did not display a significant decrease in prices paid before and after California enacted its "little NEPA" law or Washington and Montana their Major Facility Siting laws. We could find no price differential between two otherwise equal easements, one of which lies within a county requiring a permit for cultural or archeological resource disturbance and the other in an adjacent county without such requirements.

12. *Stipulations.* Grantees have commented that the stipulations placed in Bureau of Land Management grants are burdensome and restrictive as compared to private easements. While the Bureau is taking action to ease or eliminate some of the conditions cited, it appears that the alleged difference will continue.

It also appears that the private landowners are in transition from allowing grantees to proceed under "good construction practices" toward requiring more specificity in the easement document. This is especially true with large landowners or where individual small landowners are "banding" together.

13. *Title Search and Related Pre-Grant Actions.* The differences here appear to be minor. The performance of title searches on private lands may be related to adjudication performed by the Bureau of Land Management. Similarily, an easement or grant document must be prepared, reviewed and executed. Significant differences here, if any, relate to elapsed time in performance rather than the performance itself. The time issue was covered earlier.

14. *Construction Constraints.* While many different specific situations have been raised by grantees and the comments, the identified additional requirements in Bureau of Land Management grants may be categorized as:

Cultural and environmental requirements which result in shutdowns, delays, site mitigation and rerouting;

Width restrictions which result in the need for special equipment;

Procedural stipulations, such as restricting right-of-way clearing, stripping and storage of top soil and a varietal reseeding mixture requirement; and

Preconstruction conferences, survey, mapping and flagging.

While such requirements may occur in some private easement situations, they were more apt to occur in Bureau of Land Management grants.

Under The Federal Land Policy and Management Act, the Bureau of Land Management is required to include terms and conditions which will "require compliance with State standards for public health and safety, environmental protection, and siting, construction, operation and maintenance of or for rights-of-way for similar purposes if those standards are more stringent than applicable Federal standards . . ." (43 U.S.C. 1765(a)(iv)). Recently, there has been an increase in the States providing "more stringent" standards for Bureau grants. Where these States standards are equal to or more stringent than Bureau standards, the identified differences disappear.

15. *Access.* Temporary access to the right-of-way and temporary construction areas is normally provided by the Bureau of Land Management through temporary permits. On private easements, these are usually part of the easement grant by the landowner. A later need for the access or construction area requires the Bureau grantee to reobtain the necessary temporary permits.

Except in a mixed ownership situation, this condition makes the Bureau of Land Management grant appear inferior. In mixed ownership, where temporary access is obtained across owner "A" to reach the easement on owner "B", the situation is not markedly different.

16. *Post-Grant Requirements.* Although post-grant requirements for special studies and monitoring are seldom used—less than 1 percent of Bureau of Land Management grants have contained this type of stipulation—the cost of these studies is an additional cost not found in a private land easement.

As in item 15 above, however, there appears to be an emergence of this type of requirement as "State standards."

In summary many differences have been suggested. Some appear to lack merit, some are insignificant, others are significant and, on still others, the significance is eroding.

Market data are either lacking, inconclusive or too imprecise to measure the price differential for any of the individual conditions or as a whole.

Where comments have suggested that Bureau of Land Management grants involve additional costs not found in private grants, the data provided have not been sufficient to develop any correlation. Many of the differential issues raised relate to processing and monitoring situations which the Bureau combines with the grant issuance process. On the "private" side only, the specific easement acquisition data are provided. To do a proper correlation would require cost data relating to such items as obtaining certificates of convenience, meeting State and local requirements, such as facility siting approvals, and building and related permits.

The Bureau of Land Management recognizes that an "inferiority" difference may exist in the broad sense, but finds that the difference cannot be reliably or precisely measured. Since the proposed procedure is one of sound business practice based, to the extent practicable, on recognized valuation techniques, this difference can be resolved by an administrative decision. In this regard, the Bureau of Land Management proposes that the purchase price value determined for the various "zones" be adjusted downward 10 percent for all types of covered rights-of-way except those issued pursuant to the Mineral Leasing Act. Mineral Leasing Act right-of-way types would be adjusted downward 15 percent to provide for the additional identified differences for those types.

Rental from Adjusted Value

Relating income stream (rent) to value by application of an appropriate interest rate is the accepted practice.

The proposal is to use the 30-year Federal Bond rate as of October 1 as the applicable rate for the following calendar year or other set period for the schedule.

Recent Bureau of Land Management field studies reflected local real estate and financial market expectations for right-of-way investment with similar risks, safety, certainty of income yield and liquidity. The studies found market evidence ranging from about 7 to 20 percent. Further, most of the comparable rates were in the 10 percent area. Other methods of selecting rates include such things as the alternative costs of money. These alternative methods have similar ranges.

In one examined case, a utility offers either a one-time payment or annual rent. The rent is determined by applying the mortgage rate on Federal Land Bank loans, which in August 1984 was 12 percent, to the one-time payment value.

Since the purpose of the proposed rulemaking would be a system that would apply throughout the Bureau of Land Management, the interest rate needs to be selected from a broadly based rate. The long-term (30-year) Federal Bond rate would meet the test of a selectable rate. In addition, its term relates to the maximum initial term for a Mineral Leasing Act right-of-way, and the equal or longer terms normally provided in other right-of-way grants. It also represents the cost of the United States and, generally, the private sector for long term borrowing, a condition usually considered in the market place.

Periodic Updating

Two alternative methods are being considered for periodically updating the schedule. Comment is specifically requested on the merits and acceptability of the alternatives. Suggestions of other methods to provide for periodic updating are also requested.

Periodic Review

This alternative would provide for repetition of the market sampling and zone/type value determinations at least every five years. Under this alternative, the schedule would remain fixed until a new schedule was announced. It would also result in a wider range between the existing and new fees than would an annual adjustment.

Annual Adjustment

This alternative would provide for adjustment annually based on two variables. One variable would be the fluctuation in the 30-year bond rate, i.e., the rate used in year 2 would be the October 1 rate of year 1. The Consumer Price Index would be used to adjust the "zone value" each year.

Under this alternative, additional market sampling and analysis would not have to be undertaken any more often than every five years and could possibly only occur every ten or twenty years. This alternative would require the Bureau of Land Management to convert all right-of-way rentals to a calendar year basis.

J. Steven Griles,

Acting Assistant Secretary of the Interior.

January 14, 1985.

[FR Doc. 85-1448 Filed 1-17-85; 8:45 am]

BILLING CODE 4310-84-M

Notices

Federal Register
Vol. 50, No. 13
Friday, January 18, 1985

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

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Natural Resource Management Guide Meeting; Boise, ID

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of meeting.

SUMMARY: The Farmers Home Administration (FmHA) State Office located in Boise, Idaho, is announcing a public information meeting to discuss its draft Natural Resource Management Guide.

DATES: Meeting on January 25, 1985, 10:00 a.m. to 12:30 p.m.

Comments must be received no later than February 25, 1985.

ADDRESSES: Meeting location at Room 256, Old Post Office Building, 304 North 8th Street, Boise, Idaho.

Written comments and further information will be addressed to: State Director, FmHA, Room 429, 304 North 8th Street, Boise, Idaho 83702, (208) 334–1608.

All written comments will be available for public inspection during regular work hours at the above address.

SUPPLEMENTARY INFORMATION: FmHA's Idaho State Office has prepared a draft Natural Resource Management Guide. The Guide is a brief document describing the major environmental standards and review requirements that have been promulgated at the Federal and State levels and that affect the financing of FmHA activities in Idaho. The purpose of the meeting is to discuss the Guide as well as to consider comments and questions from interested parties. Copies of the Guide can be obtained by writing or telephoning the above contact.

Any person or organization desiring to present formal comments or remarks during the meeting should contact FmHA in advance, if possible. It will also be possible at the start of the meeting to informally present brief, general remarks or pose questions. Additionally, a 30-day period for the submission of written comments will follow the meeting.

Dated: January 11, 1985.

David J. Howe,

Director, Program Support Staff.

[FR Doc. 85–1515 Filed 1–17–85; 8:45 am]

BILLING CODE 3410-07-M

Forest Service

Cibola National Forest; Bernalillo County NM; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service, will prepare an environmental impact statement for the proposed land exchange by Embudo Foothills Estates Venture on the Sandia Ranger District. The proposal involves National Forest land locally referred to as the La Cueva Tract and privately owned land, also within the Sandia Ranger District of the Cibola National Forest locally referred to as the Rounds Estate Land.

The recently completed scoping and environmental analysis processes led to a decision to prepare an environmental impact statement (EIS) on the proposal. The draft EIS should be available for pubic review in June 1985. The final EIS is expected to be completed by November 1985.

M. J. Hassell, Regional Forester of the Southwest Region in Albuquerque, New Mexico is the responsible official.

Written comments and suggestions concerning the proposal should be sent to Phil Smith, Forest Supervisor, Cibola National Forest, 10308 Candelaria NE, Albuquerque, New Mexico 87112.

Questions about the proposed action and environmental impact statement should be directed to Sandia District Ranger, Wayne Thornton, phone 505 281–3304.

M. J. Hassell,

Regional Forester.

January 10, 1985.

[FR Doc. 85–1507 Filed 1–17–85; 8:45 am]

BILLING CODE 3410-11-M

Fremont National Forest Grazing Advisory Board; Meeting

The Fremont National Forest Grazing Advisory Board will meet at 10:00 A.M. on Friday, March 15, 1985 at the Forest Supervisor's Office, 524 North G Street, Lakeview, Oregon 97630. The purpose of this meeting is:

1. Discuss use of range betterment funds.
2. Review range allotment management planning.

The meeting will be opened to the public. Persons who wish to attend should notify Ralph B. Roberts, 524 North G Street, Lakeview, Oregon 97630, phone 947–2151. Written statement may be filed with the Board before or after the meeting.

The committee has established the following rules for public participation:

1. Must have pre-notice and placed on agenda.
2. Time limit will be announced at meeting.
3. May be oral or written.
4. General public.

a. Open input on agenda items permitted.

b. May present topics or concerns if prearranged.

Dated: January 9, 1985.

Ralph B. Roberts,

Acting Forest Supervisor.

[FR Doc. 85–1441 Filed 1–17–85; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 277]

Approval for Expansion of Foreign-Trade Zone No. 8, Toledo, Ohio

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

Whereas, the Toledo-Lucas County Port Authority (the Port Authority), Grantee of Foreign-Trade Zone No. 8, has applied to the Board for authority to expand its general-purpose zone located in Toledo's port area to include the entire Port Authority Facility No. 1,

Toledo, Ohio, within the Toledo Customs port of entry;

Whereas, the application was accepted for filing on March 9, 1984, and notice inviting public comment was given in the **Federal Register** on March 19, 1984 (Docket No. 12–84, 49 FR 10137);

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the expansion is necessary to provide zone services to new tenants whose operations cannot be accommodated within existing zone space; and,

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby orders:

That the Grantee is authorized to expand its zone in accordance with the application filed March 9, 1984. The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations. The authority given in this Order is subject to settlement locally by the District Director of Customs and the District Army Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, D.C., this 11th day of January 1985.

Alan F. Holmer,

Acting Assistant Secretary of Commerce for Trade Administration; Chairman, Committee of Alternates Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 85–1484 Filed 1–17–85; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Key Largo National Marine Sanctuary; Closure of Limited Area to Anchoring

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) announces the closure of a limited area within the Key Largo National Marine Sanctuary to all vessel anchoring until further notice. Anchoring of vessels will not be allowed on Molasses Reef over the grounding site of the freighter *M/V Wellwood* in order to protect research stations and transects being used in NOAA-sponsored reef recovery studies. Other uses of this area, such as recreational diving and snorkeling, are still allowed.

EFFECTIVE DATE: The closure is effective January 4, 1985, and will continue until further notice.

FOR FURTHER INFORMATION CONTACT: Rafael V. Lopez, Sanctuary Programs Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 3300 Whitehaven St., N.W., Washington, D.C. 20235, (202) 634–4236.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (Act), 16 U.S.C. 1431 *et seq.*, authorizes the Secretary of Commerce to conduct such enforcement activities as are reasonable and necessary to protect the resources of designated national marine sanctuaries. Site-specific regulations are issued for each sanctuary to ensure the protection of sanctuary resources. The regulations for the Key Largo National Marine Sanctuary, 15 CFR Part 929, § 929.7(b), authorize the Assistant Administrator for Ocean Services and Coastal Zone Management, NOAA, or his designee, to close certain areas of the Sanctuary to public use in order to provide for scientific research relating to protection and management or to permit recovery of the living marine resources from overuse.

On August 4, 1984, the freighter *M/V Wellwood* ran aground on Molasses Reef in the Key Largo National Marine Sanctuary. Molasses Reef lies inside the southern boundary of the Sanctuary and is one of the most highly-visited reefs in the continental United States. Large areas of the reef were totally destroyed where the vessel's hull cut into the bedrock. Other parts of the reef suffered partial destruction. The vessel was pulled free of the reef on August 16.

NOAA has initiated a number of research projects at the grounding site, including monitoring changes in algal community structure, studying the growth of the remaining living coral tissue and the recruitment of new coral, and examining reef fish populations and their adaptations to habitat alteration. The purpose of this research is to obtain information concerning the extent and severity of the damage sustained, rates and processes of reef recovery and fate of rehabilitated corals.

The research on the coral and algal communities is highly susceptible to damage caused by vessel anchoring. These projects involve the use of permanent and random underwater transects and nearly 200 individual research stations. Anchor damage to the research site could destroy a particular station or part of a transect and result in the loss of scientific data critical to the study.

In order to ensure the integrity of the ongoing scientific research at Molasses Reef, and pursuant to the Sanctuary regulations at 15 CFR 929.7(b), NOAA announces the closure of this research area within the Key Largo National Marine Sanctuary to all vessel anchoring. Anchoring of vessels will not be allowed on Molasses Reef over the grounding site of the *M/V Wellwood*, located approximately 400 yards east of Molasses Reef Light. Closed to anchoring is a rectangular area 400 by 600 feet in size and marked by a yellow buoy at each corner. Vessels conducting research at the site under permit from NOAA, Sanctuary patrol craft and vessels necessary for the national defense or to respond to an emergency threatening life, property or the environment are not restricted. Violations of this no-anchoring restriction are subject to civil penalties under the Act and regulations for the Key Largo National Marine Sanctuary.

This closure affects only the anchoring of vessels within a relatively small area of the 100 square-mile Sanctuary. Other uses of the area, such as recreational diving and snorkeling, will still be allowed. All existing Key Largo National Marine Sanctuary Regulations at 15 CFR Part 929, including those prohibiting the taking of coral or tampering with scientific equipment or buoys, remain in effect.

Classification

This notice of closure is authorized under 15 CFR 929.7(b) and is in compliance with Executive Order 12291. This action is covered by the regulatory flexibility analysis prepared for the authorizing regulations. Because of the immediate need to ensure the integrity of the ongoing scientific research at Molasses Reef, NOAA finds that advance notice and public comment on this limited no-anchoring area are impracticable and not in the public interest, and that no delay should occur in its effective date.

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

Dated: January 14, 1985.

James P. Blizzard,

Acting Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 85-1472 Filed 1-17-85; 8:45 am]

BILLING CODE 3510-08-M

National Marine Fisheries Service; Issuance of General Permit

On January 10, 1985, a general permit to incidentally take marine mammals during commercial fishing operations in 1985 was issued to: Asociacion Nacional de Armadores de Buques, Congeladores de Pesquerias Varias, Vigo, Spain in Category 1: Towed or Dragged Gear, to take 5 harbor seals and 10 cetaceans.

All takings are incidental to commercial fishing operations within the U.S. Fishery Conservation Zone, pursuant to 50 CFR 216.24.

This general permit is available for public review in the office of the Assistant Administrator for Fisheries, 3300 Whitehaven Street, N.W., Washington, D.C.

Dated: January 10, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85-1512 Filed 1-17-85; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1985; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to procurement list 1985 commodities to be produced by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: January 18, 1985.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On August 3 and September 14, 1984 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (49 FR 31126 and 49 FR 36133) of proposed additions to Procurement List 1985, October 19, 1984 (49 FR 41195).

Additions

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Govenment under 41 U.S.C. 46-48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities listed.

c. The actions will result in authorizing small entities to produce the commodities procured by the Government.

Accordingly, the following commodities are hereby added to Procurement List 1985:

Class 6530

Spreader Bar and Stirrups, Litter: 6530-00-784-3450

Class 8465

Pack, Personal Gear: 8465-01-141-2321.

C. W. Fletcher,

Executive Director.

[FR Doc. 85-1477 Filed 1-17-85; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1985; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1985 commodities to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

Comments Must be Received on or Before: February 20, 1985.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and service to Procurement List 1985, October 19, 1984 (49 FR 41195):

Class 2540

Kit, Deep Water Fording: 2540-00-181-8109

Class 6530

Towel Pack, Surgical: 6530-00-110-1854

Class 8340

Line, Tent, Manila: 8340-00-252-2268, 8340-00-252-2271, 8340-00-252-2273

SIC 7349

Janitorial/Custodial: Building 67, Denver Federal Center, Denver, Colorado.

C.W. Fletcher,

Executive Director.

[FR Doc. 85-1478 Filed 1-17-85; 8:45 am]

BILLING CODE 6820-33-M

CONSUMER PRODUCT SAFETY COMMISSION

Interagency Committee on Cigarette and Little Cigar Fire Safety; Technical Study Group Meeting

AGENCY: Interagency Committee on Cigarette and Little Cigar Fire Safety, CPSC.

ACTION: Notice of meeting.

SUMMARY: The Technical Study Group on Cigarette and Little Cigar Fire Safety will meet on January 28 and 29, 1985, in Washington, D.C. The purpose of this meeting is to discuss information about physical characteristics of cigarettes which may have an effect on ignition of upholstered furniture and mattresses, and other information related to studying the feasibility of developing cigarettes and little cigars with a minimum propensity to ignite upholstered furniture and mattresses.

DATE: The meeting will be from 9:30 a.m. through 5:00 p.m. on January 28, 1985; will resume at 9:00 a.m. on January 29, 1985, and will conclude that day.

ADDRESS: The meeting will be in Room 703A, Hubert Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Colin B. Church, Office of Program Management, Consumer Product Safety

Commission, Washington, D.C. 20207; telephone (301) 492–6554.

SUPPLEMENTARY INFORMATION: The Cigarette Safety Act of 1984 (Pub. L. 98–567; 98 Stat. 2925, October 30, 1984) created the Technical Study Group on Cigarette and Little Cigar Fire Safety to prepare a final technical report to Congress within 30 months concerning the technical and commercial feasibility, economic impact, and other consequences of developing cigarettes and little cigars with minimum propensity to ignite upholstered furniture and mattresses.

The Technical Study Group will meet on January 28–29, 1985, to discuss the following topics:

Physical characteristics of cigarettes and little cigars which may have an effect on the ignition of upholstered furniture and mattresses;

A proposal for laboratory studies of cigarettes;

A method of assessing health effects of cigarettes.

The meeting will be open to observation by members of the public, but only members of the Technical Study Group may participate in the discussion.

The requirement of the Cigarette Safety Act for preparation of a final report by the Technical Study Group within 30 months of that law's enactment requires the Technical Study Group to conduct its initial meetings frequently and on relatively short notice. For that reason, notice of this meeting is being published less than fifteen days in advance.

Dated: January 14, 1985.

Terrence M. Scanlon,

Chairman, Interagency Committee on Cigarette and Little Cigar Fire Safety.

[FR Doc. 85–1525 Filed 1–17–85; 8:45 am]

BILLING CODE 6355–01–M

COMMISSION OF FINE ARTS

Notice of Meeting

The Commission of Fine Arts meeting scheduled for January 16, 1985 [49 FR 49323, 12–19–84] is cancelled. The next meeting will be held on Tuesday, February 19, 1985 at 10:00 a.m. in the Commission's offices at 708 Jackson Place NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington including buildings, memorials, parks, etc., also matters of design referred by other agencies of the government. Access for handicapped persons will be through the main entrance to the New Executive Office Building on 17th Street between Pennsylvania Avenue and H Street NW.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 566–1066.

Dated in Washington, D.C., January 11, 1985.

Charles H. Atherton,

Secretary.

[FR Doc. 85–1439 Filed 1–17–85; 8:45 am]

BILLING CODE 6330–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Foreign Assistance; Determination

Pursuant to section 515(c)(1) of the Foreign Assistance Act of 1961 relating to overseas management of assistance and sales programs, and in accordance with the authority delegated by Executive Order 12163 and redelegated on February 12 and February 24, 1972, to the Director, Defense Security Assistance Agency, Phillip C. Gast, Lieutentant General, USAF, Director, Defense Security Assistance Agency has determined that United States national interests require that more than six members of the Armed Forces be assigned under section 515 of that Act to carry out international security assistance programs in Honduras, and therefore waive the limitation that the number of members of the Armed Forces assigned to a foreign country under Section 515 of that Act may not exceed six unless specifically authorized by the Congress.

The increase from six to eleven in the total number of military personnel authorized for the United States Military Group (USMILGP), Honduras shall be effective thirty days after the date in which this determination is reported to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

January 15, 1985.

[FR Doc. 85–1467 Filed 1–17–85; 8:45 am]

BILLING CODE 3810–01–M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, February 5, 1985, Tuesday, February 12, 1985, Tuesday, February 19, 1985 and Tuesday, February 26, 1985 at 10:00 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committees' primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Installations and Logistics) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency" (5 U.S.C. 552b(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy & Requirements) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, The Pentagon, Washington, D.C. 20301.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

January 15, 1985.

[FR Doc. 85–1465 Filed 1–17–85; 8:45 am]

BILLING CODE 3810–01–M

Department of the Army

Intent To Prepare a Supplemental Environmental Impact Statement For Production of QL, a Binary Munition Precursor Chemical

AGENCY: Department of the Army, DOD.

ACTION: Notice of Intent to prepare a Supplemental Environmental Impact Statement for the production of QL, a binary munition precursor chemical. QL is a nonlethal precursor chemical to be used in binary chemical munitions.

1. Summary: Congress has authorized the Army to begin building and equipping facilities designed to produce binary chemical munitions. The binary technique provides for the formation of a lethal chemical warfare agent from two nonlethal precurosr chemicals, which combine only during flight of the munition to its target. Notice is hereby given that the Department of the Army, pursuant to the National Environmental Policy Act (NEPA) and implementing regulations, intends to prepare a Supplemental Environmental Impact Statement (SEIS) analyzing alternatives, and their potential environmental impacts, for obtaining one of the nonlethal precursor chemicals to be used in the binary chemical munitions.

2. Background: On February 8, 1982, the Department of the Army announced its decision to establish an integrated binary production facility at Pine Bluff Arsenal (PBA), Jefferson County, Arkansas (47 FR 6318). Environmental impacts for this action and three alternatives were described in a Final Environmental Impact Statement (FEIS) for the binary program which was filed with the Environmental Protection agency (EPA) on December 4, 1981 (46 FR 60230, 60643). One alternative, i.e., production of binary chemical precursors at existing government facilities other than PBA, was not discussed in the EIS for that action. While the Army has stated preference for cost effective commercial sources of critical chemical precursors for binary munitions, other facilities are now being evaluated as potential production resources. The Department of the Army is currently considering renovation of an inoperative chemical production plant at Newport Army Ammunition Plant (NAAP), Indiana as a possible facility for QL, one of the nonlethal precursors, as well as a commercial source. This information will be added to that previously collected on Pine Bluff Arsenal, Pine Bluff, Arkansas in order that a final determination can be made among these three alternatives. Consequently, a supplement to the existing FEIS will be prepared.

3. In order to provide an opportunity for public input, a public scoping meeting will be held at Newport, Indiana, 1) to provide a description of the proposed project; 2) to identify potential impacts and issues that should be included in the environmental document; 3) to identify other environmental review coordination or permit requirements associated with the project; 4) to discuss the role of the environmental document and the proposed action. It is anticipated this meeting will take place on 21 February 1985, at 7:00 PM CST at Vermillion County Courthouse, Newport, Indiana. An official notice to announce the meeting site and date will be made approximately four weeks in advance. Added comments and suggestions may be submitted in writing and/or by oral presentation. Comments and questions regarding the subjects to be discussed and analyzed in the environmental document may be addressed to Commander, US Army Chemical Research and Development Center, ATTN: SMCCR-MUP-P, Mr. Duggan, Aberdeen Proving Ground, MD 21010 or calling Mr. Duggan at (301) 671-4286. The order in which oral presentations are made will be based on the order in which requests are received. Persons desiring to make oral presentations may register to do so by contacting Mr. Duggan at the address indicated above or by registration at the meeting. Advance registrations must be received not later than 14 calendar days prior to the date of the meeting at which the presentation is to be made. Receipt of advance registration requests will be acknowledged in writing. Oral presentations should be limited to 15 minutes; written copies of presentations will be appreciated but are not required. Supplemental written material of any length will be considered in full. Following the completion of scheduled oral presentations, there will be an opportunity for questions from the floor. If time permits, additional oral presentations will be permitted upon completion of all other presentations.

4. Persons desiring to be palced on a mailing list to receive additional information regarding the public scoping process and copies of the draft and final SEIS may contact Mr. Duggan at the address indicated above or may complete a request form at the public meetings. All persons who register to make presentations at the public meetings will automatically be placed on the mailing list.

Lewis D. Walker,

Deputy for Environment, Safety, and Occupational Health, OASA (I&L).

January 15, 1985.

[FR Doc. 85-1481 Filed 1-17-85; 8:45 am]

BILLING CODE 3710-08-M

Military Traffic Management Command; Revised Memorandum of Understanding

AGENCY: Military Traffic Management Command, Department of the Army, DOD.

ACTION: Notice of memorandum of understanding.

SUMMARY: Notice is hereby given of a revised Military-Industry Memorandum of Understanding concerning rules of loss or damage to household goods belonging to military members and transported by household goods motor carriers.

DATE: Effective 1 April 1985.

ADDRESS: Chief, Recovery Branch, U.S. Army Claims Service, Office of The Judge Advocate General, Fort Meade, Maryland 207055-5360.

FOR FURTHER INFORMATION CONTACT: Sanford V. Lavine, telephone (301) 677-7789/7694.

SUPPLEMENTARY INFORMATION: This revised Memorandum of Understanding has been developed by mutual agreement between the five carrier associations and the Departments of the Army, Navy, and Air Force to take the place of the current Memorandum which was effective 15 May 1977. It makes certain changes in the time limits provided for notification by the member to the carrier of loss and damage to household goods, at the time and subsequent to delivery of the household goods at their destination, and other modifications.

Military-Industry Memorandum of Understanding

To establish the fact that loss or damage to household goods owned by members of the military was present when the household goods were delivered at destination by the carrier, it is agreed that the rules set forth below will be implemented with an effective date of 1 April 1985.

Loss and Damage Rules

Carrier Inspection of Loss or Damage

A. (1) Upon delivery of the household goods, it is the responsibility of the carrier to provide the member with three

copies of DOD Forms 1840 and 1840R and to obtain a receipt therefor on space provided on DD Form 1840. All loss of or damage to the household goods shall be noted at the time of delivery on DD Form 1840. For later discovered loss or damage, including that involving packed items for which unpacking has been waived in writing, written documentation on DD Form 1840R advising the carrier of later discovered loss or damage dispatched not later than 75 days following delivery, shall be accepted by the carrier as overcoming the presumption of the correctness of the delivery receipt.

(2) The carrier's failure to provide DD Form 1840R and to have proof thereof will eliminate any requirement for notification to the carrier. Written notice, using DD Forms 1840 and 1840R, is not required by the carrier in the case of major incidents described by Paragraph 32 of the Tender of Service which requires the carrier to notify Headquarters, Military Traffic Management Command, and appropriate ITOs of the details of fires, pilferage, vandalism, and similar incidents which produce significant loss, damage, or delay.

B. Loss of or damage to household goods discovered more than 75 days after the date of delivery will be presumed not to have occurred while the goods were in possession of the carrier unless good cause for the delay is shown, such as the officially recognized absence or hospitalization of the service member during all or a portion of the period of 75 days from date of delivery.

C. The carrier will be deemed to have waived the right to inspect if:

(1) Exceptions were taken at time of delivery and the carrier fails to inspect within 75 days from the date of delivery; or if:

(2) Written documentation of loss or damage has been dispatched within 75 days from the date of delivery and the carrier fails to inspect within 75 days from the date of such dispatch or 75 days from the date of delivery, whichever is later.

D. No claim shall be denied due solely to carrier's lack of opportunity to inspect prior to repair when the essential nature of the damaged item such as a refrigerator, washer, dryer, or television required immediate repair.

E. The 120-day period within which carriers must settle a claim for loss or damage does not commence until receipt of a formal claim.

F. It is agreed that the claim will be limited only to the items indicated on the DD Forms 1840 and 1840R, except as indicated in A(2) and B above. The claim for loss and/or damage shall not be limited to the general description of Loss or Damage to those items noted on DD Form 1840 and 1840R.

G. This Memorandum is to be effective concurrently with the introduction of the new DD Forms 1840 and 1840R (copies attached). The effective date will be 1 April 1985, at which time it will supersede the current Memorandum.

H. The original of the Memorandum of Understanding shall be retained by the American Movers Conference, which shall provide conformed copies to all signatories and other interested parties.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

January 15, 1985.

BILLING CODE 3810-01-M

JOINT STATEMENT OF LOSS OR DAMAGE AT DELIVERY

GENERAL INSTRUCTIONS - The carrier's representative will complete and sign DD Form 1840 and obtain the signature of the member or member's agent. The member or member's agent will not, under any circumstances, sign a blank or partially completed DD 1840. A completed DD Form 1840 and blank DD Form 1840R will be provided the member or member's agent by the carrier's representative for each shipment. If no loss or damage is involved, write "NONE" in the description column.

SECTION A - GENERAL *(To be completed by carrier)*

1. NAME OF OWNER *(Last, First, Middle Initial)*	2. RANK OR GRADE	3. NET WT OF SHIPMENT

4. ORIGIN OF SHIPMENT *(City and State/Country)*	5. DESTINATION OF SHIPMENT *(City and State/Country)*

6. PPGBL	7. PICKUP DATE	8. NAME AND ADDRESS OF CARRIER
9. CODE OF SERVICE	10. SCAC	

SECTION B - RECORD OF LOSS OR DAMAGE *(To be completed by member and carrier's representative)*

11. Notice is hereby given to the carrier to whom this statement is surrendered that the shipment was received in condition as shown below and the claim, if any, will be made for the value of such loss and/or damage as indicated subject to further inspection and notification to the claims office within 70 days by DD Form 1840R found on the reverse side hereof.

a. INVENTORY NO.	b. NAME OF ITEM	c. DESCRIPTION OF LOSS OR DAMAGE *(If missing, so indicate)*

12. ACKNOWLEDGEMENT BY MEMBER OR AGENT	13. ACKNOWLEDGEMENT BY CARRIER'S REPRESENTATIVE
I HAVE RECEIVED MY PROPERTY IN APPARENT GOOD CONDITION EXCEPT AS INDICATED ABOVE. A CONTINUATION SHEET *(x one)* ☐ HAS ☐ HAS NOT BEEN USED	*(Check appropriate box(es) and sign below)* ☐ PROPERTY WAS DELIVERED IN APPARENT GOOD CONDITION EXCEPT AS OTHERWISE NOTED ABOVE
12a. SIGNATURE / 12b. DATE	☐ I WILL INITIATE TRACER ACTION FOR MISSING ITEMS
I HAVE RECEIVED THE DD FORM 1840R	
12c. SIGNATURE / 12d. DATE	13a. SIGNATURE / 13b. DATE

DD FORM 1840, 84 SEP *This form, together with DD Form 1840R (Reverse) replaces previous editions of DD Form 1840, which are obsolete.*

NOTICE OF LOSS OR DAMAGE

INSTRUCTIONS TO MEMBER: You have up to 70 days to inspect your property and note all loss and/or damage. Should you find any loss or damage not reported on DD Form 1840 at the time of delivery, complete Section A below. Use only ballpoint or typewriter. **THE COMPLETED FORM MUST BE DELIVERED TO YOUR LOCAL CLAIMS OFFICE NOT LATER THAN 70 DAYS FROM DATE OF DELIVERY. FAILURE TO DO SO MAY RESULT IN A REDUCTION OF THE AMOUNT PAYABLE ON YOUR CLAIM.** Keep a copy of this form for your records, receipted and dated by the Claims Office. If more than one page is needed, please number the pages.

SECTION A - *(To be completed by member)*

1. STATEMENT OF PROPERTY LOSS/DAMAGE - You are hereby notified of the loss and/or damage in the following shipment of personal property

a. MEMBER'S NAME *(Last, First, Middle Initial)*	b. DEPARTURE POINT	
c. ARRIVAL POINT	d. GBL NUMBER	e. DATE OF DELIVERY

f. You are further notified that property owner intends to present a claim for this loss and/or damage. You are hereby extended an opportunity to inspect the property. The estimated amount of loss/damage is *(x one)* ☐ under $500 ☐ over $500

2. LIST OF PROPERTY LOSS/DAMAGE - *(NOTE: Tracer action is requested for items listed as missing)*

a. INVENTORY NO.	b. NAME OF ITEM	c. GENERAL DESCRIPTION OF LOSS OR DAMAGE *(If missing, so indicate)*

SECTION B - *(To be completed by Claims Office) (NOTE: MAIL ORIGINAL TO HOME OFFICE OF CARRIER)*

3. TO: *(Home Office of Carrier) (Include ZIP Code)*	3a. DATE OF DISPATCH

4. YOUR REPRESENTATIVE MAY CONTACT THIS CLAIMS OFFICE FOR ASSISTANCE:

4a. NAME AND ADDRESS OF CLAIMS OFFICER	4b. SIGNATURE	
	4c. DATE SIGNED	4d. TELEPHONE NO.

DD FORM 1840R (Reverse), 84 SEP

[FR Doc. 85-1464 Filed 1-17-85; 8:45 am]

BILLING CODE 3810-01-C

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

[Case No. F-013]

Energy Conservation Program for Consumer Products; Decision and Order Granting Waiver From Furnace Test Procedures to Coleman Co., Inc.

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Decision and order.

SUMMARY: Notice is given of the Decision and Order [Case No. F-013] granting Coleman Company, Inc. a waiver for its 2900 model series warm air furnaces from the existing DOE furnace test procedures.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-113.1, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585., (202) 252-9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-12, Forrestal Building, 1000 Independence Avenue, SW, (202) 252-9513.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order set out below. In the Decision and Order, Coleman Company, Inc. has been granted a waiver for its 2900 model series warm air furnaces, permitting the company to use an alternate test method.

Issued in Washington, D.C., January 4, 1985.

Pat Collins,

Under Secretary.

Decision and Order of the Department of Energy Assistant Secretary for Conservation and Renewable Energy

In the Matter of: Coleman Company, Inc.; Case No. F-013.

The Energy Conservation Program for Consumer Products was established pursuant to the Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3266, which requires the Department of Energy (DOE) to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchase decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

The Department of Energy amended the prescribed test procedure regulations, by adding § 430.27, to allow the Assistant Secretary for Conservation and Renewable Energy to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing of the basic model according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inadequate comparative data. 45 FR 64108 (Sept. 26, 1980).

Pursuant to § 430.27(g), the Assistant Secretary shall publish in the **Federal Register** notice of each waiver granted, and any limiting conditions of each waiver.

Coleman Company, Inc. (Coleman), filed a "Petition for Waiver" in accordance with § 430.27 of 10 CFR Part 430. DOE published in the **Federal Register** the Coleman petition and solicited comments, data, and information respecting the petition. 49 FR 39207 (October 4, 1984). No comments were received. DOE consulted with the Federal Trade Commission on October 28, 1984, concerning the Coleman petition.

Assertions and Determinations

Coleman's petition seeks a waiver from the DOE test provisions that require a 1.5 minute time delay between the ignition of the burner and the starting of the circulating air blower. Instead, Coleman requests the allowance to test using a 20 second blower time delay when testing its 2900 model series gas furnaces. Coleman states that since the 20 second delay is indicative of how the 2900 models actually operate and since such a delay results in an improvement in efficiency of approximately 0.5%, the waiver should be granted.

Under specific circumstances, the DOE test procedures contain exceptions which allow testing with blower delay times of less than the prescribed 1.5 minute delay. Coleman indicates that it is unable to take advantage of any of these exceptions for the 2900 model series.

Since the blower controls incorporated on the Coleman furnace are designed to impose a 20 second blower delay in every instance of start up, and since the current provisions do not specifically address this type of control, DOE agrees that a waiver should be granted to allow the 20 second blower time delay when testing the Coleman 2900 model series furnace. Accordingly, with regard to testing the 2900 model series furnaces only, today's Decision and Order exempts Coleman from the existing provisions regarding blower controls and allows testing with the 20 second delay.

It is therefore ordered that:

(1) The "Petition for Waiver" filed by Coleman Company, Inc. (F-013), is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3) and (4).

(2) Notwithstanding any contrary provisions of Appendix N of 10 CFR Part 430, Subpart B, Coleman Company, Inc. shall be permitted to test its 2900 model series gas furnaces on the basis of the test procedure specified in 10 CFR Part 430, with the modification set forth below:

(i) Section 9.3.1 of ANSI/ASHRAE Standard 103-1982 is deleted and replaced with the following paragraph:

"Gas- and Oil-Fueled Central Furnaces. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnace and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) come on. After the burner start-up, delay the blower start-up by 1.5 minutes (t-), unless: (1) The furnace employs a single motor to drive the power burner and the indoor air circulating blower, in which case the burner and blower shall be started together; (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time would result in the activation of a temperature safety device which shuts off the burner, in which the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay, (t-), using a stop watch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 in. of water gauge of the manufacturer's recommended on-period draft."

(ii) With the exception of the modification set forth in subparagraphs (i) above, Coleman Company, Inc. shall comply in all respects with the test procedures specified in Appendix N of 10 CFR Part 430, Subpart B.

(3) The waiver shall remain in effect from the date of issuance of this Order until the Department of Energy prescribes final test procedures appropriate to the 2900 model series warm air furnace manufactured by Coleman Company, Inc.

(4) This waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the applicant. This waiver may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

Issued in Washington, D.C., January 4, 1985.

Pat Collins,

Under Secretary.

[FR Doc. 85-1534 Filed 1-17-85; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 84-20-NG]

Natural Gas Imports; Southeastern Michigan Gas Company; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Application for Authorization To Import Natural Gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of receipt on December 21, 1984, of the application of Southeastern Michigan Gas Company (Southeastern) to import natural gas on a "best efforts" interruptible basis for a term of two years from March 1, 1985, through February 28, 1987. Southeastern seeks authorization to import up to 20 MMcf per day, not to exceed 9 Bcf over the authorization period. The initial price will be $3.10 (U.S.) per MMBtu. After November 1, 1985, it will be redetermined taking into consideration the prevailing market conditions of alternative sources of supply to Southeastern. The imported volumes, Alberta reserves which are owned or controlled by five Canadian producers, will be purchased by Southeastern from Northridge Petroleum Marketing, Inc. (Northridge). The volumes will be transported within Canada by Nova and TransCanada Pipelines Limited (TransCanada), and in the United States by Great Lakes Gas Transmission Company (Great Lakes) and ANR Pipeline Company (ANR). Southeastern requests that the authorization be made effective March 1, 1985.

The application is filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene or notices of intervention, and written comments are invited.

DATE: Protests, motions to intervene or notice of intervention, as applicable, and written comments are to be filed no later than 4:30 p.m. on February 19, 1985.

FOR FURTHER INFORMATION CONTACT:

Clifford Tomaszewski, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-007, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9760.

Diane Stubbs, Office of General Counsel, Natural Gas and Mineral Leasing, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6667.

SUPPLEMENTARY INFORMATION:

Southeastern is a natural gas distribution company serving approximately 67,000 retail customers solely within the State of Michigan. On a volumetric basis, approximately 80 percent of its market is comprised of residential and commercial customers. Its primary natural gas supplier is Panhandle Eastern Pipe Line Company.

The applicant seeks authorization to import up to 9 Bcf of Canadian gas during the two-year period from March 1, 1985, through February 28, 1987, for its general system supply for resale to its customers. Southeastern and Northridge entered into a gas purchase contract dated November 7, 1984. Under the gas purchase contract, Southeastern and Northridge agreed to purchase and sell, respectively, on a "best efforts" interruptible basis, up to 20 MMcf per day, not to exceed 3 Bcf per contract year, of imported Canadian gas. A contract year is defined as the 12-month period ending at 8:00 a.m. on November 1st of any calendar year, except the initial period which will be the eight-month period ending November 1, 1985. Because the two-year authorization period overlaps three complete or partial contract years, the applicant is seeking authorization for the total possible amount available to it during these contract years, up to 9 Bcf. The price at the point of importation during the initial period will be (U.S.) $3.10 per MMBtu, and the price will be redetermined thereafter by mutual agreement taking into consideration the prevailing market conditions of alternative sources of supply to Southeastern. The primary term of the contract extends through November 1, 1986, and it may be extended automatically, in two-year increments, with all terms and conditions intact unless either party gives notice of termination.

According to the application, the gas will come from reserves owned or controlled by Calco Resources Ltd., Lac Minerals Ltd., Paramount Resources Ltd., Signalta Resources Ltd., and Maynard Energy, Inc., in the Province of Alberta, Canada, or will be required by Northridge from such other sources within Canada as may be required from time to time. No new facilities will be required to implement the proposed importation. The imported volumes will be transported by Nova, and Alberta corporation, to the Alberta border, and thereafter will be transported to the international boundary near Emerson, Manitoba, Canada, by TransCanada. Within the United States, the volumes will be transported by Great Lakes and ANR from the international boundary to a delivery point which is under construction in Columbus Township, Michigan, for purposes unrelated to this import. Southeastern's existing distribution system will be used to complete the delivery of the gas to retail consumers. Although negotiations are underway, no final transportation agreements had been reached at the date of the applicant's filing.

The gas purchase contract entitles Southeastern to purchase up to the maximum daily and annual volumes, but there is no minimum purchase obligation. The only volumes for which Southeastern is required to take or pay are those that have been nominated by Southeastern and actually delivered by Northridge to the intervening transporters before the contract is terminated. Sales and deliveries will be on a "best efforts" basis by Northridge, as requested by Southeastern in monthly volume nominations. Southeastern retains the right to restrict or cease taking the imported supplies at any time and for so long as it deems to expedient to do so.

Southeastern maintains that this import pursuant to the gas purchase contract will be in the public interest. It asserts that the importation is expected to make lower-cost natural gas supplies available to its market, thereby permitting it to purchase gas at the lowest possible cost consistent with adequate service, for its consumers. Even if and to the extent, deliveries are restricted or suspended by Southeastern because the price is temporarily out of alignment with alternative domestic supplies, Southeastern asserts that the

import serves the public interest by maintaining competitive pressure on domestic suppliers to keep their prices lower to retain their market share.

The decision on this application will be made consistent with the Secretary of Energy's gas import policy guidelines, under which competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest. Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant has asserted that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Other Information

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-033-B, RG-43, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. They must be filed no later than 4:30 p.m., February 19, 1985.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Southeastern's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-033-B, at the above address. The docket room is open between the hours of 800: a.m. and 4:30 p.m., Monday through Friday, except holidays.

Issued in Washington, D.C., on January 11, 1985.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-1533 Filed 1-17-84; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 85-02-NG]

Natural Gas Imports; the Washington Water Power Co.; Application To Amend Import Authorization

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application to amend authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on January 8, 1985, of the application of the Washington Water Power Company (Washington Water Power) of Spokane, Washington, to amend its October 31, 1984, authorization to import natural gas from Canada (DOE/ERA Opinion and Order No. 62) in light of a January 3, 1985, amending agreement between Washington Water Power and Amoco Canada Petroleum Company (Amoco Canada) which changes the terms of the import as authorized. The amending agreement increases the price paid to Amoco Canada from $2.70 (U.S.) per MMBtu to about $2.90 (U.S.) per MMBtu and modifies the volume obligation. The price charged by Washington Water Power to two of the three proposed customers, Fairchild Air Force Base and Northwest Alloys, Inc., would not change. The increase in price is due to elimination from the arrangement of Washington State University as a customer. Washington Water Power requests that its amended application be processed expeditiously.

The amended application is filed with the ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motion to intervene, notices of intervention, and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, and written comments are to be filed no later than 4:30 p.m., on February 7, 1985.

FOR FURTHER INFORMATION CONTACT:

Tom Dukes, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-007, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9590

Diane Stubbs, Office of General Counsel, Natural Gas and Mineral Leasing, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6667.

SUPPLEMENTARY INFORMATION: Washington Water Power is a combination electric and gas utility that provides gas at retail to residential, commercial, and industrial customers in eastern Washington and northern Idaho. It currently purchases substantially all of its natural gas from Northwest Pipeline Corporation (Northwest) whose system covers much of the applicant's service area.

The applicant seeks to amend its existing authorization (49 FR 44323, November 7, 1984) requesting approval of an increase in the average price of the import from $2.70 (U.S.) per MMBtu to about $2.90 (U.S.) per MMBtu for the remainder of its two-year contract term. Washington Water Power was authorized to import gas for resale to one industrial and two institutional customers in eastern Washington state: Washington State University, Fairchild Air Force Base, and Northwest Alloys, Inc. The approved annual contract quantities and take-and-pay factors are listed below:

	Annual contract quantities (Mcf)	Contract take and pay quantities (Mcf)
Washington State University	980,000	0
Fairchild Air Force Base	400,000	400,000
Northwest Alloys, Inc	1,200,000	1,000,000
Total	2,580,000	1,400,000

The authorization allowed the parties to extend the term of the contract for additional one-year periods and, if they did, the contract required them to redetermine the contract price 60 days prior to the beginning of any additional period. The applicant was obligated to take and pay for approximately 40 percent of the maximum daily quantities provided adequate pipeline capacity is available. The gas was to be transported by Westcoast Transmission Company, Ltd. (Westcoast), Northwest, and by the applicant.

Washington Water Power filed its amended application in response to the December 27, 1984, denial by the Canadian National Energy Board (NEB) of the application filed by Amoco Canada to export gas to Washington Water Power. The NEB disapproved Amoco Canada's proposed export because the export price of $2.70 (U.S.) per MMBtu "* * * did not meet the Toronto City Gas Minimum Export Price Test."

On January 3, 1985, Washington Water Power amended its agreement with Amoco Canada in reponse to the NEB's action. The amendment establishes the price for the first contract year to be that price in U.S. dollars that equates to a price of $3.637 per gigajoule expressed in Canadian dollars. (The Canadian price equaled $2.90 (U.S.) on January 2, 1985.) Another amendment to the agreement gives Washington Water Power the right to refuse to take the imported gas if the price were to become uneconomic. No other provisions were amended.

The application requests ERA approval of Washington Water Power's amended agreement with Amoco Canada. It also indicates that the higher average price resulted from the elimination of the service to Washington State University, the lowest-priced service under the arrangement. The original rate of $3.50 (U.S.) per MMBtu for the two remaining customers—Fairchild Air Force Base and Northwest Alloys, Inc.—has not been changed. The application also notes that there is no request to change the authorized import volumes of 15,000 Mcf per day.

Washington Water Power states that none of the reasons given in support of its original application have changed. The applicant contends that the import arrangement is still in the public interest. Washington Water Power alleges that the elimination of service to Washington State University does not change the essential nature of its contract because the rate of the two remaining customers is still low enough to make service economical for those customers.

Washington Water Power indicates in its amended application that its need for the import is at a critical stage. Because of the delay encountered by Amoco Canada in obtaining an NEB export license, service has been delayed well beyond the time originally contemplated. Its one industrial customer, Northwest Alloys, has notified Washington Water Power that further delays are unacceptable and, given its special circumstances, that it may convert to coal if the imported gas is not available soon. Therefore, Washington Water Power requests that the ERA approve the amendment expeditiously.

The decision on this amendment to Washington Water Power's authorization will be made consistent with the Secretary of Energy's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest. Parties who may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant has asserted that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Other Information

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received by persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-033-B, RG-43, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585. They must be filed no later than 4:30 p.m., February 7, 1985. A 20-day comment period has been provided in order to process this application expeditiously as requested by Washington Water Power

A decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference shuld demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR Part § 590.316.

A copy of Washington Water Power Company's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-033-B, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on January 14, 1985.

James W. Workman,

Director, Office of Fuels Programs Economic Regulatory Administration.

[FR Doc. 85-1638 Filed -17-85: 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. SA85-6-000]

Chino Mines Co.; Petition for Adjustment

January 15, 1985.

On December 6, 1984, Chino Mines Company filed with the Federal Energy Commission a petition for an adjustment under section 206(d) of the Natural Gas Policy Act (NGPA) and the Commission's Rules of Practice and Procedure, 18 CFR 385.1104. The petition is for relief from incremental pricing for non-exempt natural gas purchased by Chino from El Paso Natural Gas Company and consumed at Chino's mining, concentrating, smelting and refining facilities at Hurley, New Mexico. In addition, Chino sought interim relief, effective December 1, 1984, under § 385.1113 of the Commission's Rules of Practice and Procedure.

Chino petitions for relief on the basis of severe hardship. In this connection, it states that it has recently made a substantial investment to increase the efficiency and productivity of its employees and facilities; but that competition from subsidized foreign imports has lowered the price of copper to a 50-year low, captured a substantial part of the growth in U.S. copper consumption, and prevented it from earning revenues sufficient to meet its out-of-pocket costs. It further states that it has taken all realistic measures short to cope with its difficulties; that the relief it seeks is essential to cost reduction; and that such relief is also very important to the small community of Hurley, since Chino is one of its principal employers.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure, 18 CFR 385.1101-385.1117 (1984). Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with Rule 1105. All petitions to intervene must be filed within fifteen days after the publication of this notice in the Federal Register.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-1496 Filed 1-17-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP84-217-002, et al.]

Columbia Gas Transmission Corporation, et al.; Natural Gas Certificate Filings

January 11, 1985.

Take notice that the following filings have been made with the Commission:

1. Columbia Gas Transmission Corporation

[Docket No. CP84-217-002]

Take notice that on December 18, 1984, Columbia Gas Transmission Corporation (Petitioner), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP84-217-002 a petition to amend the Commission's order of April 12, 1984, in Docket No. CP84-217-000 issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act so as to authorize an extension until October 31, 1985, of the term of the transportation service presently being provided to Carnegie Natural Gas Company (Carnegie), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that Carnegie requested Petitioner and Texas Eastern Transmission Corporation (Texas Eastern) to continue to transport up to 55,900 dt equivalent of natural gas per day for Carnegie. Carnegie would deliver the gas to Texas Eastern by displacement. Texas Eastern would receive the gas from Carnegie at Texas Eastern's M and R Station Nos. 1275 and 008 in Greene County, Pennsylvania. Texas Eastern would then transport and redeliver the gas to Petitioner, for the account of Carnegie, at a point of interconnection between Texas Eastern and Petitioner, M and R. Station No. 077, in Fairfield County, Ohio. Petitioner would then transport the gas to Columbia Gas of Ohio, Inc., which would in turn transport and deliver the gas to Carnegie at four M and R stations located in Lorain and Scioto Counties in Ohio. Carnegie would then deliver the gas to United States Steel Corporation.

The present certificate authorization expires on February 13, 1985. Petitioner states that the extended service would be pursuant to the gas transportation agreements dated November 22, 1983, between Petitioner and Carnegie which were filed in Petitioner's FERC Gas Tariff, Original Volume No. 2 as Rate Schedules X-121 and X-122.

Comment date: January 31, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

2. Texas Eastern Transmission Corporation

[Docket No. CP84-429-001]

Take notice that on January 2, 1985, Texas Eastern Transmission Corporation (Applicant), Post Office Box 2521, Houston, Texas 77252, filed in Docket No. CP84-429-001 an amendment to its application filed in Docket No. CP 84-429-000 pursuant to section 7(c) of the Natural Gas Act to reflect a modification of volumes of gas to be sold and transported under its DCQ contract adjustment program and of the facilities to be constructed and operated, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In its application, Applicant states it proposed to adapt its DCQ contracts to permanent changes in market conditions, to increase the maximum daily quantities (MDQ) of its eastern market customers by 236,000 dt equivalent of natural gas per day to meet their increased demands for gas supplies and to reduce its contract obligation to Columbia Gas Transmission Corporation (Columbia) by a like amount.

Subsequent to filing its original application, Applicant states, it entered into negotiations with Columbia and with Applicant's customers. Pursuant to such negotiations, Applicant explains that it restructed its DCQ contract adjustment program and filed the subject amendment requesting authorization for (1) an interim, best-efforts sales program, (2) a permanent firm DCQ contract adjustment program upon completion of the required facilities, together with related transportation and exchange services for Columbia.

The Interim Best-Efforts Sales Program:

Applicant requests a limited-term certificate of public convenience and necessity with pregranted abandonment to—

(1) Sell and deliver on a best-efforts basis, pursuant to proposed interim DCQ service agreements, up to the following additional monthly average maximum daily quantities (MAMDQ) and annual quantities of natural gas to be released by Columbia:

Customer	MAMDQ (dt per day)	Annual (dt)
Algonquin Gas Transmission Company	69,064	25,215,660
The Brooklyn Union Gas Company	11,125	4,060,625
Elizabethtown Gas Company	2,337	853,005
Long Island Lighting Company	3,974	1,450,510

Customer	MAMDQ (dt per day)	Annual (dt)
National Fuel Gas Supply Corporation	8,695	3,173,675
National Gas & Oil Corporation	2,477	904,105
New Jersey Natural Gas Company	17,028	6,215,220
Penn Fuel Gas, Incorporated	1,486	542,390
Philadelphia Electric Company	13,740	5,015,100
Philadelphia Gas Works	19,565	7,141,225
T.W. Phillips Gas & Oil Co.	794	289,810
Public Service Electric & Gas Company	29,695	10,838,675
Total	180,000	65,700,000

Applicant states that each month, aggregate quantities of gas released by Columbia but not purchased as referenced above would then be reoffered to those customers referenced above which wish to purchase such excess quantities;

(2) Accept for filing as part of Volume 1 of Applicant's FERC Gas Tariff the proposed *pro forma* interim DCQ service agreement to become effective the date of the limited term certificate of public convenience and necessity as requested herein and to accept for filing the executed interim DCQ service agreements;

(3) Permit Applicant to reduce the monthly demand charges otherwise payable by Columbia under Applicant's Rate Schedule DCQ for Zone C by the then effective demand charge adjustment rate set forth on Sheet 14 of Applicant's FERC Gas Tariff for each dt of released gas actually sold and delivered by Applicant during the applicable month; and

(4) Permit Applicant to reduce Columbia's monthly minimum bill volume obligation under Applicant's Rate Schedule DCQ for Zone C for each dt of released gas actually sold and delivered by Applicant during the applicable month.

The Permanent Firm DCQ Contract Adjustment Program:

Applicant requests a certificate of public convenience and necessity and all necessary regulatory approval to

(1) Sell and deliver upon completion of $123,000,000 in facilities, and pursuant to its Rate Schedule DCQ, additional firm MDQ and annual contract quantities of natural gas in the amounts set out above in the interim best-efforts program;

(2) Render a firm transportation service to Columbia of up to 80,000 dt equivalent of gas day per day pursuant to a proposed new Rate Schedule CTS;

(3) Construct and operate the following pipeline facilities:

(a) Approximately 59.28 miles of 30-inch pipeline loop and 40.48 miles of 36-inch pipeline loop at ten locations on Applicant's existing system in Pennsylvania;

(b) Compression of up to 4,000 horsepower at Applicant's compressor station No. 26 located near Lambertville, New Jersey;

(c) Compression of up to 6,000 horsepower at Applicant's compressor station No. 20 located near Wind Ridge, Pennsylvania;

(d) Piping modifications at various compressor stations throughout Pennsylvania and Ohio;

(e) Meter facilities for Applicant's Meter Station Nos. 011, 036, 087, 953 and proposed new meter station for Philadelphia Elecric Company;

(4) Revise its service agreement with Columbia, under Rate Schedule DCQ, to reflect a reduction in the MDQ of 180,000 dt equivalent per day and in the annual quantity of 65,700,000 dt;

(5) Render on a firm basis an exchange arrangement with Columbia of up to 80,000 dt equivalent of gas per day as described in the amendment.

Comment date: February 1, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice. All persons who have heretofore filed need not file again.

3. Texas Eastern Transmission Corporation

[Docket No. CP84-703-002]

Take notice that on December 26, 1984, Texas Eastern Transmission Corporation (Petitioner), Post Office Box 2521, Houston, Texas 77252, filed in Docket No. CP84-703-002 a petition to amend the order of October 26, 1984, issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to extend the term of the transportation service presently being provided to United States Steel Corporation (USS) from the currently authorized expiration date of February 13, 1985, to October 31, 1985, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that USS has obtained a quantity of natural gas from Carnegie Natural Gas Company (Carnegie) which Petitioner receives from Carnegie, by displacement, and delivers, for USS's account, to Philadelphia Electric Company (Philadelphia). Petitioner is said to receive up to 37,200 dt equivalent of natural gas per day from Carnegie, by displacement, at an existing point of interconnection between Petitioner and Carnegie in Greene County Pennsylvania, or at other mutually agreeable points of receipt from Carnegie. Petitioner then transports and redelivers such gas to Philadelphia, for the account of USS, at points of interconnection between Petitioner and Philadelphia, or at other mutually agreeable points of delivery to Philadelphia. Philadelphia in turn transports and delivers such gas to USS at USS's Fairless Works in Bucks County, Pennsylvania.

Petitioner requests that the Commission grant authorization to allow Petitioner to transport gas through October 31, 1985, pursuant to the terms and conditions of a letter agreement dated November 21, 1984.

Comment date: February 1, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for the applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-1494 Filed 1-17-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES85-26-000]

Kansas Gas & Electric Co.; Notice of Application

January 15, 1985.

Take notice that on January 2, 1985, Kansas Gas and Electric Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, seeking an Order authorizing the issuance of up to 2,500,000 shares of its authorized but unissued Common Stock, without par value under its Dividend Reinvestment and Stock Purchase Plan.

Any person desiring to be heard or to make any protest with reference to said Application should on or before February 1, 1985, 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 or 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 hearing therein must file motions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-1497 Filed 1-17-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA85-7-000]

Leo M. Riley Co.; Petition for Adjustment

January 15, 1985.

On December 7, 1984, Leo M. Riley Company filed a petition with the Federal Energy Regulatory Commission seeking an exception to the requirement of 18 CFR 274.205(d)(3)(i) of the Commission's regulations requiring that all applications for well classifications for wells completed after November 1, 1979, be submitted with Gamma Ray logs for such wells to be eligible for classification under section 107(c)(4) (production from Devonian shell) of the Natural Gas Policy Act of 1978 (NGPA).

Riley asserts that Gamma Ray logs were not obtained for two of its wells completed in 1980, and that it was not feasible to run such logs after production commenced because of the sensitive nature of the formation. Nevertheless Riley asserts there is sufficient evidence to establish that the wells are Devonian shale wells and qualify for prices under NGPA section 107(c)(4).

Riley asserts that, without the requested adjustment, it will likely be required to make refunds to the purchaser of its gas and thereby suffer potential economic hardship and inequity.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure, 18 CFR 385.1101-385.1117 (1984). Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with Rule 1105. All petitions to intervene must be filed within fifteen days after the publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-1498 Filed 1-17-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER85-213-000]

Pennsylvania Electric Co.; Metropolitan Edison Co.; and Jersey Central Power & Light Co.; Filing

January 11, 1985.

The filing Company submits the following:

Take notice that on December 31, 1984, GPU Service Corporation (GPU) as Agent for Pennsylvania Electric Company, Metropolitan Edison Company and Jersey Central Power & Light Company (collectively, GPU Companies) tendered for filing as an Initial Rate Schedule an Agreement (The Agreement) between GPU and Orange and Rockland Utilities, Inc. ("Orange and Rockland"). The Agreement, dated August 1, 1984, provides for the sale by the GPU Companies or Orange and Rockland energy from their systems ("system energy") that may be available on an hourly, daily, weekly or monthly basis (a "transaction"). GPU states that the timing of transactions cannot be accurately estimated, but that the GPU Companies or Orange and Rockland would offer to sell such system energy to the other only when it is economical to do so. The Buyer would only accept such offer if it was economical to do so.

The Buyer will pay an hourly energy reservation charge to the Seller for each transaction in an amount equal to the megawatthours of system power scheduled by the Buyer and actually delivered by the Seller multiplied by an energy reservation charge rate which is negotiated prior to each transaction. The Buyer will pay an energy charge for each transaction in an amount equal to the megawatthours delivered by the Seller during each transaction mulitplied by an energy charge rate which is agreed to prior to each transaction.

GPU requests that the Commission waive its customary notice period and allow the Agreement to become effective January 2, 1985.

The Agreement has been executed by GPU and by Orange and Rockland, and copies of the filing have been mailed or delivered to each of them and the regulatory commissions of Pennsylvania, New Jersey and New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 25, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-1499 Filed 1-17-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6828-002]

Public Utility District No. 1 of Franklin County; Surrender of Preliminary Permit

January 15, 1985.

Take notice that Public Utility District No. 1 of Franklin County, Permittee for Lower Palouse River Hydroelectric Project No. 6828, has requested that its Preliminary Permit be terminated. The Preliminary Permit was issued on October 31, 1983, and would have expired on September 30, 1986. The project would have been located on

Palouse River, near Kahlotus, in Franklin County, Washington.

The Permittee filed the request on December 17, 1984, and the preliminary permit for Project No. 6828 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. 85-1500 Filed 1-17-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF85-114-000, et al.]

Shell California Productions, Inc, et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.

January 15, 1985.

Comments are due on the following filings on or before thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission:

1. Shell California Productions, Inc.

[Docket No. QF85-114-000]

January 15, 1985.

On December 20, 1984, Shell California Productions, Inc., P.O. Box 11164, Bakersfield, California (Applicant), submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located approximately one mile north of Maricopa, California on the Applicant's Fulton Lease. The facility will consist of five existing oil or gas fired steam generators which produce steam for injection into wells to enhance oil production. A 3500 kilowatt steam turbine-generator will be installed between the bank of steam generators and the wells to convert the plant to a cogeneration facility. Installation is expected to begin February 1, 1985. The primary fuels used will be crude oil or natural gas.

2. Bishop Cogeneration Co.

[Docket No. QF85-148-000]

On December 19, 1984, Bishop Cogeneration Company, c/o Morrison-Knudsen Co., P.O. Box 7808, Boise, Idaho 83729, (Applicant), submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle congeneration facility will be located in Nueces County, Texas, 1.5 miles south of Bishop, Texas. The facility will consist of two combustion gas turbines which will exhaust through heat recovery steam generators to produce steam for process use. Steam produced in excess of the process needs will be used to drive a steam turbine-generator. The heat recovery steam generators will be equipped with duct burners for supplementary firing. The primary energy source will be natural gas. The electric power production capacity will be 326 megawatts. Construction is scheduled to begin in July 1985.

3. Marblehead Lime Co.

[Docket No. QF75-127-000]

On December 10, 1984, Marblehad Lime Company of 300 West Washington Street, Chicago, Illinois 66006, (Applicant), submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The bottoming-cycle cogeneration facility will be located at the Marblehad Lime Company plant at 3245 East 103rd Street, South Chicago, Illinois 60617. The facility will utilize hot exhaust gases from a rotary lime kiln to produce steam in a waste heat boiler, which will drive a steam turbine-generator rated 9.5 megawatts. The primary fuel used in the kiln will be coal. Natural gas will be used for startup. Installation is expected to begin in the spring of 1985.

4. Paul & Bill's Standard and Auto Wash

[Docket No.QF85-154-000]

On December 24, 1984, Paul & Bill's Standard and Auto Wash, (Applicant) of 300 West Galena Blvd., Aurora, Illinois 60506, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the applicant's address in Aurora, Illinois. The facility contains a reciprocating engine, and an induction generator. The exhaust of the engine is used to provide hot water for space heating and car washing. The electric power production of the facility is 50 kW. The primary energy source is natural gas. The facility will be installed on January 15, 1985.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-1495 Filed 1-17-84; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Request for Applications for Power From Boulder City Area Projects

AGENCY: Westren Area Power Administration, DOE.

ACTION: Notice of request for applications for power from Boulder City Area Projects.

SUMMARY: The Western Area Power Administration's (Western) Boulder City Area Office is requesting applications for power expected to be available beginning June 1, 1987. The amounts of power available from each project and the general terms, conditions, and principles under which the power is to be marketed are contained in the Conformed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects (Criteria) published in the **Federal Register** on December 28, 1984 (49 FR 50582).

Applications for power are requested from all qualified entities as defined in the conformed Criteria (Part V and Part VI) for capacity and energy available for allocation from the Parker-Davis Project and the Boulder Canyon Project Uprating Program (Uprating Program).

New applicants and existing Parker-Davis Project contractors are requested to apply for the Parker-Davis Project capacity and energy allocations as provided in the conformed Criteria (Part V).

In accordance with the Hoover Power Plant Act of 1984 (Pub. L. 98-381), the Boulder Canyon Project Uprating Program power will be offered to the Arizona Power Authority (Arizona), the Colorado River Commission of Nevada (Nevada) and qualified entities in California. Applications for power are requested from these entities for capacity and energy allocations available from the Uprating Program as defined in the conformed Criteria (Part VI). The Uprating Program shall be undertaken by the Bureau of Reclamation (Reclamation) from funds advanced by contractors receiving an allocation.

Existing Boulder Canyon Project contractors need not apply for renewal amounts of power shown in the conformed Criteria (Part VI).

Allocations for power from the Navajo resource for long-term arrangements will be made after a marketing plan has been developed in accordance with the conformed Criteria (Part IV).

Applications for power from the Navajo resource for short-term capacity and energy were requested by Western in the March 28, 1984, **Federal Register** (49 FR 11873-11874). Applications are being reviewed for allocation of short-term power when it becomes available.

Western will immediately begin accepting and reviewing applications for power in accordance with the conformed Criteria.

ADDRESS: Applications may be sent to: Mr. Thomas A. Hine, Area Manager, Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, NV 89005, (702) 293-8800.

DATES: Applications for power must be received on or before March 15, 1985. All entities requesting Parker-Davis Project power and California entities requesting Boulder Canyon Project Uprating Program power must apply within that period. Applications postmarked after March 15, 1985, will not be considered.

SUPPLEMENTARY INFORMATION: On December 28, 1984, Western published the Conformed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects in the **Federal Register**. That document contained information concerning the amount of power available from the Boulder Canyon Project (including the Uprating Program) and the Parker-Davis Project; the amount of power available from the Navajo resource; the marketing area; the service seasons; and the conditions and points of power delivery.

The applications for power shall include the following applicant profile data:

Applicant Profile Data

1. Eligibility—A statement of eligibility as a preference customer under Reclamation Law and pertinent statutes, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)).

2. Organization—A brief description of the organization that will interact with Western on contract and billing matters.

3. Loads:

a. A tabulation showing monthly peak demands and monthly energy usage for calendar years 1981, 1982, and 1983.

b. The applicant's daily peak for system loads for the peak week in the summer (March-September) and winter (October-February) seasons for 1981, 1982, and 1983.

c. Number and type of customers served: residential, commercial, industrial, military base and agricultural.

d. Average annual seasonal and monthly load factors for the total system for 1981, 1982 and 1983.

4. Resources:

a. List of generating resources, if any, including installed capacity, 1983 capacity factor, and location.

b. A listing, if an applicant is applying for power on behalf of others, of the entities represented, the present allocations to those entities of existing Federal resources, and the proposed allocation of the available new resources.

c. A listing of power supply contracts with parties other than Western which includes the amounts of capacity and energy under contract and termination date of each.

5. Transmission:

a. Voltage of service required, requested point(s) of delivery, and the capacity desired at each.

b. A description of the transmission arrangements necessary to deliver the power from the project delivery point(s) specified in the conformed Criteria to the applicant's load.

6. The name, address, and telephone number of a contact person from the consulting firm used, if appropriate.

7. Any other pertinent information the applicant may wish to provide.

8. The signature and title of an appropriate official who is able to attest to the validity of the data submitted and who is authorized to submit an application for power.

The applications shall include name and address of the applicant; including contact person(s), and the amounts of capacity and energy requested by project, for both the summer and winter seasons as defined in the Criteria.

Part VI of the conformed Criteria provides that Reclamation will finance the Uprating Program with contributed funds provided by the contractor(s) receiving the allocation of that additional increment of power. Accordingly, the Arizona Power Authority, the Colorado River Commission of Nevada, and entities applying for Uprating Program power within the State of California shall each include a statement of intent to provide advanced contributed funds to Reclamation for the Uprating Program. Such a statement is a condition precedent to an allocation of Uprating Program power by Western, as provided in Part VI of the conformed Criteria.

Entities requesting Uprating Program power shall also furnish a statement agreeing to supply their own reserves for power to meet or exceed Western Systems Coordinating Council minimum reserve requirements.

The applications for power will be available for public review at the Boulder City Area Office after March 15, 1985.

Issued in Golden, Colorado, January 11, 1985.

William H. Clagett,

Acting Administrator.

[FR Doc. 85-1466 Filed 1-17-85; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51554; FRL-2758-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published to the **Federal Register** on May 13, 1983 (48 FR 21722). This notice

announces receipt of thirteen PMNs and provides a summary of each.

DATES: Close of Review Period:

P 85-383, 85-384, 85-385, 85-386 and 85-387—April 7, 1985.

P 85-388—April 8, 1985.

P 85-389, 85-390, 85-391, 85-392, 85-393, 85-394 and 85-395—April 9, 1985.

Written comments by:

P 85-383, 85-384, 85-385, 85-386 and 85-387—March 8, 1985.

P 85-388—March 9, 1985.

P 85-389, 85-390, 85-391, 85-392, 85-393, 85-394 and 85-395—March 10, 1985.

ADDRESS: Written comments, identified by the document control number "[OPTS-51554]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M ST., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hemnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M St., SW., Washington, DC 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: Effective with this notice, a nonsubstantive change in the prefixes is being initiated for information published under sections 5(d)(2), 5(h)(4) and 5(h)(6) of the Toxic Substances Control Act (TSCA). The notices will contain essentially the same information but the prefixes to the specific number assignment will appear in an abbreviated form. Prefixes under the modified formal will use the letters "P" (PMN), "T" (TMEA) and "Y" (POLYMER EXEMPTION). The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

P 85-383

Manufacturer. Confidential.

Chemical. (S) Phenol, 2,4-bis[(dimethylamino)methyl[-6-methyl.

Use/Production. (G) Properitary additive used to stablize another component. Prod. range: 2,200-11,000 ky/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 6 workers, up to 4 hrs/da, up to 25 da/yr.

Environmental Release/Disposal. No release to air and water. Disposal by on-site waste water treatment plant.

P 85-384

Manufacturer. Confidential.

Chemical. (G) Epoxy amine adduct.

Use/Production. (G) Curative agent. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 6 hrs/da, up to 47 da/yr.

Environmental Release/Disposal. Less than 1.0 kg/batch incinerated.

P 85-385

Manufacturer. Confidential.

Chemical. (G) Acrylic rubber dispersion in epoxy resin.

Use/Production. (G) Adhesive. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 9 workers, up to 4 hrs/da, up to 2 da/yr.

Environmental Release/Disposal. Less than 2 to less than 40 kg/batch incinerated.

P 85-386

Manufacturer. Confidential.

Chemical. (G) Acrylate functional epoxy resin urethane.

Use/Production. (G) Dispersing agent. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 7 workers, up to 2 hrs/da, up to 1 da/yr.

Environmental Release/Disposal. Less than 2 kg/batch incinerated.

P 85-387

Manufacturer. Confidential.

Chemical. (G) Halogenated acrylate.

Use/Production. (G) Coating on an article. Prod. range: Confidential.

Toxicity Data. Acute oral: Male and female—>5,000 mg/kg; Irritation: Eye—Minimal.

Exposure. Manufacture and use: dermal, a total of 32 workers, up to 20 hrs/da, up to 6 da/yr.

Environmental Release/Disposal. 0.2 kg/batch released to land. Disposal by landfill with less than 0.3 to less than 5 kg/batch incinerated.

P 85-388

Manufacturer. Rohm and Haas Company.

Chemical. (G) Modified copolymer of acrylic and vinyl aromatic monomers.

Use/Production. (G) Coatings additive in open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. Acute oral: >5.0 g/kg; Acute dermal: >5.0 g/kg; Irritation: Skin—Slight, Eye—Slight.

Exposure. Manufacture: dermal, a total of 1 worker.

Environmental Release/Disposal. Release to air and land. Disposal by biological treatment system and approval landfill.

P 85-389

Importer. Marubeni America Corporation.

Chemical. (G) Copolymer of unsaturated polyester and allyl-compounds.

Use/Import. (S) Putty for vehicle. Import range: 20,000-80,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 85-390

Importer. Marubeni America Corporation.

Chemical. (G) Copolymer of unsaturated polyester and allyl-compounds.

Use/Import. (S) Coating for woodwork. Import range: 30,000-120,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 85-391

Importer. Marubeni America Corporation.

Chemical. (G) Copolymer of unsaturated polyester and ally-compounds

Use/Import. (S) Coating for woodwork. Import range: 30,000-120,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 85-392

Importer. Marubeni America Corporation.

Chemical. (G) Copolymer of unsaturated polyester and allyl-compounds.

Use/Import. (S) Coating for woodwork. Import range: 30,000-120,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 85-393

Importer. Marubeni America Corporation.

Chemical. (G) Copolymer of unsaturated polyester and allyl-compounds.

Use/Import. (S) Putty for vehicle. Import range: 20,000–80,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data sybmitted.

Environmental Release/Disposal. No data submitted.

P 85–394

Importer. Confidential.

Chemical. (G) Heteropolycycle azo benzeneamine derivative, salt.

Use/Import. (G) Open, non-dispersive use. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Inhalation.

Environmental Release/Disposal. Confidential. Disposal by navigable waterway.

P 85–395

Manufacturer. The Minnesota Mining and Manufacturing Company.

Chemical. (G) Substituted polyester resin.

Use/Production. (G) Industrial coating—open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. Acute oral: Male and female— > 5,000 mg/kg; Irritation: Skin—Minimal, Eye—Mild; Skin sensitization: Non-sensitizer; LC_{50} 96 hr (Fathead minnow): > 100 and < 500 mg/l; EC_{50} 48 hr (Waterflea): 121 mg/l; COD: 1.65 g/g; BOD_5: .46 g/g; BOD_{10}: .72 g/g; BOD_{20}: .75 g/g; EC_{50} 48 hr (Uncured powder): >1,000 mg/L; EC_{50} 48 hr (Uncured material): > 1,000 mg/L; EC_{50} 48 hr (Cured material): 900 mg/L; TOC (Uncured coated powder): 370 mg/L; TOC (Uncured coated material): 220 mg/L; TOC (Cured coated material): 37 mg/L.

Exposure. Confidential.

Environmental Release/Disposal. Less than 5 lbs incinerated.

Dated: January 11, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 85–1436 Filed 1–17–85; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59001; FRL–2758–3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984 (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of two such PMNs and provides a summary of each.

DATES: Close of Review Period:

Y 85–1—January 24, 1985.

Y 85–2—January 27, 1985.

FOR FURTHER INFORMATION: Wendy Cleland-Hamnett, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–611, 401 M St., SW., Washington, DC 20460, (202–382–3725).

SUPPLEMENTARY INFORMATION: Effective in the Premanufacture Notification document appearing elsewhere in this issue of the **Federal Register**, a nonsubstantive change in the prefixes is being initiated for information published under sections 5(d)(2) and 5(h)(6) of TSCA. The notices will contain essentially the same information but the prefixes to the specific number assignment will appear in an abbreviated form. Prefixes under the modified format will use the letters "Y" (POLYMER EXEMPTION), "P" (PMN) and "T" (TMEA). The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room E–107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 85–1

Importer. Badische Corporation.

Chemical. (G) Polyoxymethylene co-polymer.

Use/Import. (S) Industrial thermoplastic resin used for automotive and electromechanical engineering for snap on and other fastners for interior and exterior trim; steering column/gear shift assemblies; door handles, spring on and ratchet mechanisms; reels and guide rolls for audio and video cassettes; precision parts for instrumentation and control technology and miscellaneous for household appliance parts; building trade and pipe fitting parts for sport and recreation materials. Import range: Confidential.

Toxicity Data. 24 hr Cytotoxicity screening test: Non-cytoxic: 24 hr Soaking test: Slight.

Exposure. Processing and use: dermal, a total of 100 workers.

Environmental Release/Disposal. Release is minimal.

Y 85–2

Importer. KAY-FRIES, INC.

Chemical. (G) Linear saturated polyester resin containing hydroxyl groups.

Use/Import. (S) Industrial coatings for building products and food applications and decorative coating for metals. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Import and use: dermal, 5–10 workers.

Environmental Release/Disposal. No release.

Dated: January 14, 1985.

V. Paul Fuschini,

Acting Director, Information Management Division.

[FR Doc. 85–1433 Filed 1–17–85; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59182; FRL–2758–4]

Phenol, 2,4-bis[(dimethylamino) methyl]-6-methyl; Test Marketing Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722. This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for exemption, provides a summary, and requests comments on the appropriateness of granting of the exemption.

DATE: Written comments by: February 4, 1985.

ADDRESS: Written comments, identified

by the document control number "[OPTS-59182]" and the specific TME number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-4201, 402 M Street, SW, Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW, Washington, DC 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: Effective in the Premanufacture Notification document appearing elsewhere in this issue of the **Federal Register**, a nonsubstantive change in the prefixes is being initiated for information published under sections 5(d)(2), 5(h)(4) and 5(h)(6) of the Toxic Substances Control Act (TSCA). The notices will contain essentially the same information but the prefixes to the specific number assignment will appear in an abbreviated form. Prefixes under the modified format will use the letters "T" (TMEA), "P" (PMN) and "Y" (POLYMER EXEMPTION).

The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete nonconfidential document is available in the Public Reading Room E-107 at the above address.

T 85-19

Close of Review Period. February 21, 1985.

Manufacturer. Confidential.

Chemical. (S) Phenol, 2,4-bis[(dimethylamino)methyl]-6-methyl.

Use/Productions. (S) Used as an additive in a solution that will contain less than 0.3% w/w. Prod. range: <100 kg/60 days.

Toxicity Data. No data submitted.

Exposure. Manufacture: a total of <25 workers.

Environmental Release/Disposal. No data submitted.

Dated: January 14, 1985.

V. Paul Fuschini,

Acting Director, Information Management Division.

[FR Doc. 85-1435 Filed 1-17-85; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2758-8]

Environmental Impact Statements; Availability

Responsible Agency

Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

Availability of Environmental Impact Statements filed January 7, 1985 through January 11, 1985 Pursuant to 40 CFR 1506.9.

EIS No. 850010, DRevised, AFS, MT, Beaverhead National Forest Land and Resource Management Plan, Beaverhead, Madison, Silver Bow, Gallatin and Deer Lodge Counties, Due: April 15, 1985, Contact: Joseph Wagenfehr (406) 683-2312

EIS No. 850011, Draft, OSM, MT, Rosebud Mine Area D Expansion, Approval/Permits, Rosebud County, Due: March 4, 1985, Contact: Kit Walther (406) 444-2074

EIS No. 850012, Draft, FHW, AR, Hot Springs East/West Arterial Construction, US 270 to US 270W, Garland County, Due: March 4, 1985, Contact: Carl Kraehmer (501) 378-5625

EIS No. 850013, Draft, BLM, AZ, CA, Yuma District Resource Management Plan, Yuma, La Paz, and Mohave Counties, AZ and San Bernardino, Riverside and Imperial Counties, CA, Due: April 19, 1985, Contact: Dennis Turowski (602) 726-6300

EIS No. 850014, Final, AFS, AK, Admiralty Island National Monument Boundary Adjustment, Tongass National Forest, Due: February 18, 1985, Contact: Helen Castillo (907) 789-3111

EIS No. 850015, Draft, AFS, KY, Daniel Boone National Forest Land and Resource Management Plan, Due: April 11, 1985, Contact: Richard Wengert (606) 745-3100

EIS No. 850016, Draft, FHW, OR, Kuebler Boulevard-Cordon Road Improvements, South Commercial Street to North Santiam Highway Marion County, Due: March 15, 1985, Contact: Campbell Gilmour (503) 378-8486

EIS No. 850017, Final, FHW, OH, US 33 Relocation, US 33/CR-28 to US 33/US 36/OH-4, Improvement, Union and Logan Counties, Due: February 19, 1985, Contact: Byrd Finley (614) 466-0162

EIS No. 850018, Final, BLM, CA, Celeron/All American and Getty Pipeline Project, Construction, Right-of-Way Permits, Santa Barbara County, Due: February 18, 1985, Contact: Mary Griggs (916) 322-0354

EIS No. 850019, Final, AFS, CO, Rio Grande National Forest Land and Resource Management Plan, Due: February 18, 1985 Contact: John Quinn (303) 852-5941

EIS No. 850020, Draft, AFS, PA, Allegheny National Forest Land Resource Management Plan, Elk, Forest, McKeon and Warren Counties, Due: April 29, 1985, Contact: R. Forrest Carpenter (814) 723-5150

EIS No. 850021, Draft, NRC, PA, Beaver Valley Power Station, Unit 2, Operating License, Beaver County, Due: March 4, 1985, Contact: Ms. Lev (301) 492-7000.

Amended Notices

EIS No. 840414, Draft, USN, ATL, VA, Navy Electromagnetic Pulse Radiation Environment Simulation for Ships (EMPRESS II), Operation, Chesapeake Bay and Atlantic Ocean, Due: December 1, 1985, Published FR—12-13-84—Review extended

EIS No. 840545, Draft, USN, NV, Fallon Naval Air Station, Supersonic Operations Area, Designation and Strike Warfare Center, Due: March 20, 1985, Published FR—1-11-85—Review extended.

Dated: January 15, 1985.

David G. Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 85-1475 Filed 1-17-85; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2759-2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared December 31, 1984 through January 4, 1985 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act, as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5075/76. An explanation of the ratings assigned to draft environmental impact statements (ESIs) was published in **Federal Register** dated October 19, 1984 (49 FR 41108).

Drafts EIS's

ERP No. D-BLM-K61066-NV, Rating EC2, Caliente Resource Area, Wilderness Study Areas, Designation, NV. Summary: EPA recommended that the FEIS contain: (1) A revision of the Preferred Alternative to include portions of the Wilderness Alternative; (2) additional analyses of impacts to water quality from mining, erosion and grazing; (3) additional air quality

analyses based on impacts from multiple uses; and (4) an analyses of herbicide use and description of the areas to be treated.

ERP No. D-BLM-L70000-ID, Rating LO, Jarbidge Resource Area, Resource Mgmt. Plan, ID and NV. Summary: EPA had no substantive concerns with the proposed action.

ERP No. D-FHW-L40141-OR, Rating LO, Oakland-Shady Highway/OR-99/ Stephens Street, Widening and Improvements, NW Hooker Ave. to NE Alameda Ave., OR. Summary: EPA's review of the DEIS finds the environmental impacts should be minimal.

ERP No. D-OSM-G01008-NM, Rating LO, La Plata Mine Operation, Approval/ Permit, San Juan Basin, NM. Summary: EPA has not identified any potential environmental impacts requiring substantive changes to the proposal.

ERP No. D-UMT-D54033-MD, Rating EC2, Baltimore Northeast Corridor Transit Improvements, MD. Summary: EPA expresses support for the project, but also indicates several areas where more information will be necessary to adequately resolve several environmental concerns relating to microscale air quality impacts and traffic operations.

Final EIS's

ERP No. F-BLM-J02008-CO, Mobile/ Pacific Oil Shale Development, Purchase, Exchange or Lease and Right-of-Way, Piceance Creek Basin, CO. Summary: EPA's review finds that, although the FEIS is an improvement over the DEIS, a number of unresolved issues remain. These include retorting technologies and associated waste streams, and lack of detail concerning disposal of retorted shale. Since oil shale is an emerging industry and much of the necessary information does not exist, EPA has requested that individual Section 404 permits be required for spent shale disposal piles and that additional NEPA analyses be conducted as more specific information becomes available.

ERP No. F-BLM-J65029-00, Book Cliffs Resource Area, Resource Mgmt. Plan, UT and CO. Summary: EPA's review of the FEIS identified continued concerns regarding the environmental impact of energy development, grazing, off-road vehicles, and the use of chemicals and burning to manipulate vegetation. EPA has requested additional, more direct and complete responses to these concerns.

ERP No. FS-COE-C36042-LA, Lake Pontchartrain and Vicinity Hurricane Protection Levee, Construction, LA. Summary: The FEIS adequately responds to EPA's comments issued on the DEIS and no new issues of concern have been identified.

ERP No. F-COE-L35008-AK, Cube Cove-Admiralty Island Log Transfer Facility, Construction and Operation, Permit, Chatham Strait, AK. Summary: EPA's review identified no environmental concerns with the proposed projects, but suggested that the bark deposition monitoring program identified in the FEIS should be included as conditions in the Section 404 Permit.

ERP No. F-FHW-K40110-CA, I-215 Freeway Construction, Van Buren Blvd. to CA-60, CA. Summary: EPA expressed no comment on the FEIS and requested a copy of the Record of Decision.

ERP No. F-NOA-A83016-00, Next Generation Weather Radar (NEXRAD) System, Construction and Operation. Summary: EPA made no formal comments. The FEIS satisfactorily resolved EPA's concerns raised in review of the DEIS.

Dated: January 4, 1985.

David G. Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 85-1482 Filed 1-17-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

County Exposure Report for U.S. Agencies and Branches of Foreign Banks (FFIEC 019)

AGENCY: Federal Financial Institutions Examination Council (the Council).

ACTION: Notice of request for comments on proposed reporting requirements.

SUMMARY: The Council is seeking comment on a proposal to implement a quarterly report that would collect information on the country risk exposure of U.S. branches and agencies of foreign banks. Each such branch and agency that had more than $30 million in total direct claims on residents of foreign countries would be required to report information on its exposure to its home country and to the five other countries to which its exposure is greatest. The report would permit the federal bank regulatory agencies—the Federal Reserve System, the Comtroller of the Currency, and the Federal Deposit Insurance Corporation—to monitor the significant foreign exposures of the U.S. branches and agencies of foreign banks, thereby enhancing the regulatory agencies' ability to carry out their responsibilities under the International Banking Act of 1978. Similar exposure information is already reported by U.S. banks. It is proposed that the report would be implemented no earlier than a Septembr 30, 1985 report date. The Council is requesting comment in particular on whether Part II of the proposed report—which calls for information on foreign exposure by type of borrower and by remaining maturity—should be made available to the public on request on an individual report basis.

DATE: Comments must be received on or before April 18, 1985.

ADDRESS: Comments may be mailed to Robert J. Lawrence, Executive Secretary, Federal Financial Institutions Examination Council, 490 L'Enfant Plaza, SW, Eighth Floor, Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: William A. Ryback, Office of the Comptroller of the Currency, Washington, DC 20219, (202) 447-0413; Michael G. Martinson, Federal Reserve Board, Washington, DC 20551, (202) 452-3621; Hugh W. Conway, Federal Deposit Insurance Corporation, Washington, DC 20429, (202) 389-4345.

SUPPLEMENTARY INFORMATION: The Council, pursuant to section 1006(c) of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3305(c)), proposes that the federal banking supervisory agencies—Federal Reserve Board, Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation—require a proposed quarterly Country Exposure Report for U.S. Branches and Agencies of Foreign Banks (FFIEC 019) effective no earlier than the report for September 30, 1985. The report is authorized by sections 7 and 13 of the International Banking Act of 1978 (12 U.S.C. 3105 and 3108), the National Bank Act, as amended (12 U.S.C. 161), and sections 7 and 10 of the Federal Deposit Insurance Act (12 U.S.C. 1817 and 1820)

The agencies are proposing to collect the information in order to supervise more effectively the operations of the branches and agencies. The country risk exposure of these offices is a matter of supervisory and regulatory concern inasmuch as such exposure may adversely affect the financial soundness of these offices. The information to be collected would allow more effective assessment of the condition of U.S. branches and agencies.

The proposed report would be required each quarter from each U.S. branch and agency of a foreign bank in the 50 states of the United States and the District of Columbia that had more than $30 million in direct claims on residents of foreign countries as of that quarterly report date. Each branch or

agency required to report would have to provide information on (1) direct claims, e.g., claims in the form of deposit balances, loans and securities and (2) indirect claims, e.g., claims in the form of guarantees of one kind or another, on residents of each one of a group of countries specified for that respondent. (In the report, the combination of direct and indirect claims is referred to as "total adjusted claims".) The countries on which claims would be reported by each branch and agency that was above the $30 million threshold would depend upon the particular pattern of exposure of the reporting branch or agency. For each branch or agency, the countries to be reported would be its home country, regardless of the magnitude of the claims, and the five other countries (excluding the United States) on which its "adjusted" claims were the largest and were at least $5 million. If a given branch or agency does not have five such countries on which it has at least $5 million in adjusted claims, it would report fewer than five other countries.

In addition to the information on direct and indirect claims, the proposed report would also require each branch and agency to report its outstanding letters of credit, both commercial and standby, to residents of each of the same countries for which it reports claims.

The council also has under consideration a proposal to include, with the reporting of letters of credit, information on certain other fee-paid commitments, namely those where the loan commitment agreement does *not* contain covenants that permit the lender to refuse to disburse funds under the commitment if there is a significant adverse change in the financial circumstances of the borrower. The Council particularly requests comment on whether such other commitments are the functional equivalent of standby letters of credit, whether they are readily distinguishable from other commitments in the records of the branches and agencies, and whether they can be reported without undue burden.

The report would be in two parts. In Part I, each reporting branch and agency would report, by country as appropriate, the information on its direct claims, indirect claims, and "total adjusted claims" on foreign residents, as well as information on commercial and standby letters of credit. Part II would require a breakdown, for each reported country, of adjusted claims on nonrelated foreign residents by type of borrower and by maturity.

Under the Council's proposal, Part I would not be made available to the public. The Council specifically requests comment on whether Part II of the proposed report should be made available to the public on an individual report basis.

Copies of the proposed report form and instructions are being mailed to all U.S. branches and agencies of foreign banks. Copies may also be requested from Robert J. Lawrence, Executive Secretary, Federal Financial Institutions Examination Council, 490 L'Enfant Plaza, SW, Eighth Floor, Washington, DC 20219. The Council would welcome comments on the detailed instructions from potential respondents as an aid in having the final instructions as clear as possible in order to facilitate reporting.

In accordance with section 3507 of the Paperwork Reduction Act of 1980 and 5 CFR 1320.12, the proposed Country Exposure Report for U.S. Branches and Agencies of Foreign Banks (FFIEC 019) will be submitted to the Office of Management and Budget for review if the proposed report is adopted by the Council after consideration of comments received during the 90 day public comment period.

Dated: January 14, 1985.

Robert J. Lawrence,

Executive Secretary, FFIEC.

[FR Doc. 85-1470 Filed 1-17-85; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 85-30]

Mortgage-Backed Securities; Information Collection Requirements Submitted for OMB Approval

Dated: January 14, 1985.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The public is advised that the Federal Home Loan Bank Board has submitted a new information collection, "Mortgage-Backed Securities" to the Office of Management and Budget for expedited approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Comments: Comments on the information collection request are welcome and should be submitted promptly. Comments regarding the paperwork-burden aspect of the request should be directed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, Attention: Desk Officer for the Federal Home Loan Bank Board.

The Board would appreciate commenters sending copies of their comments to the Board.

Requests for copies of the proposed information collection request and supporting documentation are obtainable at the Board address given below: Director, Information Services Section, Office of Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552, Phone: 202-377-6933.

FOR FURTHER INFORMATION CONTACT: Douglas McEachern, Office of Examinations and Supervision. Phone: 202-377-6392.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 85-1486 Filed 1-17-85; 8:45 am]

BILLING CODE 6720-01

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 15 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-009474-011.

Title: Thailand/North America Conference.

Parties:

American President Lines, Ltd.

A.P. Moller-Maersk Line

Sea-Land Service, Inc.

United States Lines, Inc.

Synopsis: The proposed amendment would add provisions renaming the agreement and expanding the geographic scope to include U.S. Atlantic and Gulf all-water authority. It would revise the agreement to conform with the format requirements of the Commission's regulations and would modify the agreement to incorporate mandatory provisions of the Shipping

Act of 1984. It would also make certain administrative changes.

Agreement No.: 206-010715.

Title: EUROSPAN.

Parties:

North Europe-U.S. Gulf Freight Association

Gulf European Freight Association

Synopsis: The proposed agreement would permit the parties to collectively engage in (1) ratemaking, tariff formulation and service contract activities with or in respect to common two-way shippers; (2) ratemaking and tariff formulation relating to terminal services, inland transport and credit facilities in conjunction with import-export transport service; and (3) space/slot chartering arrangements under their respective conference agreements, and would establish administrative procedures applicable to such operations.

By Order of the Federal Maritime Commission.

Bruce A. Dombrowski,

Assistant Secretary.

Dated: January 15, 1985.

[FR Doc. 85-1511 Filed 1-17-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank of the Rockies Bancshares, Inc.; Formation of; Acquisition by; or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.24) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than February 11, 1985.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Bank of the Rockies Bancshares, Inc.*, Boulder, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of National Bank of the Rockies in Denver, Denver, Colorado.

Board of Governors of the Federal Reserve System, January 14, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-1442 Filed 1-17-85; 8:45 am]

BILLING CODE 6210-01-M

Marathon Bancorp; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 8, 1985.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Marathon Bancorp*, Los Angeles, California; to engage *de novo* through its subsidiary, Marathon Bancorp Mortgage Corporation, Los Angeles, California, in mortgage lending and mortgage brokering, consisting of making, acquiring and servicing loans for its own accounts and the accounts of others. These activities would be conducted in the state of California.

Board of Governors of the Federal Reserve System, January 14, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-1443 Filed 1-17-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on January 11, 1985.

Office of Human Development Services

Subject: Study of Reunification of Minorities-New

Respondents: Individuals or households, State or local governments

OMB Desk Officer: Robert J. Fishman

Health Care Financing Administration

Subject: Section 4440, State Medicaid Manual, Home and Community Based Services Model Waiver (HCFA-8001) Reinstatement (0938-0272)

Respondents: States

Subject: State MQC Sample Selection List (HCFA 319) Revision (0938-0147)

Respondents: States

Subject: HCFA Forms and Manual Order (HCFA-1961) Revision (0938-0356)

Respondents: Medicare Intermediaries and Carriers, Medicaid State Agencies
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Cost-Effectiveness of Using Credit Reports in Determining Eligibility and Payment for use in the AFDC Program–SSA–1783, SSA–1784 New
Respondents: States participating in demonstration project
OMB Desk Officer: Robert J. Fishman

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, ATTN: (name of OMB Desk Officer).

Dated: January 14, 1985.

Wallace O. Keene,

Acting Deputy Assistant Secretary, for Management Analysis and Systems.

[FR Doc. 85–1409 Filed 1–17–85; 8:45 am]

BILLING CODE 4150–04–M

Food and Drug Administration

[Docket No. 85N–0020]

Determination of Regulatory Review Period for Purposes of Patent Extension; Labetalol Hydrochloride

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for the human drug product labetalol hydrochloride and is hereby publishing a notice of the determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that product.

FOR FURTHER INFORMATION CONTACT: Philip Spiller, Office of Legislation and Information (HFW–14), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3793.

SUPPLEMENTARY INFORMATION: The "Drug Price Competition and Patent Term Restoration Act of 1984" (Pub. L. 98–417) authorizes up to 5 years of extension of the term of a patent which claims any human drug product, medical device, or a food or color additive, or a method of using or manufacturing such a product, device, or additive so long as the product was subject to a Federal regulatory review period in accordance with that act before the product, device, or additive was marketed.

Under 35 U.S.C. 156(g), a regulatory review period consists of two periods of time: A period during which the product is being tested, followed by a period during which an application or petition for marketing approval is pending before FDA. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (half the testing time must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period will include all of the testing and application times as specified in 35 U.S.C. 156(g) (1)(B) and (3)(B).

Labetalol Hydrochloride

Labetalol hydrochloride is the active ingredient in Normodyne tablets and injection (Schering, Inc.) and Trandate tablets and injection (Glaxo, Inc.), all of which were approved for marketing by FDA on August 1, 1984, for the management of hypertension. FDA has determined that the total length of the regulatory review period for labetalol hydrochloride was 3,382 days, or approximately 9.3 years. Of this time, 2,430 days, or approximately 6.7 years, occurred during the testing phase of the regulatory review period while 952 days, or approximately 2.6 years, occurred during the application phase. These periods of time were derived from the following dates:

a. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* April 30, 1975.

Note.—That under FDA regulations (21 CFR 312.1(b)(4)), an exemption usually does not become effective until 30 days after a notice of claimed investigational exemption for a new drug is received by FDA.

b. *The date the application was initially submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* December 24, 1981. (For purposes of verification, FDA regards the date of initial submission as being the date that FDA actually received the application.)

c. *The date the application was approved:* August 1, 1984.

FDA was able to verify these dates against agency records.

Dated: January 15, 1985.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 85–1596 Filed 1–17–85; 8:45 am]

BILLING CODE 4160–01–M

[FDA–225–75–4072]

Memorandum of Understanding With the Food Safety and Inspection Service, U.S. Department of Agriculture and the Food and Drug Administration, Department of Health and Human Services

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture, in conducting Class I or Class II recalls of food. The agreement specifically pertains to meat and poultry products that have been manufactured in an FSIS establishment and that contain food ingredients that have been recalled by FDA.

DATE: This agreement became effective December 4, 1984.

FOR FURTHER INFORMATION CONTACT: Walter J. Kustka, Intergovernmental and Industry Affairs Staff (HFC–50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1583.

SUPPLEMENTARY INFORMATION: In accordance with § 20.108(c) (21 CFR 20.108(c)) which states that all agreements and memoranda of understanding between FDA and others shall be published in the **Federal Register**, the agency is publishing the following memorandum of understanding:

Memorandum of Understanding Between the Food and Drug Administration, Department of Health and Human Services, and the Food Safety and Inspection Service, U.S. Department of Agriculture

I. Purpose

This agreement sets forth the working arrangements that are to be followed by the Food and Drug Administration (FDA), Department of Health and Human Services, and the Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture, in conducting Class I or Class II recalls of food. Specifically, the agreement pertains to meat and poultry products that have been manufactured in an FSIS

inspected establishment and that contain food ingredients that have been recalled by FDA. This agreement revises and supersedes the agreement on this subject which became effective June 12, 1975.

II. Background

FDA is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301, et seq.). In fulfilling its responsibilities under the act, FDA directs its activities toward the protection of the public health of the nation by ensuring that food is safe and wholesome and that products are honestly and informatively labeled. This is accomplished, in part, by inspecting the processing and distribution of food and examining samples thereof to assure compliance with the act. If FDA determines that a food is not in compliance with the act, FDA has a variety of available regulatory options it may use to assure that the food is removed from the market. Voluntary recalls are among the procedures most frequently used. "Food" is defined under the act as "[any] articles used for food * * * [or] for components of any such article" (21 U.S.C. 321(f)). Ingredients of food are also food and are subject to voluntary recalls if not in compliance with the act. Food, including meat and poultry products, that contains a recalled ingredient is also subject to recall.

FSIS was established by the Secretary of Agriculture on September 30, 1981. At the time of the agreement of June 12, 1975, with FDA, USDA's meat and poultry inspection programs were in the Animal and Plant Health Inspection Service (APHIS). On January 9, 1978, these inspection functions were transferred to the Food Safety and Quality Service (FSQS), and by further reorganization on September 30, 1981, to the present agency, FSIS. Under its statutes, FSIS has the basic responsibility to conduct regulatory programs to protect the wholesomeness of meat and poultry products for human consumption. In cooperation with state governments, FSIS conducts regulatory programs to provide equal protection to meat and poultry products manufactured under the control of State inspection systems. Federal inspection is made by FSIS of all meat, poultry, and related products manufactured by firms for interstate or foreign commerce. The inspection is conducted on livestock and poultry at the time of slaughter, and at various stages throughout the processing and handling of the meat and poultry products to assure their wholesomeness and truthful labeling.

During the recall of a meat or poultry product that has been manufactured in accordance with the Federal Meat Inspection Act and/or the Poultry Products Inspection Act and that contains a food ingredient that has been recalled by FDA, both FDA and FSIS have an interest in knowing that the recall is carried out expeditiously.

III. Definitions

A. *Class I Recall.* A Class I recall is a situation in which there is a reasonable probability that the use of, or exposure to, a violative product will cause serious adverse health consequences or death.

B. *Class II Recall.* A Class II recall is a situation in which use of, or exposure to, a violative product may cause temporary or medically reversible adverse health consequences or where the probability of serious adverse health consequences is remote.

IV. Substance of Agreement

A. Upon learning of a class I or II recall situation, FDA will:

1. Expeditiously furnish FSIS (Emergency Programs Staff) the rationale on which the recall is based and the identity of USDA inspected firms known or suspected by FDA to have received the food ingredients being recalled. This information will relate to recalls involving food ingredients under the exclusive jurisdiction of FDA that were sent to a USDA inspected plant for use in meat and poultry products.

2. Assist USDA (when requested) in its investigation and evaluation to determine the need for the secondary recall of a meat and/or poultry product manufactured in a USDA inspected plant.

3. Furnish FSIS (Emergency Programs Staff) available pertinent evidence to support a USDA request to a U.S. Attorney for seizure (if necessary) under section 403(a) of the Federal Meat Inspection Act (21 U.S.C. 673) and section 20 of the Poultry Products Inspection Act (21 U.S.C. 469(b)).

B. Upon receiving information from FDA concerning a Class I or II recall, FSIS will:

1. Evaluate manufacturing procedures in consultation with FDA to determine the need for the secondary recall of USDA inspected meat and poultry products.

2. Initiate a secondary recall of meat and poultry products, when necessary, and monitor and determine the effectiveness of the recall.

3. Issue appropriate press releases after consultation with FDA and affected firms.

4. Provide FDA with the identity and amounts of USDA inspected meat and poultry products containing food ingredients under recall.

5. Advise FDA of product disposition, if other than destruction, before disposition occurs.

C. FDA and FSIS agree that:

1. Each agency will keep its customary records and make those related to the operation of this agreement available to the other agency.

2. Both agencies will collaborate in furnishing reports of the progress of the work and such other reports as may be mutually agreed upon from time to time between the cooperating parties.

V. Participating Parties

A. Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

B. Food and Drug Administration, Department of Health and Human Services, 5600 Fishers Lane, Rockville, MD 20857.

VI. Liaison Officers

A. Primary liaison for operational matters will be maintained between the following units:

For FSIS: Director, Emergency Programs Staff MPIO (currently Earl Montgomery), Food Safety and Inspection Service, USDA, Rm. 4438, South Agriculture Bldg., Washington, DC 20250, 202–447–3033.

For FDA: Director, Division of Emergency and Epidemiological Operations (HFC–160) (currently Richard C. Swanson), Food and Drug Administration, Rm. 13–62, Parkland Bldg., Rockville, MD 20857, 301–443–1240.

B. Secondary liaison for FDA for technical matters will be: Recall Office, Division of Regulatory Guidance, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 202–485–0244.

Secondary liaison will include early transmissions to USDA of hazard notices involving FDA regulated products which are potential ingredients in USDA inspected meat or poultry products.

VII. Duration of Agreement

This agreement becomes effective upon acceptance by both parties and will continue indefinitely. It may be modified by mutual written agreement or terminated by either party upon a 30-day advance written notice to the other party.

Approved and Accepted for the Food Safety and Inspection Service.

By: Joseph A. Powers.

Title: *Deputy Administrator, Administrative Management.*

Date: November 14, 1984.

Approved and Accepted for the Food and Drug Administration.

By: Joseph P. Hile,

Title: *Associate Commissioner for Regulatory Affairs/FDA.*

Date: December 4, 1984.

Effective date. This agreement became effective December 4, 1984.

Dated: January 11, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-1447 Filed 1-17-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84M-0434]

Wesley-Jessen; Premarket Approval of AIRLens® (Arfocon A) Gas Permeable Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Wesley-Jessen, Chicago, IL, for premarket approval, under the Medical Device Amendments of 1976, of the AIRLens® (arfocon A) Gas Permeable Contact Lens. After reviewing the recommendation of the Ophthalmic Devices Panel (formerly the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel), FDA notified the applicant that FDA approved the application because the applicant had shown the device to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by February 19, 1985.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard E. Lippman, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: On October 17, 1983, Wesley-Jessen, Chicago, IL 60603, submitted to FDA an application for premarket approval of the AIRLens® (arfocon A) Gas Permeable Contact Lens. The AIRLens® (arfocon A) Gas Permeable Contact Lens (untinted and blue-tinted) ranges in powers from −20.00 diopters to +10.00 diopters and is indicated for daily wear for the correction of visual acuity in not-aphakic persons with nondiseased eyes that are myopic, hyperopic, or emmetropic and may have astigmatism of 4.00 diopters or less. The blue-tinted lens contains the color additive D&C Green No. 6, which is listed by FDA for use in contact lenses (21 CFR 74.3206). On April 17, 1984, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On December 11, 1984, FDA approved the application by letter to the applicant from the Director of the Office of Device Evaluation, Center for Devices and Radiological Health.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), contact lenses made of polymers other than polymethylmethacrylate (PMMA) and solutions for use with lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), contact lenses made of polymers other than PMMA and solutions for use with such lenses are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of contact lenses made of polymers other than PMMA or solutions for use with such lenses comply with the records of reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA based its approval is on file with the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at the Center for Devices and Radiological Health—contact Richard E. Lippman (HFZ-460), address above.

The labeling of the approved contact lens states that the lens is to be disinfected using only the recommended chemical (not heat) disinfection system. The restrictive labeling informs new users that they must avoid using certain products, such as solutions containing chlorhexidine and solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that FDA approves for use with approved contact lenses made of polymers other than PMMA. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution at the next printing or at any time FDA prescribes by letter to the sponsor.

Opportunity for Adminsitrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA's action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to

be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 19, 1985, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 11, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-1446 Filed 1-17-85; 8:45 am]

BILLING CODE 4160-01-M

Office of Human Development Services

Administration for Children, Youth and Families; Allotment Percentages, Child Welfare Services State Grants

AGENCY: Office of Human Development Services, HHS.

ACTION: Bi-annual publication of allotment percentages for States under the Child Welfare Services State Grants Progam.

Purpose: Section 421(c) of the Social Security Act (42 U.S.C. 621(c)) requires that the Secretary publish the allotment percentage for each State under the Child Welfare Services State Grant Program every two years. Under section 421(a), the allotment percentages are one of the factors used in the computation of the Federal grants awarded under the Program.

DATES: The table indicates the allotment percentages to be used for fiscal years 1986 and 1987.

FOR FURTHER INFORMATION CONTACT: Mrs. Ellen Fagins, Formula Grants Branch, Management Support Division, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013, 202-755-7480.

SUPPLEMENTARY INFORMATION: The allotment percentage for each State is determined on the basis of the complement of the three year average per capita income in each State compared to the national three year average per capita income. The allotment percentage for each State is as follows:

State	Allotment percentage
Alabama	60.77
Alaska	30.00
Arizona	54.22
Arkansas	61.87
California	43.05
Colorado	45.33
Connecticut	37.42
Delaware	46.54
District of Columbia	33.80
Florida	50.65
Georgia	56.57
Guam	70.00
Hawaii	47.82
Idaho	58.74
Illinois	45.97
Indiana	54.55
Iowa	52.22
Kansas	47.13
Kentucky	59.33
Louisiana	55.16
Maine	58.41
Maryland	44.78
Massachusetts	44.76
Michigan	51.00
Minnesota	49.12
Mississippi	65.37
Missouri	53.23
Montana	56.78
Nebraska	51.19
Nevada	45.80
New Hampshire	49.96
New Jersey	40.78
New Mexico	58.46
New York	45.20
North Carolina	56.62
North Dakota	50.07
Northern Marianas	70.00
Ohio	51.87
Oklahoma	51.47
Oregon	53.77
Pennsylvania	50.96
Puerto Rico	70.00
Rhode Island	50.75
South Carolina	61.06
South Dakota	57.71
Tennessee	59.31
Texas	49.21
Utah	60.99
Vermont	57.22
Virgin Islands	70.00
Virginia	48.98
Washington	47.33
West Virginia	60.23
Wisconsin	51.43
Wyoming	45.85

Dated: December 5, 1984.

Joseph Mottola,

Acting Commissioner, Administration for Children, Youth and Families.

Approved: January 15, 1985.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 85-1471 Filed 1-17-85; 8:45 am]

BILLING CODE 4130-01-M

Public Health Service

Health Resources and Services Administration; Statement of Organization, Functions and Delegations of Authority

Part H, Chapter HB (Health Resources and Services Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (47 FR 38409-24, August 31, 1982, as most recently amended at 49 FR 35251, September 6, 1984), is amended to reflect the restructuring of components and the realignment of functional responsibilities within the Office of the Associate Director for Health Maintenance Organizations, Bureau of Health Maintenance Organizations and Resources Development.

Under Section HB-10, *Organization of Functions;* make the following changes:

1. Delete the *Office of the Associate Director for Health Maintenance Organizations (HBHE)* in its entirety and substitute the following:

Office of the Associate Director for Health Maintenance Organizations (HBHE) Carries out the Bureau of Health Maintenance Organizations and Resources Development's health maintenance organizations program nationwide under the direction of an Associate Director who is responsible to the Bureau Director. (1) Develops national policies and objectives for the development of Health Maintenance Organizations (HMOs); (2) develops long- and short-range program goals and objectives; (3) manages the Department's responsibilities in the areas of HMO qualification, ongoing regulation, and employer compliance efforts; (4) plans, coordinates, and directs the development and preparation of legislative proposals, regulations, and policy documents; (5) certifies the eligibility of Competitive Medical Plans to contract with the Health Care Financing Administration; (6) develops strategies and coordinates program activities to increase the enrollment in HMOs of Federal beneficiaries under the Medicare, Medicaid, CHAMPUS and Federal Employees Health Benefits programs; (7) serves as the focal point for furthering private sector involvement with HMO development; and (8) plans and coordinates Federal and private reserch and evaluation programs affecting HMOs.

2. Delete the *Division of Private Sector Initiatives (HBHE5)* in its entirety.

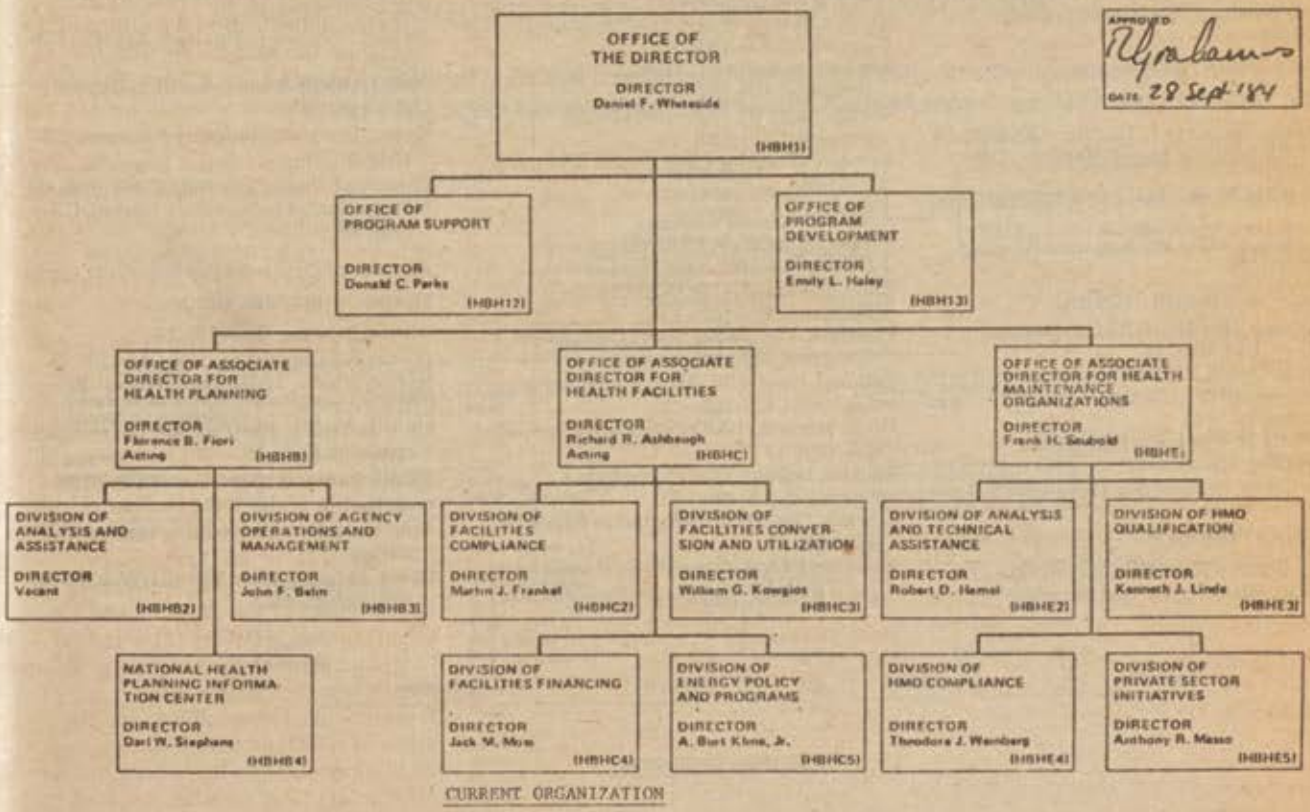
Dated: January 13, 1985.

Robert Graham,

Administrator, Health Resources and Services Administration.

DEPARTMENT OF HEALTH & HUMAN SERVICES
PUBLIC HEALTH SERVICE
HEALTH RESOURCES AND SERVICES ADMINISTRATION

Bureau of Health Maintenance Organizations and Resources Development



CURRENT ORGANIZATION

Current Organization

Office of the Associate Bureau Director for Health Maintenance Organizations

HBHE1 4-3773004 02909

Seubold, Frank H., Director, ES-0601-04
Carvey, Diane H., Financial Management Advisor, GM-0502-15
Blankenbaker, Dwight P., Program Analysis Officer, GM-0345-15
Eberhard, Lois S., Inter-Govnt. Liaison Specialist, GS-0301-14
White, Wanda R., Program Analyst, GS-0345-13
Russek, Anna M., Secretary (Steno), GS-0318-09
Riggs, Catherine C., Secretary (Steno), GS-0318-07
Eader, Carolyn G., Secretary (Typing), GS-0318-05

Division of Analysis and Technical Assistance

HBHE2 4-3773005 02910

Hamel, Robert D., Director, GM-0301-15
Kosco, Paul P., Technical Assistance Spec., GS-0301-14
Coker, William H., Technical Assistance Spec., GS-0301-14
Cleland, Catherine F., Technical Assistance Spec., GS-0301-14
Tomlinson, Mary T., Technical Assistance Spec., GS-0301-14
McLeRoy, Reuben J., Technical Assistance Spec., GS-0301-12
Wells, Rex D., Technical Assistance Coordinator, GS-0301-11
Donovan, Portia E., Secretary (Typing), GS-0318-07
Fox, Doris, Secretary (Typing), GS-0318-05

Division of HMO Qualification

HBHE3 4-3773006 02911

Linde, Kenneth J., Director, GM-0345-15
(Vacancy), Deputy Director, GM-0345-14
(Vacany), Program Analyst, GS-0345-13
Horwitz, Rosalie, Secretary, GS-0318-07

Qualifications Analysis Branch HBHE32

Roy, Beth D., Program Analysis Officer, GM-0345-14
Domer, Roger L., Program Analyst, GS-0345-13
Hendel, Sylvia., Program Analyst, GS-0345-13
Kelman, Harriet J., Program Analyst, GS-0345-13
Ludwig, James R., Program Analyst, GS-0345-13
Egan, Francis J., Program Analyst, GS-0345-13
Johnson, Rosanna M., Program Analyst, GS-0345-13
Goodman, Edward N., Qualifications Officer, CO-0685-04
Rios, Aida O., Secretary (Typing), GS-0318-06
Earle, Janice L., Records Management Assistant, GS-0303-05

Technical Assessment Branch HBHE33

Soldo, Marie H., Technical Assessment Officer, GM-0301-14
Sobel, Lawrence M., Legal Analyst, GS-0950-14
Wetmore, Kevin G., Program Analyst, GS-0345-14

(Vacancy), Financial & Marketing Analyst, GS–1101–13
Rosenberg, Barbara N., Financial & Marketing Specialist, GS–1101–13
Lowe, John W., Financial & Marketing Specialist, GS–1101–13
Needle, Roslyn B., Public Health Analyst (PTP), GS–0685–13, LWOP Oct. 12, 1984
Jensen, Amelia S., Secretary (Typing), GS–0318–06

Division of HMO Compliance

HBHE4 4–3773007 02912

Weinberg, Theodore J., Director, CO–0345–06
Boesz, Christine C., Deputy Director, GM–1165–15
Lyles, Verda C., Secretary (Typing), GS–0318–07
Pitsenberger, Mary W., Secretary (Typing), GS–0318–06

Compliance Branch HBHE42

Kollmorgen, Don H., HMO Compliance Officer, GM–1801–14
Hochran, Jean L., HMO Compliance Specialist (PTP), GS–1801–13, LWOP October 18, 1984
Ball, Betty M. Employee Compliance Specialist, GS–0301–12
Allen, Debra T., Secretary (Typing), GS–0318–06

Section I HBHE422

Young, Bernice W., HMO Compliance Officer, GS–1801–14, Team Leader
Bohannon, Carol J., HMO Compliance Specialist, GS–1801–13
Bradbury, Eileen P., HMO Compliance Specialist, GS–1801–13
Doerr, Philip J., HMO Compliance Specialist, GS–1801–13
Forbes, Ernestyne T., HMO Compliance Specialist, GS–1801–13
Kitchen, Nancy W., HMO Compliance Specialist, GS–1801–13
Lindenberg, Sidney J., HMO Compliance Specialist, GS–1801–13
Walter, Dean R., HMO Compliance Specialist, GS–1801–13
Honderich, Nancy, Clerk-Typist (PTP), GS–0322–04

Section II HBHE423

Forster, Constance, HMO Compliance Officer, GS–1801–14, Team Leader
Chen, Sharely L., HMO Compliance Specialist, GS–1801–13
Coughlin, Thomas M., HMO Compliance Specialist, GS–1801–13
Farhood, Ronald W., HMO Compliance Specialist, GS–1801–13
Hodo, Jessie R., HMO Compliance Specialist, GS–1801–13
Finister, Delores, HMO Compliance Specialist, GS–1801–13
Stevens, Erin, HMO Compliance Specialist, GS–1801–12
(Vacancy), Clerk-Steno (PTP), GS–0312–05

Loan Branch HBHE43

Coffin, Lawrence K., Financial Analysis Officer, GM–1160–14
Decker, James O., Financial Analyst, GS–1160–13
Mock, James M., Computer Systems Analyst, GS–0334–13
Owens, James R., Financial & Marketing Analyst, GS–1101–13
Stanley, William J., Financial Analyst, GS–1160–13
Sine, Joanna J., Loan Specialist (General), GS–1165–12
Carrol, Sarah V., Computer Assistant, GS–0335–07
(Vacancy), Program Assistant, GS–0303–07
Polster, Harriet L., Secretary (Steno), GS–0318–06

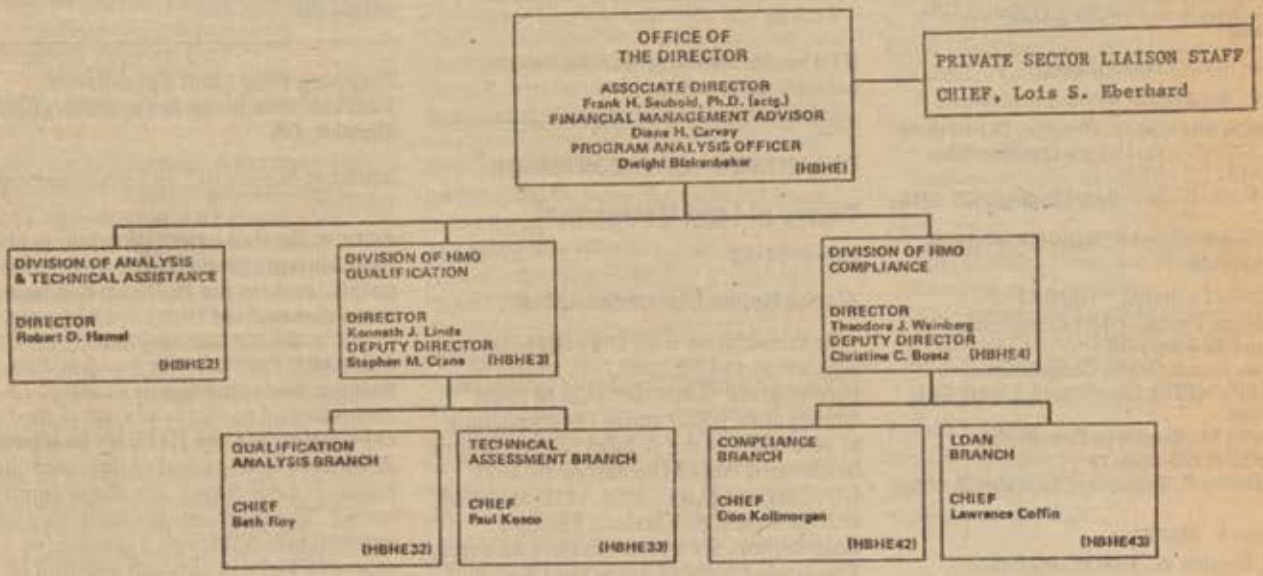
Division of Private Sector Initiatives

HBHE5 4–3773008 02913

———, Director, GM–1101–15
(Vacancy), Deputy Director, GM–1101–14
Sadler, Janet L, HMO Market Devel. Spec., CS–1101–13
Gilligan, Paul J., HMO Market Devel. Spec., CO–1101–04
Staten, Janice M., Secretary (Steno), GS–0318–07
Whitney, Susan D., Program Assistant, GS–0303–07
Eader, Rebecca, Clerk (TFT), GW–0303–01, NTE Jan. 21, 1985

DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
HEALTH RESOURCES AND SERVICES ADMINISTRATION

Bureau of Health Maintenance Organizations and Resources Development
Office of Associate Bureau Director for Health Maintenance Organizations



PROPOSED ORGANIZATION

Proposed Organization

Office of the Associate Bureau for Health Maintenance Organizations

HBHE1 4-3773004 02909

Seubold, Frank H., Director, ES-0601-04
Carvey, Diane H., Financial Management Advisor, GM-0501-15
Blankenbaker, Dwight P., Program Analysis Officer, GM-0345-15
White, Wanda R., Program Analysis, GS-0345-13
Russek, Anna M., Secretary (Steno), GS-0318-09
Vacant, Secretary (Steno), GS-0318-07
Eader, Carolyn G., Secretary (Typing), GS-0318-05
Finlelstein, Elyse, Clerk-Typist GS-0322-04

Private Sector Liaison Staff

Eberhard, Lois S., Chief, GM-0301-14
Sadler, Janet L., HMO Market Development Specialist, GS-1101-13
Whitney, Susan, Program Assistant, GS-0303-07
Staten, Janice, Secretary (Steno), GS-0318-07
Eader, Rebecca, Clerk (TFT), GW-0303-01

Division of Analysis and Technical Assistance

HBHE2 4-3773005 02910

Hamel, Robert D., Director, GM-0301-15
Kosco, Paul P., Technical Assistance Spec., GS-0301-14
Coker, William H., Technical Assistance Spec., GS-0301-14
Cleland, Catherine F., Technical Assistance Spec., GS-0301-14
Tomlinson, Mary T., Technical Assistance Spec., GS-0301-14
McLeRoy, Reuben J., Technical Assistance Spec., GS-0301-12
Wells, Rex D., Technical Assistance Coordinator, GS-0301-11
Donovan, Portia E., Secretary (Typing), GS-0318-07
Fox, Doris, Secretary (Typing), GS-0318-05

Division of HMO Qualification

HBHE3 4-3773006 02911

Linde, Kenneth J., Director CM-0345-15
(Vacancy), Deputy Director, GM-0345-14
(Vacancy), Program Analyst, GS-0345-13
Horwitz, Rosalie, Secretary (Typing) GS-0318-07

Qualifications Analysis Branch HBHE32

Roy, Beth D., Program Analysis Officer, CM-0345-14
Domer, Roger L., Program Analyst, GS-0345-13
Hendel, Sylvia, Program Analysis GS-0345-13
Kelman, Harriet J., Program Analyst, GS-0345-13
Ludwig, James R., Program Analyst, GS-0345-13
Egan, Francis J., Program Analyst, GS-0345-13
Johnson, Rosanna M., Program Analyst, GS-0345-13
Goodman, Edward N., Qualifications Officer, CO-0685-04
Rios, Aida O., Secretary (Typing), GS-0318-06
Earle, Janice L., Records Management Assistance, GS-0303-05

Technical Assessment Branch HBHE33

Soldo, Marie H., Technical Assessment Officer, GM-0301-14
Sobel, Lawrence M., Legal Analyst, GS-0950-14
Wetmore, Kevin G., Program Analyst, GS-0345-14
(Vacancy), Financial & Marketing Analyst, GS-1101-13
Rosenberg, Barbara N., Financial & Marketing Specialist, GS-1101-13
Lowe, John W., Financial & Marketing Specialist, GS-1101-13
Needle, Roslyn B., Public Health Analyst (PTP), GS-0685-13, LWOP Oct. 12, 1984
Jensen, Amelia S., Secretary (Typing), GS-0318-06

Division of HMO Compliance

HBHE4 4-3773007 02912

Weinberg, Theodore J., Director, CO-0345-06
Boesz, Christine C., Deputy Director, GM-1165-15
Lyles, Verda C., Secretary (Typing), GS-0318-07
Pitsenberger, Mary W., Secretary (Typing) GS-0318-06

Compliance Branch HBHE42

Kollmorgen, Don H., HMO Compliance Officer, GM-1801-14
Hochran, Jean L., HMO Compliance Specialist (PTP), GS-1801-13, LWOP Oct. 18, 1984
Ball, Betty M., Employee Compliance Specialist, GS-0301-12
Allen, Debra T., Secretary (Typing), GS-0318-06

Section I HBHE422

Young, Bernice W., HMO Compliance Officer, GS-1801-14, Team Leader
Bohannon, Carol J., HMO Compliance Specialist, GS-1801-13
Bradbury, Eileen P., HMO Compliance Specialist, GS-1801-13
Doerr, Philip J., HMO Compliance Specialist, GS-1801-13
Forbes, Ernestyne T., HMO Compliance Specialist, GS-1801-13
Kitchen, Nancy W., HMO Compliance Specialist, GS-1801-13
Lindenberg, Sidney J., HMO Compliance Specialist, GS-1801-13
Walter, Dean R., HMO Compliance Specialist, GS-1801-13
Honderich, Nancy, Clerk-Typist (PTP), GS-0322-04

Section II HBHE423

Foster, Constance, HMO Compliance Officer, GS-1801-14, Team Leader
Chen, Sharley L. HMO Compliance Specialist, GS-1801-13
Cougnlin, Thomas M., HMO Compliance Specialist, GS-1801-13
Farhood, Ronald W., HMO Compliance Specialist, GS-1801-13
Hodo, Jessie R., HMO Compliance Specialist, GS-1801-13
Finister, Delores, HMO Compliance Specialist, GS-1801-13
Stevens, Erin, HMO Compliance Specialist, GS-1801-12
(Vacancy), Clerk-Steno (PTP), GS-0312-05

Loan Branch HBHE43

Coffin, Lawrence K., Financial Analysis Officer, GM-1160-14
Decker, James O., Financial Analyst, GS-1160-13
Mock, James M., Computer System Analyst, GS-0334-13
Owens, James R., Financial & Marketing Analyst, GS-1101-13
Stanley, William J., Financial Analyst, GS-1160-13
Sine, Joanna J., Loan Specialist (General), GS-1165-12
Carrol, Sarah V., Computer Assistant, GS-0335-07
(Vacancy), Program Assistant, GS-0303-07
Polster, Harriet L., Secretary (Steno), GS-0318-06

[FR Doc. 85-1444 Filed 1-17-85; 8:45 am]
BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6984-A]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance (DIC) under the provisions of sec. 16(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1615(b) (1976), will be issued to Klawock Heenya Corporation, for approximately 38 acres. The lands involved are within Sec. 9 of T. 73 S., R. 81 E., Copper River Meridian, Alaska.

Upon issuance, the DIC will be published once a week, for four (4) consecutive weeks, in the Ketchikan Daily News. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest which is adversely affected by the decision shall have until February 19, 1985 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E (1983) (as amended, 49 FR 6371, February 21, 1984) shall be deemed to have waived their rights.

Ruth Stockie,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 85-1480 Filed 1-17-85; 8:45 am]
BILLING CODE 4310-JA-M

[A 19344]

Application for Issuance of Disclaimer of Interest to Lands in Arizona

Correction

In FR Doc. 85-315 beginning on page 893 in the issue of Monday, January 7, 1985, make the following correction: on page 893, in the second column, in the land description for Parcel A, first line, "Sec. 14" should read "Sec. 17".

BILLING CODE 1505-01-M

Camping Stay Limit Established, Hollister Resource Area, Bakersfield District, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment of camping stay limit for campgrounds and undeveloped public lands in the Hollister Resource Area, Bakersfield District, California.

SUMMARY: Persons may camp within designated campgrounds or on undeveloped public lands not closed to camping within the Hollister Resource Area for a total period of not more than fourteen days during any three-month period. The fourteen-day limit may be reached either through a number of separate visits or through a period of continuous occupation of the public lands. Camping or occupancy longer than fourteen days is not allowed, unless authorized by law. Under special circumstances and upon request, the authorized officer may give written permission for extension of the fourteen-day limit. Camping is defined as living in tents, vans, recreational vehicles, or shelters such as cabins, huts, shacks, or lean-tos. Occupancy is defined as the taking or holding possession of a camp or residence on public land.

SUPPLEMENTARY INFORMATION: This camping stay limit is an implementation action of the 1984 Hollister Resource Management Plan. It is being established in order to assist the Bureau in reducing the incidence of long-term occupancy trespass being conducted under the guise of camping on undeveloped public lands in the Hollister Resource Area.

Authority for this stay limit is contained in CFR Title 43, Chapter II, Part 8363, Subparts 8361.1-3(b) and 8363.3.

DATE: This camping stay limit will be effective December 31, 1984.

FOR FURTHER INFORMATION CONTACT: David E. Howell, Area Manager, Hollister Resource Area, P.O. Box 365,

Hollister, CA 95024-0365, Telephone: (408) 637-8183.

Dated: January 3, 1985.

David E. Howell,

Area Manager.

[FR Doc. 85-826 Filed 1-17-85; 8:45 am]

BILLING CODE 4310-40-M

Firearms Use Restriction Order Established; Clear Creek Management Area, Hollister Resource Area, Bakersfield District, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment of firearms use restriction order on public land along Clear Creek road in the Clear Creek Management Area of the Hollister Resource Area, Bakersfield District, California.

SUMMARY: Discharge of firearms is not allowed within ¼ mile of the Clear Creek road on public land in Township 18 South, Range 11 East, sections 1, 10, 11, 12, 14, 15, and Township 18 South, Range 12 East, section 7, Mount Diablo Meridian. For the purpose of this order firearms are difined as under Title 18, USC, Chapter 44, Section 921(a)(3). Federal, State, and Local law enforcement officers are exempt from this order in the course of their official duties.

SUPPLEMENTARY INFORMATION: This firearms use restriction order is an implementation action of the 1984 Hollister Resource Management Plan. The purpose of this order is to protect recreationists using the area.

Authority for this order is contained in CFR Title 43, Chapter II, Part 8364, Subpart 8364.1 and 8364.1-6. Any person who fails to comply with a restriction order may be subject to a fine not to exceed $1000 and/or imprisonment not to exceed 12 months. Penalties are contained in CFR Title 43, Chapter II, Part 8360 and Subpart 8360.0-7.

DATE: This firearms use restriction order goes into effect on December 31, 1984.

FOR FURTHER INFORMATION CONTACT: David E. Howell, Area Manager, Hollister Resource Area, P.O. Box 365, Hollister, California 95024-0365, Telephone: (408) 637-8183.

Dated: January 3, 1985.

David E. Howell,

Area Manager.

[FR Doc. 85-825 Filed 1-17-85; 8:45 am]

BILLING CODE 4310-40-M

All American/Celeron and Getty Crude Oil Pipeline; Final Environmental Impact Report; Environmental Impact Statement Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to Section 102(2)(c), of the National Environmental Policy Act of 1969, the Bureau of Land Management, together with the California State Lands Commission and Santa Barbara County, has prepared a Final Environmental Impact Report/Environmental Impact State (FEIR/EIS) concerning the All American/Celeron and the Getty crude oil pipelines.

DATE: Comments on the FEIR/EIS are being accepted until February 19, 1985.

ADDRESS: For further information contact: William S. Haigh, California Desert District, 1695 Spruce Street, Riverside, California 92507 (714-351-6248).

SUPPLEMENTARY INFORMATION: The All American/Celeron pipeline is a proposal of the All American and Celeron of California pipeline companies, subsidiaries of Goodyear Tire and Rubber Company. The All American/Celeron pipeline would begin near Santa Barbara, California; pass near Bakersfield and Blythe, California, Phoenix and Tuscon, Arizona, and El Paso, Texas; and end at McCamey, Texas. The pipeline would transport approximately 300,000 barrels per day of heated outer continental shelf (OCS) crude through an insulated, 30-inch pipe. The pipeline could also receive San Joaquin crude at Emidio, California, and Alaskan crude via the Four Corners pipeline at Cadiz, California.

The Getty pipeline is a proposal of the Getty Trading and Transportation Company, a subsidiary of Texaco. It would transport between 100,000 and 400,000 barrels per day of OCS crude from Getty's proposed Getty Gaviota Consolidated Coastal Facility in Santa Barbara County to the San Joaquin Valley. From there, up to 20,000 barrels per day could be shipped to San Francisco refineries, 100,000 barrels to Los Angeles, and 280,000 barrels per day to the gulf coast depending upon market conditions and the construction of proposed pipelines. The Consolidated Coastal Facility had been considered in an EIS prepared by Santa Barbara County. The Getty pipeline is being considered in the same document as the All American/Celeron pipeline due to the similarity of their proposed routes.

The FEIR/EIS has been prepared in an abbreviated format consistent with the provisions of 45 CFR 1503.4. Only comments made by the public on the Draft FEIR/EIS, responses to those comments, and text modifications of the Draft are included. Therefore, the FEIR/EIS should be used in conjunction with, rather than in place of, the Draft FEIR/EIS.

Comments on the FEIR/EIS should be submitted to the following address; use of any other address may result in comments not being processed: Gerald E. Hillier, District Manager, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507.

A limited number of copies of the FEIR/EIS are available upon request at the same address.

Copies are also available for review at two other locations:

USDI—Bureau of Land Management, 2800 Cottage Way, Rm. E-2841, Sacramento, CA 95825

USDI—Bureau of Land Management, 1725 Eye Street, NW., Suite 906, Washington, D.C. 20240.

Dated: January 14, 1985.

Gerald E. Hillier,

District Manager.

[FR Doc. 85-1449 Filed 1-17-85; 8:45 am]

BILLING CODE 4310-40-M

[M-59169]

Land Sale, Butte District, Montana; Noncompetitive Sale of Public Land

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action M-59169, proposed noncompetitive sale of public land in Missoula County.

SUMMARY: The following described land has been examined and identified as suitable for disposal by direct sale under section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Principal Meridian, Montana

T. 12 N., R. 17 W.,
Sec. 24, Lot 12

Containing approximately .03 acres.

The above described land is being offered as a direct sale to Robert M. Mudri, owner of the improvements on the land, at the appraised fair market value of $100. Sale of the land will not be held until 60 days after the date of this notice.

SUPPLEMENTARY INFORMATION: The proposed sale is consistent with the Bureau's planning system and Missoula County and Montana government officials have been notified of the sale.

The sale will resolve an inadvertent occupancy trespass which resulted from an erroneous private survey. This land has not been used for and is not required for any federal purpose. The public interest will be served by the sale of this parcel to protect the private landowner's equity.

Publication of this notice in the **Federal Register** will segregate the public land described above from settlement, location, or entry under the public land laws, including the mining laws, but not from sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976.

Terms and conditions applicable to this sale are:

1. A right-of-way for ditches or canals will be reserved to the United States in accordance with 43 U.S.C. 945;

2. All minerals will be reserved to the United States; and

3. The patent will be subject to all valid existing rights and reservations of record.

For Further Information and Public Comment: Detailed information concerning this action, including the land report and environmental assessment, is available for review at the Garnet Resource Area Office, 3255 Fort Missoula Road, Missoula, Montana, 59801.

For a period of 45 days from the date of this notice interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 3388, Butte, Montana 59702. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: January 9, 1985.

Jack A. McIntosh,

District Manager.

[FR Doc. 85-1505 Filed 1-17-85; 8:45 am]

BILLING CODE 3410-DN-M

[N-39916]

Issuance of Disclaimer of Interest to Lands in Nevada

January 8, 1985.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Issuance of Disclaimer of Interest in Lands in Nevada.

SUMMARY: Notice is hereby given that the United States of America, pursuant to the provisions of section 315 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1745), does hereby give notice of its intention to disclaim and release all interest to the owners of record for the following described property, to wit:

Mount Diablo Meridian

T. 45 N., R. 33 E.,
Sec. 14, SE¼SW¼.

On December 16, 1981, per instructions from Title Service and Escrow Company of Winnemucca, Nevada, Kenneth J. and Kay J. Billingsley executed and recorded a quitclaim deed to the United States in order to clear title to the land described above which was erroneously deeded to them by Cockeye Land and Livestock Company. The quitclaim deed was never delivered to the United States and title was never accepted.

From the facts contained in the administrative record it appears that the execution and recording of the December 16, 1981 deed to the United States was a simple mistake on the part of Title Service and Escrow Company of Winnemucca, Nevada. Since delivery of the deed did not occur, no title passed to the United States.

Any person wishing to submit a protest or comments on the above disclaimer should do so in writing before the expiration of 90 days from the date of publication of this notice. If no protest(s) is received, the disclaimer will be effective on the date set out below.

EFFECTIVE DATE: Disclaimer of title and release of all interest of the United States shall issue on or after April 18, 1985.

ADDRESS: Information concerning these lands and the proposed disclaimer may be obtained from and protest filed with: State Director (NV-943.2), Bureau of Land Management, P.O. Box 12000, Reno, NV 89520.

FOR FURTHER INFORMATION CONTACT: Mary Clark, 702-784-5703.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 85-1506 Filed 1-17-85; 8:45 am]

BILLING CODE 4310-HC-M

Realty Action, Sale of Public Lands in Lemhi County and Custer County, ID

DATE AND ADDRESS: The sale offering will be held on Thursday, March 21, 1985, at 10:00 a.m. in the Salmon District Office, Box 430, Salmon, Idaho 83467. Unsold parcels will be offered every Thursday through May 23, 1985.

SUMMARY: Based on public supported land use plans the following described land has been examined and identified as suitable for disposal by public sale under section 203 of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 stat. 2750, U.S.C. 1713), at no less than the appraised fair market value.

Sealed bids only will be accepted for each parcel offered for sale.

The below described lands are hereby segregated from all appropriations under the public land laws, including the mineral laws, as provided by 43 CFR 2711.1-2(d).

The appraisals will be available after February 15, 1985 by contacting the Salmon District Office.

Parcel	Legal description	Acres	Sale type
I-20379	T. 18 N., R. 24 E., B.M., section 32: lots 2, 3, and 5.	80.46	Competitive.
I-21323	T. 15 N., R. 21 E., B.M., sec. 5: NE¼ SE¼.	40.00	Do.
I-19381	T. 13 N., R. 19 E., B.M. Sec. 15: SW¼ SW¼.	40.00	Do.

When patented the lands will be subject to the following reservations.

1. Ditches and Canals (43 U.S.C. 945).

2. All leasable minerals, including oil & gas (43 U.S.C. 1719).

3. All valid and existing rights and reservations of record.

Sale Procedures

Bids for less than the appraised fair market value will not be accepted. A bid will constitute an application for conveyance of mineral interests of no known value. A $50.00 non-returnable filing fee for processing such conveyance, along with twenty percent (20%) of the full bid price, must accompany each bid. Bids must be accompanied by a certified check, postal money order, or cashier's check made payable to the Bureau of Land Management. Bids will be rejected if accompanied by a personal check.

SUPPLEMENTARY INFORMATION: Detailed information concerning the sale terms and conditions, bidding instructions and procedures, appraisal and other details may be obtained by contacting Chuck Keller at the above address or by calling (208) 756-2201. For a period of 45 days from the date of this notice, interested parties may submit comments to the Salmon District Manager at the above address.

Dated: January 10, 1985.

Kenneth G. Walker,

District Manager.

[FR Doc. 85-1513 Filed 1-17-85; 8:45 am]

BILLING CODE 4310-GG-M

Fish and Wildlife Service

Receipt of Application for Permit; Mills College et al.

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-668365

Applicant: Mills College, Department of Biology, Oakland, CA.

The applicant requests a permit to take 30 plants each of Eureka dune grass (*Swallenia alexandrae*) and Eureka Valley evening primrose (*Oenothera avita eurekensis*) for enhancement of propagation.

PRT-688373

Applicant: Lintt Gamebirds, Half Moon Bay, CA.

The applicant requests a permit to import one captive-bred male white-eared pheasant (*Crossoptilon crossoptilon*) and one captive-bred male Edward's pheasant (*Lophura edwardsi*) from Harry Harvey, Barnaby, British Columbia, Canada, for enhancement of propagation.

PRT-688412

Applicant: Ollie Barney, Rio Rico, AZ.

The applicant requests a permit to import one male sport-hunted trophy of a bontebok (*Damiliscus dorcas dorcas*) from the captive herd of Theo Erasmus, Republic of South Africa, for enhancement of propagation.

PRT-688703

Applicant: Florida State Museum, Gainesville, FL.

The applicant requests a permit to import up to 3 skeletons and other specimen materials from salvaged individuals of the Orinoco crocodile (*Crocodylus intermedius*) and the black caiman (*Melanosuchus niger*) for scientific research purposes.

PRT-688732

Applicant: Toledo Zoological Gardens, Toledo, OH.

The applicant requests a permit to receive in interstate commerce three female Puerto Rican boas (*Epicrates inornatus*) from the Jacksonville Zoological Park, Jacksonville, FL, for the purpose of enhancement of propagation.

PRT-687219

Applicant: Alfred Boyajian, Atlanta, GA.

The applicant requests a permit to purchase in interstate commerce one captive-born ocelot (*Felis pardalis*) from Hauser's Exotic Feline Farms, Vancouver, WA, for enhancement of propagation.

PRT-689120

Applicant: FWS Caribbean Islands National Wildlife Refuges, Boqueron, PR.

The applicant requests an amendment to his endangered species permit (PRT2-11136) authorizing sea turtle research (measurements, tagging, relocation) in Puerto Rico. The applicant wishes to conduct identical activities on Sandy Point National Wildlife Refuges, St. Croix, Virgin Islands.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 601, 1000 North Glebe Road, Arlington, Virginia 22201, or by writing to the Director, U.S. Fish and Wildlife Service of the above address.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Dated: January 14, 1985.

R.K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 85-1487 Filed 1-17-85; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Alaska Offshore; Dates and Locations of Public Hearings Regarding the Environmental Impact Statement for the Proposed Offshore Oil and Gas Lease Sale 92, North Aleutian Basin

In accordance with 30 CFR 256.26(b), public hearings will be held in order to receive comments and suggestions relating to the draft environmental impact statement (EIS) prepared for the proposed lease sale 92, North Aleutian Basin.

The hearings will be held on the following dates at the locations and times indicated.

February 19, 1985

Senior Citizen Building, Dillingham, Alaska (7:00 p.m.)

Feburary 20, 1985

Bristol Bay Association Hall, Naknek, Alaska (7:00 p.m.)

February 21, 1985

City Building, Sand Point, Alaska and Teleconference with Nelson Lagoon, Alaska (7:00 p.m.)

February 26, 1985

6th Floor Conference Room, 949 East 36th Avenue, Anchorage, Alaska (12:00 noon)

The hearings will provide the Secretary of the Interior with information from government agencies and the public which will help in the evaluation of the potential effects of the proposed lease sale.

The draft EIS concerning the proposed offshore lease Sale 92, North Aleutian Basin, was made available to the public on January 14, 1985. Copies of the EIS can be obtained from the Alaska Region, Leasing and Environment Office, Minerals Management Service, P.O. Box 101159, Anchorage, Alaska 99510, telephone (907) 261-4080. Copies of the draft EIS are also available for review in public libraries throughout Alaska.

Interested individuals, representatives of organizations, and public officials wishing to testify at the hearings are asked to contact the Alaska Regional Office at the above address and telephone by Friday, February 15, 1985. Time limitations may make it necessary to limit the length of oral presentations to 10 minutes. An oral statement may be supplemented by a more complete written statement which may be submitted to a hearing official at the time of oral presentation or by mail until March 13, 1985. This will allow those unable to testify at a public hearing an opportunity to make their views known and for those presenting oral testimony to submit supplemental information and comments. Written comments should be addressed to the Regional Director, Alaska Region, Minerals Management Service, P.O. Box 101159, Anchorage, Alaska 99510.

Dated: January 16, 1985.

William D. Bettenberg,

Director, Minerals Management Service.

[FR Doc. 85-1599 Filed 1-17-85; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; ARCO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 3782, Block 174, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and

production of hydrocarbons with support activities to be conducted from an onshore base located at Amelia, Louisiana.

DATE: The subject DOCD was deemed submitted on January 11, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: January 11, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-1440 Filed 1-17-85; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Draft Amendment to the General Management Plan/Development Concept Plan/Interpretive Plan; Fort Smith National Historic Site Sebastian County, Arkansas, and Sequoyah 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 Draft Amendment to the General Management Plan/Development Concept Plan/Interpretive Plan for Fort Smith National Historic Site, Sebastian County, Arkansas, and Sequoyah County, Oklahoma.

The draft amendment clarifies and modifies the boundary to preserve the historical integrity of the site. Approximately 8.92 acres are proposed to be deleted, with 6.13 acres proposed to be added.

Copies of the Draft Amendment to the General Management Plan/Development Concept Plan/Interpretive Plan are available from Fort Smith National Historic Site, Post Office Box 1406, Fort Smith, Arkansas 72902; and the Southwest Regional Office, National Park Service, Post Office Box 728, Santa Fe, New Mexico 87501, and will be sent upon request.

Anyone wishing to submit comments on the Draft Amendment should provide them to the Superintendent, Fort Smith National Historic Site, Post Office Box 1406, Fort Smith, Arkansas 72902, within 30 days from the publication date of this notice.

Dated: January 8, 1985.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 85-1529 Filed 1-17-85; 8:45 am]

BILLING CODE 4310-70-M

Availability; Draft Land Protection Plan; Fort Smith National Historic Site Sebastian County, AR, and Sequoyah County, OK

Pursuant to the National Environmental Policy Act of 1969, Title 40 of the Code of Federal Regulations, Chapter 1 of Title 36 of the Code of Federal Regulations, and the final interpretive rule for Preparation of Land Protection Plans printed in the **Federal Register** on May 11, 1983 (48 FR 21121), the National Park Service has prepared a Draft Land Protection Plan for Fort Smith National Historic Site, Sebastian County, Arkansas, and Sequoyah County, Oklahoma.

The Draft Land Protection Plan addresses the protection of 44.85 acres within the authorized boundary that are not Federally owned. It considers alternate means of protection, provides for public use and safety and identifies what land or interest in land need to be in Federal ownership in order to achieve management purposes consistent with the intent of Congress in authorizing the park.

Copies of the Draft Land Protection Plan are available from Fort Smith National Historic Site, Post Office Box 1406, Fort Smith, Arkansas 72902; and the Southwest Regional Office, National Park Service, Post Office Box 728, Santa Fe, New Mexico 87501, and will be sent upon request.

Anyone wishing to submit comments on the Draft Land Protection Plan should provide them to the Superintendent, Fort Smith National Historic Site, Post Office Box 1406, Fort Smith, Arkansas 72902, within 30 days from the publication date of this notice.

Dated: January 8, 1985.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 85-1528 Filed 1-17-85; 8:45 am]

BILLING CODE 4310-70-M

Aniakchak National Monument Subsistence Resource Commission; Meeting

AGENCY: National Park Service, Alaska Region, Interior.

ACTION: Subsistence Resource Commission meeting.

SUMMARY: The Alaska Regional Office of the National Park Service announces a forthcoming meeting of the Aniakchak National Monument Subsistence Resource Commission. The following agenda items will be discussed:

(1) Review background information on ANILCA and the role of the subsistence advisory commission to update members who were not present at the previous meeting.

(2) Election of a chairman.

(3) Identification of and evidence for current subsistence uses of fish and wildlife populations in the monument. For each subsistence activity, specify the following:

a. Nature of the activity (e.g., hunting, fishing, or trapping).

b. Location of the activity.

c. Means of access.

d. Species taken.

e. Number of animals taken.

f. Time of year during which it takes place.

g. Frequency with which a person is involved.

h. Village in which the people involved reside.

4. Identify the anticipated future needs for fish and wildlife populations in the monument.

5. Scoping of possible strategies for management of fish and wildlife populations to accommodate subsistence uses.

6. Scoping of possible guidelines, standards, regulations, and policies needed to implement management strategies.

DATE: The meeting will begin at 9:00 a.m. on February 5, 1985, and conclude the afternoon of February 6, 1985.

ADDRESS: The meeting will be held in the Com Ser Fac Building, King Salmon, Alaska.

FOR FURTHER INFORMATION CONTACT: David Morris, Superintendent, Aniakchak National Monument, P.O.

Box 7, King Salmon, Alaska 99613, Phone (907) 246-3305.

SUPPLEMENTARY INFORMATION: The Aniakchak National Monument Subsistence Resource Commission is authorized under Title VIII, section 808, of the Alaska National Interest Lands Conservation Act Pub. L. 96-487.

Dated: January 10, 1985.

Robert L. Peterson,

Acting Regional Director, Alaska Region.

[FR Doc. 85-1527 Filed 1-17-85; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Determination To Renew Advisory Committee on Voluntary Foreign Aid

The Advisory Committee on Voluntary Foreign Aid serves as an important link between the U.S. Government and the community of private and voluntary organizations engaged in foreign assistance activities. The Committee advises AID on policies and procedures concerning those organizations; provides a forum for the exploration of topics of mutual concern; provides information, counsel and assistance to private and voluntary organizations; and fosters public interest in the field of voluntary foreign aid. There continues to be a significant need for such liaison and the related functions of the Committee.

Accordingly, I hereby determine, pursuant to the provisions of section 14(c) of the Federal Advisory Committee Act (Pub. L. 92-463), that continuation of the Advisory Committee on Voluntary Foreign Aid for a two-year period, beginning December 31, 1984, is in the public interest.

Date: November 21, 1984.

M. Peter McPherson,

Administrator.

[FR Doc. 85-1509 Filed 1-17-85; 8:45 am]

BILLING CODE 6116-01-M

Determination To Renew Research Advisory Committee

The A.I.D. Research Advisory Committee performs necessary and important functions in connection with the formulation of A.I.D. research policy and in evaluating the providing necessary advice concerning the progress and future potential of Agency funded research activities. There continues to be a need for such advisory functions.

Accordingly, I hereby determine, pursuant to the provisions of section 14(a)(1)(a) of the Federal Advisory Committee Act (Pub. L. 92-463) and paragraph 7 of OMB Circular A-63 (Revised), that renewal of the Research Advisory Committee for a two year period beginning December 24, 1984, is in the public interest.

Dated: November 14, 1984.

M. Peter McPherson,

Administrator.

[FR Doc. 85-1510 Filed 1-17-85; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

Forms Under Review by Office of Managerment and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44) U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting ducoments may be obtained from the agency Clearance Officer, Ray Houser (202) 275-6723. Comments regarding this information collection should be addressed to Ray Houser, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Officer of Management and Budget, Room 3228 NEOB, Washington, DC 20503, (202) 395-7340.

The of Clearance: Extension
Bureau/Office: Bureau of Accounts
Title of Form: Quarterly Report of Fright Commodity Statistics Class I Railroads.
OMB Form No.: 3120-0031
Agency Form No.: QCS
Frequency:
Quarterly
Respondents: Class I Railroads
No. of Respondents: 30
Total Burden Hrs.: 15,600

Type of Clearance: Extension
Bureau/Office: Bureau of Accounts
Title of Form: Annual Report of Class I & II Motor Carriers of Property
OMB Form No.: 3120-0032
Agency Form No.: M
Frequency:
Annually
Respondents: Class I & II Motor Carriers of Property
No. of Respondents: 2,606
Total Burden Hrs.: 119,876

Type of Clearance: Extension
Bureau/Office: Bureau of Accounts
title of Form: Annual Report of Class I & II Motor Carriers of Household Goods
OMB Form No.: 3120-0033 Agency Form No.: M-H
Frequency: Annually
Respondnets: Class I & II Motor Carriers of Household Goods
No. of Respondents: 163
Total Burden Hrs.: 5,705.

James H. Bayne,

Secretary.

[FR Doc. 85-1459 Filed 1-17-85; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(B)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(B).

1. Parent corporation and address of principal office: Burlington Northern Inc., 999 Third Avenue, Seattle, WA 98104-4097.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) El Paso Natural Gas Company, Delaware
(ii) El Paso Exploration Company, Delaware
(iii) El Paso Hydrocarbons Company, Texas
(iv) Milestone Petroleum Inc., Delaware.

1. Parent Corporation and address of principal office: Columbus Foundries, Inc., 1600 Northside Industrial Boulevard, Columbus, GA 31904.

2. Wholly owned subsidiary which will participate in the operations and *state of incorporation:*

(1) Lynchburg Foundry, Co., Virginia
(2) Intermet Corporation, Georgia
(3) Columbus Standard, Inc., Georgia.

1. Parent corporation and address of principal office: B. Green & Co., Inc., 3601 Washington Boulevard, Baltimore, Maryland 21227.

2. Wholly-owned subsidiaries which will participate in the operations and respective states of incorporation:

(i) Greenway Distributing Company, Inc., 3601 Washington Boulevard, Baltimore, Maryland 21227, a Maryland corporation
(ii) Midtown Cash & Carry, Inc., 340 West North Avenue, Baltimore, Maryland 21217, a Maryland corporation
(iii) Salisbury Warehouse Market, Inc., 78 Salisbury Mall, Salisbury, Maryland 21801, a Maryland corporation

(iv) Dover Warehouse Market, Inc., Bay Court Plaza, Dover, Delaware 19901, a Delaware corporation
(v) Winchester Warehouse Market, Inc., Routes 522 and 50, Winchester, Virginia 22601, a Virginia corporation
(vi) York Warehouse Market, Inc., 2122 S. Queen Street, York, Pennsylvania 17403, a Pennsylvania corporation
(vii) Cambridge Mor-Value Market, Inc., 501 Muir Street, Cambridge, Maryland 21613, a Maryland corporation
(viii) T&K, Inc.-t/a Frederick Mor-Value Market, 918 East Street, Frederick, Maryland 21701, a Maryland corporation
(ix) Monroe Foods, Inc., 400 W. Conway Street, Baltimore, Maryland 21230, a Maryland corporation
(x) B. Green of North Carolina, Inc., Post Office Box 987, Dunn, North Carolina 28334, a North Carolina corporation
(xi) Big "G" Enterprises, Inc., Route 13-Charles Polk Road, Rodney Village, Dover, Delaware 19901, a Maryland corporation

1. Parent corporation and address of principal office: Roundy's, Inc., 11300 West Burleigh Street, Wauwatosa, Wisconsin 53222.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Jondex Corporation (Wisconsin)
(ii) Ropak, Inc. (Wisconsin)
(iii) W-Marketing, Inc. (Wisconsin)
(iv) Villard Avenue Shop-Rite, Inc. (Wisconsin)
(v) Shop-Rite, Inc. (Wisconsin)
(vi) Pick 'N Save Warehouse Foods, Inc. (Wisconsin)
(vii) Kee Wholesale, Inc. (Wisconsin)
(viii) Cedarburg Dairy, Inc. (Wisconsin)
(ix) Super Market Investors, Inc. (Wisconsin)
(x) Lila's Supermarket, Inc. (Wisconsin)
(xi) United Foods of Hartford, Inc. (Wisconsin)
(xii) United Foods of West Bend, Inc. (Wisconsin)
(xiii) Insurance Planners, Inc. (Wisconsin)
(xiv) B. D. Marketing, Inc. (Wisconsin)
(xv) Wayco Foods Corporation of Illinois, Inc. (Illinois)
(xvi) Old Time, Inc. (Wisconsin)
(xvii) Boston Marketing, Inc. (Wisconsin)
(xviii) V. Richards Market, Inc. (Wisconsin)
(xix) Scot Lad Foods, Inc. (Wisconsin)
(xx) Bonnie Baking Co., Inc. (Indiana)
(xxi) Troy Grocery Store, Inc. (Ohio)

1. Parent corporation and address of principal office: Sealed Air Corporation, Park 80 Plaza East, Saddle Brook, N.J. 07662.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

Sealed Air Trucking, New Jersey
Sealed Air Corporation, New Jersey
Sealed Air Corporation, California
Sealed Air Corporation, Connecticut
Sealed Air Corporation, Illinois
Sealed Air Corporation, Massachusetts
Sealed Air Corporation, Ohio
Sealed Air Corporation, Texas
Cellu Products, North Carolina
Cellu Products, Mississippi
Cellu Products, Pennsylvania.

James H. Bayne,
Secretary.

[FR Doc. 85-1453 Filed 1-17-85; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-19 (Sub-102X)]

Railroads; the Baltimore Ohio Railroad Co.; Abandonment; in Montgomery County, OH; Exemption

The Baltimore and Ohio Railroad Company (B&O) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments*, as modified by *Exemption of Out of Service Rail Lines*, 1 I.C.C. 2d 55, decided April 16, 1984. B&O will abandon a portion of its Stillwater Branch railroad line extending between milepost 2.84 and milepost 3.84, a distance of approximately 1.0 mile, in Montgomery County, OH.

B&O has certified (1) that no local traffic has moved over the line for at least 2 years, (2) the line does not handle overhead traffic, and (3) no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service on the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period preceding this notice. The Public Service Commission or equivalent agency in the State of Ohio has been notified. See *Exemption of Out of Service Rail Lines*, 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on February 17, 1985 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by January 28, 1985, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by February 7, 1985, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission must be sent to applicant's representatives:

Rene J. Gunning, Chessie System Railroads, Suite 2204, 100 North Charles Street, Baltimore, MD 21201
Peter J. Shudtz, Chessie System Railroads, P.O. Box 6419, Cleveland, OH 44101.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ad initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use condition.

Decided: January 7, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,
Secretary.

[FR Doc. 85-1457 Filed 1-17-85; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-169)]

Railroads; Chicago & North Western Transportation Co.; Abandonment in Humboldt County, IA; Findings

The Commission has found that the public convenience and necessity require or permit Chicago and North Western Transportation Company to abandon its 6.1-mile line of railroad between Humboldt (milepost 201.5) and Rogertown (milepost 207.6) in Humboldt County, IA. A certificate will be issued authorizing abandonment within 15 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA."

Information and procedures regarding financial assistance for continued rail service are set forth at 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,
Secretary.

[FR Doc. 85-1458 Filed 1-17-85; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Registration Application; Manufacturer of Controlled Substances; Mallinckrodt, Inc.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on September 27, 1984 Mallinckrodt, Inc., Mallinckrodt and Second Street, St. Louis, Missouri 63147 made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Natmefene (9341)	II
Fentanyl (9801)	II

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than February 19, 1985.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

January 9, 1985.

[FR Doc. 85-1474 Filed 1-17-85; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 84-51]

Thebaine Importation By DuPont; Importation of Controlled Substance; Objections, Requests for Hearing, and Hearing

On November 20, 1984 at 49 FR 45820, notice was given that E.I. duPont de Nemours and Company (DuPont), Chambers Works, Deepwater, New Jersey 08023 had made application to the Drug Enforcement Administration to be registered as an importer of thebaine, a basic class controlled substance listed in Schedule II of the Controlled Substances Act of 1970. Opportunity was given for the filing of comments, objections and requests for hearing with respect to the application.

Requests for hearing have been filed on behalf of Penick Corporation, McNeilab, Inc., and Mallinckrodt, Inc.

Penick Corporation expressed its desire to be heard on the issue whether the registration of DuPont to import thebaine would be consistent with the public interest as determined by the criteria set forth in the Controlled Substances Act and applicable regulations and with the United States' obligations under international treaties, conventions and protocols. Penick states that, on the basis of available information, it believes that the subject registration of DuPont would not be consistent with the public interest and that it would be contrary to established DEA policy which makes the importation of certain controlled substances unlawful except in such amounts as are determined to be necessary under certain stated circumstances. Penick also states its belief that adequate competition exists among the presently registered domestic bulk manufacturers of thebaine and that these manufacturers have the capability to provide an adequate domestic supply of the substance.

McNeilab, Inc., states its desire to be heard on whether the granting of DuPont's application for registration would be consistent with the public interest and on whether the current registrants can produce an adequate and uninterrupted supply of thebaine for legitimate medical, scientific, research and industrial purposes at competitive prices. In addition, McNeilab wishes to show that, except in exceptional circumstances, it was the intent of Congress to restrict the importation of narcotic raw materials to four statutorily designated substances which do not include thebaine. Finally, McNeilab wishes to introduce evidence to show that there is no existing emergency to justify the importation of what McNeilab terms "the non-statutorily designated schedule II narcotic, thebaine."

In its request for hearing, Mallinckrodt, Inc., first specifically requests to be heard on two questions: (1) Whether DEA should issue a regulation authorizing the importation of thebaine; and (2) whether DuPont should be registered as an importer of thebaine. Mallinckrodt then goes on to state several other issues it wishes to raise.

Mallinckrodt takes the position that there is a fundamental policy embodied in the statute against the importation of any Schedule II controlled substances other than those specifically identified in the statute. Mallinckrodt also raises the legal question of who has the burden of proof in a proceeding such as the instant one, and contends that the statute and its underlying policy place the burden of proof, and also the burden of going forward, on the party seeking registration to import, rather than on the party requesting a hearing.

Mallinckrodt believes that the domestic supply of thebaine is adequate and there is no existing emergency situation with regard to that supply. Additionally, Mallinckrodt states that the competition among the domestic manufacturers is adequate, that competition being measured in the context of market conditions in the United States. This qualification must be added, according to Mallinckrodt, because the domestic market is affected by the U.S. policy which prohibits manufacturers from cultivating their own narcotic raw materials such as opium and other poppies. Therefore, market conditions in countries where manufacturers are permitted to produce their own raw materials should have no bearing on any evaluation of competitive conditions in the U.S. In addition, any finding of "inadequate competition" must, Mallinckrodt contends, be shown to be the result of causes other than governmental actions or policies, and that if inadequacy of competition is found to exist, the perferred remedy established by the statute for such a situation is the registration of additional domestic manufacturers.

Mallinckrodt also feels that the registration of DuPont would not be consistent with the international obligations of the U.S. Another issue Mallinckrodt raises is the precedential impact that the granting of DuPont's application would have on the domestic regulatory scheme for the control of narcotic substances. Presently, only the basic opiate raw materials may be imported. The subsequent manufacturing and distribution process is subject to the regulatory controls imposed by DEA and other authorities. Mallinckrodt contends that allowing the importation of finished narcotic drugs would significantly alter this scheme of regulation and would jeopardize the maintenance of DEA's effective controls at the bulk manufacturing stage.

Finally, Mallinckrodt feels that the registration of DuPont as an importer of thebaine would have an adverse effect on consumers. Because DuPont is the largest purchaser of thebaine in the U.S., the present manufacturers who supply thebaine to DuPont would suffer considerable losses if these sales were discontinued, with concomitant

increases in costs allocable to other products. This would presumably result in price increases for those products which would be passed along to the purchasers of them.

Accordingly, notice is hereby given pursuant to 21 CFR 1311.42 that a hearing will be held on the aforesaid application for registration commencing at 10:00 a.m. on February 22, 1985, in Room 1213, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C., the proceedings on that day to be limited to a preliminary discussion to identify proper parties and issues, and to determine procedures and set dates and locations for further proceedings. Any person entitled to participate in said hearing and desiring to do so should file a notice of appearance pursuant to 21 CFR 1301.54 and 1316.48 within thirty days of the date of publication of this notice. A person who has filed a request for hearing need not also file a notice of appearance.

Dated: January 14, 1985.

Francis M. Mullen, Jr.,

Administrator, Drug Enforcement Administration.

[FR Doc. 85-1483 Filed 1-17-85; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The OMB and Agency form numbers, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small businesses or organizations are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Bureau of Labor Statistics and Veterans Administration
Data on Vietnam theater veterans and the disability status of all veterans
April 1985 Current Population Survey (CPS-1)
Other—one time
Individuals of households
58,000 responses; 969 hours; 1 form

This information will help determine the current scope of the labor market problems of veterans who served in the Vietnam theater of operations, as well as the number and characteristics of all veterans with service-connected disabilities. An attempt will be made to ask questions directly of the veterans themselves. It is expected that about 20,000 male veterans will be identified.

Departmental Management, Women's Bureau
Women's Bureau Regional Employer-Sponsored Child Care Questionnaire
Non-recurring information collection
Businesses of other for-profit
1,390 responses; 348 hours; 1 form

The information is necessary to improve information and technical assistance services to employers considering child care assistance for their employees and to evaluate a pilot initiative that sought to provide this assistance. The affected public is private sector employers.

Extension

Mine Safety and Health Administration
First Aid Training for Supervisory Employees
1219-0085
On occasion
Businesses or other for profit; small businesses or organizations
5,225 respondents; 2,613 hours

Standard requires each coal mine operator to conduct first-aid training courses for selected supervisory employees and to keep a record of such training at the mine-site.

Collection of Information in Current Rules

Employment Standards Administration
Rehabilitation Maintenance Certificate
OWCP-17
On Occasion
Individuals or households; Federal agencies or employees; Small businesses or organizations
4,200 responses; 1,050 hours; 1 form

The Form OWCP-17, will serve as a bill submitted by the unjured worker to OWCP requesting reimbursement of expenses incurred as a result of participation in an approved rehabilitation effort for the proceeding 4 week period.

Signed at Washington, D.C. this 15th day of January 1985.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 85-1526 Filed 1-17-85; 8:45 pm]

BILLING CODE 4510-23-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

1. Date: February 7-8, 1985.
Time: 8:30 a.m. to 5:00 p.m.

Room: 315.

Program: This meeting will review applications in the fields of lexicography and linguistics submitted to the Reference Works Program (Research Tools) Division of Research Programs, for projects beginning after July 1, 1985.

2. Date: February 1, 1985.

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

Room: 315.

Program: This meeting will review applications in the field of musicology submitted to the Reference Works Program (Research Tools and Editions), Division of Research Programs, for projects beginning after July 1, 1985.

3. Date: February 11, 1985.

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

Room: 315.

Program: This meeting will review applications in the field of ancient and modern languages submitted to the Reference Works Program (Editions), Division of Research Programs, for projects beginning after July 1, 1985.

4. Date: February 22, 1985.

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

Room: 315.

Program: This meeting will review applications in the field of history submitted to the Reference Works Program (Research Tools), Division of Research Programs, for projects beginning after July 1, 1985.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 85-1473 Filed 1-17-85; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Biological, Behavioral, and Social Science; 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 Committee for Biological, Behavioral, and Social Sciences (BBS).

Date and Time: February 4 and 5, 1985, 9:00 a.m. to 5:00 p.m.

Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Open.

Contact Person: Dr. David T. Kingsbury, Assistant Director, Biological, Behavioral, and Social Sciences, (202) 357-9854, Room 506, National Science Foundation, Washington, D.C. 20550.

Summary of Minutes: May be obtained from the contact person named above.

Purpose of Advisory Committee: The Advisory Committee for BBS provides advice, recommendations, and oversight concerning major program emphases, directions, and goals for the research-related activities of the divisions that make up BBS.

Agenda: Review and discussion of the social and behavioral sciences, including presentations by active researchers in the field. Review of BBS participation in the NSF program for access to advanced computers. Plans will be made for subsequent meetings of the committee.

Dated: January 15, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85-1489 Filed 1-17-85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Developmental Biology; 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 Biology.

Date and Time: February 3, 4, 5, 1985, starting at 8:30 a.m. to 5:00 p.m.

Place: Pasa Tiempo Hotel, Santa Cruz, California.

Type of Meeting: Closed.

Contact Person: Dr. Donald E. Fosket, Program Director, Developmental Biology Program, Room 332-H, National Science Foundation, Washington, D.C., 20550, telephone 202/357-7989.

Purpose of Advisory Panel: To provide advice and recommendations concerning support of research in developmental biology.

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

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(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 determinations by the Director, NSF, July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

January 15, 1985.

[FR Doc. 85-1490 Filed 1-17-85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Science and Engineering Education (ACSEE); 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 Committee for Science and Engineering Education (ACSEE).

Date and Time: February 4-5, 1985; 9:00 a.m. to 5:00 p.m. each day.

Place: Room 540, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Open: Monday and Tuesday, 9:00 a.m.-5:00 p.m. each day.

Contact Person: Dr. Bassam Z. Shakhashiri, Assistant Director, Science and Engineering Education, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 357-9522.

Summary Minutes: May be obtained from Ms. Jennifer W. Vance, Executive Secretary, ACSEE, National Science Foundation, Room 516, Washington, D.C. 20550.

Purpose of Committee: To provide advice and recommendations concerning NSF support for science and engineering education.

Agenda: February 4, 1985:

A.M.—Full Committee Discussion of Directorate Policy and Program Goals;
—Subcommittee Discussion of Division and Office Policy and Program Goals

P.M.—Subcommittee Discussion (continues)
——Full Committee Review of Subcommittee
—Reports on Goals

February 5, 1985:

A.M.—Full Committee Review and Discussion of Directorate's Management Plan
——Report and Discussion on FY 1986 Budget Request
——Miscellaneous Information

P.M.—Full Committee Review and Recommendations on Directorate Goals

January 15, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85-1488 Filed 1-17-85; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Advanced Reactors; Meeting

The ACRS Subcommittee on Advanced Reactors will hold a meeting on February 5, 1985, Room 1167, 1717 H Street, NW, Washington, DC.

The meeting will be open to public attendance, however, portions will be closed to discuss proprietary information.

The agenda for subject meeting shall be as follows:

Tuesday, February 5, 1985—8:30 a.m. until the conclusion of business

The Subcommittee will discuss the redirected DOE programs for LMFBR and HTGR development as well as the current status of NRC research programs on advanced reactors.

Oral statements may be presented by members of the public with concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statments should notify the ACRS staff member named below as far in advance as practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, 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 Department of Energy, the NRC Staff, their respective consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m. e.s.t. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: January 15, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85-1504 Filed 1-17-85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Fire Protection; Meeting

The ACRS Subcommittee on Fire Protection will hold a meeting on February 5, 1985, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for subject meeting will be as follows:

Tuesday, February 5, 1985—8:30 a.m. until the conclusion of business

The Subcommittee will be briefed on the following: (1) The status of Appendix R compliance, (2) Duke and Calvert Cliffs compliance with Appendix R, (3) fire insurance companies' views on fire protection, and (4) the status of fire protection research at Sandia.

Oral statements may be presented by members of the public with concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member as far in advance as practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee members will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other invited persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Herman Alderman (telephone (202/634-1414) between 8:15 a.m. and 5:00 p.m., e.s.t. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: January 15, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85-1503 Filed 1-17-85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Regulatory Policies and Practices; Meeting

The ACRS Subcommittee on Regulatory Policies and Practices will hold a meeting on February 6, 1985, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for subject meeting will be as follows:

Wednesday, February 6, 1985—8:30 a.m. until 1:00 p.m.

The Subcommittee will review the Commission's proposed Backfitting Rule.

Oral statements may be presented by members of the public with concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member as far in advance as practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee members will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions

with representatives of the NRC Staff, their consultants, and other invited persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Paul Boehnert (telephone 202/634-3267) between 8 a.m. and 5:00 p.m., e.s.t. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Date: January 15, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85-1502 Filed 1-17-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-412]

Duquesne Light Co., et al.; the Draft Environmental Statement for Beaver Valley Power Station, Unit 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement (NUREG-1094) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Beaver Valley Power Station, Unit 2 located in Beaver County, Pennsylvania. The owners of Beaver Valley Unit 2 are Duquesne Light Company, Ohio Edison Company, The Cleveland Electric Illuminating Company and the Toledo Edison Company.

This Draft Environmental Statement (DES) addresses the aquatic, terrestrial, radiological, social and economic costs and benefits associated with normal station operation. Also considered are station accidents, their likelihood of occurrence and their consequences.

The DES is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and at the B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. The DES is also being made available at the Pennsylvania State Clearinghouse, Governor's Budget Office, P.O. Box 1323, Harrisburg, Pennsylvania 17120 and at the Southwestern Pennsylvania Regional Planning Commission, Manor Building—8th Floor, 564 Forbes Avenue, Pittsburgh, Pennsylvania 15219. Free single copies of NUREG-1094 may be requested for public comment by writing to the Publication Services Section, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Interested persons may submit comments on this DES for the Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the DES (other local agencies may obtain these documents upon request).

Comments by Federal, State and local officials, or other members of the public received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the B.F. Jones Memorial Library. Comments are due by March 4, 1985. Comments submitted on the DES will be addressed in the Final Environmental Statement, the availability of which will be published in the **Federal Register**.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of January 1985.

For the Nuclear Regulatory Commission.

B.C. Buckley,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 85-1501 Filed 1-17-85; 8:45 am]

BILLING CODE 7590-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Northwest Power Planning Council, Columbia River Basin Fish and Wildlife Program and Northwest Conservation and Electric Power Plan; Final Amendments

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council.

ACTION: Notice of final amendments.

SUMMARY: On October 10, 1984, the Pacific Northwest Electric Power and Conservation Planning Council (the Council) amended its Columbia River Basin Fish and Wildlife Program (Fish and Wildlife Program). On August 29, 1984 the Council also amended a portion of its Northwest Conservation and Electric Power Plan (Power Plan) regarding the schedule for revision of its Fish and Wildlife Program. Copies of these documents are now available.

FOR FURTHER INFORMATION CONTACT: Copies of the amended Fish and Wildlife Program (including responses to public comments) and the related amendment to the Power Plan can be obtained by contacting Ms. Dulcy Mahar, Director of Public Information and Involvement, Suite 1100, 850 S.W. Broadway, Portland, Oregon 97205 (Toll-free 1-800-222-3355 in Montana, Idaho, and Washington; toll-free 1-800-452-2324 in Oregon; or 503-222-5161). Those who earlier received copies of the draft Fish and Wildlife Program amendments will automatically be sent a copy of the final amended version.

SUPPLEMENTARY INFORMATION: As required by the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501, 94 Stat. 2697, 16 U.S.C. 839 *et seq.* (the Act), the Council adopted a Fish and Wildlife Program and a Power Plan. The Act allows the Council to amend its Plan or Progam from time to time, and requires the Council to review those documents at least once every five years.

Amended Fish and Wildlife Progam

The final Fish and Wildlife Program amendments are the result of a process that began August 15, 1983, when the Council (as required by the Act) called for recommendations for amendments to the Program. More than 140 amendment applications were received by the November 15, 1983 deadline. A summary of the amendment proposals and their complete text were made available to all interested parties. Beginning with its February 22-23, 1984 meeting and for five consecutive meetings, the Council reviewed the amendment applications, considered related issue papers and staff proposals and solicited public comments. Informal consultations also were held with the groups submitting amendments or significantly affected by them. At its June 6, 1984 meeting, the Council voted to formally release draft Fish and Wildlife Program amendments for further public comment. Subsequently, the Council:

- Announced the proposed amendments, public hearings and public comment period through the **Federal Register**, the Council's mailing list, and the Council's newsletter;
- Held public hearings in Boise, Idaho (July 16); Spokane, Washington (July 19); Missoula, Montana (July 24); and Portland, Oregon (July 26);
- Accepted written comments through August 10, 1984;

• Consulted with state and federal fish and wildlife agencies, Indian tribes, Bonneville Power Administration, Bonneville customers, and hydropower project operators, and;

• Complied and administrative record including more than 700 pages of public comments from over 100 groups and individuals.

As a result, at its October 10, 1984 meeting in Boise, Idaho, the Council adopted final amendments to its Fish and Wildlife Program.

Among the highlights of the amendments are:

• Addition of an "action plan" to set priorities and schedule implementation of the Program over the next five years;

• Changes to several existing Program measures addressing juvenile fish passage at dams on the mainstem of the Columbia River;

• Approval of additional construction, including a central outplanting facility on the Yakima Indian Reservation and a resident fish hatchery on the Colville Indian Reservation; and

• Addition of 27 new sets of habitat improvement and passage restoration projects.

The revised Program has particular significance for certain federal agencies. The Act requires the Bonneville Power Administration, in the U.S. Department of Energy, to use its funding and legal authorities to protect, mitigate and enhance fish and wildlife affected by hydropower projects in the Columbia River Basin in a manner consistent with the Program (16 U.S.C. 839b(h)(10)(A)). It also requires Bonneville and "other federal agencies responsible for managing, operating or regulating" Columbia River Basin hydropower facilities (i.e., the Bureau of Reclamation, U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission) to take the Program into account at each relevant stage of their decisionmaking processes to the fullest extent practicable (16 U.S.C. 839b(h)(11)(A)). Accordingly, various provisions of the revised Program call on those federal agencies to implement and/or fund specific fish and wildlife projects.

Power Plan Amendment

In Chapter 11 of the Power Plan, the Council established a schedule for coordinating amendment of its Plan and Program. The Council later realized that amending both the Fish and Wildlife Program and the Power Plan sumultaneously is not desirable, because it would strain the limited resources not only on the Council and its staff but also of interested parties in the region. To address this problem, the Council at its May 16–17, 1984 meeting proposed to change the amendment schedule in Chapter 11 of the Power Plan to cancel the December 15, 1984 fish and wildlife recommendation process and to revise the Fish and Wildlife Program and the Power Plan at separate times. In conjunction with its Fish and Wildlife Program amendment process described above, the Council solicited public comment regarding this related Power Plan amendments. The adopted final amendments to Chapter 11 of the Power Plan at its August 29, 1984 meeting.

Edward Sheets,

Executive Director.

[FR Doc. 85–1456 Filed 1–17–85; 8:45 am]

BILLING CODE 000-00-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 14315; 811–3021]

CG Money Market Fund II, Inc.; Application for an Order Declaring That Applicant has Ceased to be an Investment Company

January 11, 1985.

Notice is hereby given that CG Money Market Fund II, Inc. ("Applicant") 900 Cottage Grove Road, Bloomfield, Connecticut 06002, registered under the Investment Company Act of 1940 ("Act"), as an open-end, diversified, management investment company, filed an application on November 27, 1984, pursuant to Section 8(f) of the Act and Rule 8f–1 thereunder, for an order declaring that Applicant has ceased to be an investment company as defined in 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 for the text of the pertinent statutory provisions.

Applicant states that it was organized as a "money market fund" under the laws of the State of Maryland, and that on March 21, 1980, Applicant sold 10,000 shares of its capital stock at a price of $10.00 per share to its sponsor and investment adviser, CIGNA Investment Management Company ("CIMC"), to raise its initial capital of $100,000.

It is further stated that Applicant filed a Notification of Registration on Form N–8A pursuant to Section 8(a) of the Act on March 24, 1980, and a Registration Statement on Form N–1 under the Act and the Securities Act of 1933 ("Securities Act") on the same date. No public offering was ever made, however, and Applicant states that it does not propose to make a public offering.

It is represented that Applicant has remitted $99,000 to CIMC, its sole shareholder, leaving it with $1,000. It is represented that Applicant is not now engaged in, nor does it propose to engage in any business activities other than the winding-up of its affairs. Accordingly, Applicant requests that the Commission issue an order declaring that Applicant has ceased to be an investment company, and terminating Applicant's registration under the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than February 5, 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. 85–1523 Filed 1–17–85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14316, 811–430]

Seven Star Partners, Ltd.; Application for an Order Terminating Registration Under the Act

January 11, 1985.

Notice is hereby given that Seven Star Partners, Ltd. ("Applicant"), 180 Park Avenue North, Suite 2–B, Winter Park, Florida 32789, registered under the Investment Company Act of 1940 ("Act"), as a closed-end, non-diversified, management investment company, filed an application on December 27, 1984, pursuant to Section 8(f) of the Act for an order declaring that Applicant 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 for the text of the pertinent statutory provisions.

On September 11, 1984, Applicant filed, in accordance with Regulation D promulgated under the Securities Act of 1933, a Notice of Sales of Securities pursuant to Regulation D or Section 4(6), on Form D, pertaining to a proposed private offering of its limited partnership units in a maximum principal amount of approximately $48,000,000. Applicant states that this offering has been completed successfully.

On October 12, 1984, Applicant registered under the Act by filing a Notification of Registration on Form N-8A. Applicant has never filed a registration statement pursuant to Section 8(b) of the Act. On September 20, 1984, Applicant filed an application pursuant to Section 6(c) of the Act for an order exempting Applicant from all provisions of the Act and rules and regulations thereunder. This application was granted by order dated December 18, 1984 (Investment Company Act Release No. 14279). Accordingly, Applicant has requested in the instant application that the Commission issue an order terminating its registration under the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than February 5, 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. 84-1522 Filed 1-17-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14314; 811-4047]

Sigma Corporate Adjustable Rate Fund, Inc.; Application for an Order Declaring that Applicant has ceased to be an Investment Company

January 11, 1985.

Notice is hereby given that Sigma Corporate Adjustable Rate Fund, Inc. ("Applicant"), Greenville Center, Bldg. C; Suite 200; 3801 Kennett Pike; Wilmington, Delaware 19807; registered as an open-end, diversified management investment company under the Investment Company Act of 1940 ("Act"), filed an application on December 20, 1984, 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 was incorporated under the laws of Delaware and registered under the Act on June 8, 1984. Applicant further states that it was duly terminated and ceased to exist under the laws of Delaware as of November 26, 1984.

Applicant represents that it filed a registration statement with the Commission, pursuant to the Securities Act of 1933, on June 8, 1984. Applicant's registration statement never became effective and Applicant states it never made a public offering or sold any of its securites. Applicant further declares that it has not conducted any operations or made any distributions of any kind. Applicant represents that no assets have been retained for contingent liabilities; however, Delfi Management, Inc., Applicant's investment adviser, has agreed to assume such liabilities. Accordingly, Applicant 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 February 5, 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 Mangement, pursuant to delegated Authority.

John Wheeler,

Secretary.

[FR Doc. 85-1521 Filed 1-17-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-21654; File No. SR-AMEX-84-32]

Self-Regulatory Organizations; Proposed Rule Change; American Stock Exchange, Inc., Amendment of Exchange Rule 154 on Stop Orders and Stop Limit Orders

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 30, 1984, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange is proposing to amend Rule 154, Commentary .04, to allow stock specialists to accept stop orders, as well as stop limit orders where the stop and limit price are not identical.[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

[1] The text of the proposed rule change is attached as Exhibit A.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* Amex Rule 154, Commentary .04, prohibits stock specialists from accepting stop orders, as well as stop limit orders in round lots where the stop and limit prices are not identical.[2]

Both stop orders and stop limit orders may be accepted by brokerage firms. Investors use both types of orders to protect profits or to limit losses. They are also used by chartists in determining when to buy or sell securities and New York Stock Exchange specialists are permitted to accept them. The proposed changes would remove the prohibitions and require Amex specialists to accept stop orders and stop limit orders, where the stop price and limit price are not identical.

Stop orders and stop limit orders are defined by Amex Rule 131. A stop order to buy becomes a market order when a transaction in the security occurs at or above the stop price. A stop order to sell becomes a market order when a transaction in the security occurs at or below the stop price. For example, if an investor sold stock short at 20 anticipating a decline in value, and wanted to protect himself from the possibility of unlimited loss, he could enter a buy-stop order at a price higher than 20. If the price rose to the stop price or above, the buy-stop order would become a market order to be immediately executed at the best available price and the investor would cover his short position.

Similarly, a sell-stop order would be entered below the current market level to curtail a loss on a present stock holding, or to preserve a profit for stock previously purchased at lower prices. To further illustrate the operation of a sell-stop order, assume the market is 20–20¼. A stop order is entered to sell 100 shares XYZ at 20 stop. When a transaction occurs at 20 or lower it elects the stop order which then becomes a market order to sell which will be immediately executed at the best available price.

In contrast, a stop limit order to buy becomes a limit order (as opposed to a market-order) executable at the *limit* price, or at a better price, if obtainable, when a transaction in the security occurs at or above the *stop* price. And, a stop limit order to sell becomes a limit order executable at the limit price; or at a better price, if obtainable, when a transaction in the security occurs at or below the stop price. For example, assume the market in XYZ is 20–20¼. An order is entered to buy 100 shares XYZ at 20¼ stop-limit with a limit price of 20¼. (Under the present rule, the stop price and limit price must be identical.) If a transaction then occurs at 20¼, or above, it would elect the stop order, which would become a limit order executable at 20¼ or better.

The prohibition against a specialist accepting stop orders in round lots was adopted in 1961. The concern behind the prohibition was that election of one stop order would start a chain reaction or "snowball" effect of concurrent elections of other stop orders, thereby exacerbating price movements in the stock. This was of particular concern where the issue was illiquid.

In 1965, the prohibition was extended to prohibit stop limit orders where the limit price was not identical with the stop price. This was done to halt attempted circumvention of the rule by precluding the entry of stop limit orders which were, in effect, nothing more than prohibited stop orders. In other words, the limit price would be so far removed from the stop price that the limit order would, effectively, be a market order. Since the Exchange is proposing to allow the acceptance of stop orders, it is no longer necessary to require that the stop price and limit price be identical in stop limit orders.

A great deal of confusion has been created by the nonconformity between the Amex's rules and the NYSE's rules on stop orders. Members have, for some time, questioned the continued validity of these restrictions. Recently, an *ad hoc* Advisory Committee on Equity Trading Procedures composed of specialists and brokers recommended that the Amex's rules be changed to conform to those of the NYSE. The Committee pointed out that while the current procedures were designed to protect investors, they actually deprive customers of the opportunity to use stop orders to protect their profits and curtail their losses.

A customer who must rely on the protections afforded by a stop limit order runs the risk that his order will be elected but not executed. For example, assume that a customer wants to protect himself from a falling market and enters an order to sell 100 XYZ at 34 stop-limit. At the time the order is entered the market in XYZ is 36–36¼. If and when a sale takes place at 34 or below, the order will be elected and become a limit order to sell 100 shares at 34 or above. Thus, if the market continues moving lower, the limit order will not be executed. Or, the limit order might subsequently be executed if the market rallies, which may not have been the intent of the investor. Had the customer been able to, a stop order entered at 34 would have become a market order immediately upon election and would have been executed at the best price available. Therefore, in these circumstances, current practice affords little protection to investors.

Permitting the acceptance of stop orders today will not create the risks once envisioned. In those situations where the execution of stop orders would be detrimental to the market in a specific security, Amex Rule 22 will continue to give to Floor Officials the authority to prohibit the specialist from accepting stop or stop limit orders. Specialists will be reminded that they have the duty to inform a Floor Official or Floor Governor whenever there is an unusual accumulation of stop and/or stop limit orders at a specific price or prices which may impact on their market making ability in the stock.

The Exchange is also proposing to amend the rule to provide that whenever a specialist elects a stop order on his book by selling stock to the existing bid or buying stock at the existing offer for his own account, he must first obtain a Floor Official's approval and all stop orders to elected must be executed at the same price as his electing transaction. This will prevent specialists from gaining undue advantage from trading for the sole purpose of electing stop orders on his book.

(2) *Basis.* The proposed amendments are consistent with Section 6(b) of the Exchange Act, in general, in that they are designed to ensure that the Exchange's rules remain up-to-date and further the objective of Sections 6(b)(1) and 6(b)(5), in particular, in that they are designed to help enforce compliance with Exchange rules and remove impediments to the mechanism of a free and open market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will foster competition by eliminating unnecessary regulatory impediments to the use of different trading strategies by all market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

[2] Such orders are currently permitted in listed options, bonds and in stock odd-lots.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change 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 threof with the Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect of 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 February 8, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

January 11, 1985.

Exhibit A—Proposed Rule Change

It is proposed that the following rules be amended as set forth below. (Brackets [] indicate words to be deleted and Italic indicates words to be added.)

Orders left With Specialist

Rule 154. No member, member firm or member corporation shall place with a specialist, acting as broker, any order to effect on the Exchange any transaction except at the market or at a limited price.

• Commentary

.04 A specialist shall accept *both stop orders and* stop limit orders [in round lots, provided the stop price and the limit price are identical,] in securities in which he is so registered, but shall not accept stop orders or stop limit orders where the stop price and the limit price are not identical in round lots in such securities].

When a specialist elects a stop order on his book by selling stock to the existing bid or buying stock at the existing offer for his own account, he must first obtain a Floor Officials's approval, and all stop orders so elected must be executed at the same price as his electing transaction.

[A specialist registered as an odd-lot dealer shall accept both stop orders and stop limit orders in odd lots in the securities in which he is so registered.]

[FR Doc. 85-1520 Filed 1-17-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14322; 812-6010]

E.I.P. Funding Corp.; Application for an Order for Exemption From all Provisions of the Act

January 16, 1985.

Notice is hereby given that E.I.P. Funding Corporation ("Applicant"), 1209 Orange Street, Wilmington, Delaware 19801, a Delaware corporation, filed an application on December 21, 1984, and exhibits thereto on January 4, 1985, for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below, and to the Act for the text of its relevant provisions.

Applicant states that it is a special purpose corporation formed for the sole purpose of effecting the long term financing of a certain newly constructed 216 mile, 345kV bulk power transmission line, and related facilities ("Transmission System"), located between an existing bulk power switching station north of Bernalillo, New Mexico, and the Blackwater high voltage DC converter station located in the Clovis-Portales area of eastern New Mexico. The Transmission System was constructed and is owned by Public Service Company of New Mexico ("PNM"), a public utility engaged principally in the generation, transmission, distribution and sale of electricity within the State of New Mexico. PNM also owns facilities for the pumping, storage, transmission, distribution and sale of water in Santa Fe, and has executed a definitive agreement for the acquisition of substantial gas utility assets in New Mexico. PNM, through its subsidiaries, is also engaged in a program of diversification into non-utility activities.

The application states that PNM constructed the Transmission System to interconnect the electrical system of PNM and Southwestern Public Service Company ("SPS"), a public utility serving areas in Texas and Oklahoma, and to interchange the power for other parties interconnected with either PNM or SPS, although no arrangements for such third party transmission service currently exist. In November, 1982, PNM and SPS entered an agreement ("Interconnection Agreement") that provides for the sale by PNM to SPS of uncommitted energy at a rate of up to 220 megawatts per hour between 1985 and 1990 and the purchase by PNM from SPS of up to 100 megawatts of interruptible power between 1991 and 1995, and the purchase by PNM from SPS of up to 200 megawatts of interruptible power between 1995 and 2011. Applicant expects the Transmission System to provide PNM with greater flexibility in planning and constructing future generating facilities. Commercial operation of the Transmission system is expected to commence in January, 1985.

Applicant states that PNM financed the construction of the Transmission System through internally generated funds and unsecured short-term borrowings. PNM has entered into agreements that provide that on a date certain in February, 1985, PNM will sell undivided interests aggregating 100% of the Transmission System to the First National Bank of Boston ("FNB") as owner trustee ("Owner Trustee") under separate trust agreements with two institutional equity investors, Emerson Leasing Venture, Inc., and General Foods Credit Corporation (collectively the "Owner Participants"), and the Owner Participants will then lease such interests back to PNM on long-term net lease basis ("Sale and Leaseback"). The total consideration paid to PNM for the Sale and Leaseback is projected at $72 million, of which $17 million will be the equity investment of the Owner Participants and the balance of $55 million will be the proceeds of Applicant's bond offering ("Secured Facility Bonds"). Incidental to the Sale and Leaseback, various agreements ("Support Agreements") will be executed which are designed to provide the Owner Participants with such

additional services, resources and facilities as are necessary or desirable to operate the Transmission System for the time following the expiration of the Leases entered between PNM and the Owner Participants ("Leases"), until the end of the useful life of the Transmission System.

According to the application, the Owner Participants will enter into agreements with FNB in order to form trusts ("Owner Trusts") to facilitate the Sale and Leaseback; pursuant thereto, the Owner Trusts will issue notes ("Secured Lessor Notes"), nonrecourse to the general credit of any Lessor, and secured under two substantially identical Trust Indentures and Security Agreements ("Lease Indentures"), both with Morgan Guaranty Trust Company of New York ("Morgan Guaranty") as trustee ("Lease Indenture Trustee"). The Secured Lessor Notes will be secured equally and ratably by a first lien on and a security interest in the Owner Trusts' respective undivided interests in the Transmission System and certain of the Owner Trusts' rights under their respective Leases with PNM, including the right to receive basic rental payments and certain other payments from PNM, and the Owner Trusts' rights under the Support Agreements. Each Lease will require, Applicant states, that PNM make basic rental payments in such amounts and at such times as will always provide for the payment of the principal of, premium, if any, and interest on, all of the Secured Lessor Notes when due. In addition, Applicant states that each Lease is a "net lease" that obligates PNM to make such basic rental payments without any counterclaim, setoff, deduction or defense.

Applicant states that it will issue Secured Facility Bonds, long-term taxable debt securities pursuant to a trust indenture ("Collateral Trust Indenture"). It is anticipated that the Secured Facility Bonds will be registered under the Securities Act of 1933 ("Securities Act") and that the Collateral Trust Indenture will be qualified under the Trust Indenture Act of 1939. For purposes of the Act, Applicant is deemed the issuer of the Secured Facility Bonds; however any registration statement filed under the Securities Act will designate PNM as the registrant-issuer. The aggregate offering of the Secured Facility Bonds approximates $55 million, with maturities in 1990, 1995 and 2015, and redeemable at designated prices after April 1, 1985. Applicant's Secured Facility Bonds will be secured by the Secured Lessor Notes, none of which will be the direct obligation of or guaranteed by PNM. However, Applicant asserts that because PNM will be unconditionally obligated to make basic payments under the Leases, the ultimate source of payment for the Secured Facility Bonds will be PNM.

Upon closing of the Sale and Leaseback, the Secured Lessor Notes will be pledged and assigned to Morgan Guaranty acting in its capacity as the Collateral Trust Indenture Trustee ("Collateral Trust Trustee"). The Collateral Trust Trustee will hold the Secured Lessor Notes as security for the Secured Facility Bonds. Applicant's only activities, the application represents, will be to purchase the Secured Lessor Notes and the issuance of the Secured Facility Bonds. Applicant represents that it will not be issuing redeemable securities, face amount certificates of the installment or periodic payment plan certificates as defined under the Act. Applicant also represents that it is not a subsidiary of, or affiliated with PNM or its subsidiaries, that Applicant's certificate of incorporation limits its activities to those described herein, that no public offering of Applicant's stock will be made, and that its common stock will be held by The Corporation Trust Company, a Delaware corporation. Applicant also represents that it will issue no other class of equity securities, and will not purchase or hold securities of other investment companies.

The application asserts that the Secured Facility Bonds will in effect be the obligation of PNM due to the "pass through" voting mechansim by which the Collateral Trust Trustee takes action or casts any vote in its capacity as holder of the Secured Lessor Notes. The Collateral Trust Indenture authorizes the Collateral Trust Trustee to give any consents, waivers or to exercise any rights and remedies in respect thereof, and to give notice of such action to holders of the Secured Facility Bonds. Therefore, according to the application, the principal amount of Secured Lessor Notes directing any action for or against any proposal will be the principal amount of Secured Facility Bonds taking the corresponding position.

In the event PNM defaults in the payment of rent or otherwise defaults under any Lease, the Lease Indenture Trustee would upon direction of a majority in principal amount of Secured Lessor Notes, which by virtue of the pass-through voting would be a majority of the principal amount of Secured Facility Bonds, direct that the Secured Lessor Notes be declared due and payable and to exercise the remedies available under the Lease Indentures.

The remedies included under the Lease Indenture are the right to (1) terminate the Leases and demand the redelivery of the Transmission System, and (2) demand that PNM pay, within 10 days, all unpaid basic rent plus a stipulated amount which, in all cases, will be sufficienct to pay the principal of and premium, if any, and interest on all the Secured Lessor Notes, and correspondingly, the Secured Facility Bonds. Amounts payable by PNM under the Leases, at least to the extent of the aggregate of principal, interest and premium, if any, on the Secured Facility Bonds, will be required to be paid directly to the Collateral Trust Trustee for distribution to the Secured Facility Bondholders. Consequently, the application argues, Secured Facility Bondholders have access under the Collateral Trust Indenture and the Lease Indentures to the credit of PNM. Moreover, Applicant asserts that Secured Facility Bondholders will be entitled to realize on the security afforded by the Transmission System, an asset free and clear of the rights of PNM or any creditor thereof. The combination of the Secured Lessor Notes and the obligation of PNM under the Leases, Applicant asserts, constitutes the substantial equivalent of a guaranty by PNM of the Secured Facility Bonds.

Applicant states that the latest date for consummation of the Sale Leaseback ("Lease Closing Date"), as prescribed by the Internal Revenue Code ("Code") is February 5, 1985, three months following the testing of the Transmission System. Applicant states that the testing which occurred on November 5, 1983, may have constituted placing the Transmission System "in service" for purposes of Code Section 168. Temporary Regulation § 5.168(f) (8)–2(a)(2) defines placing property "in service" as the point when the property is placed in a condition or state of readiness and availability for a specifically defined function.

The applicant also states that if the Lease Closing Date occurs after the public offering of the Secured Facility, Bonds, then the net proceeds thereof will be held by the Collateral Trust Trustee, pursuant to the terms of the Collateral Trust Indenture, who could invest proceeds in certain permitted investments ("Permitted Investments") which include direct obligations of the United States or Obligations fully guaranteed by the United States, and certificates of deposits issued by or bankers' acceptances of, or time deposits with, banks organized under United States law and limited to

amounts less than $15 million in principal at any one time, and the highest rated commercial paper. During the interim period pending the Lease Closing Date, security for payment with respect to the Secured Facility Bonds will be the proceeds from the sale of the Secured Facility Bonds and the income from Permitted Investments, if any. In the event that Lease Closing does not occur by February 5, 1985, PNM may at any time, but must by April 15, 1985, cause, and if necessary contribute the funds necessary for redemption of all outstanding Secured Facility Bonds at par plus accrued interest. The application also states that it is contemplated that each Owner Trust will reimburse PNM for basic rent paid under its lease in an amount equal to the accrued and unpaid interest on the Secured Lessor Notes for the period from the Lease Closing Date to, but not including the, lease commencement date of April 1, 1985. PNM, Applicant states, nevertheless remains the primary obligor with respect to such rental payments and will have an absolute and unconditional obligation to make such payments without regard to whether such reimbusement is made. The Owner Trusts and the Owner Participants will not be obligated to the Secured Facility Bondholders if PNM is not reimbursed.

While PNM and its advisors have recognized that a financing structure which provided for two independent bond issues related to the separate Secured Notes, as opposed to using a funding corporation (such as Applicant), would clearly avoid the application of the Act, it was decided that the funding corporation structure was preferable because it allows an aggregation of the debt from two Secured Notes into a single issue of, or a series of issues aggregating, aproximately $60 million. A single issue of this size by the same entity assures fungibility of the securities, resulting in a more potentilly active secondary market and thereby alleviating the significant liquidity concerns of potential bondholders. In addition, the $60 million size can be serialized into three separate maturities of five, ten (or fifteen) and thirty years without destroying the aftermarket trading in the issue. Serialization is an important feature of this structure because it allows PMN to realize savings arising from the positively sloping yield curve and affords considerable call protection for the holders of the longer maturities.

The loss of serialization, in the opinion of PMN's advisor would limit PNM's ability to take advantage of the positively sloping yield curve and create a structure whereby a bondholder would buy a thirty year bond but be subject to a mandatory sinking fund beginning in the first year. This early sinking fund provision would be likely to cause an increase in the interest rate.

The increase in interest rates payable as a consequence of separate issues of debt would result in a significant increase in rentals payable by PNM under the Leases. These increases would be passed through to PNM's consumers of electricity.

Applicant states that it may be deemed to be an investment company as defined by the Act by reason of its proposed acquisition, holding and pledging of the Secured Lessor Notes and Applicant's issuance of the Secured Facility Bonds, which may be held by more than 100 persons. The only significant assets of the Applicant will be the Secured Lessor Notes. All payments on the Secured Lessor Notes will be applied to the principal and interest on the Secured Facility Bonds. Applicant asserts, however, that the business in which it proposes to engage in not of the type intended to be regulated by the Act. The activities of Applicant are similar to those of certain finance subsidiaries which the Commission has exempted from the Act by Rule 3a-5 recently adopted under the Act. Although Applicant is not a subsidiary of, or in any way, affiliated with, PNM or any of its subsidiaries and Applicant's Secured Facility Bonds will not be guaranteed by PNM or any of its subsidiaries, as a special purpose corporation engaged only in the business of the issuance of the Secured Facility Bonds, Applicant asserts that its activities come within the general policies of Rule 3a-5. Applicant also argues that leveraged leases are a widely accepted and favorable method of financing and the proposed and the proposed issuance of Applicant's Secured Facility Bonds provides a convenient mechanism for PNM to obtain the benefits of access to the public segment of the debt capital markets. Applicant further asserts that granting the order is consistent with the protection of investors since Applicant's operations do not lend themselves to the abuses against which the Act was directed.

Therefore, Applicant submits that an order pursuant to section 6(c) of the Act, exempting it from all provisions of the Act, is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than February 4, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/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 moton.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-1561 Filed 1-17-85; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-5153]

Center City MESBIC, Inc.; Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Center City MESBIC, Inc. (Center City), 40 South Main St., Ste. 762, Dayton, Ohio 45402, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA) pursuant to section 312 of the Act and Regulations governing Small Business Investment Companies (13 CFR 107.903 (1984)) for approval of a conflict of interest transaction falling within the scope of the above Sections of the Act and Regulations.

Subject to such approval, Center City proposes to provide funds to Hooven-Dayton Corporation for the purpose of financing a change in ownership, purchase of equipment and to provide working capital.

The proposed financing is brought within the purview of § 107.903(b)(1) of the Regulations because Mr. McKenna Jordan, who will be the controlling shareholder and chief executive of Hooven-Dayton Corporation, is currently a Vice President and employee of Banc One, Dayton, NA, which owns 12.69 percent of the common stock of Center City and therefore is considered

an Associate of Center City as defined by § 107.3 of the Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed transaction. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" St., NW., Washington, D.C. 20416.

A copy of this notice shall be published in accordance with § 107.903(e) of the Regulations, in a newspaper of general circulation in Dayton, Ohio.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 15, 1985.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 85-1530 Filed 1-17-85; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area #6247; Amdt. 2]

Nebraska; Declaration of Disaster Loan Area

The above numbered Declaration is hereby amended to include the County of Jefferson. All other information remains the same, i.e. the termination date for filing applications is the close of business on October 10, 1985.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: January 14, 1985.

Irene Castillo,

Acting Administrator.

[FR Doc. 85-1531 Filed 1-17-85; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/798]

Advisory Committee on International Investment, Technology and Development; Meeting

The Department of State will hold a meeting of the Subcommittee on Food, Hunger, and Agriculture in Developing Countries of the Advisory Committee on International Investment, Technology, and Development on February 5, 1985 from 1:30 p.m. to 4:00 p.m. The meeting will be held in Room 1207 of the Department of State, 2201 "C" St., N.W., Washington, D.C., 20520.

The purpose of the meeting will be: (1) To review the President's Third world Hunger Initiative—short term emergency and long term development components—and (2) to discuss the Subcommittee's terms of reference and anticipated work program.

Members of the public wishing to attend must contact the Office of Investment Affairs [(202) 632-2728] in order to arrange admittance to the State Department. Please use the "C" street entrance.

The Chairperson of the Subcommittee will, as time permits, entertain oral comments from members of the public at the meeting.

Dated: January 3, 1985.

Walter B. Lockwood, Jr.,

Deputy Director, Bureau of Economic and Business Affairs, Office of Investment Affairs.

[FR Doc. 85-1491 Filed 1-17-85; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/797]

Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on February 5 and 6, 1985, in Room 2064A at the Naval Ocean Systems Center, San Diego, California. Meetings will begin at 9:00 a.m. on both days.

Study Group 6 deals with matters relating to the propagation of radio waves in and through the ionosphere. The purpose of the meeting will be to approve the final documents to be submitted by U.S. Study Group 6 to the Final Meeting of the international Study Group scheduled for the Fall of 1985.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. Requests for further information should be directed to Mr. Richard Shrum, State Department, Washington, D.C. 20520; telephone (202) 632-2592.

Dated: January 8, 1985.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 85-1492 Filed 1-17-85; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: January 15, 1985.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureau(s)), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed under each bureau. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545-0790
Form Number: IRS Form 8082
Type of Review: Reinstatement
Title: Notice of Inconsistent Treatment or Amended Return

OMB Number: 1545-0474
Form Number: IRS Form 6244
Type of Review: Reinstatement
Title: Tax Counseling for the Elderly

Clearance Officer: Garrick Shear, (202) 566-6254, Room 5571, 1111 Constitution Avenue NW., Washington, D.C. 20224

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Joseph F. Maty,

Departmental Reports Management Office.

[FR Doc. 85-1469 Filed 1-17-85; 8:45 am]

BILLING CODE 4810-25-M

Internal Revenue Service

Inventory of Commercial Activities and Schedule of A-76 Reviews

Internal Revenue Service Inventory of Commercial Activities and Schedule of A-76 Reviews

As required by OMB Circular A-76, *Performance of Commercial Activities*, IRS publishes its inventory of commercial activities and aproximate schedule for A-76 reviews. Some of the activities in the list may be combined into larger units for purposes of review.

Dated: January 10, 1985.

Edwin Murphy,

A-76 Program Manager, Internal Revenue Service.

Location and type of activity	Projected fiscal year for review	FTE's
North Atlantic regional office, New York, NY:		
Mail room (fiscal)	86	0.5

Location and type of activity	Projected fiscal year for review	FTE's
Key entry	86	6.0
Financial audit	85	13.0
Account tehcnician	87	11.0
ADP services (personnel)	85	1.2
Health unit	85	3.0
Art and graphics	85	0.1
ADP services (RM:Fm:I)	85	0.2
ADP service (RM:FM:OA)	85	2.0
Space layout and drafting (RM:FM:S)	86	1.0
Space layout and drafting (RM:FM:PS)	86	0.1
Bulk storage (RM:FM:P)	86	0.5
Bulk storage (RM:FM:PS)	86	1.0
Stock room	86	1.0
Labor services	87	1.9
Repair	85	0.3
Mail room (RM:FM:PS)	87	2.3
District office, Albany, NY:		
Space layout and drafting	85	0.3
OTC form distribution	85	3.0
Labor services	87	2.0
Teller unit	87	1.0
Mail room	87	1.0
Centralized files	87	1.0
District office, Augusta ME:		
ADP services	85	1.4
Inventory and supply	86	0.2
OTC forms distribution	86	0.5
Teller unit	85	0.6
Mail room	85	2.5
District office, Boston, MA:		
ADP services	87	12.5
Space layout and drafting	86	1.5
Bulk storage	85	2.0
Motor vehicle operation	85	1.0
Inventory and supply	85	3.0
OTC forms distribution	84	1.2
Labor services	86	2.0
Teller unit	85	3.0
Mail room	84	3.0
Word processing	87	11.0
Centralized files	86	11.0
District office, Brooklyn, NY:		
ADP services	87	4.0
Space layout and drafting	87	1.0
Bulk storage	86	2.5
Inventory and supply	86	2.5
OTC forms distribution	85	0.5
Labor services	86	5.0
Motor vehicle operation	87	1.0
Teller unit	86	3.0
Mail room	86	4.0
Word processing	85	8.0
Centrlized files	85	10.0
District office, Buffalo, NY:		
Space layout and drafting	87	0.2
Bulk storage	87	1.5
Inventory and supply	87	1.5
Labor services	87	1.0
Mail room	86	2.0
Word processing	85	20.0
Centralized files	86	4.0
Records search	85	5.0
District office, Burlington, VT:		
ADP services	85	1.0
Inventory and supply	86	0.3
OTC forms distribution	86	0.6
Mail room	87	0.3
District office, Hartford, CT:		
ADP services	87	6.0
Space layout and drafting	87	1.5
Bulk storage, inventory/supply, OTC forms distribution	85	3.0
Labor services and motor vehicle operation	85	2.2
Teller unit	85	1.5
Repair	86	0.2
Mail room	87	2.3
Word processing	85	3.0
Centralized files	85	2.0
Library	85	0.5
Valuation/appraisal	86	3.0
District office, Manhattan, NY:		
ADP services	87	16.0
Space layout and drafting	86	1.8
Bulk storage/inventory/supply/OTC forms distribution/labor services	85	13.0
Motor vehicle operation	87	4.0
Teller unit	86	4.0
Mail room	84	8.5
Word processing	86	15.0
Centralized files	87	4.0
Library	87	1.0
Valuation/appraisal	85	44.0
District office, Portsmouth, NH:		
ADP services	85	3.0
Inventory and supply	86	0.2
Mail room	86	0.2
OTC distribution	85	0.7
District office, Providence, RI:		
Inventory/supply/mail room	85	1.2
Mail room	86	1.0
Service center, Andover, MA:		
ADP services	85	3.4
Health unit	86	3.0
Space layout and drafting	85	1.0
Bulk storage and labor services	87	7.0
Inventory and distribution	85	3.0
Motor vehicle operation	85	6.0
Repair	85	4.0
Mail room	85	2.0
Word processing	87	15.0
Centralized files	86	9.0
Machine services unit	85	10.0
Document destruction	85	1.0
Service center, Holtsville, NY:		
ADP services	87	6.9
Health unit	85	3.5
Space layout and drafting	85	2.0
Bulk storage	87	6.0
Inventory and supply	85	1.0
Labor services	86	2.0
Motor vehicle operation	84	3.0
Repair	84	5.0
Mail room	86	3.0
Word processing	86	6.7
Centralized files	87	(1)
Library services	87	0.3
Machine services unit	87	9.1
Document destruction	86	1.5
Warehouse operation	85	24.5
Mid-Atlantic regional office, Philadelphia, PA:		
Space layout and drafting (RM:OS)	87	0.5
Bulk storage, inventory and supply	84	2.0
Mail room	84	2.0
Art, graphics, and audiovisual services	87	0.5
Space layout and drafting	87	2.0
ADP services (RM:F:A)	86	9.6
Financial audit	87	7.8
Accounting services	87	3.0
ADP services	87	7.0
District office, Baltimore, MD:		
Space layout and drafting	86	1.5
Bulk storage, inventory and supply	86	5.8
OTC forms distribution	85	3.5
Motor vehicle operation	85	0.3
Teller unit	87	(1)
Mail room	86	1.8
Centralized files	87	15.0
Records search	87	3.0
Financial audit	86	1.0
Foreign operations district, Washington, DC:		
ADP services	86	3.0
Space layout and drafting	87	0.6
Mail room/warehouse/motor vehicle	85	5.0
OTC forms distribution	85	0.3
Word processing	85	8.0
Translation	87	1.0
District office, Newark, NJ:		
ADP services	87	2.3
Space layout and drafting	86	1.0
Bulk storage, inventory, supply and messenger	85	6.2
OTC forms distribution	85	2.5
Motor vehicle operation	86	0.3
Teller unit	87	(1)
Microfilming	87	5.0
Mail room	87	5.0
Word processing	87	18.0
Centralized files	86	17.3
Records search	86	0.7
Valuation/appraisal	86	12.0
Financial audit	86	0.2
Copier/duplication center	85	1.0
Film messenger service	85	.3
District office, Philadelphia, PA:		
Art, graphics, space layout and drafting	86	4.9
Bulk storage, inventory, supply, and labor	84	2.8
OTC forms distribution	87	1.5
Motor vehicle operation	85	0.5
Mail room	86	6.0
Word processing	85	17.0
ADP services	86	4.0
Centralized files	87	8.0
Teller unit	87	(1)
Valuation/appraisal	85	4.0
District office, Pittsburgh, PA:		
ADP services	85	2.0
Space layout and drafting	85	0.5
Bulk storage	87	1.0
Inventory and supply	87	1.0
OTC forms distribution	85	1.5
Labor services	86	1.0
Teller unit	87	(1)
Mail room	85	1.0
Centralized files	85	2.0
Records search	85	1.0
Valuation/appraisal	87	12.0
District office, Richmond, VA:		
ADP services	87	2.0
Space layout and drafting	85	0.5
Bulk storage, inventory and supply	85	3.0
Teller unit	87	(1)
Mail room/copy/duplicating	85	3.4
OTC forms distribution	85	1.0
District office, Wilmington, DE:		
ADP services	87	1.0
Motor vehicle operation	87	0.1
Teller unit	87	(1)
Mail room	87	1.0
Centralized files	87	0.8
Service center, Philadelphia, PA:		
Health unit	84	3.0
Space layout andd drafting	87	0.3
Bulk storage, inventory and supply	84	11.0
Motor vehicle operation	84	8.0
Centralized files	86	16.0
Machine services unit	86	14.0
Southeast regional office, Atlanta, GA:		
ADP services	87	3.2
Financial audit	87	14.0
Architecture/engineering	86	2.0
Southeast regional training center, Atlanta, GA:		
Art and graphics	85	1.0
ADP services	87	0.1
Bulk storage	87	2.0
Inventory and supply	87	2.0
District office, Atlanta, GA:		
ADP services	85	1.0
Health unit	84	1.0
Space layout and drafting	85	1.7
Bulk storage and supply	85	6.0
OTC forms distribution	85	1.0
Motor vehicle operation	86	1.0
Teller unit	86	3.0
Microfilming	86	1.0
Mail room	84	7.0
Word processing	87	12.0
Centralized files	87	4.0
Records search	87	4.7
Library services	85	1.0
Valuation/appraisal	86	29.0
District office, Birmingham, AL:		
ADP services	86	7.0
Space layout and drafting	84	1.0
Inventory and supply	85	2.0
Teller unit	85	2.0
Mail room	84	3.0
Records search	85	9.7
Library services	85	2.5
District office, Columbia, SC:		
ADP services	87	4.0
Space layout and drafting	86	0.2
Bulk storage and supply	85	1.8
OTC forms distribution	86	1.3
Teller unit	86	2.0
Mail room	85	0.5
Centralized files	85	2.0
Records search (Collection division)	87	1.0
Library services	85	0.5

Location and type of activity	Projected fiscal year for review	FTE's
District office, Greensboro, NC:		
ADP services	87	11.5
Health unit	84	1.0
Space layout and drafting	86	1.0
Bulk storage and supply	85	2.8
OTC forms distribution	86	1.0
Labor services	85	1.2
Teller unit	87	2.5
Mail room	84	3.0
Word processing	87	4.0
Records search	86	8.0
District office, Jackson, MS:		
ADP services	86	2.0
Bulk storage	85	1.0
OTC forms distribution (racks)	85	0.2
Labor services	85	0.3
Teller unit	87	(1)
Mail room	84	0.5
Records search	87	4.0
Appraisals, sales, etc.	87	1.5
District office, Jacksonville, FL:		
ADP services	85	7.5
Space layout and drafting	86	0.5
Bulk storage and supply	85	3.5
Teller unit	86	8.0
Mail room	84	7.0
Word processing	85	12.0
Centralized files	86	5.0
Records search	84	25.0
Library services	87	1.0
Valuation/appraisal	86	9.0
District office, Nashville, TN:		
Art and space layout	86	3.0
Bulk storage and inventory	85	4.0
Teller unit	85	3.0
Mail room	84	3.0
Records search	85	26.0
Service center, Chamblee, GA:		
Art and graphics	85	1.0
Health unit	84	4.5
Space Layout and drafting	85	2.0
Bulk storage/motor vehicle/inventory/supply	84	17.0
Repair	86	3.3
Mail room	84	4.0
Centralized files	87	(1)
Machine services	86	7.0
Document destruction	84	0.5
Omnisort and electronic specialist	84	1.0
Service center, Memphis, TN:		
Art and graphics	85	0.7
ADP services	87	5.0
Health unit	84	1.8
Space layout and drafting	87	0.3
Audiovisual services	85	0.3
Bulk storage/inventory/supply	84	12.5
Labor services	84	1.4
Motor vehicle	87	0.3
Repair	85	5.0
Mail room	84	7.8
Word processing	86	12.0
Centralized files	87	30.5
Library services	87	0.2
Machine services	86	10.0
Editing newsletter	86	1.0
District office, Little Rock, AR:		
ADP services	86	3.0
Space layout and drafting	86	0.8
Bulk storage	87	0.5
Inventory and supply	85	0.8
OTC forms distribution	86	1.5
Labor services	87	0.8
Teller unit	86	2.0
Mail room	86	1.0
Library services	87	0.3
Timekeeping	87	1.8
District office, New Orleans, LA:		
ADP services	86	4.0
Space layout and drafting	87	1.0
Bulk storage	85	1.0
Inventory and supply	85	1.5
OTC forms distribution	85	2.2
Teller unit	86	3.0
Microfilming	85	0.5
Mail room	86	3.0
Word processing	87	12.0
Valuation/appraisal	87	5.5
Financial audit	86	1.7
Management consulting services	87	0.5
Central regional office, Cincinnati, OH:		
ADP services	85	7.0
Space layout and drafting	85	5.0
Library	86	0.1
Financial audit	86	11.0
Key entry/filing	86	5.0
District office, Cincinnati, OH:		
ADP services	87	3.0
Space layout and drafting	85	2.0
Bulk storage/supply/labor services/repair	86	4.0
OTC forms distribution	86	7.0
Teller unit	86	3.0
Microfilming	86	1.0
Mail room	86	4.0
District office, Cleveland, OH:		
Art	87	0.4
ADP services	86	12.4
Space layout and drafting	86	2.9
Bulk storage/inventory/supply/OTC forms distribution/labor services/library services/document destruction	85	24.4
Teller unit	87	7.0
Microfilming	85	0.8
Repair	85	0.1
Mail room	85	7.2
Word processing	87	2.0
Centralized files	87	3.0
Records search	87	2.7
Valuation/appraisal	87	0.5
Financial audit	87	0.8
District office, Detroit, MI:		
ADP services	85	17.5
Space layout and drafting	87	3.0
Bulk storage and supply	86	11.0
OTC forms distribution	86	1.5
Teller unit	86	9.0
Mail room	86	8.0
Library services	86	0.8
Valuation/appraisal	87	6.0
District office, Indianapolis, IN:		
ADP services	86	11.0
Space layout and drafting	87	1.0
Inventory and supply	86	1.0
OTC forms distribution	86	2.6
Teller unit	85	4.0
Mail room	86	3.5
Centralized files	86	1.5
District office, Louisville, KY:		
ADP services	87	13.0
Space layout and drafting	86	1.5
Inventory and supply	86	6.0
Teller unit	86	1.0
Mail room	86	1.3
District office, Parkersburg, WV:		
ADP services	87	7.0
Space layout and drafting	86	0.9
Bulk storage	86	3.9
Inventory and supply	86	2.0
OTC forms distribution	86	0.3
Labor services	86	0.2
Teller unit	86	1.5
Mail room	86	1.7
Centralized files	86	0.5
Library services	86	0.1
Document destruction	86	0.1
Service center, Covington, KY:		
Art and graphics	87	0.9
ADP services	86	9.0
Health unit	85	3.0
Bulk storage/supply	87	8.5
Motor vehicle operation	85	4.0
Microfilming	87	0.4
Space layout	86	3.6
Repair/maintenance	84	6.0
Mail room	87	4.0
Word processing/typing pool	85	9.0
Centralized files	87	78.7
Records search	87	0.8
Library services	87	1.4
Machine services	85	8.9
Document destruction/labor services	84	2.0
Midwest regional office, Chicago, IL:		
ADP services	86	10.0
Bulk storage	87	2.5
Inventory and supply	87	1.0
Labor services	87	0.5
Mail room	87	1.5
Financial audit	87	30.0
Midwest regional training center, Chicago, IL:		
ADP services	87	0.5
Bulk storage	87	0.3
Inventory and supply	87	0.2
Mail room	87	0.1
Library services	87	0.1
District office, Aberdeen, SD:		
Bulk storage	84	0.1
Inventory and supply	84	0.1
OTC forms distribution	84	0.2
Teller unit	84	0.7
Mail room	84	0.2
District office, Chicago, IL:		
ADP services	87	9.0
Space layout and drafting	86	0.5
Bulk storage	84	5.1
Inventory and supply	85	4.1
OTC forms distribution	85	4.8
Motor vehicle operation	85	1.0
Teller unit	87	8.0
Repair	86	0.8
Mail room	84	5.1
Word processing	86	13.5
Centralized files	87	3.0
Records search	87	3.0
District office, Des Moines, IA:		
Bulk storage	84	1.0
Teller unit	87	(1)
Mail room	84	1.0
District office, Fargo, ND:		
Bulk storage	84	0.1
Inventory and supply	84	0.1
OTC forms distribution	84	0.4
Teller unit	84	1.0
Microfilming	84	(1)
Mail room	84	0.2
District office, Milwaukee, WI:		
Art and graphics	87	(1)
Space layout and drafting	87	0.3
Bulk storage	87	20.0
Teller unit	87	(1)
Mail room	87	3.0
District office, Omaha, NE:		
ADP services	87	0.7
Space layout and drafting	87	0.4
Bulk storage	87	0.7
Inventory and supply	87	0.3
OTC forms distribution	87	0.2
Mail room	87	0.4
Library services	87	0.3
District office, St. Louis, MO:		
ADP services	86	10.0
Health unit	86	1.0
Space layout and drafting	86	1.0
Bulk storage	86	1.0
Inventory and supply	86	1.0
OTC forms distribution	86	2.0
Labor services	86	1.3
Teller unit	86	3.0
Mail room	86	3.0
Word processing	86	8.0
District office, St. Paul, MN:		
ADP services	84	2.0
Space layout and drafting	84	1.0
Bulk storage	84	1.0
Inventory and supply	84	2.5
OTC forms distribution	84	1.0
Motor vehicle operation	84	0.2
Teller unit	84	2.0
Mail room	84	1.8
Word processing	84	14.0
Centralized files	84	3.0
Library services	84	1.0
District office, Springfield, IL:		
ADP services	84	5.5
Space layout and drafting	84	0.6
Bulk storage	84	1.0
Inventory and supply	84	2.5
OTC forms distribution	84	0.2
Labor services	84	0.1
Teller unit	84	2.0
Mail room	84	2.0
Service center, Kansas City, MO:		
Art and graphics	84	1.0
ADP services	85	2.5
Health unit	84	1.5
Space layout and drafting	87	2.5
Bulk storage	86	5.0
Inventory and supply	87	4.0
Labor services	86	4.0
Motor vehicle operation	83	4.0

Location and type of activity	Projected fiscal year for review	FTE's
Microfilming	85	35.0
Repair	84	5.0
Mail room	85	50.0
Word processing	85	11.0
Centralized files	85	125.0
Library	87	1.0
Machine services	84	10.0
Document destruction	84	1.0
District office, Helena, MT:		
Space layout and drafting	87	0.7
Bulk storage	87	0.3
Inventory and supply	87	0.7
OTC forms distribution	85	1.0
Microfilming	85	1.0
Mail room	87	0.5
Word processing	87	2.5
Southwest regional office, Dallas TX:		
Space layout and drafting	86	0.5
Bulk storage	86	0.5
Invantory and supply	86	0.5
Mail room	86	1.0
Library services	87	0.8
Financial audit	87	12.0
Courier service	87	4.3
District office, Austin, TX:		
ADP services	87	12.2
Bulk storage	86	2.0
Inventory and supply	86	2.0
OTC forms distribution	85	2.2
Teller unit	86	3.5
Mail room	85	3.0
Valuation and appraisal	85	2.0
Financial audit	85	0.2
District office, Dallas, TX:		
ADP services	85	2.5
Space layout and drafting	85	2.5
Bulk stoage	86	2.0
Inventory and supply	86	4.3
OTC forms distribution	86	3.7
Motor vehicle operation	87	0.2
Teller unit	87	10.0
Microfilming	84	9.0
Mail room	87	5.0
Centralized files	86	7.0
Records search	87	0.3
Financial audit	87	1.0
Document destruction	84	1.0
Telecommunication systems design	85	0.5
ID media control	85	0.5
District office, Salt Lake City, UT:		
Bulk storage	87	0.5
OTC forms distribution	85	0.3
Teller unit	85	2.0
Mail room	87	1.0
Centralized files	87	2.0
District office, Denver, CO:		
ADP services	85	13.4
Space layout and drafting	85	1.0
Bulk storage	85	2.5
Inventory and supply	86	4.1
OTC forms distribution	86	6.2
Motor vehicle operation	85	0.5
Teller unit	85	4.5
Microfilming	86	1.0
Mail room	85	3.5
Word processing	85	18.0
Centralized files	86	2.0
Records search	87	0.3
Library services	87	1.0
Valuation/appraisal	87	0.5
District office, Houston, TX:		
ADP services	87	14.5
Space layout and drafting	86	1.5
Bulk storage	87	2.5
Inventory and supply	85	4.2
OTC forms distribution	86	5.8
Teller unit	86	6.0
Mail room	87	4.0
Centralized files	86	8.0
Library services	85	1.0
Financial audit	87	2.2
Service center, Ogden, UT:		
Art and graphics	85	1.0
ADP services	85	63.3
Health unit	85	3.0
Space layout and drafting	87	2.0
Audiovisual services	85	0.5
Bulk storage	87	5.5
Inventory and supply	87	2.0
OTC forms distribution	85	0.5
Labor services	86	4.0
Motor vehicle operation	85	0.5
Microfilming	84	2.5
Repair	86	3.0
Mail room	87	5.5
Word processing	87	26.0
Centralized files	85	115.0
Records search	87	4.0
Library services	87	2.5
Machine services unit	84	14.6
Document destruction	86	0.3
Financial audit	86	2.2
District office, Phoenix, AZ:		
ADP services	87	9.0
Space layout and drafting	87	0.2
Inventory and supply	87	1.5
OTC forms distribution	85	0.3
Labor services	85	0.3
Teller unit	84	2.5
Mail room	87	2.0
Word processing	87	6.2
Centralized files	87	1.0
Records search	85	2.7
District office, Oklahoma City, OK:		
ADP services	85	1.3
Space layout and drafting	85	0.3
Bulk storage	85	1.0
Inventory and supply	86	3.3
OTC forms distribution	86	1.6
Motor vehicle operation	85	0.2
Teller unit	87	3.0
Mail room	87	2.2
Distribution	87	0.6
District office, Wichita, KS:		
ADP services	87	1.0
Space layout and drafting	87	0.7
Bulk storage	86	1.0
Inventory and supply	86	0.7
OTC forms distribution	86	1.0
Teller unit	85	1.5
Mail room	85	1.5
Word processing	86	3.2
Service center, Austin, TX:		
Art and graphics	86	0.8
Health unit	85	2.0
Space layout and drafting	86	2.0
Audiovisual services	86	0.3
Bulk storage	84	9.0
Inventory and supply	87	8.0
Labor services	84	2.0
Motor vehicle operation	84	1.0
Repair	86	7.0
Mail room	85	1.0
Machine services unit and word processing	85	53.5
Centralized files	86	92.0
Document destruction	85	1.5
Art/graphics	85	0.8
Western regional office, San Francisco, CA:		
Art and graphics	84	0.1
ADP services (collection)	87	0.5
ADP services (DP)	84	1.3
Mail room	85	1.3
Financial audit	86	(1)
Valuation/appraisal	86	(1)
District office, Anchorage, AK:		
Art and graphics	84	0.3
ADP services	87	1.3
Bulk storage	87	0.5
Inventory and supply	87	0.4
OTC forms distribution	85	0.5
Teller unit	85	1.4
Mail room	87	0.6
District office, Boise, ID:		
ADP service	87	1.0
Space layout and drafting	87	0.2
Inventory and supply	87	0.9
OTC forms distribution	85	0.5
Teller unit	85	5.2
Microfilming	85	0.2
Mail room	87	0.5
Word processing	87	2.0
Records search	87	0.5
Document destruction	86	1.0
District office, Honolulu, HI:		
Art and graphics	85	0.1
ADP services	87	4.0
Audiovisual services	85	0.1
Bulk storage	87	0.8
Inventory and supply	87	0.8
OTC forms distribution	85	0.7
Teller unit	85	2.0
Mail room	87	1.0
Centralized files	87	0.2
Records search	87	0.5
Library services	87	0.5
Valuation/appraisal	86	1.0
District office, Laguna Niguel, CA:		
ADP Services	87	1.5
Space layout and drafting	87	2.5
Bulk storage	87	2.5
Inventory and supply	87	1.5
OTC forms distribution	85	2.5
Labor services	85	1.6
Teller unit	85	4.5
Repair	85	0.4
Mail room	87	1.0
Word processing	87	2.0
Centralized files	87	2.0
Household goods moves	87	0.3
Security and risk analysis	86	3.5
Telecommunications anaylsis	86	0.8
Distict office, Los Angeles, CA:		
ADP services	87	7.0
Space layout and drafting	87	1.0
Bulk storage	87	6.0
Inventory and supply	87	5.0
OTC forms distribution	85	3.0
Labor services	85	1.0
Motor vehicle operation	85	1.0
Teller unit	85	20.0
Repair	85	1.0
Mail room	87	6.0
Word processing	87	37.0
Centralized files	87	17.0
Records search	87	4.5
Library services	87	4.5
Valuation/appraisal	86	10.0
District office, Portland, OR:		
ADP services	87	3.5
Space layout and drafting	87	0.5
Inventory and supply	87	0.7
OTC forms distribution	85	1.5
Labor services	85	1.2
Teller unit	85	3.0
Mail room	87	1.5
Word processing	87	7.0
Library services	87	0.1
District office, Reno, NV:		
Space layout and drafting	87	0.5
Bulk storage	87	0.5
Inventory and supply	87	0.5
OTC forms distribution	85	1.0
Teller unit	85	1.3
Microfilming	85	0.5
Mail room	87	1.2
Library services	87	0.2
District office, Sacramento, CA:		
Space layout and drafting	87	0.5
OTC forms distribution	85	1.8
Teller unit	85	2.0
Mail room	87	(2)
District office, San Francisco, CA:		
Art and graphics	85	0.2
ADP services	87	16.9
Space layout and drafting	87	4.1
Bulk storage	87	4.4
Inventory and supply	87	6.4
OTC forms distribution	85	2.6
Teller unit	85	17.0
Mail room	87	5.8
Word processing	87	7.1
Library services	87	0.1
Document destruction	86	1.5
Property program	87	3.0
Telecommunications analysis	86	2.5
Security and risk analysis	86	2.5
Valuation appraisal	86	22.0
District office, San Jose, CA:		
ADP services	87	6.0
Space layout and drafting	87	1.5
Inventory and supply	87	2.2
OTC forms distribution	85	2.7
Teller unit	85	2.0
Mail room	87	1.1
Word processing	87	1.0
Centralized files	87	2.0
Records search	87	2.0
District office, Seattle, WA:		
Art and graphics	84	0.2
ADP services	84	15.0
Space layout and drafting	84	2.2
Audiovisual services	84	0.1
Bulk storage	84	1.5

Location and type of activity	Projected fiscal year for review	FTE [1]
Inventory and supply	84	1.0
OTC forms distribution	84	7.7
Teller unit	84	7.0
Mail room	84	3.5
Word processing	84	15.0
Centralized files	84	1.0
Library services	84	1.0
Telecommunications analysis	84	1.0
Editing newsletter	84	0.4
Service center, Fresno, CA:		
ADP services	87	5.0
Health unit	85	3.3
Space layout and drafting	87	1.0
Bulk storage	87	8.0
Inventory and supply	87	4.0
Labor services	85	5.0
Motor vehicle operation	85	2.0
Microfilming	85	0.9
Repair	85	6.0
Mail room	87	2.9
Library services	87	2.0
Machine services unit	86	16.0
Document destruction	86	1.0
Financial audit	86	2.0
Timekeeping	87	13.0
Telephone operator	86	1.0
Facsimile transmission	86	1.0
Courier service	86	1.6
National office, Washington, DC:		
Appeals (CC)	85	0.5
Library services (CC)	86	1.3
ADP services (CC)	85	0.5
Mail room/centralized files (CC)	85	26.0
Word processing (CC)	85	20.0
ADP services (I)	85	5.0
Centralized files (I)	85	8.0
Art and graphics (SOI)	87	2.0
ADP services (SOI)	87	22.0
Microfilming (SOI)	87	1.0
Mail room (SOI)	87	1.0
Library (SOI)	87	1.0
ADP services (D:C)	[2]	100.0
Mail room (CI)	85	1.0
Records search (CI)	85	0.4
ADP services (CI:P)	87	0.7
ADP services (CI:INT)	87	1.5
Inventory and supply (CI:INT)	86	4.0
Microfilming (EP/EO)	86	0.5
Centralized files (EP/EO)	86	6.5
ADP services(EP/EO)	86	2.0
ADP services (EXAM)	84	9.1
Mail room (EXAM)	84	4.0
Centralized files (EXAM)	84	1.0
Records search (EXAM)	84	1.0
ADP services (PM:S:DS)	87	0.7
FOI reading room (PM:S:DS)	87	6.0
Space layout and drafting (PM:S:N)	86	6.2
Mail room/motor vehicle operation (PM:S:N)	84	14.0
Financial audit (PM:S:N)	87	5.0
ADP services (PM:S:FP)	86	0.6
Centralized inventory and distribution (PM:S:FM)	87	125.0
Engineering valuation/appraisal (CP:EX)	85	71.4
Statistics of income program (D:C:S)	85	500.0
Financial audit (FM:PFR:F)	85	180.0
Data center, Detroit, MI:		
Health unit	87	0.8
Microfilming	87	55.4
Mail room	87	25.1
Bulk storage/supply/labor/motor vehicle operation	82	7.7
Illustrating and drafting	87	1.0
ADP services	[2]	921.0
Computer center, Martinsburg, WV:		
Bulk storage	87	0.5
Inventory and supply	87	1.5
Motor vehicle operation	87	2.5
Mail room	87	0.5
Library services	87	0.5
Training center, Arlington, VA:		
TV studio	84	4.0
Audiovisual services	84	3.3
Word processing	86	13.0

[1] Unknown.
[2] 84 thru 87.

Dated: January 10, 1985.

Edwin Murphy,

A-76 Program Manager.

[FR Doc. 85-1532 Filed 1-17-85; 8:45 am]

BILLING CODE 4830-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-199]

Certain Anodes for Cathodic Protection and Components Thereof; Extension of Deadline for Determining Whether To Order Review of Initial Determination Terminating Two Respondents on the Basis of a Consent Order; Opportunity To File Written Comments Concerning the Proposed Termination

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission has extended until January 28, 1985, the deadline for determining whether to review and initial determination (ID) granting a motion to terminate the above-captioned investigation with respect to two respondents on the basis of a consent order. The Commission also is providing a second opportunity for interested persons to submit written comments on the proposed termination.

FOR FURTHER INFORMATION CONTACT: P.N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0350.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being conducted to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation or sale of certain anodes for cathodic protection of metallic structures and components thereof. The investigation was instituted on the basis of a complaint filed by Duriron Co., Inc., alleging the following unfair acts: (1) Patent infringement, (2) common-law trademark infringement, (3) false marking of Federal trademark registration, (4) false representation, (5) passing off, (6) false representation of country of origin, and (7) false advertising. The respondents are four British companies and five U.S. companies that are involved in the importation, distribution, or sale of the accused anodes in the United States. (See 49 FR 30023 (July 25, 1984), as amended at 49 FR 45273 (Nov. 15, 1984).)

On December 6, 1984, complainant Duriron, the Commission investigative attorney, and respondents Tecnometal and Wilson Walton filed a joint motion (No. 199-4) that requested that the investigation be terminated with respect to Tecnometal and Wilson Walton by reason of their consent order settlement and licensing agreement with Duriron. The motion was unopposed.

On December 19, 1984, the presiding administrative law judge issued an ID granting the motion. Notice of the ID was published in the **Federal Register** of December 27, 1984 (49 FR 50317), and interested persons were given 10 days to file written comments concerning the proposed consent order terminations. The 10-day period expired at the close of business on January 7, 1985.

No party has petitioned for review of the ID. However, under Commission rule 210.55, the Commission was required to determine by the close of business on Monday, January 21, 1985, whether to order a review on the Commission's own motion. (See 19 CFR 210.55, as amended at 49 FR 46123 (Nov. 23, 1984).) Under Commission rule § 210.53(h), the ID would have become the Commission's determination at the close of business on Januray 21, 1985, unless the Commission ordered a review or changed the deadline for determining whether to order a review. (See 19 CFR 210.53(h), as amended at 49 FR 46123 (Nov. 23, 1984).) The Commission decided to extend the deadline for determining whether to review the ID for the reasons discussed below.

Although the confidential version of ID was issued on December 19, 1984, the nonconfidential version was not issued until January 4, 1985. The Commission is required to serve copies of the nonconfidential ID upon other Federal agencies and must take any agency comments into account in determining whether to order a review. (See 19 U.S.C. 1337(b)(2); 19 CFR 210.53(e).) The delay in issuing the nonconfidential ID meant that the deadline for agency comments would virtually coincide with the Commission's January 21, 1985, deadline for determining whether to review the ID. The Commission thus would not have had adequate time to consider any agency comments in determining whether to order a review.

A further consideration was that the ID was not available for public inspection and comment until January 7, 1985, the deadline for submission of public comments. For that reason, the Commission decided to provide a second opportunity for interested persons to submit written comments on the proposed termination before the Commission determines whether to

review the ID. However, adequate time for consideration of public comments would have been a problem if the Commission's January 21, 1985, deadline for determining whether to review the ID remained unchanged. For the sum of the foregoing reasons, the Commission extended the deadline for determining whether to review the ID to the close of business on January 28, 1985.

Written Comments

Interested persons are encouraged to file written comments concerning termination of the aforesaid respondents on the basis of the consent order proposed by the parties. The original and 14 copies of all such comments must be filed with the Secretary to the U.S. International Trade Commission, 701 E Street NW., Docket Section, Room 156, Washingon, DC 20436, no later than 7 days after publication of this notice in the **Federal Register.** Any person desiring to submit a document or portion thereof to the Commission in confidence must file a written request for confidential treatment. Such requests must be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it to the submitter.

Public Inspection

Nonconfidential versions of the ID, Motion No. 199–4, the proposed consent order, and all other nonconfidential documents on the record of the investigation are now available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, Docket Section, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0471.

By order of the Commission.

Issued: January 16, 1985.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–1646 Filed 1–17–85; 10:54 am]

BILLING CODE 7020–02–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Certain Man-Made Fiber Textile Products Produced or Manufactured in Pakistan

January 17, 1985.

On October 2, 1984 a notice was published in the **Federal Register** (49 FR 39092) which announced the establishment of a twelve-month limit for man-made fiber work gloves in Category 631 pt. (only TSUSA numbers 704.3215, 704.8525, 704.8550, and 704.9000), produced or manufactured in Pakistan and exported during the twelve-month period which began on July 30, 1984 and extends through July 29, 1985. The purpose of this notice is to announce that the United States Government has withdrawn the call of July 30, 1984 and recalled this part category on December 31, 1984. The United States Government reserves the right to control imports exported during the twelve-month period which began on December 31, 1984 and extends through December 30, 1985 at a level of 238,750 dozen.

The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of Pakistan, further notice will be published in the **Federal Register.**

A summary market statement follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), and November 9, 1984 (49 FR 44782).

Effective date: January 24, 1985.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Pakistan—Market Statement

Category 631pt.—Man-Made Fiber Work Gloves

December 1984.

U.S. imports of Category 631 work gloves from Pakistan amounted to 449,700 dozen pairs during the January–October 1984 period, nearly eight times the quantity which entered during the entire year of 1983. There were no imports in 1982. Pakistan was the fifth largest supplier during the first ten months of 1984, accounting for 8.3 percent of the total imports. Imports from the four larger suppliers and from a number of the smaller suppliers are subject to restraints.

The substantial and sharp increase in imports from Pakistan into a market already disrupted by imports added to the disruption. These and other factors cause the United States Government to conclude that the imports from Pakistan are disrupting the U.S. market for such gloves and continuation of the increased imports from Pakistan would further disrupt the market.

January 17, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This letter cancels and supersedes the directive of September 28, 1984 concerning man-made fiber textile products in Category 631pt.,[1] produced or manufactured in Pakistan, effective on January 24, 1985. Inasmuch as a level may later be established for this category, it is requested that, effective on January 24, 1985 and until further notice, you count imports for consumption and withdrawals from warehouse for consumption, exported on an after December 31, 1984.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85–1659 Filed 1–17–85; 11:09 am]

BILLING CODE 3510–DR–M

[1] In Category 631pt., only TSUSA numbers 704.3215, 704.8525, 704.8550, and 704.9000.

Sunshine Act Meetings

Federal Register
Vol. 50, No. 13
Friday, January 18, 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

FEDERAL ELECTION COMMISSION

DATE AND TIME: Wednesday, January 23, 1985, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public. Items to be discussed: Compliance. Litigation. Audits. Personnel.

DATE AND TIME: Thursday, January 24, 1985, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (Fifth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Eligibility for candidates to receive Presidential Primary Matching Funds
Draft advisory opinion #1984-61: Elaine Acevedo, Government Affairs Director
Supplemental notice of proposed rulemaking: Sunshine Regulations (11 CFR Parts 2 and 3)
Petition for rulemaking filed by William C. McNeal on behalf of friends of Bob Livingston
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.
[FR Doc. 85-1573 Filed 1-16-85; 12:34 pm]
BILLING CODE 6715-01-M

2

FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 11:00 a.m., Wednesday, January 23, 1985, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: January 15, 1985.

James McAfee,
Associate Secretary of the Board.
[FR Doc. 85-1568 Filed 1-16-85; 11:22 am]
BILLING CODE 6210-01-M

3

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, January 23, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda:

1. Proposed 1985 fee structures for definitive safekeeping and noncash collection services. (Proposed earlier for public comment; Docket No. R-0533.)
2. Proposal to extend, with revisions, the international applications and notifications form (F.R. K-1).

Discussion Agenda:

3. Proposed changes in return item service and pricing. (Proposed earlier for public comment; Docket No. R-0522.)
4. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: January 15, 1985.

James McAfee,
Associate Secretary of the Board.
[FR Doc. 85-1569 Filed 1-16-85; 11:22 am]
BILLING CODE 6210-01-M

4

TENNESSEE VALLEY AUTHORITY

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 50 FR 1974 (January 14, 1985).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:15 a.m. (e.s.t.), Wednesday, January 16, 1985.

PREVIOUSLY ANNOUNCED PLACE OF MEETING: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

ADDITIONAL MATTER: The following item is added to the previously announced agenda:

C—POWER ITEMS

8. Arrangements for Experimental Test Energy to be Offered to the Department of Energy.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202-245-0101.

SUPPLEMENTARY INFORMATION:

TVA Board Action

The TVA Board of Directors has found, the public interest not requiring otherwise, that TVA business requires the subject matter of this meeting be changed to include the additional item shown above and that no earlier announcement of this change was possible.

The members of the TVA Board voted to approve the above findings and their approvals are recorded below:

C.H. Dean, Jr.,
Director and Chairman.

Richard M. Freeman,
Director.

John B. Waters,
Director.

Dated: January 15, 1985.

[FR Doc. 85-1603 Filed 1-16-85; 3:27 pm]
BILLING CODE 8120-01-M

federal register

Friday
January 18, 1985

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions; Notice

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 9–83, 48 FR 35736 (1983), and 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Order 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Program Operations, Division of Government Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Colorado:	
CO83–5109	April 8, 1983.
CO83–5113	July 15, 1983.
Connecticut: CT84–3016	June 8, 1984.
Michigan: MI84–5026	Dec. 21, 1984.
New Mexico: NM84–4099	Oct. 19, 1984.
Ohio: OH83–6127	Dec. 23, 1983.
Texas: TX84–4112	Dec. 28, 1984.
Virginia:	
VA81–3015	Mar. 6, 1981.
VA82–3004	Dec. 3, 1982

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

Illinois:	
IL83–2064 (IL85–5003)	Aug. 12, 1983.
IL83–2063 (IL85–5004)	Aug. 5, 1983.
Virginia:	
VA83–3035(VA85–3002)	Sept. 30, 1983.
VA83–3038(VA85–3003)	Do.
VA83–3029(VA85–3005)	Do.
VA83–3038(VA85–3006)	Do.

Signed at Washington, D.C. this 11th day of January 1985.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510-27-M

	Basic Hourly Rates	Fringe Benefits
Decision No. CO83-5109-Mod No. 8 (48 FR 15404 - April 8, 1983) Statewide Colorado		
OMIT: Carpenters - Heavy and Highway Construction: Bridge Builders		

	Basic Hourly Rates	Fringe Benefits
Decision No. CO83-5113 - Mod. #19 (48-FR-12541 July 15, 1983) Adams, Arapahoe, Boulder Clear Creek, Denver, Douglas, Eagle, Elebert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld Counties, Colorado		
CHANGE: Electricians: Remaining Counties: Electrical work - total cost $150,000.00 or more: Electricians, Technicians	$16.70	$2.60+ 3-3/10%
Electrical work total cost $150,000.00 or less Electricians, Technicians	15.20	2.60+ 3-3/10%

	Basic Hourly Rates	Fringe Benefits
DECISION #CT84-3016-MOD#10 (49 FR 23980-June 8, 1984) Statewide, Connecticut		
CHANGE: Carpenters; Piledrivermen Heavy & Highway Construction Area 1 & 2	15.08	2.05+d

	Basic Hourly Rates	Fringe Benefits
DECISION NUMBER OH83-5117 - MOD. #9 (48 FR 56903 - December 23, 1983) Adams, Allen,...Wood and Wyandot Counties, Ohio		
Omit: Truck Drivers Wage Rates and Classification Definitions: Area 5		
Add: Truck Drivers - Area 5:		
Group 1	$11.42	r,s & t
Group 2	11.46	r,s & t
Group 3	11.53	r,s & t
Group 4	11.56	r,s & t
Group 5	11.95	r,s & t
Truck Drivers Classification Definitions - Area 5:		
Group 1 - Straight Flat; Dump Truck; & Winch Truck		
Group 2 - Ready Mix & Dumpcrete		
Group 3 - Tandem & Tractor Trailer Combinations		
Group 4 - Euclids up to & Incls. 13 yds.		
Group 5 - Euclids over 13 yds.		

	Basic Hourly Rates	Fringe Benefits
DECISION NO. MI84-5026 - Mod. #1 (49 FR 49812 - December 21, 1984) Statewide, Michigan		
Change:		
Carpenters:		
Zone 1E	$14.84	$2.20
Zone 1W	14.71	2.20
Zone 3-UP	14.60	2.20
Zone 3-UP	14.55	2.20
Cement Masons:		
Zone 1	15.94	2.12
Zone 2	15.26	2.12
Ironworkers: Reinforcing and Structural:		
Zone 2	13.12	2.91
Omit:		
Power Equipment Operators:		
Highway, Airport & Bridge Construction		
Truck Drivers:		
Highway, Airport & Bridge Contraction		
Zone and Classes remain the same.		
Add:		
Power Equipment Operators:		
Airport, Bridge & Highway Construction:		
Contracts over $400,000:		
Zone 1:		
Class 1	$13.18	$4.35 +13%
Class 2	12.69	4.35 +13%
Class 3	12.25	4.35 +13%
Class 4	12.12	4.35 +13%
Zone 2:		
Class 1	13.18	4.35 +13%
Class 2	12.58	4.35 +13%
Class 3	12.13	4.35 +13%
Class 4	11.89	4.35 +13%

	Basic Hourly Rates	Fringe Benefits
DECISION NO. MI84-5026 (Cont.)		
Contracts $400,000 or less:		
Zone 1:		
Class	12.29	4.35 +13%
Class 2	11.81	4.35 +13%
Class 3	11.36	4.35 +13%
Class 4	11.23	4.35 +13%
Zone 2:		
Class 1	11.85	4.35 +13%
Class 2	11.25	4.35 +13%
Class 3	10.81	4.35 +13%
Class 4	11.76	4.35 +13%
Truck Drivers:		
Airport, Bridge & Highway Construction:		
Contracts over $400,000:		
Zone 1:		
Class 1	13.64	.50+c
Class 2	13.74	.50+c
Class 3	13.89	.50+c
Zone 2:		
Class 1	$13.54	$.50+c
Class 2	13.64	.50+c
Class 3	13.79	.50+c
Contracts $400,000 or less:		
Zone 1:		
Class 1	12.39	.50+c
Class 2	12.49	.50+c
Class 3	12.64	.50+c
Zone 2:		
Class 1	11.54	.50+c
Class 2	11.64	.50+c
Class 3	11.79	.50+c

MODIFICATIONS P. 3

DECISION #NM84-4099-MOD. # 2 (49 FR 41140 - Oct. 19, 1984)	Basic Hourly Rates	Fringe Benefits
COMMERCIAL LINE WORK:		
AREA A:		
Linemen-Technicians:		
ZONE I	$17.00	2.20+ 3.5%
ZONE II	18.53	"
ZONE III	19.55	"
ZONE IV	21.42	"
Cable splicers:		
ZONE I	18.70	"
ZONE II	20.23	"
ZONE III	21.25	"
ZONE IV	23.12	"
Equipment Op.(includes helicopter op.):		
ZONE I	16.15	"
ZONE II	17.68	"
ZONE III	18.70	"
ZONE IV	20.57	"
Equipment mechanic (include helicopter mech.) & powderman:		
ZONE I	14.79	"
ZONE II	16.32	"
ZONE III	17.34	"
ZONE IV	19.21	"
Groundman-Jackhammer op:		
ZONE I	12.07	"
ZONE II	13.60	"
ZONE III	14.62	"
ZONE IV	16.49	"
AREA B:		
Linemen-Technicians:		
ZONE I	14.20	1.00+ 3.5%
ZONE II	15.65	"
Cable splicers:		
ZONE I	14.48	"
ZONE II	15.96	"
Equipment op. (includes helicopter ops.):		
ZONE I	12.35	"
ZONE II	13.62	"
Equipment mechanic (including helicopter mechanic:		
ZONE I	12.35	"
ZONE II	13.62	"
Powderman:		
ZONE I	11.93	"
ZONE II	13.15	"
Jackhammer-Groundman:		
ZONE I	10.08	"
ZONE II	11.11	"

	Basic Hourly Rates	Fringe Benefits
COMMERCIAL LINE WORK(CONT'D):		
AREA C:		
Lineman-Technicians:		
ZONE I	$17.10	1.00+ 3.5%
ZONE II	17.55	"
ZONE III	17.70	"
ZONE IV	17.95	"
Cable splicers:		
ZONE I	17.45	"
ZONE II	17.90	"
ZONE III	18.05	"
ZONE IV	18.30	"
Equipment Op. & mechanics (includes helicopter op.& mechanics:		
ZONE I	14.88	"
ZONE II	15.33	"
ZONE III	15.48	"
ZONE IV	15.73	"
Powderman:		
ZONE I	14.36	"
ZONE II	14.81	"
ZONE III	14.96	"
ZONE IV	15.21	"
GROUNDMAN-JACKHAMMER:		
ZONE I	12.14	"
ZONE II	12.50	"
ZONE III	12.74	"
ZONE IV	12.99	"
ASBESTOS WORKERS Zone 2	17.95	2.37
MARBLE, TILE, & TERRAZZO WORKERS	13.60	1.02
MARBLE, TILE, & TERRAZZO FINISHERS	11.50	1.02

MODIFICATIONS P. 4

DECISION #TX84-4112-MOD.#1 (49 FR 50557-Dec. 28, 1984)	Basic Hourly Rates	Fringe Benefits
Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant, & Wise Cos., Texas		
CHANGE:		
SOUND INSTALLERS - repair, service & install intercommunication telephone interconnect sound & public address equipment, electronic systems, musid & TV distributing system for commercial bldgs. & shall include the pulling of all wires in conduit or raceways or surface wiring, the running of open wires, the running of conduit & raceways not to exceed 10 feet in length & the wiring of all electrical communication devices of 100 volts or less controlling the equipment described above	$11.36	.54 + 3% + b

DECISION NO. VA81-3015-MOD. #18 (46 FR 11566 March 6,1981) RADFORD ARMY AMMUNITION PLANT, VIRGINIA	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS	$13.60	3%+ 1.00
IRONWORKERS:		
STRUCTURAL & REINFORCING	13.25	2.73
PLUMBERS & PIPEFITTERS	13.65	2.97
SHEET METAL WORKERS	13.32	1.97
DECISION NO. VA82-3034-MOD. #7 (47 FR 54746-December 3, 1982) The Cities of CHESAPEAKE, PORTSMOUTH, & VIRGINIA BEACH		
DELETE:		
LEAD BURNERS	10.75	.66+3
ADD:		
LEAD BURNERS	10.75	.66+c

STATE: ILLINOIS
COUNTY: MACON
DECISION NUMBER: IL85-5003
DATE: Date of Publication
Supersedes Decision Number IL83-2064, dated August 12, 1983, in 48 FR 36778
DESCRIPTION OF WORK: Building and Residential projects.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$18.99	$2.7%
BOILERMAKERS	18.30	3.305
BRICKLAYERS; Caulkers; Cement Block Layers; Cleaners; Marble Setters; Pointers; Terrazzo Workers & Tile Setters	16.725	2.10
CARPENTERS; Lathers; Millwrights; Piledrivermen; and Soft Floor Layers:		
Residential not to exceed three level	11.30	2.59
All Other Work: Carpenters; Lathers; Soft Floor Layers	16.155	2.59
Millwright; Piledriverman	16.655	2.59
CEMENT MASONS	16.25	1.785
ELECTRICIANS:		
Residential not to exceed 3 levels or 12 family units	11.64	1.25+ 8.4%
All Other Work	18.15	1.25+ 8.4%
GLAZIERS	16.29	.97
IRONWORKERS:		
East of Decatur	15.00	3.48
Remainder of the County	15.95	2.23
MARBLE & TILE FINISHERS	16.00	
PAINTERS:		
Commercial Building:		
Brush; Roller; Vinyl paperhangers	14.95	1.50
Spray	15.70	1.50
Steeples & Structures over 50 feet	15.95	1.50
Residential:		
Brush	9.95	1.50
Spray	10.70	1.50
PLASTERERS	16.47	1.785
PLUMBERS; Steamfitters:		
Residential 3 floors & under	13.62	2.90
All Other Work	19.50	2.90
ROOFERS	15.88	2.42
SHEET METAL WORKERS:		
Residential	10.10	2.48+3%
Commercial Building	16.71	2.48+3%
SPRINKLER FITTERS	16.67	2.83
TERRAZZO FINISHERS	16.15	
LABORERS:		
Residential	9.13	2.35
Commercial Building:		
Unskilled	14.85	2.45
Semi-skilled	14.25	2.45
Skilled	14.40	2.45
POWER EQUIPMENT OPERATORS:		
Group 1	16.75	1.83
Group 2	15.10	1.83
Group 3	13.20	1.83
TRUCK DRIVERS:		
Group 1	14.275	1.90+a
Group 2	14.675	1.90+a
Group 3	14.675	1.90+a
Group 4	15.125	1.90+a

FOOTNOTE:
a. $55.00 per week

TRUCK DRIVERS GROUP DESCRIPTIONS

Group 1: Drivers on 2 axles hauling less than 9 tons; Air compressor & welding machine including those pulled by separate unit; Fork lift up to 6000 lb cap.; Mechanic tender; Pickup hauling material, tools or men to and from and on site; Truck Driver Tenders

Group 2: 2 or 3 axles hauling more than 9 & less than 16 tons; 4-Frame winch; Fork lift over 6000 lb cap.; 4-axle combination unit; Hydrolift or similar equip. used for transportation purposes; Winches

Group 3: 2, 3, or 4 axles hauling 16 tons or more; Dispatcher; 5-axles or more combination units; Mechanic & working foreman; Water pulls

Group 4: Driver on oil distributor; Driver on Semi-Lowboys when moving equipment

GROUP DESCRIPTIONS

LABORERS:

Unskilled - All Sewer Workers, plus Depth Pay; Asphalt Plant Laborers; Bankmen on Floating Plant; Batch Dumpers; Carpenters' Tenders; Cleaning Lumber; Cofferdam Workers, plus Depth Pay; Deck Hand, Dredge Hand and Shore Laborer; Dispatchers; Driving of Stakes, Stringlines for all Machinery; Fencing Laborers; Firemen or Salamander Tenders; Fireproofing Laborers; Form Handlers; Gravel Box Men, Dumpmen and Spotters; Laborers with De-Watering System; Landscapers; Laying of Sod; Material Handlers; Pit Men; Plastic Installers; Planting of Trees; Removal of Trees; Rip Rap Men; Scaffold Workers; Tool Cribmen; Track Laborers; Unloading & Carrying Lath; Unloading and Carrying of Re-Bars; Wrecking, Dismantling Buildings; Wallmen & Housemovers; Wrecking Laborers

Semi-Skilled Laborers - Asphalt Workers with Machine; Asphalt Raker and Layers; Cement Handlers; Cement Silica, Clay, Fly Ash, Lime and Plasterers, Handlers (Bulk or Bag); Chain Saw; Chloride Handlers; Concrete Workers (Wet); Grade Checker; Handling of Materials Treated with Oil, Creosote, Asphalt and/or any Foreign Material Harmful to Skin or Clothing; Kettle Tar Men on Concrete Paving, Placing, Cutting and Tying of Reinforcing; Tank Cleaners; Tunnel Tenders in Free Air

Skilled Laborers - Air Tamping Hammerman; Caisson Workers, Plus Depth Pay; Concrete Burning Machine Op.; Concrete Saw Op.; Coring Machine Op.; Curb Asphalt Machine Op.; Gunnite Nozzle Men; Jackhammer and Drill Op.; Laborers Handling Masterplate or similar materials; Laborers Tending Masons with Hot Material or where Foreign Materials are used; Laser Beam Op.; Layout Man on Sewer Work; Luteman; Mason Tenders; Mortar Mixer Op.; Motorized Buggies or Motorized Unit used for Wet Concrete or Handling of Building Materials; Multiple Concrete Duct - Leadman; Plasterers' Tenders; Ready Mix Scalemen; Screenman on Asphalt Pavers; Steel Form Setters - Street & Highway; Vibrator Ops.; Welders, Cutters, Burners & Torchmen

POWER EQUIPMENT OPERATORS:

GROUP 1: Asphalt Plant Engineer; Asphalt Screed Man; Apsco Concrete Spreaders; Asphalt Pavers; Asphalt Rollers on Bituminous Concrete; Athey Loaders; Backfillers; Crane Type Backhoes; Cableway; Cherry Pickers; Clam Shell; C.M.I. & Similar Type Autograde Formless Paver, Autograde Placer & Finisher; Concrete Breakers; Concrete Plant Operators; Concrete Pumps;

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POWER EQUIPMENT OPERATORS (CONT'D)

Cranes; Derricks; Derrick Boats; Draglines; Earth Auger Boring Machines; Elevating Graders; Engineers on Dredge; Gravel Processing Machines; Head Equipment Greasers; High Lift or Fork Lifts; Hoist W/two Drums or Two or more Loadlines; Locomotives; Mechanics; Motor Graders or Auto Patrols; Operators or Levelman on Dredges; Operators Power Boat; Operators Pug Mill (Asphalt Plants); Orange Peels; Overhead Cranes; Paving Mixers; Pile-drivers; Pipe Wrapping & Painting Machines; Push Dozers or Push Cats; Rock Crushers; Ross Carriers or similar Machines; Scoops; Skimmers 2 cu. yd. cap. & under; Sheep Foot Roller (Self-propelled); Shovels;Skimmer Scoops; Test Hole Drilling Machines; Tower Cranes; Tower Machines; Tower Mixers; Track Type & Loaders; Track Type Fork Lift or High Lifts; Track Jacks & Tampers; Tractors; Sideboom; Trenching Machines; Ditching Machine; Tunnel Luggers; Wheel Type End Loaders; Winch Cat; Scoops (all or Toronapull)

GROUP 2: Asphalt Boosters & Heaters; Asphalt Distributors; Asphalt Plant Fireman; Building Elevator; Bull Floats or Flexplanes; Concrete Finishing Machines; Concrete Saws, Self-propelled; Concrete Spreader Machines; Gravel or Stone Spreaders, Power Operated; Hoist Automatic; Hoist w/1 Drum & 1 Load Line; Oiler on 2 Paving Mixers when used in Tandem Boom or Winch Truck; Post Hole Diggers, Mechanical; Road or Street Sweeper-Self-Propelled; Scissors Hoist; Seaman Tiller; Straw Machine; Vibratory Compactors; Well Drill Machines; & Mud Jacks (Hwy & Rwy only)

GROUP 3: Air Compressors*; Air Compressors, Track or Self-propelled; Bulk Cement Batching Plants; Conveyors*; Concrete Mixers (except plant paver, tower); Firemen; Generators*; Greasers; Light Plants*; Mechanical Heaters*; Oilers; Power Form Graders; Power Sub-Graders; Pug Mills, when used for other than Asphalt Operation; Rollers (except Bituminous Concrete); Tractors w/o Power Attachments Regardless of size or type; Truck Crane Oiler & Driver (1 man); Vibratory Hammer; Water Pumps*; Welding Machines (one 300 amp. or over)*; Welding Machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

UNLISTED CLASSIFICATIONS NEEDED FOR WORK NOT INCLUDED WITHIN THE SCOPE OF THE CLASSIFICATIONS LISTED MAY BE ADDED AFTER AWARD ONLY AS PROVIDED IN THE LABOR STANDARDS CONTRACT CLAUSES 29 CFR, 5.5 (a)(1)(ii)

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NUMBER: IL85-5004
Supersedes Decision Number IL83-2063, dated August 3, 1983, in 48 FR 35634
DESCRIPTION OF WORK: Building and Residential Projects

COUNTY: Kankakee
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$18.00	$3.76
BOILERMAKERS	16.40	4.53+5%
BRICKLAYERS; Caulkers; Cement Masons; Cleaners; Pointers; Stonemasons & Tile Setters	16.05	3.75
CARPENTERS:		
Commercial Building; Carpenters; Drywallers; Millwrights; Piledrivermen and Soft Floor Layers	17.85	2.40
Residential	70% JR	2.40
ELECTRICIANS:		
Commercial Building; Electricians	17.69	2.60 + 3.6%
Cable Splicers	18.09	2.60 + 3.6%
Residential	10.79	1.70 + 3.6%
ELEVATOR CONSTRUCTORS:		
Mechanics	18.66	3.00+a,b
Helpers	70%JR	3.00+a,b
Probationary Helpers	50%JR	
GLAZIERS:		
Excluding area East of Cabery	15.70	2.27
IRONWORKERS	17.75	3.74
PAINTERS:		
Brush; Roller; Taper (hand)	13.80	1.80
Spray	13.30	1.80
Paperhanger	14.80	1.80
Taper (machine); Sandblaster, and Steam cleaner	15.80	1.80
Residential: Not to exceed two families per structure	70%JR	1.80
PLASTERERS	15.85	3.75
PLUMBERS; Pipefitters, and Steamfitters	18.06	2.48
ROOFERS	17.00	3.00
SHEET METAL WORKERS	17.76	3.23
SPRINKLER FITTERS	16.67	2.85
TILE FINISHERS	13.65	2.23

	Basic Hourly Rates	Fringe Benefits
LABORERS:		
Unskilled	14.42	2.05
Semi-skilled	14.62	2.05
Skilled	14.82	2.05
POWER EQUIPMENT OPERATORS:		
Group 1	18.40	5.25
Group 2	17.10	5.25
Group 3	15.45	5.25
Group 4	13.70	5.25
TRUCK DRIVERS:		
2-3 Axles	12.025	c
4 Axles	12.225	c
5 Axles	12.425	c
6 Axles	12.575	c

FOOTNOTES:
a. Paid Holidays: New Year's Day, Memorial Day, Thanksgiving Day and the day after Thanksgiving, and Christmas Day
b. Employer contributes 3% of Regular hourly rate to vacation pay for employees with more than 5 Years of service, and 6% for Iesss than 5 years.
c. $60.30 per week

LABORERS GROUP DESCRIPTIONS:
UNSKILLED: Asphalt plant laborer; Carpenter tender; cleaning windows, walls, floors, scrubbing & waxing floors; common laborer; Dumpmen & spotters; Fireman or salamander tender; Fireproofing Laborer; Gravel box man; Landscaper; Planting & placing of trees, shrubs, sod & seeding; Tool cribmen; Unloading explosives.
SEMISKILLED: Asphalt worker w/machine & layer; Deckman on floating plant; Batch dumper; Cement handler; Cement silica, clay, fly ash, lime and plaster workers (wet); Deck hand, Dredge hand & shore laborer; Driving all stakes Stringlines for all machinery; Grade checker; Handling creosote & oil treated, asphalt or material harmful to skin or clothing; Kettle & tar men; Laborer w/de-watering system; Mason tenders; Mortar mixer; Motorized buggies or motorized units for concrete & bldg material;

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LABORERS GROUP DESCRIPTIONS CONTINUED -

SEMISKILLED (Cont'd): Laborers on all concrete paving & slope walls, placing, cutting & tying or reinforcing(rebar, wire mesh); Plastic installers; Power tools; Scaffold worker; Setting & building of manholes & catch basins; Sewer workers plus depth; Stripping of all concrete forms(except paving forms); Tank cleaner; Unloading & laborers with steel workers & re-bars; Track laborers; Tunnel tenders in free air; Vibrator operator

SKILLED: Airtamping hammerman; Asphalt raker; Caisson workers plus depth; Chain saw operator; Concrete burning machine operator; Concrete saw operator; Coring machine; Curb asphalt mchine; Front end man on chip spreader; Gunnite nozzleman; Handling masterplate or similar material; Tending masons when material or where foreign materials are used; beam operator; Layout man and/or tile layer; Lead man on sewer work; Lutenan; Multiple concrete duct-leadman; Paving breaker, Jackhammer & drill operators; Plaster tenders; Ready Mix scalemen, permanent, portable or temporary plant; Screenman on Asphalt pavers; Signal man on crane; Steel form setters (Highway); Tree topper or trimmer; Underpinning & shoring or buildings; welders, cutters, burners & torchmen

POWER EQUIPMENT OPERATORS GROUP DESCRIPTIONS:

GROUP 1: Mechanic; Asphalt plant; Asphalt spreader; Autograde; Batch plant; Benoto; Boiler and throttle valve; Caisson rigs; Central redi-mix plant; combination backhoe frontend loader; Compressor and throttle valve; Concrete breaker (truck mounted); Concrete conveyor; Concrete paver over 27E cu ft; Concrete paver 27E cu ft and under; Concrete Placer; Concrete pump truck mounted; Concrete tower; Cranes; Cranes, Hammerhead; Crater crane; Crusher, stone, etc; Derricks; Derricks, traveling; Formless curb and gutter machine; Grader, elevating; Grouting machines; Highlift shovels or frontend loader 2½ yd and over; Hoists, elevators, outside type rack and pinion and similar; Hoists, one, two, and three drums; Hoists, two tugger one floor; Hydraulic backhoes; Hydraulic boom trucks; Locomotive; Motor patrol; Pile drivers and skid rig; Post hole digger; Prestress machine; Pumpcrete dual ram; pump cretes; Squeeze cretes screw type pumps Gypsum bulker and pump; Raised and blind hole drill; Rock Drill self-propelled; Rock drill truck mounted; Roto mill grinder 36" and over; Roto mill Grinder less than 36"; Scoops-Tractor Drawn; Slip-form paver; Straddle buggies; Tournapull Tractor with boom and side boom; Trenching machines.

GROUP 2: Bobcat over 3/4 cu d; Roller; Brick forklift; Broom, power propelled; Bulldozers; concrete mixer 2 bag and over; Conveyor, portable; Forklift trucks; Greaser engineer; Highlift shovel or frontend loader under 2½ yd; Hoists, automatic; Hoists, inside freight elevators; Hoists, sewer dragging machine; Hoists, tugger single drum; Rollers; Steam generators; Tractors; Tractor drawn vibratory roller(additional 50c/hr); A-frame winch trucks.

Group 3: Air Compressor, small 150 and under (2 to 5 not to exceed a total of 300 ft; Air compressor, large over 150; Combination small equipment operator; Generator, small 50 KW and under; Generator, large over50 KW; Heaters, mechanical; Hoists, inside elevators (rheostat manual controlled); Hydraulic power units, pile driving and extracting); Pumps over 3" (1 to 3 not to exceed a total of 300 ft); Pumps, well points; Welding machines (2 through); Winches, 4 small electric drill winches; Bob at up to 3/4 cu yd; A Brick forklift

Group 4: Oilers; Hoists, inside elevators push button with automatic doors.

UNLISTED CLASSIFICATIONS NEEDED FOR WORK NOT INCLUDED WITHIN THE SCOPE OF THE CLASSIFICATIONS LISTED MAY BE ADDED AFTER AWARD ONLY AS PROVIDED IN THE LABOR STANDARDS CONTRACT CLAUSES (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Virginia
DECISION NO.: VA85-3002
COUNTIES: SEE BELOW*
DATE: DATE OF PUBLICATION

Supersedes Decision No. VA83-3035, dated September 30, 1983 in 48 FR 45001.

DESCRIPTION OF WORK: Highway Construction

*Albemarle, Culpeper, Fauquier, Fluvanna, Greene, Loudoun, Louisa, Madison, Orange, Prince William & Rappahannock and the Cities of Charlottesville, Culpeper,Leesburg,Manassas, and Warrenton.

	Basic Hourly Rates	Fringe Benefits
ASPHALT RAKER	$6.36	
CARPENTER, STRUCTURE	7.13	
CARPENTER HELPER, STRUCTURE	5.02	
CONCRETE FINISHER	8.39	
CONCRETE FINISHER HELPER	6.67	
ELECTRICIAN	10.00	
GUARDRAIL/FENCE ERECTOR	4.62	
IRON WORKER, REINF.	7.75	
LABORER, UNSKILLED	4.86	
LANDSCAPE WORKER	4.86	
MECHANIC	7.08	
MECHANIC HELPER	5.50	
PIPE LAYER	5.89	
SIGN ERECTOR	6.50	
AIR COMPRESSOR OPERATOR	6.96	
ASPHALT DISTRIBUTOR OPERATOR	6.30	
ASPHALT PAVER OPERATOR	6.54	
BACKHOE OPERATOR	7.51	
BULLDOZER OPERATOR	6.96	
BULLDOZER OPERATOR (Utility)	6.71	
CRANE, DERRICK, DRAGLINE OPERATOR (¼ YD & UNDER)	7.52	
CRANE, DERRICK, DRAGLINE OPERATOR (OVER 1 YD)	7.66	
LOADER OPERATOR (2 YDS. & UNDER)	6.66	
LOADER OPERATOR (OVER 2 YDS.)	7.32	
MOTOR GRADE OPERATOR (FINE GRADE)	8.22	
MOTOR GRADE OPERATOR (ROUGH GRADER)	7.26	
OILER GREASER	7.42	
PLANT OPERATOR	5.73	
POWER TOOL OPERATOR	5.37	
ROLLER OPERATOR (ROUGH)	5.39	
ROLLER OPERATOR (FINISH)	6.39	
SCRAPER PAN OPERATOR	6.41	
SLIP-FORM PAVER OPERATOR	6.50	
SLURRY SEAL MACHINE OPERATOR	5.50	
STONE SPREADER OPERATOR	$5.43	
TRACTOR OPERATOR (UTILITY)	4.40	
TRUCK DRIVER, HEAVY DUTY (7 CY. & UNDER)	5.07	
TRUCK DRIVER, HEAVY DUTY (OVER 7 CY.)	5.50	
TRUCK DRIVER (MULTI-REAR AXLE)	5.35	
TRUCK DRIVER (SINGLE-REAR AXLE)	5.09	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).		

SUPERSEDEAS DECISION

STATE: VIRGINIA

COUNTY: ALLEGHANY, AUGUSTA, BATH, CLARK, FREDERICK, HIGHLAND, PAGE, ROCKBRIDGE, ROCKINGHAM SHENANDOAH, & WARREN and Cities of BUENA VISTA, CLIFTON FORGE, COVINGTON, FRONT ROYAL, HARRISONBURG, LEVINGTON, STAUNTON, WAYNESBORO and WINCHESTER

DECISION NO.: VA85-3003

DATE: DATE OF PUBLICATION

Supersedes Decision No. VA83-3036, dated September 30, 1983 in 48 FR 45002.

DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits
ASPHALT RAKER	$5.20	
CARPENTER, STRUCTURE	6.55	
CARPENTER HELPER, STRUCTURE	5.32	
CONCRETE FINISHER	6.98	
CONCRETE FINISHER HELPER	5.75	
ELECTRICIAN	10.00	
GUARDRAIL/FENCE ERECTOR	4.86	
IRON WORKER, REINF.	6.50	
LABORER, UNSKILLED	5.05	
MECHANIC	6.50	
MECHANIC HELPER	4.68	
PIPE LAYER	5.18	
POWDERMAN	5.50	
ASPHALT DISTRIBUTOR OPER.	5.22	
ASPHALT PAVER OPERATOR	5.89	
BACKHOE OPERATOR	6.71	
BULLDOZER OPERATOR	6.74	
CRANE, DERRICK, DRAGLINE OPERATOR (1 YD. & UNDER)	6.12	
CRANE, DERRICK, DRAGLINE OPERATOR (OVER 1 YD.)	7.16	
DRILL OPERATOR	6.50	
LOADER OPERATOR (2 YDS. & UNDER)	6.65	
LOADER OPERATOR (OVER 2 YDS.)	6.65	
MOTOR GRADER OPERATOR (FINE GRADE)	8.59	
MOTOR GRADER OPERATOR (ROUGH GRADE)	7.58	
OILER GREASER	8.58	
PLANT OPERATOR	5.25	
POWER TOOL OPERATOR	7.49	
ROLLER OPERATOR (ROUGH)	5.01	
ROLLER OPERATOR (FINISH)	5.50	
SCRAPER PAN OPERATOR	6.59	
TRACTOR OPERATOR (Utility)	4.56	
TRANSIT MIX TRUCK DRIVER	8.75	
TRUCK DRIVER, HEAVY DUTY (7 C.Y. & UNDER)	5.00	
TRUCK DRIVER, HEAVY DUTY (OVER 7 C.Y.)	6.32	
TRUCK DRIVER (MULTI-REAR AXLE)	5.18	
TRUCK DRIVER (SINGLE-REAR AXLE)	5.18	
STONE SPREADER OPERATOR	$5.13	

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: VIRGINIA

COUNTIES: SEE BELOW*

DECISION NO.: VA85-3005

DATE: DATE OF PUBLICATION

Supersedes Decision No. VA83-3029 dated September 30, 1983 in 48 FR 45000.

DESCRIPTION OF WORK: Highway Construction Projects

*Bedford, Betetourt, Carroll, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, Pulaski & Roanoke. The cities of Bedford, Galax, Martinsville, Radford, Roanoke, & Salem

	Basic Hourly Rates	Fringe Benefits
ASPHALT RAKER	$5.36	
CARPENTER, STRUCTURE	6.51	
CARPENTER HELPER, STRUCTURE	4.87	
CONCRETE FINISHER	5.68	
CONCRETE FINISHER HELPER	4.80	
ELECTRICIAN	8.30	
FORM SETTER	5.36	
GUARDRAIL/FENCE ERECTOR	4.75	
IRON WORKER, REINF.	8.50	
IRON WORKER, REINF. HELPER	5.00	
IRON WORKER, STRUCTURAL	4.87	
LABORER, UNSKILLED	4.44	
LANDSCAPE WORKER	4.50	
MECHANIC	6.35	
MECHANIC HELPER	4.75	
PAINTER, BRIDGE	6.50	
PIPELAYER	5.05	
POWDERMAN BLASTER	6.38	
AIR COMPRESSOR OPERATOR	4.44	
ASPHALT DISTRIBUTOR OPERATOR	5.13	
ASPHALT PAVER OPERATOR	5.65	
BACKHOE OPERATOR	6.25	
BULLDOZER OPERATOR	5.97	
BULLDOZER OPERATOR (UTILITY)	6.06	
CRANE, DERRICK, DRAGLINE OPERATOR (1 YD. & UNDER)	7.00	
CRANE, DERRICK, DRAGLINE OPERATOR (OVER 1 YD.)	7.00	
DRILL OPERATOR	5.94	
LOADER OPERATOR (2 YDS. & UNDER)	5.92	
LOADER OPERATOR (OVER 2 YDS.)	5.92	
MOTOR GRADER OPERATOR (FINE GRADE)	6.65	
MOTOR GRADER OPERATOR	6.15	
OILER GREASER	5.18	
POWER TOOL OPERATOR	7.59	
ROLLER OPERATOR (FINISH)	5.22	
ROLLER OPERATOR (ROUGH)	5.07	
SCRAPER PAN OPERATOR	5.86	
SLURRY SEAL MACHINE OPERATOR	5.65	
STABILIZER OPERATOR	5.78	
STONE SPREADER OPERATOR	5.99	
TRACTOR OPERATOR (CRAWLER)	5.50	
TRACTOR OPERATOR (UTILITY)	4.44	
TRUCK DRIVER, HEAVY DUTY: (7 C.Y. & UNDER)	$4.92	
TRUCK DRIVER, HEAVY DUTY: (OVER 7 C.Y.)	5.18	
TRUCK DRIVER (MULTI-REAR AXLE)	4.81	
TRUCK DRIVER (SINGLE-REAR AXLE)	4.56	

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: VIRGINIA
DECISION NO.: VA85-3006
COUNTIES: SEE BELOW*
DATE: DATE OF PUBLICATION
Supersedes Decision No. VA83-3038 dated September 30, 1983 in 48 FR 45002.
DESCRIPTION OF WORK: Highway Construction (does not include bridges over navigable waters; tunnels; rest areas which include building structures; railroad construction; and paving associated with building construction).

*The Independent Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth & Virginia Beach.

	Basic Hourly Rates	Fringe Benefits
ASPHALT RAKER	$5.34	
CARPENTERS, STRUCTURE	7.66	
CARPENTER HELPER, STRUCTURE	5.69	
CONCRETE FINISHER	6.84	
CONCRETE FINISHER HELPER	5.28	
ELECTRICIAN	12.61	
FORM SETTER	6.70	
GUARDRAIL/FENCE ERECTOR	5.05	
SIGN ERECTOR	6.50	
IRONWORKER, REINF.	9.04	
IRONWORKER, REINF. HELPER	5.99	
IRONWORKER, STRUCTURAL	9.90	
LABORER, UNSKILLED	4.60	
LANDSCAPE WORKER	4.29	
MECHANIC	7.19	
MECHANIC HELPER	6.50	
PAINTER, BRIDGE	8.13	
PILE DRIVER LEADSMAN	9.23	
PIPE LAYER	5.11	
AIR COMPRESSOR OPERATOR	6.50	
ASPHALT DISTRIBUTOR OPER.	5.81	
ASPHALT PAVER OPERATOR	6.00	
BACKHOE OPERATOR	6.81	
BULLDOZER OPERATOR	6.83	
BULLDOZER OPERATOR (UTILITY)	6.85	
CONCRETE FINISH MACHINE OP.	4.60	
CONCRETE PAVING MACHINE	6.15	
CRANE, DERRICK, DRAGLINE OPERATOR (1 YD. & UNDER)	7.68	
CRANE, DERRICK, DRAGLINE OPERATOR (OVER 1 YD.)	8.93	
DRILL OPERATOR	5.50	
LOADER OPERATOR (2 YDS. & UNDER)	6.05	
LOADER OPERATOR (OVER 2 YDS.)	6.23	
MOTOR GRADER OPERATOR (FINE GRADE)	7.47	
MOTOR GRADER OPERATOR (ROUGH GRADE)	6.69	
OILER GREASER	5.98	
PILE DRIVER OPERATOR	9.30	
POWER TOOL OPERATOR	$7.05	
ROLLER OPERATOR (ROUGH)	5.35	
ROLLER OPERATOR (FINISH)	5.35	
SCRAPER PAN OPERATOR	5.90	
SLIP-FORM PAVER OPERATOR	6.15	
STABILIZER OPERATOR	5.51	
TRACTOR OPERATOR (UTILITY)	5.11	
TRENCHING MACHINE OPERATOR	7.35	
TRUCK DRIVER, HEAVY DUTY (7 C.Y. & UNDER)	6.42	
TRUCK DRIVER, HEAVY DUTY (OVER 7 C.Y.)	6.42	
TRUCK DRIVER (MULTI-REAR AXLE)	4.78	
TRUCK DRIVER (SINGLE-REAR AXLE)	4.59	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).		

[FR Doc. 85-1417 Filed 1-17-85; 8:45 am]
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federal register

Friday
January 18, 1985

Part III

Department of Agriculture

Agricultural Marketing Service

Wheat and Wheat Foods Research and Nutrition Education; Revised Wheat Industry Council Budget for Fiscal Year 1985; Notice

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. WR-1]

Wheat and Wheat Foods Research and Nutrition Education; Revised Wheat Industry Council Budget for Fiscal Year 1985

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of the revised wheat industry council budget for fiscal year 1985.

SUMMARY: This notice presents the revised July 1984 through June 1985 budget of the Wheat Industry Council. The Council's original, $1.0 million budget is being increased by $670,000 primarily to finance a media campaign. Publication of budget information in the **Federal Register** is required by the Wheat and Wheat Foods Research and Nutrition Education Act. The purpose is to allow the wheat end product manufacturers, who are required to pay assessments on purchases of processed wheat to fund a wheat research and nutrition education program, an opportunity to reserve the right to seek a refund. To be eligible for refunds of assessments paid for the firm's current and subsequent financial quarters in the Council's fiscal year ending June 30, 1985, a registered or certified letter must be submitted to the Council within 60 days of this publication. Previous letters on file for fiscal year 1985 are voided with this publication of the revised budget.

FOR FURTHER INFORMATION CONTACT: Lowry Mann, Livestock Division, AMS, USDA, Washington, D.C. 20250 (Phone: 202/447-2650).

SUPPLEMENTARY INFORMATION: The Wheat and Wheat Foods Research and Nutrition Education Act of 1977 (7 U.S.C. 3401-17) authorized a research and nutrition education program for wheat and wheat foods. Formal rulemaking procedures, including a public hearing, were followed in developing the Wheat and Wheat Foods Research and Nutrition Education Order which provides the framework for the program.

In a March 1980 referendum wheat end product manufacturers approved the Wheat and Wheat Foods Research and Nutrition Education Order. The Order provides for a program of research and nutrition education for wheat and wheat-based foods to be administered by a 20-member Wheat Industry Council. The Order requires that all nonexempt wheat end product manufacturers be assessed up to 5 cents per hundredweight of processed wheat purchased to finance the program. The Order limits the assessments to 1 cent per hundredweight during the first 2 years of the program. The assessment remains at the 1 cent level for fiscal year 1985 (July 1984–June 1985). Wheat end product manufacturers who purchase less than 2,000 hundredweight of processed wheat per year, those who are defined as retail bakers, and processed wheat used in the manufacture of exempt end products are not assessed.

The Wheat and Wheat Foods Research and Nutrition Education—Rules and Regulations require all nonexempt wheat end product manufacturers to register with the Wheat Industry Council, 1333 H Street, NW., Suite 1200, Washington, D.C. 20005 (Phone: 202/682-2130). Assessments are due and payable to the Wheat Industry Council on or before the 30th day following the end of each firm's quarterly reporting period.

Wheat end product manufacturers who wish to reserve the right to request refunds of assessments paid for the firm's current and subsequent quarters in the Council's fiscal year which ends June 30, 1985, must submit such notification to the Wheat Industry Council by registered or certified mail within 60 days after publication of this notice in the **Federal Register**. Previous letters on file for fiscal year 1985 are voided with this publication of the revised budget. In order to receive a refund of assessments paid, an end product manufacturer must first reserve that right, then pay the assessment on or before the 30th day following the end of the quarterly reporting period. The refund must then be requested on the appropriate form within 60 days following the end of the quarterly reporting period. Failure to reserve the right to request a refund within 60 days after the publication of the annual budget (or an amended budget), to pay assessments as they come due, or to request a refund in a timely manner, forfeits any right to a refund.

The Council's original fiscal year 1985 budget was published in the **Federal Register** April 30, 1984 (49 FR 18438). The original $1.0 million budget outlined the Council's plans and projects for research and nutrition education. It included $51,000 for media features. The revised budget uses these original media funds plus funds from the Council's reserves to finance a $641,000 media campaign. The revised budget also includes funds for the development of a logo and for office automation.

The Council plans to expand its nutrition education program to consumers through the generic product(s) media campaign. The campaign will emphasize the relatively low calorie content of wheat foods as related to real life situations. The primary target audience for the Council's media campaign is women 18 to 49 years of age. The additional funds will finance the development, production, and media testing of generic messages. The forthcoming product campaign achieves one of the initial and primary goals of the wheat food manufacturers and Wheat Industry Council

The revised Wheat Industry Council budget for fiscal year 1985 is as follows:

REVISED WHEAT INDUSTRY COUNCIL BUDGET

July 1, 1984–June 30, 1985

Revised budget	$1,670,000
Program expenses	1,258,315
Nutrition Education-Consumer:	
Program Costs:	
Film (16mm), "Wheat Foods Nutrition" (120 prints) (Placement on national, State, and local levels—Includes writing, producing, and placement; Discussion Guide)	$100,000
Media Tour: (Placement of Regional Advisors in 10 markets; Includes booking, travel and honoraria)	50,000
Nutrition Leaflets; (Includes writing and printing of three leaflets on: Wheat Foods and Calories; Starch and Fiber; Protein, Vitamins and Minerals)	15,000
Media Campaign: (Development, production and media testing)	641,000
Newspaper Releases: Mailings to newspaper food editors (Includes black and white photography (3), color photography (2), color mat release (1), to suburban papers)	30,000
Press Clippings: (Includes pickup of all WIC food releases)	3,500
Industry Logo/Slogan (Development)	20,000
Nutrition Education-Health and Nutrition Professionals:	
Slide Presentation: (Includes writing, production of slide presentation for health and nutrition professionals' nutrition talks. Includes discussion guide, script, and duplication of 120 sets for purchase)	17,200
Special Events: Wheat food symposia for nutrition and health education; nutrition speakers; special projects; meetings, extension food & nutrition specialists, consumer affairs specialists	10,200
Ad Hoc Consumer Education Advisory Committee	1,000
Ad Hoc Industry Scientific Advisory Committee	1,000

REVISED WHEAT INDUSTRY COUNCIL BUDGET—Continued

July 1, 1984–June 30, 1985

Scientific Advisory Committee:		
One Meeting:		
(Includes meeting expenses, honoraria, travel expenses, staff travel)	30,000	
Symposium Supplement:		
"Journal of Clinical Nutrition"	15,000	
Materials and staff expenses	5,000	
Research fund	50,000	
Other Expenses:		
Telephone	8,600	
Postage	4,800	
Office Supplies	5,200	
Printing/Artwork	4,500	
Travel	25,000	
Professional Memberships & Subscriptions	5,000	
Personnel Costs:		
Salaries	193,295	
Fringe Benefits	23,020	
Industry Communications/Relations		107,040
Industry Communications/Relations Costs:		
Communications:		
Council Newsgram (26 Issues) (Printing, Postage, Mailing)	11,775	
Reporter Newsletter (6 Issues) (Printing, Postage, Mailing)	19,000	
Special Industry Mailings	10,500	
Council Meetings	26,400	
Industry Relations/Travel	15,000	
Industry Relations Committee	1,000	
Trade Publications/Memberships	700	
Telephone	2,200	
Postage	2,400	
Office Supplies	1,525	
Personnel Costs:		
Salaries	14,575	
Fringe Benefits	1,965	
Administrative Expenses		304,645
Administrative Costs:		
Rent	53,275	
Insurance, Liability	2,700	
Telephone	3,600	
Office Equipment/Rentals & Maintenance	78,510	
Assessments/Registration:		
Printing	9,600	
Postage	8,900	
Lockbox	640	
Office Supplies/Copying	2,675	
Assessment/Record Processing	2,000	
Professional Services:		
Legal	2,000	
Audit	5,000	
Travel/Reference Materials/Memberships	3,770	
Personnel Costs:		
Salaries/Temporary	44,690	
Fringe Benefits	7,285	
USDA—Oversight Charges	50,000	
Repayment of Referendum Costs	30,000	
Total Expenses		1,670,000

Done at Washington, D.C.: January 14, 1985.

William T. Manley,

Deputy Administrator Marketing Programs.

[FR Doc. 85–1454 Filed 1–17–85; 8:45 am]

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Federal Register

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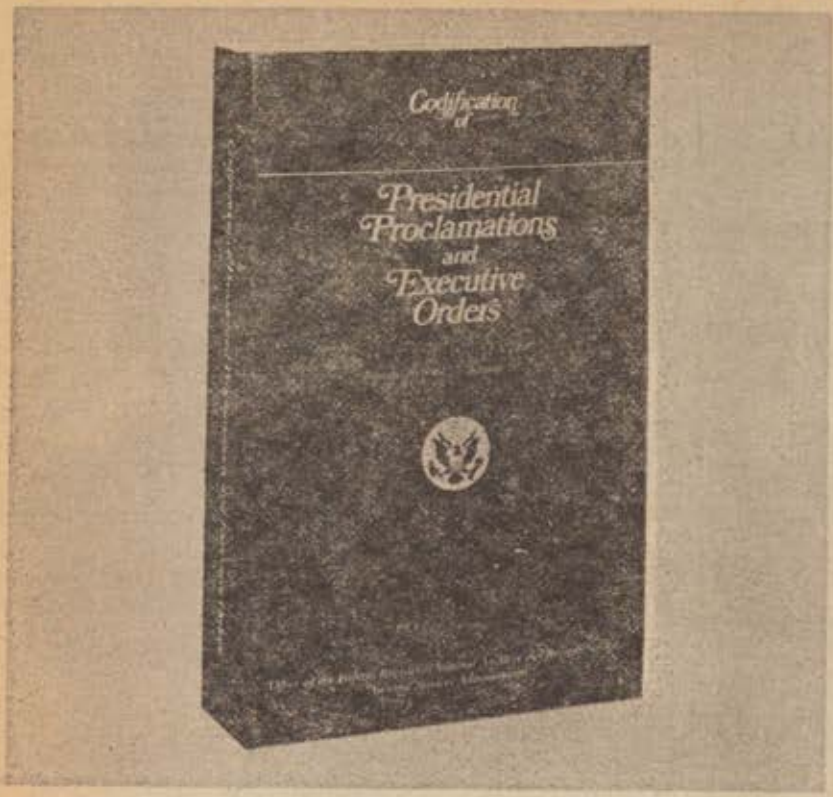

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