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Monday
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Monday
June 3, 1985

Selected Subjects

CONTINUED INSIDE

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Selected Subjects

Contents

Federal Register
Vol. 50, No. 106
Monday, June 3, 1985

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.

3 CFR
Proclamations:
5348 23267

7 CFR
55 23269
56 23269
59 23269
70 23269
Proposed Rules:
928 23312

14 CFR
71 (3 documents) 23270–23272
95 23272
Proposed Rules:
71 23312

15 CFR
399 23284

16 CFR
13 23284
305 23285
Proposed Rules:
13 (2 documents) 23313–23316

17 CFR
200 (2 documents) 23286, 23287
239 23287
250 23287
259 23287

19 CFR
6 23292
24 23292

21 CFR
81 23294
178 (3 documents) 23295–23297
522 23298

22 CFR
307 23299

26 CFR
Proposed Rules:
301 23316

29 CFR
2610 23299

30 CFR
943 23299

32 CFR
199 23300

33 CFR
100 (2 documents) 23301, 23302
117 (3 documents) 23303–23305
165 (2 documents) 23306
Proposed Rules:
117 23316

34 CFR
Proposed Rules:
650 23390

36 CFR
212 23307

39 CFR
Proposed Rules:
111 23317

40 CFR
133 23382

42 CFR
447 23307

44 CFR
64 23307

46 CFR
Proposed Rules:
12 23318
552 23318

50 CFR
26 23309
655 23310

Federal Register
Vol. 50, No. 106
Monday, June 3, 1985

Presidential Documents

Title 3—

The President

Proclamation 5348 of May 29, 1985

Very Special Arts U.S.A. Month, 1985

By the President of the United States of America

A Proclamation

Art is one of the most important forms of human expression. Whether as creators or as spectators, Americans participate in the arts in some form almost every day, and their lives are made richer by this activity. Art also brings us into contact with the rich aesthetic tradition of our civilization, while the art of other cultures can be one of the best introductions available for those who want to learn more about them.

The importance of art makes it essential that all Americans be able to make use of this unique resource. The National Committee, Arts with the Handicapped, is an educational affiliate of the John F. Kennedy Center for the Performing Arts. During the past eleven years, it has served as the coordinating agency for arts programs for disabled children, youth, and adults. The Very Special Arts Program that it sponsors provides ongoing arts programs for many Americans with disabilities.

The Very Special Arts Program makes it possible for disabled Americans to participate in the arts and enrich their lives in the same way as all other Americans. Through it, they can gain the opportunity for self-expression within the context of our rich cultural tradition. This program deserves the support and assistance of all Americans.

In recognition of the importance of arts education in the lives of everyone, including those with disabilities, and in celebration of Very Special Arts Programs throughout the country, the Congress, by Senate Joint Resolution 103, has designated the month of May 1985 as "Very Special Arts U.S.A. Month" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of May 1985 as Very Special Arts U.S.A. Month. I encourage the people of the United States to observe this month with appropriate ceremonies, programs, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of May, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 85-13379
Filed 5-30-85; 2:21 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 50, No. 106
Monday, June 3, 1985

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 55, 56, 59, and 70

Office of Management and Budget Information Collection Control Numbers and Miscellaneous Other Changes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The list of information collection requirements and the control numbers assigned by the Office of Management and Budget (OMB) are revised in the regulations governing the mandatory inspection of eggs and egg products (7 CFR Part 59). This action follows OMB's review and extension of approval of existing information collection and recordkeeping requirements in the regulation.

Authority citations are centralized in regulations governing mandatory and voluntary egg products inspection and voluntary poultry, rabbit, and egg grading (7 CFR Parts 55, 56, 59, and 70). They now conform to updated Administrative Committee of the Federal Register (ACFR) regulations governing the form and placement of such citations.

Duplicate displays of OMB control numbers are removed from regulations governing voluntary poultry and rabbit grading (7 CFR Part 70). These citations were inadvertently not removed from within the text when the information collection requirements and OMB control numbers were originally placed in table format.

These amendments make information collection requirements, OMB control numbers, and authority citations more convenient to locate and easier to use.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: D.M. Holbrook, Chief, Standardization Branch, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 3944, South Building, Washington, D.C. 20250 (202–447–3506).

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this amendment is merely administrative and is not subject to the requirements of Executive Order 12291. It involves the identification of information collection requirements and assignment of OMB control numbers pursuant to 5 CFR Part 1320, as well as the form and placement of authority citations and OMB control numbers pursuant to 1 CFR Part 21.

Administrative Procedure Act

Pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest because this amendment is nonsubstantive and imposes no new requirements. It merely eliminates repetition and gives uniformity to the way in which OMB control numbers and authority citations are displayed, making this information more helpful to the reader. Thus, good cause also is found for making this final rule effective less than 30 days after publication of this document in the Federal Register.

Regulatory Flexibility Act

Since this rulemaking is exempt from the notice and comment provisions of the Administrative Procedure Act, a regulatory flexibility analysis under the Regulatory Flexibility Act is not required.

Paperwork Reduction Act

This rulemaking does not require an additional collection of information from the public under the Paperwork Reduction Act of 1980.

Background

The Paperwork Reduction Act of 1980 was designed both "to minimize the Federal paperwork burden for individuals, small businesses, State and local governments, and other persons" and "to maximize the usefulness of information collected by the Federal government." On March 31, 1983, OMB issued a final rule, 5 CFR Part 1320, implementing the provisions of the Paperwork Reduction Act of 1980. Among other provisions, the rule requires the display of OMB control numbers on collection of information requirements contained in agency rules adopted after public notice and comment. The control numbers provide a simple and effective way for the public to tell whether a paperwork burden an agency seeks to impose has been cleared as the Act requires. The Director of OMB, as the accountable individual in the Government, has assured that the information is needed, is not duplicative of information already collected, and is collected efficiently.

Each information collection requirement in the regulations is reviewed and evaluated periodically. In addition, every three years the Agency submits a clearance docket to OMB, based on the criteria in 5 CFR Part 1320, for review and extension of approval of existing information collection and recordkeeping requirements.

OMB approval of collection of information under 7 CFR Part 59 would have expired in April 1985. Prior to that the Agency submitted to OMB a revised clearance docket requesting approval of the information collection and recordkeeping requirements under 7 CFR Part 59. It also included sections of the regulation not previously listed, deleted one section inadvertently displayed as containing an information collection requirement, and requested that information collection and recordkeeping be approved under and assigned OMB No. 0581–0113. Previously, recordkeeping had a different OMB control number. A notice of the OMB review was published January 25, 1985 (50 FR 3579), and subsequently the clearance docket for 7 CFR Part 59 was approved by OMB.

Therefore, § 59.18 of 7 CFR Part 59 is updated by adding section numbers not previously displayed to the list of sections with information collection requirements, deleting one section number inadvertently displayed as containing an information collection requirement, and changing all control numbers to the current OMB assigned control number. The Agency has determined that this amendment is not substantive. It merely provides a convenient and current listing of the information collection requirements and

OMB control numbers in accordance with 5 CFR Part 1320.

The ACFR updated many of its regulations governing publication procedures effective April 29 (50 FR 12462). One requires authority citations to be centralized at the part level rather than at each section level, thus eliminating repetition, reducing pages in the CFR, saving printing costs, and being more helpful to the readers. Authority citations for 7 CFR Parts 55, 56, 59, and 70, that currently appear directly after the tables of content and before the regulatory text, will be stated in full. Citations following individual sections will be removed.

In 7 CFR Part 70, OMB control numbers were centralized in a table in § 70.6 in 1983. Prior to that time they had been placed parenthetically at the end of individual sections containing the information collection requirement. Parenthetical notations inadvertently left in §§ 70.76 and 70.77 after the table was codified will be removed.

List of Subjects

7 CFR Part 55

Egg products, Voluntary inspection service.

7 CFR Part 56

Shell eggs, Voluntary grading service.

7 CFR Part 59

Shell eggs, Egg products, Mandatory inspection service.

7 CFR Part 70

Poultry, Poultry products, Rabbit products, Voluntary grading service.

For the reasons set out in the preamble, 7 CFR is amended as follows:

PART 55—VOLUNTARY INSPECTION OF EGG PRODUCTS AND GRADING

7 CFR Part 55 is amended as follows:

1. The authority citation for Part 55 is revised to read as set forth below and the authority citations following all the sections in Part 55 are removed:

Authority: Secs. 202–208 of the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087–1091; 7 U.S.C. 1621–1627).

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

7 CFR Part 56 is amended as follows:

2. The authority citation for Part 56 is revised to read as set forth below and the authority citations following all the sections in Part 56 are removed:

Authority: Secs. 202–208 of the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087–1091; 7 U.S.C. 1621–1627).

PART 59—INSPECTION OF EGGS AND EGG PRODUCTS (EGG PRODUCTS INSPECTION ACT)

7 CFR Part 59 is amended as follows:

3. The authority citation for Part 59 is revised to read as set forth below and the authority citations following all the sections in Part 59 are removed:

Authority: Secs. 2–28 of the Egg Products Inspection Act (84 Stat. 1620–1635; 21 U.S.C. 1031–1056).

4. In § 59.18, paragraph (b) is revised to read as follows:

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

* * * * *

(b) *Display.*

7 CFR section where identified and described	Current OMB control No.
§ 59.10	0581–0113
§ 59.22	0581–0113
§ 59.28(a)(1)	0581–0113
§ 59.40	0581–0113
§ 59.105(b)	0581–0113
§ 59.110(a)	0581–0113
§ 59.112	0581–0113
§ 59.122	0581–0113
§ 59.124	0581–0113
§ 59.126	0581–0113
§ 59.128(a)	0581–0113
§ 59.140	0581–0113
§ 59.144	0581–0113
§ 59.146(b)	0581–0113
§ 59.146(d)	0581–0113
§ 59.155	0581–0113
§ 59.160(c)	0581–0113
§ 59.160(d)	0581–0113
§ 59.160(f)(3)	0581–0113
§ 59.160(f)(4)	0581–0113
§ 59.200(a)	0581–0113
§ 59.200(b)	0581–0113
§ 59.220	0581–0113
§ 59.240	0581–0113
§ 59.320	0581–0113
§ 59.402(a)	0581–0113
§ 59.411(a)	0581–0113
§ 59.411(b)	0581–0113
§ 59.411(e)	0581–0113
§ 59.411(f)	0581–0113
§ 59.418(c)	0581–0113
§ 59.430(b)	0581–0113
§ 59.435(b)	0581–0113
§ 59.435(c)	0581–0113
§ 59.440(c)	0581–0113
§ 59.500(h)	0581–0113
§ 59.504(c)	0581–0113
§ 59.504(d)	0581–0113
§ 59.504(h)	0581–0113
§ 59.504(k)	0581–0113
§ 59.504(o)(1)	0581–0113
§ 59.504(o)(2)	0581–0113
§ 59.504(o)(3)(i)	0581–0113
§ 59.504(o)(3)(iii)	0581–0113
§ 59.504(o)(3)(iv)	0581–0113
§ 59.504(o)(3)(v)	0581–0113
§ 59.515(a)(8)	0581–0113
§ 59.520(h)	0581–0113
§ 59.522(f)	0581–0113
§ 59.522(x)	0581–0113
§ 59.522(aa)(2)	0581–0113
§ 59.530(d)	0581–0113
§ 59.534(a)	0581–0113
§ 59.544(b)	0581–0113
§ 59.544(c)	0581–0113
§ 59.544(d)	0581–0113
§ 59.552(a)(3)	0581–0113
§ 59.552(b)(1)(i)	0581–0113
§ 59.552(b)(2)	0581–0113
§ 59.570(c)	0581–0113
§ 59.575(b)(3)	0581–0113
§ 59.575(d)	0581–0113
§ 59.580(c)	0581–0113
§ 59.600	0581–0113
§ 59.610(a)	0581–0113
§ 59.620	0581–0113
§ 59.640(b)(1)	0581–0113
§ 59.680(a)	0581–0113
§ 59.690	0581–0113
§ 59.720(a)(2)	0581–0113
§ 59.720(a)(3)	0581–0113
§ 59.720(a)(4)	0581–0113
§ 59.720(c)	0581–0113
§ 59.760	0581–0113
§ 59.800	0581–0113
§ 59.840	0581–0113
§ 59.920	0581–0113
§ 59.930(f)	0581–0113
§ 59.960	0581–0113
§ 59.965	0581–0113

PART 70—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS, AND U.S. CLASSES, STANDARDS, AND GRADES

7 CFR Part 70 is amended as follows:

5. The authority citation for Part 70 is revised to read as set forth below and the authority citations following all the sections in Part 70 are removed:

Authority: Secs. 202–208 of the Agricultural Marketing Act of 1946, as amended, (60 Stat. 1087–1091; 7 U.S.C. 1621–1627).

§§ 70.76 and 70.77 [Amended]

6. Sections 70.76 and 70.77 are amended by removing the Office of Management and Budget control number following the text of each section.

Done at Washington, D.C., on: May 21, 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85–13150 Filed 5–31–85; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84–ACE–13]

Designation of Transition Area; Macon, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at Macon, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Fower Memorial Airport, Macon, Missouri, utilizing the Macon VOR as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument

Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

EFFECTIVE DATE: August 1, 1985.

FOR FURTHER INFORMATION CONTACT: Lewis G. Earp, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-540, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new instrument approach procedure is being developed for the Fower Memorial Airport, Macon, Missouri, utilizing the Macon VOR as a navigational aid. The establishment of an instrument approach procedure, based on this approach aid, entails designation of a transition area at Macon, Missouri, at or above 700 feet above the ground within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and enroute environment. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A, dated January 2, 1985.

Discussion of Comments

On page 12314 of the **Federal Register** dated March 28, 1985, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Macon, Missouri. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, by designating the following transition area:

Macon, Missouri

That airspace extending upwards from 700 feet above the surface within a 5 mile radius of the Fower Memorial Airport (Latitude 39°43'40" N. Longitude 92°27'25" W.) and that airspace 3 miles either side of the Macon, Missouri, VORTAC 003° Radial extending from 5 miles radius to 6 miles NE of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69)).

This amendment becomes effective at 0901 G.m.t. August 1, 1985.

Issued in Kansas City, Missouri, on May 21, 1985.

William H. Pollard,

Acting Director, Central Region.

[FR Doc. 85-13189 Filed 5-31-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 85-ACE-03]

Designation of Transition Area; York, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at York, Nebraska, to provide controlled airspace for aircraft executing a new instrument approach procedure to the York, Nebraska Municipal Airport utilizing the York, Nebraska Non-Directional Radio Beacon (NDB) as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

EFFECTIVE DATE: August 1, 1985.

FOR FURTHER INFORMATION CONTACT: Dale L. Carnine, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-540, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new instrument approach procedure is being developed for the York, Nebraska Municipal Airport utilizing the York NDB as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails designation of a transition area at York, Nebraska, at or above 700 feet above the ground within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and enroute environment. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

Discussion of Comments

On page 13818 of the **Federal Register** dated April 8, 1985, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at York, Nebraska. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

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

under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 71 of the FAR (14 CFR Part 71) as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); [14 CFR 11.69]; 49 CFR 1.47.

2. By amending § 71.181 as follows:

York, Nebraska

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the York Municipal Airport (latitude 40°53'47" N., longitude 90°37'26" W.) within 3 miles each side of the York NDB (JYR) (latitude 40°53'51" N., longitude 97°37'01" W.) 188° bearing extending from the 5 mile radius to 8.5 miles southwest of the York NDB and within 3 miles each side of the York NDB 320° bearing extending from the 5 mile radius to 8.5 miles northwest of the York NDB.

This amendment becomes effective at 0901 G.m.t. August 1, 1985.

Issued in Kansas City, Missouri, on May 23, 1985.

Wiliam H. Pollard,

Acting Director, Central Region.

[FR Doc. 85–13188 Filed 5–31–85; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 85–AAL–3]

Designation of Transition Area, Anvik, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice establishes a transition area at Anvik, AK, to provide aircraft conducting flight under Instrument Flight Rules (IFR) with exclusive use of that airspace when the flight visibility is less than 3 miles, thereby enhancing the safety of such operations. The circumstance which created the need for this action was the development of instrument approach procedures to the Anvik, AK, Airport.

EFFECTIVE DATE: 0901 G.m.t., September 26, 1985.

FOR FURTHER INFORMATION CONTACT: Robert C. Durand, Procedures and Airspace Specialist, (AAL–536), Air Traffic Division, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513–0087, telephone (907) 271–5902.

SUPPLEMENTARY INFORMATION:

History

On March 25, 1985, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition area at Anvik, AK, Airport (50 FR 11708). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 3, 1984.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations will establish the base of controlled airspace at 700 feet above the surface within a 5-mile radius of the Anvik, AK, Airport and a rectangular area 18.5 statute miles long by 14 statute miles wide on the 180° radial of the Anvik, AK, VOR. While this airspace designation would exclude aircraft from conducting flight under Visual Flight Rules (VFR) when the visibility is less than 3 miles, it would enhance the safety of aircraft conducting flight under Instrument Flight Rules (IFR).

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

List of Subjects in 14 CFR Part 71

Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

Anvik, AK [New]

That airspace extending upward from 700-feet above the surface within a 5-mile radius of the Anvik Airport (lat. 62°38'50" N., long. 160°11'18" W.); and within 9.5 miles west and 4.5 miles east of the (180 °M)(160 °T) radial from the Anvik VOR to 18.5 miles south of the VOR.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.69)

Issued in Anchorage, Alaska, on May 21, 1985.

Franklin L. Cunningham,

Director, Alaskan Region.

[FR Doc. 85–13050 Filed 5–31–85; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 95

[Docket No. 24664; Amdt. No. 324]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: June 6, 1985.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFO–230), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment

involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 95

Aircraft, Airspace, Aviation Safety.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.49(b)(3))

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

Issued in Washington, D.C. on June 6, 1985/

John S. Kern,

Acting Director of Flight Operations.

BILLING CODE 4910-13-M

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES & CHANGEOVER POINTS

AMENDMENT 324 EFFECTIVE DATE, JUNE 06, 1985

FROM	TO	MEA

§95.1001 DIRECT ROUTES-U.S.

ATLANTIC ROUTES

A20 IS AMENDED TO READ IN PART

KENNEDY, NY VORTAC	OWENZ, OA FIX	5000 MAA-45000
OWENZ, OA FIX	BERGH, OA FIX	21000 MAA-45000
BERGH, OA FIX	CHAMP, OA FIX	4000 MAA-45000

A23

KENNEDY, NY VORTAC	LEOES, OA FIX	7000 MAA-45000
LEOES, OA FIX	LINND, OA FIX	17000 MAA-45000
LINND, OA FIX	FLANN, OA FIX	4000 MAA-45000

R56

LINND, OA FIX	SLATN, OA FIX	25000 MAA-45000

§95.6004 VOR FEDERAL AIRWAY 4

IS AMENDED TO READ IN PART

TATOOSH, WA VORTAC *5000 - MRA	*JAWBN, WA FIX	8000
JAWBN, WA FIX *4000 - MRA	*LOFAL, WA FIX	7500

IS AMENDED TO DELETE

LARAMIE, WY VORTAC VIA N ALTER	FLEMS, WY FIX VIA N ALTER	11000
FLEMS, WY FIX VIA N ALTER	KYOTE, CO FIX VIA N ALTER	10000
KYOTE, CO FIX VIA N ALTER	NUNNS, CO FIX VIA N ALTER	9000
NUNNS, CO FIX VIA N ALTER	GILL, CO VORTAC VIA N ALTER	7000
GILL, CO VORTAC VIA N ALTER	DENVER, CO VORTAC VIA N ALTER	7000

§95.6006 VOR FEDERAL AIRWAY 6

IS AMENDED TO READ IN PART

NILES, IL FIX	SOUTH BEND, IN VORTAC	3000

§95.6008 VOR FEDERAL AIRWAY 8

IS AMENDED TO DELETE

BRYCE CANYON, UT VORTAC VIA S ALTER *11000 - MCA HANKSVILLE VORTAC, SW BND	*HANKSVILLE, UT VORTAC VIA S ALTER	13000

§95.6008 VOR FEDERAL AIRWAY 8—Continued

BRYCE CANYON, UT VORTAC VIA N ALTER *10000 - MRA **12800 - MOCA	*GREEL, UT FIX VIA N ALTER	**16000
GREEL, UT FIX VIA N ALTER *14000 - MCA SAKES FIX, W BND **12800 - MOCA	*SAKES, UT FIX VIA N ALTER	**16000
SAKES, UT FIX VIA N ALTER *9200 - MOCA	GRAND JUNCTION, CO VORTAC VIA N ALTER	*11000
HANKSVILLE, UT VORTAC VIA S ALTER *8200 - MOCA	ANIUM, UT FIX VIA S ALTER	*10700
ANIUM, UT FIX VIA S ALTER	GRAND JUNCTION, CO VORTAC VIA S ALTER	10800
GRAND JUNCTION, CO VORTAC VIA S ALTER	TRACI, CO FIX VIA S ALTER	9000
TRACI, CO FIX VIA S ALTER *9700 - MOCA	PACES, CO FIX VIA S ALTER	*11000
PACES, CO FIX VIA S ALTER	GLENO, CO FIX VIA S ALTER	13000
GLENO, CO FIX VIA S ALTER *14000 - MRA **12600 - MOCA #13600-MEA FOR ACFT WITH DME	*FURRS, CO FIX VIA S ALTER	#**13500
FURRS, CO FIX VIA S ALTER *14000 - MRA **11700 - MOCA #12500-MEA FOR ACFT WITH DME	*BRIMM, CO FIX VIA S ALTER	#**13500
BRIMM, CO FIX VIA S ALTER #13500-MEA FOR ACFT WITH DME	KREMMLING, CO VORTAC VIA S ALTER	#13500

§95.6009 VOR FEDERAL AIRWAY 9

IS AMENDED TO READ IN PART

PONTIAC, IL VORTAC	TRIDE, IL FIX	2600
TRIDE, IL FIX	ROCKFORD, IL VORTAC	2700
ROCKFORD, IL VORTAC	JANESVILLE, WI VORTAC	2700
JANESVILLE, WI VORTAC	MADISON, WI VOR/DME	2800
MADISON, WI VOR/DME	OSHKOSH, WI VORTAC	2800

IS DELETED

MC COMB, MS VORTAC VIA W ALTER *4200 - MEA	*BYRAM, MS FIX VIA W ALTER	2900

FROM	TO	MEA
§95.6009 VOR FEDERAL AIRWAY 9—Continued		
BYRAM, MS FIX VIA W ALTER.	JACKSON, MS VORTAC VIA W ALTER.	2900
JACKSON, MS VORTAC VIA W ALTER.	GREENWOOD, MS VORTAC VIA W ALTER.	2000
IS AMENDED TO DELETE		
NEW ORLEANS, LA VORTAC VIA E ALTER.	PICAYUNE, MS VORTAC VIA E ALTER.	2000
PICAYUNE, MS VORTAC VIA E ALTER.	MC COMB, MS VORTAC VIA E ALTER.	2000
MC COMB, MS VORTAC VIA E ALTER. *3400 - MEA	*BANDO, MS FIX VIA E ALTER.	2000
BANDO, MS FIX VIA E ALTER.	JACKSON, MS VORTAC VIA E ALTER.	2000
JACKSON, MS VORTAC VIA E ALTER. *3500 - MEA	*VAHNS, MS FIX VIA E ALTER.	2000
VAHNS, MS FIX VIA E ALTER.	GREENWOOD, MS VORTAC VIA E ALTER.	2000
§95.6010 VOR FEDERAL AIRWAY 10		
IS AMENDED TO READ IN PART		
PLANO, IL FIX *2100 - MOCA	VAINS, IL FIX	*4000
NILES, IL FIX	SOUTH BEND, IN VORTAC	3000
IS AMENDED TO DELETE		
VAINS, IL FIX	CHICAGO O'HARE, IL VOR/DME	2500
§95.6013 VOR FEDERAL AIRWAY 13		
IS AMENDED BY ADDING		
LAREDO, TX VORTAC *2000 - MOCA	MC ALLEN, TX VOR	*5000
IS DELETED		
SHREVEPORT, LA VORTAC VIA W ALTER.	CADOZ, TX FIX VIA W ALTER.	2500
CADOZ, TX FIX VIA W ALTER.	ATOMS, TX FIX VIA W ALTER.	2600
ATOMS, TX FIX VIA W ALTER.	TEXARKANA, AR VORTAC VIA W ALTER.	2600

FROM	TO	MEA
§95.6015 VOR FEDERAL AIRWAY 15		
IS AMENDED TO READ IN PART		
HOBBY, TX VOR/DME	NAVASOTA, TX VORTAC	2000
IS AMENDED TO DELETE		
HOBBY, TX VOR/DME VIA W ALTER.	SEALY, TX FIX VIA W ALTER.	2500
SEALY, TX FIX VIA W ALTER. *1700 - MOCA	PRARI, TX FIX VIA W ALTER.	*3500
PRARI, TX FIX VIA W ALTER.	COUTH, TX FIX VIA W ALTER.	2000
COUTH, TX FIX VIA W ALTER.	COLLEGE STATION, TX VORTAC VIA W ALTER.	1900
COLLEGE STATION, TX VORTAC VIA W ALTER. *1900 - MOCA	BARRA, TX FIX VIA W ALTER.	*2500
BARRA, TX FIX VIA W ALTER.	BOSEL, TX FIX VIA W ALTER.	3600
BOSEL, TX FIX VIA W ALTER.	WACO, TX VORTAC VIA W ALTER.	2700
§95.6016 VOR FEDERAL AIRWAY 16		
IS AMENDED TO DELETE		
*TUCSON, AZ VORTAC VIA S ALTER.	GERON, AZ FIX VIA S ALTER. SE BND NW BND	9000 7000
*6600 - MCA TUCSON VORTAC, SE BND		
GERON, AZ FIX VIA S ALTER.	COCHISE, AZ VORTAC VIA S ALTER.	9500
COLUMBUS, NM VORTAC VIA N ALTER.	HUBEY, NM FIX VIA N ALTER.	9000
HUBEY, NM FIX VIA N ALTER.	EL PASO, TX VORTAC VIA N ALTER.	9250
WINK, TX VORTAC VIA S ALTER.	NOTES, TX FIX VIA S ALTER.	5800
NOTES, TX FIX VIA S ALTER.	MIDLAND, TX VORTAC VIA S ALTER.	5000
MIDLAND, TX VORTAC VIA S ALTER.	BIG SPRING, TX VORTAC VIA S ALTER.	4400
§95.6017 VOR FEDERAL AIRWAY 17		
IS AMENDED TO READ IN PART		
COTULLA, TX VORTAC	MILET, TX FIX	2500
IS DELETED		
MC ALLEN, TX VOR VIA W ALTER. *1900 - MOCA	LAREDO, TX VORTAC VIA W ALTER.	*5000
COTULLA, TX VORTAC VIA E ALTER. *1800 - MOCA	MILET, TX FIX VIA E ALTER.	*2500

FROM	TO	MEA
§95.6017 VOR FEDERAL AIRWAY 17—Continued		
MILET, TX FIX VIA E ALTER. *1900 - MOCA	LEMIG, TX FIX VIA E ALTER.	*2500
LEMIG, TX FIX VIA E ALTER.	SAN ANTONIO, TX VORTAC VIA E ALTER.	3000
SAN ANTONIO, TX VORTAC VIA W ALTER.	DENTS, TX FIX VIA W ALTER.	3000
DENTS, TX FIX VIA W ALTER. *3500 - MRA **2700 - MOCA	*CEDIL, TX FIX VIA W ALTER.	**3400
CEDIL, TX FIX VIA W ALTER.	AUSTIN, TX VORTAC VIA W ALTER.	3000
AUSTIN, TX VORTAC VIA E ALTER.	HUTTO, TX FIX VIA E ALTER.	2700
HUTTO, TX FIX VIA E ALTER. *1900 - MOCA	TRACE, TX FIX VIA E ALTER.	*2700
TRACE, TX FIX VIA E ALTER. *1800 - MOCA	BARBA, TX FIX VIA E ALTER.	*2700
BARBA, TX FIX VIA E ALTER.	BOSEL, TX FIX VIA E ALTER.	3600
BOSEL, TX FIX VIA E ALTER.	WACO, TX VORTAC VIA E ALTER.	2700
OKLAHOMA CITY, OK VORTAC VIA W ALTER. *4300 - MRA	*CURRI, OK FIX VIA W ALTER.	3500
CURRI, OK FIX VIA W ALTER. *3100 - MOCA	ROLLS, OK FIX VIA W ALTER.	*6500
ROLLS, OK FIX VIA W ALTER.	GAGE, OK VORTAC VIA W ALTER.	4000

§95.6018 VOR FEDERAL AIRWAY 18
IS DELETED

FROM	TO	MEA
MONROE, LA VORTAC VIA N ALTER. *2800 - MRA **1900 - MOCA	*PECKS, MS FIX VIA N ALTER.	**2300
PECKS, MS FIX VIA N ALTER.	JACKSON, MS VORTAC VIA N ALTER.	2000
MONROE, LA VORTAC VIA S ALTER. *3000 - MRA	*ALTOS, LA FIX VIA S ALTER.	2000
ALTOS, LA FIX VIA S ALTER. *3400 - MRA **1800 - MOCA	*BOLTS, MS FIX VIA S ALTER.	**2300
BOLTS, MS FIX VIA S ALTER.	JACKSON, MS VORTAC VIA S ALTER.	2000
JACKSON, MS VORTAC VIA S ALTER. *3300 - MRA **1900 - MOCA	*FANEN, MS FIX VIA S ALTER.	**3000
FANEN, MS FIX VIA S ALTER. *2000 - MOCA	MERIDIAN, MS VORTAC VIA S ALTER.	*3000
VULCAN, AL VORTAC VIA N ALTER.	HOKES, AL FIX VIA N ALTER.	3600
HOKES, AL FIX VIA N ALTER. *4000 - MOCA	ROME, GA VORTAC VIA N ALTER.	*5000

FROM	TO	MEA
§95.6018 VOR FEDERAL AIRWAY 18—Continued		
ROME, GA VORTAC VIA N ALTER. *5000 - MRA	*NELLO, GA FIX VIA N ALTER.	5600
NELLO, GA FIX VIA N ALTER. *5000 - MRA	*AWSON, GA FIX VIA N ALTER.	5600
AWSON, GA FIX VIA N ALTER.	CORCE, GA FIX VIA N ALTER.	4600
CORCE, GA FIX VIA N ALTER.	IRMOS, GA FIX VIA N ALTER.	3800
IRMOS, GA FIX VIA N ALTER.	ATHENS, GA VORTAC VIA N ALTER.	3000
ATHENS, GA VORTAC VIA N ALTER. *2400 - MOCA	DANBI, GA FIX VIA N ALTER.	*2500
DANBI, GA FIX VIA N ALTER. *2000 - MOCA	AUGUSTA, GA VORTAC VIA N ALTER.	*2500
AUGUSTA, GA VORTAC VIA S ALTER. *1900 - MOCA	SARDY, GA FIX VIA S ALTER.	*2200
SARDY, GA FIX VIA S ALTER.	ALLENDALE, SC VOR VIA S ALTER.	2000
ALLENDALE, SC VOR VIA S ALTER.	CHARLESTON, SC VORTAC VIA S ALTER.	2000

§95.6019 VOR FEDERAL AIRWAY 19
IS AMENDED TO DELETE

CHEYENNE, WY VORTAC VIA E ALTER.	DOUGLAS, WY VORTAC VIA E ALTER.	8000
DOUGLAS, WY VORTAC VIA E ALTER.	CASPER, WY VORTAC VIA E ALTER.	7900

§95.6020 VOR FEDERAL AIRWAY 20
IS AMENDED TO READ IN PART

BEAUMONT, TX VORTAC	LAKE CHARLES, LA VORTAC	2000
IS DELETED		
LAFAYETTE, LA VORTAC VIA S ALTER.	TIBBY, LA VORTAC VIA S ALTER.	1700
TIBBY, LA VORTAC VIA S ALTER.	NEW ORLEANS, LA VORTAC VIA S ALTER.	1700
SEMMES, AL VORTAC VIA S ALTER.	MONROEVILLE, AL VORTAC VIA S ALTER.	2000
MONTGOMERY, AL VORTAC VIA N ALTER.	SEMAN, AL FIX VIA N ALTER.	2300
SEMAN, AL FIX VIA N ALTER. *3300 - MOCA	GIFFY, AL FIX VIA N ALTER.	*4000
GIFFY, AL FIX VIA N ALTER. *3400 - MOCA	FELTO, AL FIX VIA N ALTER.	*6000
FELTO, AL FIX VIA N ALTER. *4000 - MOCA	ROME, GA VORTAC VIA N ALTER.	*5000

FROM	TO	MEA
§95.6020 VOR FEDERAL AIRWAY 20—Continued		
ROME, GA VORTAC	*NELLO, GA FIX	
VIA N ALTER.	VIA N ALTER.	5600
*5000 - MRA		
NELLO, GA FIX	TURNN, GA FIX	
VIA N ALTER.	VIA N ALTER.	6000
TURNN, GA FIX	TOCCOA, GA VORTAC	
VIA N ALTER.	VIA N ALTER.	5000
TOCCOA, GA VORTAC	PELAM, SC FIX	
VIA N ALTER.	VIA N ALTER.	4000
PELAM, SC FIX	SPARTANBURG, SC VORTAC	
VIA N ALTER.	VIA N ALTER.	*3000
*2400 - MOCA		
IS AMENDED TO DELETE		
BEAUMONT, TX VORTAC	LAKE CHARLES, LA VORTAC	
VIA N ALTER.	VIA N ALTER.	1700
LAKE CHARLES, LA VORTAC	HATHA, LA FIX	
VIA N ALTER.	VIA N ALTER.	1700
HATHA, LA FIX	LAFAYETTE, LA VORTAC	
VIA N ALTER.	VIA N ALTER.	2100
NEW ORLEANS, LA VORTAC	PICAYUNE, MS VORTAC	
VIA N ALTER.	VIA N ALTER.	2000
PICAYUNE, MS VORTAC	SEMMES, AL VORTAC	
VIA N ALTER.	VIA N ALTER.	2000
§95.6024 VOR FEDERAL AIRWAY 24		
IS AMENDED BY ADDING		
FARMM, IL FIX	NORTHBROOK, IL VORTAC	2700
IS AMENDED TO READ IN PART		
LONE ROCK, WI VORTAC	GLARS, WI FIX	*3400
*2800 - MOCA		
GLARS, WI FIX	JANESVILLE, WI VORTAC	*2800
*2200 - MOCA		
JANESVILLE, WI VORTAC	FARMM, IL FIX	*2500
*2300 - MOCA		
§95.6035 VOR FEDERAL AIRWAY 35		
IS DELETED		
FORT MYERS, FL VORTAC	SARASOTA, FL VORTAC	
VIA W ALTER.	VIA W ALTER.	2000
SARASOTA, FL VORTAC	SAINT PETERSBURG, FL VORTAC	
VIA W ALTER.	VIA W ALTER.	2000
SAINT PETERSBURG, FL VORTAC	BAYPO, FL FIX	
VIA E ALTER.	VIA E ALTER.	2000
BAYPO, FL FIX	*HOMOE, FL FIX	
VIA E ALTER.	VIA E ALTER.	**3000
*3000 - MRA		
**1500 - MOCA		
HOMOE, FL FIX	GAINESVILLE, FL VORTAC	
VIA E ALTER.	VIA E ALTER.	3000
GAINESVILLE, FL VORTAC	CROSS CITY, FL VORTAC	
VIA E ALTER.	VIA E ALTER.	2000

FROM	TO	MEA
§95.6035 VOR FEDERAL AIRWAY 35—Continued		
SUGARLOAF MOUNTAIN, NC VORTAC	WEAKS, NC FIX	
VIA W ALTER.	VIA W ALTER.	8000
WEAKS, NC FIX	UNICO, TN FIX	
VIA W ALTER.	VIA W ALTER.	7500
UNICO, TN FIX	HOLSTON MOUNTAIN, TN VORTAC	
VIA W ALTER.	VIA W ALTER.	7000
§95.6049 VOR FEDERAL AIRWAY 49		
IS DELETED		
VULCAN, AL VORTAC	DECATUR, AL VOR/DME	
VIA E ALTER.	VIA E ALTER.	3000
VULCAN, AL VORTAC	JOHNY, AL FIX	
VIA W ALTER.	VIA W ALTER.	*2800
*2200 - MOCA		
JOHNY, AL FIX	DECATUR, AL VOR/DME	
VIA W ALTER.	VIA W ALTER.	*3000
*2100 - MOCA		
DECATUR, AL VOR/DME	TANNE, AL FIX	
VIA W ALTER.	VIA W ALTER.	2500
TANNE, AL FIX	GRAHAM, TN VORTAC	
VIA W ALTER.	VIA W ALTER.	*3000
*2300 - MOCA		
GRAHAM, TN VORTAC	VALER, TN FIX	
VIA W ALTER.	VIA W ALTER.	*3000
*2100 - MOCA		
VALER, TN FIX	TEACH, TN FIX	
VIA W ALTER.	VIA W ALTER.	*4000
*2000 - MOCA		
TEACH, TN FIX	BOWLING GREEN, KY VORTAC	
VIA W ALTER.	VIA W ALTER.	*2600
*2000 - MOCA		
§95.6056 VOR FEDERAL AIRWAY 56		
IS AMENDED TO DELETE		
AUGUSTA, GA VORTAC	LASHE, SC FIX	
VIA S ALTER.	VIA S ALTER.	2900
LASHE, SC FIX	COLUMBIA, SC VORTAC	
VIA S ALTER.	VIA S ALTER.	3000
§95.6066 VOR FEDERAL AIRWAY 66		
IS DELETED		
COLUMBUS, NM VORTAC	HUBEY, NM FIX	
VIA N ALTER.	VIA N ALTER.	9000
HUBEY, NM FIX	EL PASO, TX VORTAC	
VIA N ALTER.	VIA N ALTER.	9200
IS AMENDED TO DELETE		
ATHENS, GA VORTAC	VESTO, GA FIX	
VIA S ALTER.	VIA S ALTER.	2500
VESTO, GA FIX	GREENWOOD, SC VORTAC	
VIA S ALTER.	VIA S ALTER.	2500

FROM	TO	MEA
§95.6066 VOR FEDERAL AIRWAY 66—Continued		
GREENWOOD, SC VORTAC VIA S ALTER. *2100 - MOCA	SANDHILLS, NC VORTAC VIA S ALTER.	*4000
SANDHILLS, NC VORTAC VIA S ALTER.	RALEIGH-DURHAM, NC VORTAC VIA S ALTER.	2000
§95.6068 VOR FEDERAL AIRWAY 68		
IS DELETED		
HOBBS, NM VORTAC VIA S ALTER.	GOMIT, TX FIX VIA S ALTER.	5200
GOMIT, TX FIX VIA S ALTER.	MIDLAND, TX VORTAC VIA S ALTER.	5000
MIDLAND, TX VORTAC VIA S ALTER.	DERIC, TX FIX VIA S ALTER.	4400
DERIC, TX FIX VIA S ALTER. *4200 - MOCA	SAN ANGELO, TX VORTAC VIA S ALTER.	*5000
SAN ANGELO, TX VORTAC VIA S ALTER.	JUNCTION, TX VORTAC VIA S ALTER.	4000
JUNCTION, TX VORTAC VIA S ALTER. *3400 - MOCA	CENTER POINT, TX VORTAC VIA S ALTER.	*4000
CENTER POINT, TX VORTAC VIA S ALTER. *3200 - MOCA	MEDIN, TX FIX VIA S ALTER.	*3800
MEDIN, TX FIX VIA S ALTER. *2800 - MOCA	SAN ANTONIO, TX VORTAC VIA S ALTER.	*3800
§95.6069 VOR FEDERAL AIRWAY 69		
IS AMENDED TO DELETE		
BOJAK, IL FIX	KEDZI, IL NDB	2500
§95.6070 VOR FEDERAL AIRWAY 70		
IS AMENDED TO READ IN PART		
PALACIOS, TX VORTAC SCHOLES, TX VORTAC	SCHOLES, TX VORTAC SABINE PASS, TX VORTAC	1800 2000
IS DELETED		
LAFAYETTE, LA VORTAC VIA N ALTER.	ZUNOE, LA FIX VIA N ALTER.	1700
ZUNOE, LA FIX VIA N ALTER.	BATON ROUGE, LA VORTAC VIA N ALTER.	1800
§95.6071 VOR FEDERAL AIRWAY 71		
IS DELETED		
BATON ROUGE, LA VORTAC VIA E ALTER.	NATCHEZ, MS VOR/DME VIA E ALTER.	2000

FROM	TO	MEA
§95.6071 VOR FEDERAL AIRWAY 71—Continued		
NATCHEZ, MS VOR/DME VIA W ALTER. *6000 - MCA TULLO FIX, SE BND **1800 - MOCA	*TULLO, LA FIX VIA W ALTER.	**6000
TULLO, LA FIX VIA W ALTER.	MONROE, LA VORTAC VIA W ALTER.	2000
§95.6076 VOR FEDERAL AIRWAY 76		
IS DELETED		
LUBBOCK, TX VORTAC VIA N ALTER.	BIG SPRING, TX VORTAC VIA N ALTER.	5100
LLANO, TX VORTAC VIA N ALTER.	AUSTIN, TX VORTAC VIA N ALTER.	3000
LLANO, TX VORTAC VIA S ALTER.	FELTZ, TX FIX VIA S ALTER.	2300
FELTZ, TX FIX VIA S ALTER.	CAPET, TX FIX VIA S ALTER.	3000
CAPET, TX FIX VIA S ALTER.	AUSTIN, TX VORTAC VIA S ALTER.	3000
AUSTIN, TX VORTAC VIA N ALTER.	FODDS, TX FIX VIA N ALTER.	2500
FODDS, TX FIX VIA N ALTER. *1900 - MOCA	INDUSTRY, TX VORTAC VIA N ALTER.	*2500
INDUSTRY, TX VORTAC VIA S ALTER.	EAGLE LAKE, TX VOR/DME VIA S ALTER.	2000
EAGLE LAKE, TX VOR/DME VIA S ALTER.	BLUMS, TX FIX VIA S ALTER.	2100
BLUMS, TX FIX VIA S ALTER.	HOBBY, TX VOR/DME VIA S ALTER.	2400
§95.6085 VOR FEDERAL AIRWAY 85		
IS AMENDED TO DELETE		
MEDICINE BOW, WY VORTAC VIA W ALTER. *9700 - MRA	*ALCOS, WY FIX VIA W ALTER.	9900
ALCOS, WY FIX VIA W ALTER.	CASPER, WY VORTAC VIA W ALTER. N BND S BND	 *8400 *9700
*8400 - MOCA		
§95.6092 VOR FEDERAL AIRWAY 92		
IS AMENDED BY ADDING		
BEBEE, IL FIX	*NILES, IL FIX *3100 - MCA NILES FIX, N BND	3400
NILES, IL FIX	CHICAGO HEIGHTS, IL VORTAC	2000

FROM	TO	MEA

§95.6092 VOR FEDERAL AIRWAY 92—Continued

IS AMENDED TO DELETE

JOLIET, IL VORTAC	CHICAGO HEIGHTS, IL VORTAC	2500

§95.6094 VOR FEDERAL AIRWAY 94

IS DELETED

MONROE, LA VORTAC	GREENVILLE, MS VOR/DME	
VIA S ALTER.	VIA S ALTER.	2000
GREENVILLE, MS VOR/DME	KOCHA, MS FIX	
VIA N ALTER.	VIA N ALTER.	2000
KOCHA, MS FIX	WALET, MS FIX	
VIA N ALTER.	VIA N ALTER.	*5000
*1800 - MOCA		
WALET, MS FIX	HOLLY SPRINGS, MS VORTAC	
VIA N ALTER.	VIA N ALTER.	*2500
*1800 - MOCA		

IS AMENDED TO DELETE

DEMING, NM VORTAC	HUBEY, NM FIX	
VIA S ALTER.	VIA S ALTER.	*9000
*7600 - MOCA		
HUBEY, NM FIX	NEWMAN, TX VORTAC	
VIA S ALTER.	VIA S ALTER.	9200
NEWMAN, TX VORTAC	WHOLE, TX FIX	
VIA N ALTER.	VIA N ALTER.	8800
WHOLE, TX FIX	MAYFY, TX FIX	
VIA N ALTER.	VIA N ALTER.	9000
MAYFY, TX FIX	*CONNE, TX FIX	
VIA N ALTER.	VIA N ALTER.	**10500
*10500 - MRA		
**9000 - MOCA		
CONNE, TX FIX	SALT FLAT, TX VORTAC	
VIA N ALTER.	VIA N ALTER.	9000

§95.6095 VOR FEDERAL AIRWAY 95

IS DELETED

PHOENIX, AZ VORTAC	*KNOBB, AZ FIX	
VIA W ALTER.	VIA W ALTER.	
	N BND	8000
	S BND	6000
*8000 - MRA		
KNOBB, AZ FIX	*FERER, AZ FIX	
VIA W ALTER.	VIA W ALTER.	**8000
*14000 - MCA FERER FIX, NE BND		
**7500 - MOCA		
FERER, AZ FIX	WINSLOW, AZ VORTAC	
VIA W ALTER.	VIA W ALTER.	*14000
*9600 - MOCA		

FROM	TO	MEA

§95.6097 VOR FEDERAL AIRWAY 97

IS AMENDED BY ADDING

CHICAGO HEIGHTS, IL VORTAC	*NILES, IL FIX	2000
*3100 - MCA NILES FIX, N BND		
NILES, IL FIX	BEBEE, IL FIX	3400

IS AMENDED TO READ IN PART

FARMM, IL FIX	JANESVILLE, WI VORTAC	*2900
*2300 - MOCA		

IS DELETED

MIAMI, FL VORTAC	GILBI, FL FIX	
VIA E ALTER.	VIA E ALTER.	2000
GILBI, FL FIX	LA BELLE, FL VORTAC	
VIA E ALTER.	VIA E ALTER.	*2000
*1400 - MOCA		

IS AMENDED TO DELETE

CHICAGO O'HARE, IL VOR/DME	DRABB, IL FIX	2700
DRABB, IL FIX	FARMM, IL FIX	4000
JANESVILLE, WI VORTAC	GLARS, WI FIX	
VIA W ALTER.	VIA W ALTER.	2800
GLARS, WI FIX	LONE ROCK, WI VORTAC	
VIA W ALTER.	VIA W ALTER.	*3400
*2800 - MOCA		

§95.6102 VOR FEDERAL AIRWAY 102

IS DELETED

SALT FLAT, TX VORTAC	CARLSBAD, NM VORTAC	
VIA S ALTER.	VIA S ALTER.	8000

§95.6105 VOR FEDERAL AIRWAY 105

IS DELETED

DRAKE, AZ VORTAC	PEACH SPRINGS, AZ VORTAC	
VIA E ALTER.	VIA E ALTER.	9000
PEACH SPRINGS, AZ VORTAC	*MEADS, NV FIX	
VIA E ALTER.	VIA E ALTER.	9000
*9000 - MCA MEADS FIX, SE BND		
MEADS, NV FIX	LAS VEGAS, NV VORTAC	
VIA E ALTER.	VIA E ALTER.	6000
COALDALE, NV VORTAC	MINA, NV VORTAC	
VIA E ALTER.	VIA E ALTER.	11500
MINA, NV VORTAC	YERIN, NV FIX	
VIA E ALTER.	VIA E ALTER.	11500
YERIN, NV FIX	CHIME, NV FIX	
VIA E ALTER.	VIA E ALTER.	
	NW BND	10000
	SE BND	11500

FROM	TO	MEA
§95.6105 VOR FEDERAL AIRWAY 105—Continued		
CHIME, WV FIX VIA E ALTER.	RENO, NV VORTAC VIA E ALTER.	10000
§95.6114 VOR FEDERAL AIRWAY 114		
IS AMENDED BY ADDING		
NEW ORLEANS, LA VORTAC SLIDD, LA FIX GULFPORT, MS VORTAC MINDO, MS FIX	SLIDD, LA FIX GULFPORT, MS VORTAC MINDO, MS FIX EATON, MS VORTAC	5000 1800 1800 2000
IS DELETED		
GREGG COUNTY, TX VORTAC VIA N ALTER. *3000 - MRA	*WORKS, TX FIX VIA N ALTER.	2300
WORKS, TX FIX VIA N ALTER.	SHREVEPORT, LA VORTAC VIA N ALTER.	2000
SHREVEPORT, LA VORTAC VIA N ALTER.	KNELT, LA FIX VIA N ALTER.	2300
KNELT, LA FIX VIA N ALTER. *1700 - MOCA	COVEX, LA FIX VIA N ALTER.	*3500
COVEX, LA FIX VIA N ALTER. *6000 - MRA **1700 - MOCA	*NUBOY, LA FIX VIA N ALTER.	**4500
NUBOY, LA FIX VIA N ALTER.	BOYCE, LA FIX VIA N ALTER. SE BND NW BND	2000 4500
BOYCE, LA FIX VIA N ALTER.	ALEXANDRIA, LA VORTAC VIA N ALTER.	2000
ALEXANDRIA, LA VORTAC VIA N ALTER.	MUSHE, LA FIX VIA N ALTER.	2000
MUSHE, LA FIX VIA N ALTER. *3000 - MRA **1500 - MOCA	*WRACK, LA FIX VIA N ALTER.	**4000
WRACK, LA FIX VIA N ALTER. *1700 - MOCA	CLUNK, LA FIX VIA N ALTER.	*5000
CLUNK, LA FIX VIA N ALTER. *1400 - MOCA	WALKE, LA FIX VIA N ALTER.	*2500
WALKE, LA FIX VIA N ALTER.	NEW ORLEANS, LA VORTAC VIA N ALTER.	1800
§95.6115 VOR FEDERAL AIRWAY 115		
IS AMENDED TO DELETE		
CHATTANOOGA, TN VORTAC VIA W ALTER.	KNOXVILLE, TN VORTAC VIA W ALTER.	3000

FROM	TO	MEA
§95.6116 VOR FEDERAL AIRWAY 116		
IS AMENDED BY ADDING		
WILLA, IL FIX *1800 - MOCA	NEPTS, MI FIX	*4000
IS AMENDED TO READ IN PART		
JOLIET, IL VORTAC	BOJAK, IL FIX	2500
§95.6129 VOR FEDERAL AIRWAY 129		
IS AMENDED TO READ IN PART		
HIBBING, MN VORTAC *3100 - MOCA	INTERNATIONAL FALLS, MN VORTAC	*3600
§95.6132 VOR FEDERAL AIRWAY 132		
IS AMENDED BY ADDING		
MEDICINE BOW, WY VORTAC MOIST, WY FIX	MOIST, WY FIX CHEYENNE, WY VORTAC	9500 9000
§95.6138 VOR FEDERAL AIRWAY 138		
IS AMENDED TO DELETE		
MEDICINE BOW, WY VORTAC VIA N ALTER. MOIST, WY FIX VIA N ALTER.	MOIST, WY FIX VIA N ALTER. CHEYENNE, WY VORTAC VIA N ALTER.	9500 9000
§95.6140 VOR FEDERAL AIRWAY 140		
IS AMENDED TO READ IN PART		
HARRISON, AR VOR	VILLO, AR FIX	3000
IS AMENDED TO DELETE		
TULSA, OK VORTAC VIA N ALTER. ADAIR, OK FIX VIA N ALTER. *2800 - MOCA	ADAIR, OK FIX VIA N ALTER. RAZORBACK, AR VORTAC VIA N ALTER.	2500 *3400
§95.6141 VOR FEDERAL AIRWAY 141		
IS AMENDED TO READ IN PART		
DRUNK, MA FIX *2500 - MRA **1500 - MOCA	*CELTS, MA FIX	**4000

FROM	TO	MEA
§95.6152 VOR FEDERAL AIRWAY 152		
IS DELETED		
SAINT PETERSBURG, FL VORTAC	LAKELAND, FL VORTAC	
VIA S ALTER.	VIA S ALTER.	2000
LAKELAND, FL VORTAC	ORLANDO, FL VORTAC	
VIA S ALTER.	VIA S ALTER.	1700
ORLANDO, FL VORTAC	SMYRA, FL FIX	
VIA S ALTER.	VIA S ALTER.	2000
SMYRA, FL FIX	ORMOND BEACH, FL VORTAC	
VIA S ALTER.	VIA S ALTER.	1600
§95.6157 VOR FEDERAL AIRWAY 157		
IS AMENDED TO READ IN PART		
MIAMI, FL VORTAC	GILBI, FL FIX	2000
GILBI, FL FIX	LA BELLE, FL VORTAC	*2000
*1400 - MOCA		
§95.6159 VOR FEDERAL AIRWAY 159		
IS AMENDED TO READ IN PART		
FORT LAUDERDALE, FL VOR/DME	NITNY, FL FIX	*5000
*1500 - MOCA		
NITNY, FL FIX	TBIRD, FL FIX	*5000
*2500 - MOCA		
IS DELETED		
*PRESK, FL FIX	CERMO, FL FIX	
VIA S ALTER.	VIA S ALTER.	5000
*2500 - MRA		
CERMO, FL FIX	OCALA, FL VORTAC	
VIA S ALTER.	VIA S ALTER.	2000
OCALA, FL VORTAC	GAINESVILLE, FL VORTAC	
VIA E ALTER.	VIA E ALTER.	2000
GAINESVILLE, FL VORTAC	GREENVILLE, FL VORTAC	
VIA E ALTER.	VIA E ALTER.	2000
	MAA	7000
§95.6163 VOR FEDERAL AIRWAY 163		
IS DELETED		
CORPUS CHRISTI, TX VORTAC	ATHIS, TX FIX	
VIA W ALTER.	VIA W ALTER.	1700
ATHIS, TX FIX	THREE RIVERS, TX VORTAC	
VIA W ALTER.	VIA W ALTER.	1800
THREE RIVERS, TX VORTAC	LEMIG, TX FIX	
VIA W ALTER.	VIA W ALTER.	2000
LEMIG, TX FIX	SAN ANTONIO, TX VORTAC	
VIA W ALTER.	VIA W ALTER.	3000
SAN ANTONIO, TX VORTAC	GUADA, TX FIX	
VIA W ALTER.	VIA W ALTER.	*4000
*2600 - MOCA		
GUADA, TX FIX	STONEWALL, TX VORTAC	
VIA W ALTER.	VIA W ALTER.	*4000
*3200 - MOCA		

FROM	TO	MEA
§95.6163 VOR FEDERAL AIRWAY 163—Continued		
STONEWALL, TX VORTAC	LLANO, TX VORTAC	
VIA W ALTER.	VIA W ALTER.	*4000
*3200 - MOCA		
LLANO, TX VORTAC	*BUILT, TX FIX	
VIA W ALTER.	VIA W ALTER.	**4500
*5000 - MRA		
**2800 - MOCA		
BUILT, TX FIX	ACTON, TX VORTAC	
VIA W ALTER.	VIA W ALTER.	3000
ARDMORE, OK VORTAC	ALEXX, OK FIX	
VIA W ALTER.	VIA W ALTER.	3000
ALEXX, OK FIX	OKLAHOMA CITY, OK VORTAC	
VIA W ALTER.	VIA W ALTER.	2800
§95.6172 VOR FEDERAL AIRWAY 172		
IS AMENDED TO READ IN PART		
POLO, IL VORTAC	ELGIN, IL FIX	2700
IS AMENDED TO DELETE		
DUPAGE, IL VOR/DME	CHICAGO O'HARE, IL VOR/DME	2600
CHICAGO O'HARE, IL VOR/DME	NEPTS, MI FIX	*4000
*2500 - MOCA		
NEPTS, MI FIX	SOUTH BEND, IN VORTAC	2600
§95.6173 VOR FEDERAL AIRWAY 173		
IS AMENDED TO DELETE		
BOLIVAR, IL FIX	KEDZI, IL NDB	2500
§95.6177 VOR FEDERAL AIRWAY 177		
IS AMENDED TO DELETE		
MADISON, WI VOR/DME	DELLS, WI VORTAC	
VIA W ALTER.	VIA W ALTER.	3300
DELLS, WI VORTAC	STEVENS POINT, WI VORTAC	
VIA W ALTER.	VIA W ALTER.	3000
§95.6185 VOR FEDERAL AIRWAY 185		
IS AMENDED TO READ IN PART		
SARDY, GA FIX	AUGUSTA, GA VORTAC	2200
IS AMENDED TO DELETE		
SUGARLOAF MOUNTAIN, NC VORTAC	WEAKS, NC FIX	
VIA E ALTER.	VIA E ALTER.	8000
WEAKS, NC FIX	*OTWAY, TN FIX	
VIA E ALTER.	VIA E ALTER.	7000
*5500 - MCA OTWAY FIX, SE BND		

FROM	TO	MEA
§95.6185 VOR FEDERAL AIRWAY 185—Continued		
OTWAY, TN FIX	*PENCE, TN FIX	
VIA E ALTER.	VIA E ALTER.	4000
*4000 - MCA PENCE FIX, NE BND		
PENCE, TN FIX	KNOXVILLE, TN VORTAC	
VIA E ALTER.	VIA E ALTER.	3000
§95.6187 VOR FEDERAL AIRWAY 187		
IS AMENDED TO DELETE		
FARMINGTON, NM VORTAC	PLATA, CO	
VIA W ALTER.	VIA W ALTER.	10000
PLATA, CO	CORTEZ, CO VOR/DME	
VIA W ALTER.	VIA W ALTER.	10600
CORTEZ, CO VOR/DME	DOVE CREEK, CO VORTAC	
VIA W ALTER.	VIA W ALTER.	9800
DOVE CREEK, CO VORTAC	PAROX, CO FIX	
VIA W ALTER.	VIA W ALTER.	12000
PAROX, CO FIX	*GRAND JUNCTION, CO VORTAC	
VIA W ALTER.	VIA W ALTER.	12000
*10400 - MCA GRAND JUNCTION VORTAC, S BND		
§95.6198 VOR FEDERAL AIRWAY 198		
IS AMENDED TO READ IN PART		
WEMAR, TX FIX	EAGLE LAKE, TX VOR/DME	2000
BROOKLEY, AL VORTAC	LOXLY, AL FIX	3000
LOXLY, AL FIX	CRESTVIEW, FL VORTAC	*3000
*2400 - MOCA		
IS DELETED		
JUNCTION, TX VORTAC	ARPER, TX FIX	
VIA N ALTER.	VIA N ALTER.	*4000
*3400 - MOCA		
ARPER, TX FIX	STONEWALL, TX VORTAC	
VIA N ALTER.	VIA N ALTER.	*4000
*3300 - MOCA		
STONEWALL, TX VORTAC	GOBBY, TX FIX	
VIA N ALTER.	VIA N ALTER.	3500
GOBBY, TX FIX	DENTS, TX FIX	
VIA N ALTER.	VIA N ALTER.	*3500
*2800 - MOCA		
DENTS, TX FIX	MARCS, TX FIX	
VIA N ALTER.	VIA N ALTER.	*3500
*2600 - MOCA		
MARCS, TX FIX	SEEDS, TX FIX	
VIA N ALTER.	VIA N ALTER.	*4500
*2000 - MOCA		
SEEDS, TX FIX	WEMAR, TX FIX	
VIA N ALTER.	VIA N ALTER.	2500
WEMAR, TX FIX	EAGLE LAKE, TX VOR/DME	
VIA N ALTER.	VIA N ALTER.	2100
EAGLE LAKE, TX VOR/DME	SCHOLES, TX VORTAC	
VIA S ALTER.	VIA S ALTER.	2500
SCHOLES, TX VORTAC	SABINE PASS, TX VORTAC	
VIA S ALTER.	VIA S ALTER.	1700

FROM	TO	MEA
§95.6202 VOR FEDERAL AIRWAY 202		
IS AMENDED BY ADDING		
*TUCSON, AZ VORTAC	GERON, AZ FIX	
	SE BND	9000
	NW BND	7000
*6600 - MCA TUCSON VORTAC, SE BND		
GERON, AZ FIX	COCHISE, AZ VORTAC	9500
§95.6207 VOR FEDERAL AIRWAY 207		
IS AMENDED TO DELETE		
DENVER, CO VORTAC	WENNY, CO FIX	
VIA W ALTER.	VIA W ALTER.	7000
WENNY, CO FIX	GILL, CO VORTAC	
VIA W ALTER.	VIA W ALTER.	
	SW BND	8000
	NE BND	7000
§95.6210 VOR FEDERAL AIRWAY 210		
IS AMENDED TO DELETE		
FARMINGTON, NM VORTAC	TURLY, NM FIX	
VIA S ALTER.	VIA S ALTER.	9000
TURLY, NM FIX	MANUL, NM FIX	
VIA S ALTER.	VIA S ALTER.	
	E BND	13000
	W BND	9600
MANUL, NM FIX	RODDS, CO FIX	
VIA S ALTER.	VIA S ALTER.	13000
RODDS, CO FIX	ALAMOSA, CO VORTAC	
VIA S ALTER.	VIA S ALTER.	
	SW BND	13000
	NE BND	10000
§95.6212 VOR FEDERAL AIRWAY 212		
IS DELETED		
ALEXANDRIA, LA VORTAC	LARTO, LA FIX	
VIA N ALTER.	VIA N ALTER.	2000
LARTO, LA FIX	NATCHEZ, MS VOR/DME	
VIA N ALTER.	VIA N ALTER.	2000
NATCHEZ, MS VOR/DME	MC COMB, MS VORTAC	
VIA N ALTER.	VIA N ALTER.	2000
§95.6222 VOR FEDERAL AIRWAY 222		
IS AMENDED TO READ IN PART		
JUNCTION, TX VORTAC	STONEWALL, TX VORTAC	4000
STONEWALL, TX VORTAC	MARCS, TX FIX	3500
BEAUMONT, TX VORTAC	LAKE CHARLES, LA VORTAC	2000
LAKE CHARLES, LA VORTAC	MAXON, LA FIX	2000
§95.6225 VOR FEDERAL AIRWAY 225		
IS DELETED		
KEY WEST, FL VORTAC	CORGI, FL FIX	
VIA E ALTER.	VIA E ALTER.	1500

FROM	TO	MEA
§95.6225 VOR FEDERAL AIRWAY 225—Continued		
CORGI, FL FIX VIA E ALTER. *1200 - MOCA	GOODY, FL FIX VIA E ALTER.	*3500
GOODY, FL FIX VIA E ALTER.	FORT MYERS, FL VORTAC VIA E ALTER.	2000
§95.6227 VOR FEDERAL AIRWAY 227		
IS AMENDED TO READ IN PART		
PONTIAC, IL VORTAC *2100 - MOCA	PLANO, IL FIX	*3000
PLANO, IL FIX *2100 - MOCA	VAINS, IL FIX	*4000
§95.6228 VOR FEDERAL AIRWAY 228		
IS AMENDED BY ADDING		
STEVENS POINT, WI VORTAC	DELLS, WI VORTAC	3000
DELLS, WI VORTAC	MADISON, WI VOR/DME	3300
MADISON, WI VOR/DME	JANESVILLE, WI VORTAC	2800
JANESVILLE, WI VORTAC *2300 - MOCA	FARMM, IL FIX	*2900
FARMM, IL FIX	NORTHBROOK, IL VORTAC	2700
§95.6241 VOR FEDERAL AIRWAY 241		
IS AMENDED TO DELETE		
WIREGRASS, AL VORTAC VIA W ALTER.	EFORD, AL FIX VIA W ALTER.	2400
EFORD, AL FIX VIA W ALTER. *2400 - MOCA	MILER, AL FIX VIA W ALTER.	*3000
MILER, AL FIX VIA W ALTER.	LA GRANGE, GA VORTAC VIA W ALTER.	2600
LA GRANGE, GA VORTAC VIA W ALTER.	TIROE, GA FIX VIA W ALTER.	3000
§95.6245 VOR FEDERAL AIRWAY 245		
IS AMENDED BY ADDING		
BIGBEE, MS VORTAC	MINIM, AL FIX	2000
MINIM, AL FIX	TUSCALOOSA, AL VORTAC	2300
§95.6262 VOR FEDERAL AIRWAY 262		
IS AMENDED TO READ IN PART		
JOLIET, IL VORTAC	BOJAK, IL FIX	2500

FROM	TO	MEA
§95.6262 VOR FEDERAL AIRWAY 262—Continued		
IS AMENDED TO DELETE		
BOJAK, IL FIX	KEDZI, IL NDB	2500
§95.6278 VOR FEDERAL AIRWAY 278		
IS AMENDED TO DELETE		
BIGBEE, MS VORTAC VIA S ALTER.	MINIM, AL FIX VIA S ALTER.	2000
MINIM, AL FIX VIA S ALTER.	TUSCALOOSA, AL VORTAC VIA S ALTER.	2300
TUSCALOOSA, AL VORTAC VIA S ALTER.	VULCAN, AL VORTAC VIA S ALTER.	2400
§95.6287 VOR FEDERAL AIRWAY 287		
IS AMENDED TO READ IN PART		
BREDA, WA FIX *4000 - MRA **4400 - MOCA	*LOFAL, WA FIX S BND N BND	**5500 **6000
§95.6289 VOR FEDERAL AIRWAY 289		
IS DELETED		
BEAUMONT, TX VORTAC VIA E ALTER. *1600 - MOCA	SILBE, TX FIX VIA E ALTER.	*2000
SILBE, TX FIX VIA E ALTER. *1800 - MOCA	LUFKIN, TX VORTAC VIA E ALTER.	*2500
§95.6291 VOR FEDERAL AIRWAY 291		
IS DELETED		
WINSLOW, AZ VORTAC VIA N ALTER. *10500 - MCA FRISY FIX, W BND	*FRISY, AZ FIX VIA N ALTER.	9000
FRISY, AZ FIX VIA N ALTER. *11000 - MCA FLAGSTAFF VOR/DME, NE BND	*FLAGSTAFF, AZ VOR/DME VIA N ALTER.	11500
§95.6306 VOR FEDERAL AIRWAY 306		
IS AMENDED TO READ IN PART		
OFERS, TX FIX	LAKE CHARLES, LA VORTAC	2000
IS DELETED		
AUSTIN, TX VORTAC VIA S ALTER.	PODDS, TX FIX VIA S ALTER.	2500

FROM	TO	MEA
§95.6306 VOR FEDERAL AIRWAY 306—Continued		
NAVASOTA, TX VORTAC VIA S ALTER.	HUMBLE, TX VORTAC VIA S ALTER.	2000
HUMBLE, TX VORTAC VIA S ALTER.	DAISETTA, TX VORTAC VIA S ALTER.	2000
DAISETTA, TX VORTAC VIA S ALTER.	BEAUMONT, TX VORTAC VIA S ALTER.	2000
BEAUMONT, TX VORTAC VIA S ALTER.	LAKE CHARLES, LA VORTAC VIA S ALTER.	1700
§95.6311 VOR FEDERAL AIRWAY 311		
IS AMENDED BY ADDING		
WIREGRASS, AL VORTAC	EFORD, AL FIX	2400
EFORD, AL FIX	MILER, AL FIX	3000
MILER, AL FIX	LA GRANGE, GA VORTAC	2600
IS AMENDED TO DELETE		
LOGEN, GA FIX	CORCE, GA FIX	4000
§95.6314 VOR FEDERAL AIRWAY 314		
IS AMENDED TO READ IN PART		
U.S. CANADIAN BORDER *8000 - MRA **3900 - MOCA	*PATTA, ME FIX	**6000
PATTA, ME FIX *3900 - MOCA	MILLINOCKET, ME VORTAC	*6000
§95.6325 VOR FEDERAL AIRWAY 325		
IS AMENDED TO DELETE		
GADSDEN, AL VOR/DME VIA E ALTER.	HOBBI, AL FIX VIA E ALTER.	3600
HOBBI, AL FIX VIA E ALTER.	DECATUR, AL VOR/DME VIA E ALTER.	3000
DECATUR, AL VOR/DME VIA E ALTER.	MUSCLE SHOALS, AL VORTAC VIA E ALTER.	2500
§95.6341 VOR FEDERAL AIRWAY 341		
IS AMENDED TO READ IN PART		
MADISON, WI VOR/DME	OSHKOSH, WI VORTAC	2800
§95.6352 VOR FEDERAL AIRWAY 352		
IS AMENDED TO READ IN PART		
U.S. CANADIAN BORDER *8000 - MRA	*PATTA, ME FIX	6300

FROM	TO	MEA
§95.6352 VOR FEDERAL AIRWAY 352—Continued		
PATTA, ME FIX	HOULTON, ME VOR/DME	6300
§95.6358 VOR FEDERAL AIRWAY 358		
IS AMENDED BY ADDING		
ARDMORE, OK VORTAC	ALEXX, OK FIX	3000
ALEXX, OK FIX	OKLAHOMA CITY, OK VORTAC	2800
IS AMENDED TO READ IN PART		
GUADA, TX FIX	STONEWALL, TX VORTAC	4000
§95.6364 VOR FEDERAL AIRWAY 364		
IS ADDED TO READ		
SUGARLOAF MOUNTAIN, NC VORTAC	WEAKS, NC FIX	8000
WEAKS, NC FIX	UNICO, TN FIX	7500
UNICO, TN FIX	HOLSTON MOUNTAIN, TN VORTAC	7000
§95.6368 VOR FEDERAL AIRWAY 368		
IS ADDED TO READ		
FARMINGTON, NM VORTAC	TURLY, NM FIX	9000
TURLY, NM FIX	MANUL, NM FIX E BND	11000
	W BND	9700
MANUL, NM FIX	RODDS, CO FIX	13000
RODDS, CO FIX	ALAMOSA, CO VORTAC W BND	13000
	E BND	10000
§95.6382 VOR FEDERAL AIRWAY 382		
IS ADDED TO READ		
BRYCE CANYON, UT VORTAC *10000 - MRA **12800 - MOCA	*GREEL, UT FIX	**16000
GREEL, UT FIX *14000 - MCA SAKES FIX, W BND **12800 - MOCA	*SAKES, UT FIX	**16000
SAKES, UT FIX *9200 - MOCA	GRAND JUNCTION, CO VORTAC	*11000
§95.6391 VOR FEDERAL AIRWAY 391		

FROM	TO	MEA
§95.6391 VOR FEDERAL AIRWAY 391—Continued		
IS AMENDED BY ADDING		
FARMINGTON, NM VORTAC	PLATA, CO	10000
PLATA, CO	CORTEZ, CO VOR/DME	10600
CORTEZ, CO VOR/DME	DOVE CREEK, CO VORTAC	9800
§95.6397 VOR FEDERAL AIRWAY 397		
IS ADDED TO READ		
MONROE, LA VORTAC	GREENVILLE, MS VOR/DME	2000
GREENVILLE, MS VOR/DME	KOCHA, MS FIX	2000
KOCHA, MS FIX	WALET, MS FIX	*5000
*1800 - MOCA		
WALET, MS FIX	HOLLY SPRINGS, MS VORTAC	*2500
*1800 - MOCA		
§95.6409 VOR FEDERAL AIRWAY 409		
IS ADDED TO READ		
ATHENS, GA VORTAC	GREENWOOD, SC VORTAC	2500
GREENWOOD, SC VORTAC	SANDHILLS, NC VORTAC	*4000
*2100 - MOCA		
SANDHILLS, NC VORTAC	RALEIGH-DURHAM, NC VORTAC	2000
§95.6415 VOR FEDERAL AIRWAY 415		
IS ADDED TO READ		
MONTGOMERY, AL VORTAC	SEMAN, AL FIX	2300
SEMAN, AL FIX	GIFFY, AL FIX	*4000
*3300 - MOCA		
GIFFY, AL FIX	FELTO, AL FIX	*6000
*3400 - MOCA		
FELTO, AL FIX	ROME, GA VORTAC	*5000
*4000 - MOCA		
ROME, GA VORTAC	*NELLO, GA FIX	5600
*5000 - MRA		
NELLO, GA FIX	TURNN, GA FIX	6000
TURNN, GA FIX	TOCCOA, GA VORTAC	5000
TOCCOA, GA VORTAC	PELAM, SC FIX	4000
PELAM, SC FIX	SPARTANBURG, SC VORTAC	*3000
*2400 - MOCA		
§95.6417 VOR FEDERAL AIRWAY 417		
IS ADDED TO READ		
MONROE, LA VORTAC	*ALTOS, LA FIX	2000
*3000 - MRA		
ALTOS, LA FIX	*BOLTS, MS FIX	2300
*3400 - MRA		
BOLTS, MS FIX	JACKSON, MS VORTAC	2000
JACKSON, MS VORTAC	*FANEN, MS FIX	**3000
*3300 - MRA		
**1700 - MOCA		
FANEN, MS FIX	MERIDIAN, MS VORTAC	*3000
*2300 - MOCA		

FROM	TO	MEA
§95.6417 VOR FEDERAL AIRWAY 417—Continued		
MERIDIAN, MS VORTAC	TUSCALOOSA, AL VORTAC	2000
TUSCALOOSA, AL VORTAC	VULCAN, AL VORTAC	2400
VULCAN, AL VORTAC	HOKES, AL FIX	3600
HOKES, AL FIX	ROME, GA VORTAC	*5000
*4000 - MOCA		
ROME, GA VORTAC	*NELLO, GA FIX	5600
*5000 - MRA		
NELLO, GA FIX	*AWSON, GA FIX	5600
*5000 - MRA		
AWSON, GA FIX	CORCE, GA FIX	4600
CORCE, GA FIX	IRMOS, GA FIX	3800
IRMOS, GA FIX	ATHENS, GA VORTAC	3000
ATHENS, GA VORTAC	DANBI, GA FIX	2500
DANBI, GA FIX	AUGUSTA, GA VORTAC	2500
AUGUSTA, GA VORTAC	SARDY, GA FIX	2200
SARDY, GA FIX	ALLENDALE, SC VOR	2000
ALLENDALE, SC VOR	CHARLESTON, SC VORTAC	2000
§95.6422 VOR FEDERAL AIRWAY 422		
IS AMENDED BY ADDING		
BEBEE, IL FIX	*NILES, IL FIX	3400
*3100 - MCA NILES FIX, N BND		
NILES, IL FIX	CHICAGO HEIGHTS, IL VORTAC	2000
§95.6427 VOR FEDERAL AIRWAY 427		
IS ADDED TO READ		
MONROE, LA VORTAC	*PECKS, MS FIX	**2300
*2800 - MRA		
**1900 - MOCA		
PECKS, MS FIX	JACKSON, MS VORTAC	2000
§95.6429 VOR FEDERAL AIRWAY 429		
IS AMENDED TO DELETE		
VAINS, IL FIX	CHICAGO O'HARE, IL VOR/DME	2500
§95.6441 VOR FEDERAL AIRWAY 441		
IS DELETED		
SAINT PETERSBURG, FL VORTAC	DADES, FL FIX	
VIA E ALTER.	VIA E ALTER.	2000
DADES, FL FIX	OCALA, FL VORTAC	
VIA E ALTER.	VIA E ALTER.	2000
§95.6447 VOR FEDERAL AIRWAY 447		
IS AMENDED TO READ IN PART		
MONTPELIER, VT VOR/DME	*PLOTT, VT FIX	4800
*8000 - MRA		

FROM	TO	MEA
§95.6455 VOR FEDERAL AIRWAY 455		
IS AMENDED TO DELETE		
NEW ORLEANS, LA VORTAC VIA E ALTER.	SLIDD, LA FIX VIA E ALTER.	5000
SLIDD, LA FIX VIA E ALTER.	GULFPORT, MS VORTAC VIA E ALTER.	1800
GULFPORT, MS VORTAC VIA E ALTER.	MINDO, MS FIX VIA E ALTER.	1800
MINDO, MS FIX VIA E ALTER.	EATON, MS VORTAC VIA E ALTER.	2000
NEW ORLEANS, LA VORTAC VIA W ALTER.	MACAW, LA FIX VIA W ALTER.	1900
MACAW, LA FIX VIA W ALTER. *1800 - MOCA	EATON, MS VORTAC VIA W ALTER.	*4000
EATON, MS VORTAC VIA W ALTER. *2000 - MOCA	BAING, MS FIX VIA W ALTER.	*3000
BAING, MS FIX VIA W ALTER. *3000 - MRA *3000 - MCA PAULD FIX, SW BND	*PAULD, MS FIX VIA W ALTER.	3000
PAULD, MS FIX VIA W ALTER.	MERIDIAN, MS VORTAC VIA W ALTER.	2000
§95.6460 VOR FEDERAL AIRWAY 460		
IS AMENDED TO READ IN PART		
SHADI, CA FIX	BLYTHE, CA VORTAC	7000
§95.6465 VOR FEDERAL AIRWAY 465		
IS DELETED		
MILES CITY, MT VORTAC VIA E ALTER. *5200 - MOCA	WILLISTON, ND VORTAC VIA E ALTER.	*6000
§95.6477 VOR FEDERAL AIRWAY 477		
IS DELETED		
HUMBLE, TX VORTAC VIA W ALTER.	NAVASOTA, TX VORTAC VIA W ALTER.	2000
NAVASOTA, TX VORTAC VIA W ALTER.	LEONA, TX VORTAC VIA W ALTER.	3000
LEONA, TX VORTAC VIA W ALTER.	SCURRY, TX VORTAC VIA W ALTER.	2300
§95.6491 VOR FEDERAL AIRWAY 491		
IS AMENDED BY ADDING		
RAPID CITY, SD VORTAC *5500 - MOCA	DICKINSON, ND VORTAC	*9000
DICKINSON, ND VORTAC *4100 - MOCA	MINOT, ND VORTAC	*6000
MEDICINE BOW, WY VORTAC *9700 - MRA	*ALCOS, WY FIX	9900
ALCOS, WY FIX *8400 - MOCA	CASPER, WY VORTAC N BND S BND	*8400 *9700

FROM	TO	MEA
§95.6492 VOR FEDERAL AIRWAY 492		
IS AMENDED TO READ IN PART		
LA BELLE, FL VORTAC *1500 - MOCA	PAHOKEE, FL VORTAC	*2000
PAHOKEE, FL VORTAC *1500 - MOCA	PALM BEACH, FL VORTAC	*2000
§95.6495 VOR FEDERAL AIRWAY 495		
IS AMENDED TO READ IN PART		
SEATTLE, WA VORTAC *4000 - MRA	*LOFAL, WA FIX	6000
LOFAL, WA FIX	U.S. CANADIAN BORDER	7500
§95.6507 VOR FEDERAL AIRWAY 507		
IS AMENDED BY ADDING		
OKLAHOMA CITY, OK VORTAC *4300 - MRA	*CURRI, OK FIX	3500
CURRI, OK FIX *3100 - MOCA	ROLLS, OK FIX	*6500
ROLLS, OK FIX	GAGE, OK VORTAC	4000
§95.6531 VOR FEDERAL AIRWAY 531		
IS AMENDED TO READ IN PART		
PALM BEACH, FL VORTAC *2500 - MOCA	SHEDS, FL FIX	*3000
§95.6533 VOR FEDERAL AIRWAY 533		
IS ADDED TO READ		
SAINT PETERSBURG, FL VORTAC	LAKELAND, FL VORTAC	2000
LAKELAND, FL VORTAC	ORLANDO, FL VORTAC	1700
ORLANDO, FL VORTAC	SMYRA, FL FIX	2000
SMYRA, FL FIX	ORMOND BEACH, FL VORTAC	1600
§95.6537 VOR FEDERAL AIRWAY 537		
IS ADDED TO READ		
VERO BEACH, FL VORTAC *2500 - MRA	*PRESK, FL FIX	2000
PRESK, FL FIX *2000 - MOCA	CERMO, FL FIX	*5000
CERMO, FL FIX	OCALA, FL VORTAC	2000
OCALA, FL VORTAC	GAINESVILLE, FL VORTAC	2000
GAINESVILLE, FL VORTAC	GREENVILLE, FL VORTAC	2000
§95.6539 VOR FEDERAL AIRWAY 539		
IS ADDED TO READ		
KEY WEST, FL VORTAC	CORGI, FL FIX	1500
CORGI, FL FIX *1200 - MOCA	GOODY, FL FIX	*3500

FROM	TO	MEA
§95.6539 VOR FEDERAL AIRWAY 539—Continued		
GOODY, FL FIX *4000 - MRA	*GUMMY, FL FIX	2000
GUMMY, FL FIX	FORT MYERS, FL VORTAC	2000
§95.6541 VOR FEDERAL AIRWAY 541 IS ADDED TO READ		
GADSDEN, AL VOR/DME *2600 - MOCA	HOBBI, AL FIX	*3600
HOBBI, AL FIX	DECATUR, AL VOR/DME	3000
DECATUR, AL VOR/DME	MUSCLE SHOALS, AL VORTAC	2500
§95.6543 VOR FEDERAL AIRWAY 543 IS ADDED TO READ		
NEW ORLEANS, LA VORTAC	MACAW, LA FIX	1900
MACAW, LA FIX *1800 - MOCA	EATON, MS VORTAC	*4000
EATON, MS VORTAC *2000 - MOCA	BAING, MS FIX	*3000
BAING, MS FIX *3000 - MRA *3000 - MCA PAULD FIX, SW BND	*PAULD, MS FIX	3000
PAULD, MS FIX	MERIDIAN, MS VORTAC	2000
§95.6545 VOR FEDERAL AIRWAY 545 IS ADDED TO READ		
MILES CITY, MT VORTAC *5200 - MOCA	MARRO, MT FIX	*6000
§95.6546 VOR FEDERAL AIRWAY 546 IS ADDED TO READ		
WINK, TX VORTAC	NOTES, TX FIX	5500
NOTES, TX FIX	MIDLAND, TX VORTAC	5000
MIDLAND, TX VORTAC	BIG SPRING, TX VORTAC	4400
§95.6547 VOR FEDERAL AIRWAY 547 IS ADDED TO READ		
CHEYENNE, WY VORTAC	DOUGLAS, WY VORTAC	8000
DOUGLAS, WY VORTAC	CASPER, WY VORTAC	7900
§95.6548 VOR FEDERAL AIRWAY 548 IS ADDED TO READ		
HOBBY, TX VOR/DME	SEALY, TX FIX	2000
SEALY, TX FIX *1700 - MOCA	PRARI, TX FIX	*3500

FROM	TO	MEA
§95.6548 VOR FEDERAL AIRWAY 548—Continued		
PRARI, TX FIX	COUTH, TX FIX	2000
COUTH, TX FIX	COLLEGE STATION, TX VORTAC	2000
COLLEGE STATION, TX VORTAC	BARBA, TX FIX	2500
BARBA, TX FIX	BOSEL, TX FIX	3600
BOSEL, TX FIX	WACO, TX VORTAC	2800
§95.6550 VOR FEDERAL AIRWAY 550 IS ADDED TO READ		
COTULLA, TX VORTAC	LEMIG, TX FIX	2500
LEMIG, TX FIX	SAN ANTONIO, TX VORTAC	3000
SAN ANTONIO, TX VORTAC	DENTS, TX FIX	3000
DENTS, TX FIX *3500 - MRA	*CEDIL, TX FIX	3400
CEDIL, TX FIX	AUSTIN, TX VORTAC	3000
AUSTIN, TX VORTAC	TRACE, TX FIX	2700
TRACE, TX FIX *1900 - MOCA	BARBA, TX FIX	*2700
BARBA, TX FIX	BOSEL, TX FIX	3600
BOSEL, TX FIX	WACO, TX VORTAC	2800
§95.6552 VOR FEDERAL AIRWAY 552 IS ADDED TO READ		
BEAUMONT, TX VORTAC	LAKE CHARLES, LA VORTAC	2000
LAKE CHARLES, LA VORTAC	HATHA, LA FIX	2100
HATHA, LA FIX	LAFAYETTE, LA VORTAC	2100
LAFAYETTE, LA VORTAC	TIBBY, LA VORTAC	2000
TIBBY, LA VORTAC	NEW ORLEANS, LA VORTAC	2000
NEW ORLEANS, LA VORTAC	PICAYUNE, MS VORTAC	2000
PICAYUNE, MS VORTAC	SEMMES, AL VORTAC	2000
SEMMES, AL VORTAC	MONROEVILLE, AL VORTAC	2000
§95.6554 VOR FEDERAL AIRWAY 554 IS ADDED TO READ		
NATCHEZ, MS VOR/DME *6000 - MCA TULLO FIX, SE BND **1800 - MOCA	*TULLO, LA FIX	**6000
TULLO, LA FIX	MONROE, LA VORTAC	2000
§95.6555 VOR FEDERAL AIRWAY 555 IS ADDED TO READ		
NEW ORLEANS, LA VORTAC	PICAYUNE, MS VORTAC	2000
PICAYUNE, MS VORTAC	MC COMB, MS VORTAC	2000
MC COMB, MS VORTAC *3400 - MRA	*BANDO, MS FIX	2000
BANDO, MS FIX	JACKSON, MS VORTAC	2000
JACKSON, MS VORTAC *3500 - MRA	*VAHNS, MS FIX	2000

FROM	TO	MEA
§95.6555 VOR FEDERAL AIRWAY 555—Continued		
VAHNS, MS FIX	GREENWOOD, MS VORTAC	2000
§95.6556 VOR FEDERAL AIRWAY 556 IS ADDED TO READ		
SAN ANGELO, TX VORTAC	JUNCTION, TX VORTAC	4000
JUNCTION, TX VORTAC	STONEWALL, TX VORTAC	4000
STONEWALL, TX VORTAC	MARCS, TX FIX	3500
MARCS, TX FIX *2000 - MOCA	SEEDS, TX FIX	*4500
SEEDS, TX FIX	WEMAR, TX FIX	2500
WEMAR, TX FIX	EAGLE LAKE, TX VOR/DME	2000
EAGLE LAKE, TX VOR/DME	SCHOLES, TX VORTAC	2500
§95.6557 VOR FEDERAL AIRWAY 557 IS ADDED TO READ		
MC COMB, MS VORTAC *4200 - MRA	*BYRAM, MS FIX	2900
BYRAM, MS FIX	JACKSON, MS VORTAC	2900
JACKSON, MS VORTAC	GREENWOOD, MS VORTAC	2000
§95.6558 VOR FEDERAL AIRWAY 558 IS ADDED TO READ		
LLANO, TX VORTAC	AUSTIN, TX VORTAC	3000
AUSTIN, TX VORTAC	INDUSTRY, TX VORTAC	2500
INDUSTRY, TX VORTAC	EAGLE LAKE, TX VOR/DME	2000
EAGLE LAKE, TX VOR/DME	BLUMS, TX FIX	2100
BLUMS, TX FIX	HOBBY, TX VOR/DME	2400
§95.6559 VOR FEDERAL AIRWAY 559 IS ADDED TO READ		
LAFAYETTE, LA VORTAC	BATON ROUGE, LA VORTAC	2000
§95.6560 VOR FEDERAL AIRWAY 560 IS ADDED TO READ		
NEWMAN, TX VORTAC	MAYFY, TX FIX	9000
MAYFY, TX FIX *10500 - MRA **9000 - MOCA	*CONNE, TX FIX	**10500

FROM	TO	MEA
§95.6560 VOR FEDERAL AIRWAY 560—Continued		
CONNE, TX FIX	SALT FLAT, TX VORTAC	9000
SALT FLAT, TX VORTAC	CARLSBAD, NM VORTAC	8000
§95.6562 VOR FEDERAL AIRWAY 562 IS ADDED TO READ		
DRAKE, AZ VORTAC	PEACH SPRINGS, AZ VORTAC	9000
PEACH SPRINGS, AZ VORTAC *9000 - MCA MEADS FIX, SE BND	*MEADS, NV FIX	9000
MEADS, NV FIX	LAS VEGAS, NV VORTAC	6000
§95.6563 VOR FEDERAL AIRWAY 563 IS ADDED TO READ		
LUBBOCK, TX VORTAC	BIG SPRING, TX VORTAC	5100
§95.6564 VOR FEDERAL AIRWAY 564 IS ADDED TO READ		
COALDALE, NV VORTAC	MINA, NV VORTAC	11500
MINA, NV VORTAC	YERIN, NV FIX	11500
YERIN, NV FIX	CHIME, NV FIX NW BND	10000
	SE BND	11500
CHIME, NV FIX	RENO, NV VORTAC	10000
§95.6565 VOR FEDERAL AIRWAY 565 IS ADDED TO READ		
LLANO, TX VORTAC	FELTZ, TX FIX	3300
FELTZ, TX FIX	AUSTIN, TX VORTAC	3000
§95.6566 VOR FEDERAL AIRWAY 566 IS ADDED TO READ		
GREGG COUNTY, TX VORTAC *3000 - MRA	*WORKS, TX FIX	2300
WORKS, TX FIX	SHREVEPORT, LA VORTAC	3000
SHREVEPORT, LA VORTAC	KNELT, LA FIX	2300
KNELT, LA FIX *1700 - MOCA	COVEX, LA FIX	*3500
COVEX, LA FIX *6000 - MRA **1700 - MOCA	*NUBOY, LA FIX	**4500
NUBOY, LA FIX	BOYCE, LA FIX SE BND	2000
	NW BND	4500
BOYCE, LA FIX	ALEXANDRIA, LA VORTAC	2000
ALEXANDRIA, LA VORTAC	MUSHE, LA FIX	2000
MUSHE, LA FIX *3000 - MRA **1500 - MOCA	*WRACK, LA FIX	**4000
WRACK, LA FIX *1700 - MOCA	CLUNK, LA FIX	*5000

FROM	TO	MEA
§95.6566 VOR FEDERAL AIRWAY 566—Continued		
CLUNK, LA FIX *1400 - MOCA	WALKE, LA FIX	*2500
WALKE, LA FIX	NEW ORLEANS, LA VORTAC	2000
§95.6567 VOR FEDERAL AIRWAY 567 IS ADDED TO READ		
PHOENIX, AZ VORTAC	*KNOBB, AZ FIX N BND S BND	8000 6000
*8000 - MEA		
KNOBB, AZ FIX *14000 - MCA FERER FIX, NE BND **7500 - MOCA	*FERER, AZ FIX	**8000
FERER, AZ FIX *9600 - MOCA	WINSLOW, AZ VORTAC	*14000
§95.6568 VOR FEDERAL AIRWAY 568 IS ADDED TO READ		
CORPUS CHRISTI, TX VORTAC	THREE RIVERS, TX VORTAC	1800
THREE RIVERS, TX VORTAC	LEMIG, TX FIX	2000
LEMIG, TX FIX	SAN ANTONIO, TX VORTAC	3000
SAN ANTONIO, TX VORTAC *2600 - MOCA	GUADA, TX FIX	*4000
GUADA, TX FIX	STONEWALL, TX VORTAC	4000
STONEWALL, TX VORTAC	LLANO, TX VORTAC	4000
LLANO, TX VORTAC *5000 - MEA **2800 - MOCA	*BUILT, TX FIX	**4500
BUILT, TX FIX	ACTON, TX VORTAC	3000
§95.6569 VOR FEDERAL AIRWAY 569 IS ADDED TO READ		
BEAUMONT, TX VORTAC	SILBE, TX FIX	2000
SILBE, TX FIX	LUFKIN, TX VORTAC	2500
§95.6570 VOR FEDERAL AIRWAY 570 IS ADDED TO READ		
ALEXANDRIA, LA VORTAC	NATCHEZ, MS VOR/DME	2000
NATCHEZ, MS VOR/DME	MC COMB, MS VORTAC	2000
§95.6571 VOR FEDERAL AIRWAY 571 IS ADDED TO READ		
HUMBLE, TX VORTAC	NAVASOTA, TX VORTAC	2000
NAVASOTA, TX VORTAC	LEONA, TX VORTAC	3000
LEONA, TX VORTAC	SCURRY, TX VORTAC	2300
§95.6572 VOR FEDERAL AIRWAY 572 IS ADDED TO READ		
WINSLOW, AZ VORTAC	FRISY, AZ FIX	9000
FRISY, AZ FIX	FLAGSTAFF, AZ VOR/DME	10000
§95.6573 VOR FEDERAL AIRWAY 573 IS ADDED TO READ		
TEXARKANA, AR VORTAC *5000 - MRA **1800 - MOCA	*JAMMI, AR FIX	**3500
JAMMI, AR FIX *1800 - MOCA	PIKES, AR FIX	*3500
PIKES, AR FIX *2000 - MOCA	MARKI, AR FIX	*3500
MARKI, AR FIX *2500 - MOCA	HOT SPRINGS, AR VOR	*3500
HOT SPRINGS, AR VOR *2500 - MOCA	LONNS, AR FIX	*3000
LONNS, AR FIX	LITTLE ROCK, AR VORTAC	2000
§95.6574 VOR FEDERAL AIRWAY 574 IS ADDED TO READ		
NAVASOTA, TX VORTAC	HUMBLE, TX VORTAC	2000
HUMBLE, TX VORTAC	DAISETTA, TX VORTAC	2000
DAISETTA, TX VORTAC	BEAUMONT, TX VORTAC	2000
BEAUMONT, TX VORTAC	LAKE CHARLES, LA VORTAC	2000
§95.6575 VOR FEDERAL AIRWAY 575 IS ADDED TO READ		
DENVER, CO VORTAC	GILL, CO VORTAC	7000
GILL, CO VORTAC	NUNNS, CO FIX	7000
NUNNS, CO FIX	KYOTE, CO FIX	9000
KYOTE, CO FIX	FLEMS, CO	10000
FLEMS, CO	LARAMIE, WY VORTAC	11000
§95.6579 VOR FEDERAL AIRWAY 579 IS ADDED TO READ		
FORT MYERS, FL VORTAC	SARASOTA, FL VORTAC	2000
SARASOTA, FL VORTAC	SAINT PETERSBURG, FL VORTAC	2000
SAINT PETERSBURG, FL VORTAC	BAYPO, FL FIX	2000
BAYPO, FL FIX *3000 - MRA **1500 - MOCA	*HOMOE, FL FIX	**3000
HOMOE, FL FIX *2000 - MOCA	GAINESVILLE, FL VORTAC	*3000

FROM	TO	MEA	FROM	TO	MEA
§95.6579 VOR FEDERAL AIRWAY 579—Continued					
GAINESVILLE, FL VORTAC	EPOSS CITY, FL VORTAC	2000			

§95.6581 VOR FEDERAL AIRWAY 581
IS ADDED TO READ

SAINT PETERSBURG, FL VORTAC	OCALA, FL VORTAC	2000			

FROM	TO	MEA	MAA
§95.7079 JET ROUTE NO. 79			
	IS AMENDED TO READ IN PART		
NORFOLK, VA VORTAC	COYLE, NJ VORTAC	18000	45000
§95.7121 JET ROUTE NO. 121			
	IS AMENDED TO READ IN PART		
NORFOLK, VA VORTAC	SNOW HILL, MD VORTAC	18000	45000
SNOW HILL, MD VORTAC	SEA ISLE, NJ VORTAC	18000	45000
§95.7157 JET ROUTE NO. 157			
	IS AMENDED BY ADDING		
DENVER, CO VORTAC	SCOTTSBLUFF, NE VORTAC	18000	45000
§95.7174 JET ROUTE NO. 174			
	IS AMENDED BY ADDING		
SNOW HILL, MD VORTAC	WARNN, NJ FIX	24000	41000
WARNN, NJ FIX	HAMPTON, NY VORTAC	18000	41000

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
	V-20		
	IS AMENDED TO DELETE		
TIBBY, LA VORTAC VIA S ALTER.	NEW ORLEANS, LA VORTAC VIA S ALTER.	26	TIBBY
	V-115		
	IS AMENDED BY ADDING		
WHITESBURG, KY VORTAC	CHARLESTON, WV VORTAC	40	WHITESBURG
	V-306		
	IS AMENDED TO DELETE		
NAVASOTA, TX VORTAC VIA S ALTER.	HUMBLE, TX VORTAC VIA S ALTER.	12	NAVASOTA
	V-477		
	IS AMENDED TO DELETE		
HUMBLE, TX-VORTAC VIA W ALTER.	NAVASOTA, TX VORTAC VIA W ALTER.	30	HUMBLE
	V-552		
	IS AMENDED BY ADDING		
TIBBY, LA VORTAC	NEW ORLEANS, LA VORTAC	26	TIBBY
	V-573		
	IS AMENDED BY ADDING		
HOT SPRINGS, AR VOR	LITTLE ROCK, AR VORTAC	14	HOT SPRINGS

[FR Doc. 85-13186 Filed 5-31-85; 8:45 am]
BILLING CODE 4910-13-C

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT®		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
	J-174		
	IS AMENDED BY ADDING		
WARNN, NJ FIX	HAMPTON, NY VORTAC	#85	WARNN

COP MEASURED FROM SWL VORTAC.

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 399

[Docket No. 50453-5053]

Special Licenses Available To Export Equipment Designed for the Manufacture or Testing of Printed Circuit Boards

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

ACTION: Final rule.

SUMMARY: The Commodity Control List contains all items controlled for export by the U.S. Department of Commerce. On March 30, 1984, the Office of Export Administration published in the **Federal Register** a document amending the Commodity Control List (49 FR 12678–12783). Among the amendments was a reclassification of equipment designed for the manufacture or testing of printed circuit boards under a new entry 1354A.

Certain exports of such equipment previously had been authorized under special licenses. However, the March 30 document inadvertently indicated that no special licenses are available to export such equipment.

This rule revises the "Special Licenses Available" paragraph of 1354A by indicating that Part 373 of the Regulations contains information on those special licenses available to export equipment covered by 1354A.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Vincent Greenwald, Exporter Assistance Division, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–3856).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

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

1. Since this rule pertains to a foreign affairs function of the United States, the proposed rulemaking procedures and the delay in effective date required under the Administrative Procedure Act are not necessary.

2. This rule contains a collection of information requirement subject to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The collection of this information has been approved by the Office of Management and Budget (OMB control numbers 0625–0002, 0625–0052, and 0625–0041).

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* because a notice of proposed rulemaking is not being published. Accordingly, no initial or final Regulatory Flexibility Analysis has or will be prepared.

4. This rule is not a rule within the meaning of section 1(a) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

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

List of Subjects in 15 CFR Part 399

Exports.

PART 399—[AMENDED]

Accordingly, the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

1. The authority citation for 15 CFR Part 399 continues to read as follows:

Authority: Secs. 203, 206, Pub. L. 95–223, Title II, 91 Stat. 1626, 1628, (50 U.S.C. 1702, 1704), E.O. No. 12470 of March 30, 1984 (49 FR 13099, April 3, 1984; Presidential Notice of March 28, 1985 (50 FR 12513 March 29, 1985).

§ 399.1 [Amended]

2. In Supplement No. 1 to § 399.1 (the Commodity Control List), ECCN 1354A of Commodity Group 3, General Industrial Equipment, is amended by revising the *Special Licenses Available* paragraph to read—"Special Licenses Available: See Part 373."

Dated: May 21, 1985.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 85–13148 Filed 5–31–85; 8:45 am]

BILLING CODE 3510-DT-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 9180]

City of Minneapolis; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Order Withdrawing Complaint.

SUMMARY: This order withdraws the complaint alleging that the City of Minneapolis had combined, contracted or agreed with taxicab companies to pursue certain anticompetitive policies in violation of section 5 of the Federal Trade Commission Act. The Commission held that changes now made in the City's municipal Code, which includes raising the number of taxicab licenses to be made available to operators, "significantly relieves the injury to competition alleged in the complaint and * * * may eliminate the need for further Commission action." Thus, continuing the matter would not be in the public interest. In withdrawing its complaint, the Commission expressed no opinion as to whether the "liability of the City of Minneapolis could have been established at trial."

DATES: Complaint issued May 10, 1984. Order Withdrawing Complaint issued May 7, 1985.[1]

FOR FURTHER INFORMATION CONTACT: Susan Ticknor, Office of Public Affairs, Federal Trade Commission, Washington, D.C. 20580. (202) 523–1892.

SUPPLEMENTARY INFORMATION: In the Matter of The City of Minneapolis, a municipal corporation.

List of Subjects in 16 CFR Part 13

Taxicabs, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Before the Federal Trade Commission

Commissioners: James C. Miller III, Chairman, Patricia P. Bailey, George W. Douglas, Terry Calvani, Mary L. Azcuenaga.

In the matter of The City of Minneapolis, a municipal corporation; Docket No. 9180.

Order

Complaint counsel have moved for withdrawal of the complaint in this matter, on the ground that a new municipal ordinance that the City of Minneapolis recently enacted "significantly relieves the injury to competition alleged in the complaint and * * * may eliminate the need for further Commission action." The Administrative Law Judge has certified that motion to the Commission, with the recommendation that the Commission grant the motion. The complaint alleges that the City of Minneapolis has combined, contracted or agreed with taxicab companies in a number of respects relating to fare increases, fare uniformity, limitations on the number of taxicab licenses issued in Minneapolis, barriers to entry, and competition from vehicles-for-hire licensed outside Minneapolis, in violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. 45. In the Notice of Contemplated Relief that accompanied the complaint,

[1] Copies of the Complaint, Statements of Chairman Miller and Commissioner Pertschuk and "An Economic Analysis of Taxicab Regulation" by the Bureau of Economics staff are filed with the original document.

the Commission indicated that as part of any relief it might order, it might prohibit enforcement of three separate groups of Minneapolis Code provisions: (1) Section 341.710 *et seq.* (with some exceptions), which generally regulate fares; (2) portions of § 341.260 and § 341.280, which established a variety of criteria for determining whether new taxicab licenses should be issued; and (3) § 341.300 and § 341.310, which established 248 as the maximum number of taxicab licenses (other than 48 "winter licenses") available to operators in any given year.

The City of Minneapolis has now amended its Code to repeal § 341.260 and § 341.280. It has also amended § 341.300 of the Code to raise the number of taxicab licenses from 248 to 323 by February 1, 1986, and by as many as an additional 25 licenses every year thereafter, beginning on July 1, 1986.[2] These changes offer the prospect of preventing the anticompetitive conduct alleged in the complaint by strongly facilitating new entry into the Minneapolis taxicab market. The Commission has therefore determined that continuing this matter would not presently serve the public interest, and that the complaint should be withdrawn. In taking this action, we express no opinion as to whether the liability of the City of Minneapolis could have been established at trial.

Accordingly, it is ordered that the complaint issued against the City of Minneapolis in Docket No. 9180 be, and it hereby is, withdrawn.

By direction of the Commission.

Commissioner Azcuenaga did not participate.

Emily H. Rock,

Secretary.

[FR Doc. 85–13147 Filed 5–31–85; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 305

Rules for Using Energy Costs and Consumption Information Used in Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act; Ranges of Comparability for Clothes Washers

AGENCY: Federal Trade Commission.

ACTION: Publication of ranges under the Appliance Labeling Rule.

SUMMARY: Under the Federal Trade Commission's Appliance Labeling Rule, each required label or fact sheet for a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. These ranges show the highest and lowest energy costs or efficiencies for the various size or capacity groupings of the appliances covered by the rule. The Commission publishes the ranges annually in the **Federal Register** if the upper or lower limits of the range change by 15 percent or more from the previously published range. If the Commission does not publish a revised range, it must publish a notice that the prior range is still applicable for the next year.

The ranges of energy costs for clothes washers have not changed by as much as 15 percent since the last publication. Therefore, the ranges published on May 25, 1983 [1] remain in effect until new ranges are published.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: James Mills, 202–376–8934, or Lucerne D. Winfrey, 202–376–8934, Attorneys, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (EPCA) [2] required the Federal Trade Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances: (1) Refrigerators and refrigerator-freezers; (2) feezers; (3) dishwashers; (4) clothes dryers; (5) water heaters; (6) room air conditioners; (7) home heating equipment, not including furnaces; (8) television sets; (9) kitchen ranges and ovens; (10) clothes washers; (11) humidifiers and dehumidifiers; (12) central air conditioners; and (13) furnaces. Under the statute, the Department of Energy (DOE) is responsible for developing test procedures that measure how much energy the appliance use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final rule [3] covering seven of the thirteen appliance categories: refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners and furnaces.

The rule requires that energy efficiency ratings or energy costs and related information be disclosed on labels, fact sheets and in retail sales catalogs for all covered products manufactured on or after May 19, 1980. Certain point-of-sale promotional materials must disclose the availability of energy cost or energy efficiency rating information. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of the DOE test procedures.

Pursuant to § 305.8 of the rule, manufacturers submitted reports to the Commission by January 21, 1980. These reports contained the estimated annual cost or energy efficiency rating, derived from tests performed pursuant to the DOE test procedures, for all models of the seven categories of appliances. The reports also contained the model, the number of tests performed on each model, and the capacity of each model. From the information, the Commission compiled and published [4] ranges of comparability for each product, as required by § 305.10 of the rule.

Section 305.8(b) of the rule requires that manufacturers, after filing this initial report, shall report the same information annually by specified dates for each product type.[5] If an analysis of the new data indicates that the upper or lower limits of any of the ranges have changed by more than 15%, the Commission must, under § 305.10 of the rule, publish a revised version of the new range or ranges. Otherwise, the Commission must publish a statement that the prior range or ranges remain in effect for the next year.

The annual reports for clotheswashers have been received and analyzed and it has been determined that neither the upper nor lower limits of the ranges for this product category have changed by 15% or more since the last publication of the ranges on May 25, 1983.[6]

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[2] Section 341.290(b) has been amended to require that all license holders must be "a member of a company, cooperative, or association" with at least eight taxicabs licensed by Minneapolis; at least fifteen licensed taxicabs "operated under a common color scheme with common radio dispatching facilities;" and a total of at least fifteen such taxicabs licensed in Minneapolis within one year of issuance of the first eight licenses. Section 341.290(c) exempts taxicabs already holding licenses from this requirement.

[1] 48 FR 23383.

[2] Pub. L. 94–163, 89 Stat. 871, 42 U.S.C. 6201 (1975).

[3] 44 FR 66466, 16 CFR Part 305 (November 19, 1979).

[4] 45 FR 13998 (March 3, 1980), 45 FR 19520 (March 25, 1980), 45 FR 28036 (April 17, 1980), 46 FR 3029 (January 16, 1981).

[5] Reports for clotheswashers are due by March 1; reports for water heaters, room air conditioners and furnaces are due by May 1; reports for dishwashers are due by June 1; reports for refrigerators, refrigerator-freezers and freezers are due by August 1.

[6] 48 FR 23383.

In consideration of the foregoing, the present ranges for clotheswashers will remain in effect for the next year.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Authority: Sec. 324 of the Energy Policy and Conservantion Act (Pub. L. 94–163) (1975), as amended by the National Energy Conservation Policy Act, (Pub. L. 95–619) (1978), 42 U.S.C. 6294; sec. 553 of the Administrative Procedure Act, 5 U.S.C. 553.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 85–13143 Filed 5–31–85; 8:45 am]

BILLING CODE 6750–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33–6582, 34–22076, 35–23705, 39–990, IC–14537, IA–975]

Revision of Rule Concerning the Acceptance of Food and Refreshment

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: Rule 3(b)(2) of the Commission's Conduct Regulation, 17 CFR 200.735–3(b)(2), generally prohibits members and employees of the Commission from accepting anything of value from entities with whom they transact official business. The Rule provides for several exceptions. Those exceptions are narrowly drawn and strictly interpreted. The rule change would permit members and staff to accept meals and refreshments at group functions which they attend in their official capacities and for the benefit of the agency, without regard to the identity of the sponsor.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Myrna Siegel, Ethics Counsel, Securities and Exchange Commission, Washington, D.C., (202) 272–2430.

SUPPLEMENTARY INFORMATION: The Commission has generally deemed informal contacts with representatives of the securities industry by its members and staff as an important supplement to formal appearances before and submissions to the Commission by such entities. To this end, Commission members and staff frequently participate in educational programs sponsored by non-federal entities and aimed at educating the industry, the securities bar and the public.[1]

In addition to formal educational programs, Commission members and staff are often invited to attend group functions including luncheon and dinner gatherings given by self-regulatory organizations, trade associations and accounting groups. The Commission deems such informal opportunities for the sharing of views with industry groups to be beneficial to the functioning of the Commission. However, difficulties have arisen because the gatherings often focus on a meal or other hospitality.

The Commission's Conduct Regulation generally prohibits Commission members and employees from accepting anything of value from "prohibited entities" *i.e.*, entities with whom they transact official business, and who: (1) Have or are seeking to obtain contractual or other business or financial relations with the Commission; (2) conduct operations or activities regulated by the Commission; or (3) have interests that may be substantially affected by the performance or non-performance of the member's or employee's official duties.[2]

Exceptions to the rule are narrowly drawn and strictly interpreted. The exception which permits the acceptance of food and refreshment at a group function is particularly narrowly drawn and permits the acceptance of food and refreshment only of modest value, if offered in the course of a meeting not connected with an inspection or investigation at which attendance is official and proper and circumstances make individual payment difficult. It is often difficult to determine what is modest or whether a gathering can be considered a meeting. Moreover, it is almost always possible to make arrangements for individual payment. As a result, members and staff have often paid for their own meals when attending functions in their official capacities and for the benefit of the agency, functions they might have chosen not to attend, but for the benefit of the agency.

The Commission's rule incorporates prohibitions in Executive Order 11222.[3] That Order includes, in addition to the general prohibition, a provision permitting agencies to adopt regulations to implement the prohibition, providing for "such exceptions as may be necessary and appropriate in view of the nature of the agency's work and the duties and responsibilities of the employees."[4] The Commission has determined that it is appropriate to amend its current rule to permit the flexibility necessary for members and staff to accept meals at group functions without regard to the sponsor organization, so long as a determination is made that attendance is desirable to assist the member or employee in performing his or her official duties.

The flexibility provided by the new rule only applies to group functions. The Commission's rules still prohibit its members and employees from accepting meals proffered in individual meetings with representatives of prohibited entities.

Accordingly, the Commission is amending 17 CFR 200.735–3(b)(2) to permit members and staff to accept meals and refreshments at group functions which they attend in their official capacities and for the benefit of the agency, without regard to the identity of the sponsor.

Regulatory Flexibility Act

No regulatory flexibility analysis (or certification that one is not required) is necessary because the rules are procedural, and thus not within the definition of "rule" for purposes of Chapter 6, Title 5, U.S.C.

List of Subjects in 17 CFR Part 200

Administrative Practice and Procedure, Freedom of Information, Privacy, Securities.

Text of Amendment

In consideration of the foregoing, the Commission hereby amends Part 200 of Chapter II, Title 17 Code of Federal Regulations as follows:

PART 200—ORGANIZATION, CONDUCT AND ETHICS AND INFORMATION AND REQUESTS

1. The authority citation for Subpart M of Part 200 will continue to read as follows:

Authority: Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53

[1] *See* H.R. Rep. No. 98–106, 98th Cong., 1st Sess. 2 (1983).

[2] 17 CFR 200.735–3(b)(2).

[3] Executive Order 11222 prescribes standards of ethical conduct for Government officers and employees.

[4] Exec. Order No. 11222, May 8, 1965. The Executive Order provides that agency heads are authorized to issue regulations, coordinated and approved by the Civil Service Commission. The Office of Government Ethics now performs the approval function.

Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 78w, 79t, 77sss, 80a–37, 80b–11; E.O. 11222; 3 CFR, 1964–1965 Comp., 5 CFR 735.104.

2. By revising paragraph (b)(2), redesignating paragraphs (b)(3) through (b)(11) as (b)(4) through (b)(12) and adding a new paragraph (b)(3) of § 200.735–3 as follows:

§ 200.735–3 General provisions.

* * * * *

(b) A member or employee of the Commission shall not:

* * * * *

(2) Solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, service, or any other thing of monetary value from any person with whom he or she transacts business on behalf of the United States: (i) Who has, or is seeking to obtain, contractual or other business or financial relations with the Commission; (ii) who conducts operations or activities regulated by the Commission; or (iii) who has interests that may be substantially affected by the performance or non-performance of his or her official duty.

(3) The restrictions of paragraph (b)(2) do not prohibit members and employees from the following:

(i) The acceptance of food and refreshments, not lavish in kind, offered free in the course of a meeting or other group function, not connected with an inspection or investigation, at which attendance is desirable because it will assist the member or employee in performing his or her official duties. Members shall determine for themselves and their staffs the propriety of accepting such invitations. Division Directors, Office Heads, and Regional Administrators are authorized to make such determinations for themselves and their subordinates. Staff members are required to advise their Division Director, Office Head, or Regional Administrator of invitations received from entities described in paragraph (b)(2).

(ii) The acceptance of items of value when the circumstances make it clear that it is family or personal relationships rather than the business of the persons concerned which govern and are the motivating factors.

(iii) The acceptance of unsolicited advertising or promotional material, such as pens, pencils, notepads, calendars and other items of modest value.

(iv) The acceptance of meals and refreshments as provided to all panelists, when participating as a panelist in an educational program.

(v) The acceptance of gifts given for participation in an educational program when they are (A) of modest value; or (B) provided to all participants in the program; or (C) in the nature of a remembrance traditional to the particular sponsor institution.

(vi) For purposes of this subpart, "person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company; or any other organization or institution or anyone who acts for such a person in a representative capacity.[5]

* * * * *

The Commission finds that the foregoing action relates solely to rules of agency procedure or practice and, accordingly, that notice and prior publication for comments under Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, are unnecessary. *See* 5 U.S.C. 553(b).

By the Commission.

John Wheeler,

Secretary.

May 24, 1985.

[FR Doc. 85–13108 Filed 5–31–85; 8:45 am]

BILLING CODE 8010–01–M

[5] Members and employees of the Commission are subject also to provisions of the federal criminal code which prohibit, (1) any officer or employee of the United States from asking, accepting or receiving any money or other thing of value in connection with any matter before him or her in his or her official capacity, (18 U.S.C. 203); and (2) the compensation of government employees for services to the government by entities other than the United States (18 U.S.C. 209). In addition, members are prohibited by 5 CFR 735.203(c) from receiving compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Commission or which draws substantially on official data or ideas which have not become part of the body of public information. *See also* 17 CFR 200.735–4.

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17 CFR Parts 200, 239, 250, and 259

[Release Nos. 33–6581, 34–22075, 35–23704, 39–989; File No. S7–23–85]

Temporary Rules and Forms Under the Public Utility Holding Company Act of 1935 for the Pilot Electronic Disclosure System

AGENCY: Securities and Exchange Commission.

ACTION: Temporary rules and forms.

SUMMARY: The Commission announces the adoption of temporary rules and forms under the Public Utility Holding Company Act of 1935 to facilitate the participation of public utility holding companies in the Commission's pilot electronic disclosure system ("Pilot"). The Pilot, now underway, is engaged in developing and testing, with actual filings, an electronic disclosure system, designated "Edgar". The temporary rules adapt various procedural rules to accommodate the filing and review, in an electronic format, of documents. Amendments to previously adopted temporary forms also are necessary to facilitate electronic filing. These rules and forms will apply only to companies that have volunteered to submit their filings to the Commission in an acceptable form of direct digital transmission, diskette or magnetic tape. The electronic documents will replace "paper" documents in the filing and review process.

EFFECTIVE DATE: June 3, 1985.

Comment date: Interested persons will have until July 30, 1985 to comment on the temporary rules and forms. The Commission will review the comments and make any changes in the rules or forms which it deems necessary and appropriate.

ADDRESSES: Comments should be submitted in triplicate to John Wheeler, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. All comment letters should refer to File No. S7–23–85. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: (Legal) Kathleen Brandon at (202) 272–2073 or (Operational) Martin Grenn at (202) 272–7688, Office of Public Utility Regulation, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission") announces the adoption of temporary rules and amendments to forms necessary to facilitate the participation of public utility holding companies in the Edgar pilot. The general temporary rule is rule 111 (17 CFR 250.111) under the Public Utility Holding Company Act of 1935 ("Holding Company Act") (15 U.S.C. 79—79z–6). The temporary rules that adopt Form ET (17 CFR 239.62), Form ID (17 CFR 239.63), and Form SE (17 CFR 239.64) under the Holding Company Act are rules 601 (17 CFR 259.601), 602 (17 CFR 259.602), and 603 (17 CFR 259.603), respectively. These temporary forms are being amended to designate them for use in filings made pursuant to the Holding Company Act. Further, the Commission is delegating to the Director of the Division of

Investment Management, the authority to adjust the filing date of a filing submitted in electronic format where the acceptance of the filing is delayed because of equipment malfunction or technical problems.

I. Summary

With the Edgar Pilot, the Commission is continuing its efforts to develop an effective and efficient means of using computer technology to improve the receipt, storage, review and dissemination of filed information.

The Pilot is designed to develop and test Edgar with actual filings. On September 24, 1984 the Commission began accepting electronic filings of documents filed under the Securities Act of 1933, ("Securities Act") (15 U.S.C. 77a–77aa) the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a–78jj), and the Trust Indenture Act of 1939 ("Trust Indenture Act") (15 U.S.C. 77aaa–77bb–bb). The Commission expects that on July 1, 1985, it will begin accepting electronic filings of documents under the Holding Company Act. Electronic filings may be submitted in one of three forms: direct digital transmission, diskette, or magnetic tape. Filings made by direct digital transmission will be submitted to the Commission over communication lines.[1] Filings made by diskette or magnetic tape will be delivered to the Commission in the manner currently used for paper filings, *i.e.*, by mail or hand delivery. Once in the possession of the Commission, the tapes or diskettes will be entered into the Edgar system using equipment capable of reading and translating a large variety of electronic formats. Currently, the Commission accepts filings prepared on over 85 different word processors or personal computer. Thereafter, the electronically submitted documents will be processed, screened and reviewed in the same manner as other filings in the Office of Public Utility Regulation. Immediately upon acceptance, these documents will be available to the public in the Commission's Public Reference Rooms in Washington, Chicago and New York City by means of viewing terminals. They also will be available to the public on microfiche as are documents filed on paper.

Changes to the Holding Company Act rules and regulations are necessary to permit electronic documents to replace paper documents and to meet the filing requirements. The temporary rules being adopted will apply only to companies who have volunteered to participate in the Pilot. Certain forms which facilitate electronic filing, previously adopted under the Securities Act, the Exchange Act and the Trust Indenture Act will be amended for use under the Holding Company Act.[2] Because the temporary rules are procedural in nature, their adoption is not subject to the notice and comment requirements of the Administrative Procedure Act, 5 U.S.C. 553(b). Nevertheless, the Commission is soliciting comments to assist it in developing the Pilot.

In addition to the temporary procedural rules and forms, an Edgar User Manual has been published, which specifies technical procedures for making filings in electronic format. This manual is subject to revision as the technology evolves and experience with the Pilot grows. The manual is available from the Commission's Public Reference Room; revisions will be sent to all Pilot participants and will be available upon request.

II. The Temporary Rules and Forms

The following discussion is intended to help interested parties understand the temporary rules and forms and the effect the rules will have on filings made by Pilot participants. In general, the rules being adopted under the Holding Company Act are similar to the temporary Edgar rules previously adopted under the Securities Act, the Exchange Act, and the Trust Indenture Act.

A. Definitions

The definitions of certain words primarily associated with ink and paper have been changed to cover documents submitted in an electronic format.

1. Electronic Format. Since the basic difference in the filings made in the Pilot from other filings made with the Commission is one of format, the term "electronic format" is used to refer to the format style of Edgar filings (rule 111(b)(1)). The term is limited to the types of magnetic impulse or computer data compilation that can be accommodated in the Pilot.

There are three ways that an electronically formatted document can be submitted to the Commission: by direct digital transmission over communication lines, or by delivery of diskette, or magnetic tape.

Within these categories, the Pilot is prepared to accept a large variety from different manufacturers.

2. *Written, In Writing.* Where the Holding Company Act or any rule thereunder requires that a document be "written" or "in writing" these terms are defined to include magnetic impulse or other forms of computer data compilation, thus allowing for submission of a document in an electronic format as well as on paper (rule 111(b)(2)).

3. *Original.* The term "original" is defined to allow for the fact that electronically formatted documents are written in a language read only by machines (computers) and must be translated to viewing screens or other media in order to be comprehended (rule 111(b)(3)). For evidentiary purposes, the Commission is defining the term "original" to include an output that accurately reflects the data contained in an electronic format in a manner that can be read by sight.[3]

4. *Received.* The term "received", as it is used to determine the filing date, is defined to mean the date the filing is "accepted" to accommodate the fact that the Pilot will be receiving direct digital transmissions as well as diskettes, magnetic tapes, and some paper documents (rule 111(b)(4)). Currently, the Pilot receives direct digital transmissions from 8:30 a.m. to 7:00 p.m. (Washington, D.C. time). As the Pilot develops, the daily time frame for receiving filings may vary. In any case, the date of filing will be determined by the hours in which the Commission is open for business on the particular day accepted.[4] Thus, a direct digital transmission made after 5:30 p.m., the current closing time for the Commission, would be deemed "received" the following day. This definition also allows the Commission to adjust the filing date in case of any equipment malfunction.

In this connection, the Commission is also amending its rules governing delegation of authority to delegate to the Director of the Division of Investment Management the authority to adjust the date of filing to a date not earlier than the registrant's initial attempt to file in cases where the Commission's acceptance of a filing submitted in an electronic format is delayed because of

[1] Directions for making electronic filings with the Commission are published in the Edgar User Manual, available from the Commission's Public Reference Room, which the Commission is authorizing for use with electronically formatted filings pursuant to the Holding Company Act. (*See* Securities Act Release No. 6539 (June 27, 1984) [49 FR 28044 (July 10, 1984)].)

[2] Forms ET, ID, and SE, adopted in Securities Act Release No. 6539 (June 27, 1984) [49 FR 28044 (July 10, 1984)]. Existing copies of these forms may be used until supplies run out.

[3] This definition is similar to the definition of "original" in the Federal Rules of Evidence. See Fed. R. Evid. 1001.3.

[4] *See, e.g.*, Business hours of the Commission, 17 CFR 230.110.

equipment malfunction or technical problem. These cases include, but are not limited to, problems with respect to hardware or software, transmission or reception, communication network, line or wire unavailability, or diskette or magnetic tape damage.

5. *Signatures.* To accommodate the development of technology and law in the area of electronic signatures, the temporary rules define "signed" to include the entry in the form of a magnetic impulse or other form of a computer data compilation of any symbol or series of symbols executed, adopted or authorized by the person as his/her signature (rule 111(b)(5)). By requiring that the symbol be manually entered into the document, the necessary intention to authenticate will be demonstrated.

Filings made on diskette or magnetic tape must be accompanied by an executed paper signature page which will identify and attest to the statement or report being signed as well as executed copies of any required opinions or consents. The electronic filing shall contain conformed signatures, opinions or consents. Further information is contained in the Edgar User Manual.

Because it is not possible to provide a paper signature page contemporaneously with a direct digital transmission, another approach is necessary. For filings made by direct digital transmission, the Pilot will use Personal Identification Numbers ("PIN"s) as signature symbols. Individuals required to provide signatures in documents filed under Edgar, including officers, directors, accountants and other experts, will be issued PINs upon application to the Commission. Form ID, previously adopted for this purpose, is being amended for use in connection with Holding Company Act filings. The form requires the applicant to agree that his/her "execution, adoption or authorization to enter the PIN * * * constitutes * * * (his/her) signature."[5] The Edgar User Manual contains additional information on obtaining and using PINs.

B. Suspended or Substituted Requirements

Certain rule changes cannot be accomplished by a definitional change. Accordingly, a separate paragraph of rule 111(c) addresses rules that are suspended or replaced, in whole or in part, for electronic documents.

1. *Paper.* The Commission is defining the term paper to include the term "electronic format" in the temporary rules. Thus, any rule that specifies paper also includes "electronic format" (rule 111(c)(5)).

Certain terms, such as quality and size of paper or type size, do not apply to electronic formats and must therefore be suspended to permit electronic filings (rule 111(c)(6)). The Edgar User Manual designates analogous standards for the Pilot and may change as experience with the Pilot grows and technology evolves. Filings which continue to be made on paper must comply with the rules as they exist for paper formatted documents.

2. *Numbers of Copies and Other Technical Requirements.* Rules relating to numbers of copies and other technical matters need to be suspended for documents submitted in an electronic format since the nature of a computer allows anyone, with an output device and proper authorization access, to produce a copy of the document as needed (rule 111(c)(3)).

"Binding" also is a term specific to paper, but the purpose of keeping together the different documents comprising a single filing applies to electronically formatted documents as well. In the Pilot, documents comprising a filing that are required to be bound and filed together will be required to be submitted together in or with a single electronic submission as described in the directions to filers (this single submission may be comprised of more than one diskette or magnetic tape, where necessary). Since the paper signature pages are a part of the statements or reports filed on diskette or magnetic tape, under the rule, they must accompany these electronic documents (rule 111(c)(1)).

3. *Exact Copies.* The requirement that a copy of a document be filed with the Commission will be satisfied for the temporary rule by a copy of the document in an electronic format. However, this document must contain a detailed explanation which describes all differences between the paper document and the document in an electronic format including, but not limited to, colors, type size, and type style. Descriptions of photographs or other images also must be provided. The explanation should be sufficiently thorough to ensure that the purpose of the rule is fulfilled while at the same time permitting the document to be filed electronically.

4. *Registant.* The term "registrant" is used throughout the rules and forms developed for the Pilot under the Securities Act. However, it is not commonly used in the Holding Company Act. Therefore, in amending those existing forms and rules, the Commission is defining "registrant" to include any person required or permitted to make a filing with the Commission pursuant to the Holding Company Act (rule 111(c)(5)).

5. *Fees.* In order to facilitate the payment of fees, Edgar filers are directed to Securities Act Release No. 6540 (June 27, 1984) (49 FR 27306 (July 3, 1984)) which describes the means for Edgar filers and others to pay their fees by mail or wire transfer to a lockbox at a U.S. Treasury Department designated depository in Pittsburgh, Pennsylvania.

C. Forms

1. *Form SE.* The Commission is aware that many exhibits are not created in an electronic format and, accordingly is permiting Edgar filers to file certain of their exhibits in paper format under cover of a separate form and incorporate them by reference into the electronically formatted filing. Nevertheless, the Commission encourages the submission of exhibits in electronic format to the maximum extent practicable and anticipates that, over time, most exhibits will be prepared in an electronic format.

New temporary rule 111(c)(2) will provide the means for Edgar filers, to file some or all of their exhibits on paper and incorporate them by reference into an electronic filing. Form SE, previously adopted for this purpose, is being amended for use in connection with Holding Company Act filings.

Where information required to be filed is contained in a document previously filed with the Commission, existing rule 22(b) permits incorporation "by exact and specific reference to the filing in which . . . (information) . . . was physically filed." The term "physically filed" will be defined to include reference to a filing submitted in electronic format (rule 111(c)(ii)).

Other existing rules concerning what is incorporated by reference into a filing need no modification and will not be changed by the temporary rules for the Pilot.

2. *Form ET.* Form ET accompanies any magnetic tape or diskette used to file under the Edgar pilot. The form identifies the registrant and contact person and provides technical data to enable the Commission to transfer the filings from the tapes or diskettes to the Edgar computer system. It is being amended to designate its use in connection with Holding Company Act filings.

[5] The Commission staff is continuing to look at additional ways to handle signatures.

3. *Form ID.* Form ID is a uniform application form used by individuals to request assignment of a PIN, and by all registrants participating in the Pilot, to request assignment of a CIK (registrant identification number) and password. The CIK, in combination with the password, enables the registrant to protect against other parties filing data under its name and enables the Commission to ensure that the materials received are from the registrant. Similarly, as discussed above, each individual signing any document submitted to the Commission via direct digital transmission should request and receive a unique PIN to serve the same purpose. The application solicits the information necessary for the assignment of this number. Form ID is being amended to designate it for use in connection with Holding Company Act filings.

III. Request for Comments

The temporary rules will become effective immediately. In order to give interested parties an opportunity to comment on the temporary rules, comments will be accepted on or before July 30, 1985, after which the Commission will review the comments and make such changes that it deems necessary and appropriate.

Further suggestions concerning Edgar from applicants, potential users of the electronic disclosure system, and other members of the public may be submitted throughout the Pilot. During the course of the Pilot, the Commission may find it necessary to amend the temporary rules or forms to make minor technical changes.

List of Subjects

17 CFR Part 200

Administrative practice and procedure, Authority delegations (government agencies), Reporting and recordkeeping requirements.

17 CFR Part 239

Reporting and recordkeeping requirements.

17 CFR Part 250

Electric utilities, Holding companies, Public utility holding companies, Reporting and recordkeeping requirements.

17 CFR Part 259

Electric utilities, Holding companies, Public utility holding companies, Reporting and recordkeeping requirements.

IV. Text of New Rules and Amended Forms

In accordance with the foregoing, Title 17, Chapter II, of the Code of Federal Regulations is amended as follows:

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

1. The authority citation for Part 250 continues to read as follows:

Authority: Secs. 3, 20, 49 Stat. 810, 833; 15 U.S.C. 79o, 79t unless otherwise noted.

2. By adding § 250.111 to read as follows:

§ 250.111 Edgar temporary rule.

(a) *Scope.* In conjunction with the applicable rules and regulations under the Holding Company Act, this rule shall govern the filing of documents under the Act by holding companies and their subsidiaries permitted to participate in the Edgar pilot. This rule shall be controlling for an electronically formatted document provided for in paragraphs (b)(1) through (c)(6) of this section.

(b) *Definitions.* Unless otherwise specifically provided, the terms used in this rule have the same meanings as in the Act and in the general rules and forms. In addition, the following definitions of terms apply specifically to a document in an electronic format and shall define such terms wherever they appear in the rules or forms unless the context otherwise requires:

(1) *Electronic format.* The term "electronic format" shall refer to a computerized format of a document that is submitted to the Commission by direct digital transmission, magnetic tape of diskette.

(2) *Written, in writing.* The terms "written" or "in writing" shall include magnetic impulse or other form of computer data compilation.

(3) *Original.* The term "original", when used or implied in the regulations or forms, shall include the writing itself or any counterpart intended to have the same effect by a person executing or issuing it. If data are stored in a computer or similar device, any printout or other readable by sight, shown to reflect the data accurately, is an "original".

(4) *Received.* The term "received" when used to determine the filing date, *i.e.*, the date "received" by the Commission, shall be the date on which such filing is accepted, as determined by the Commission, for a document filed in an electronic format.

(5) *Signed.* The term "signed" shall include the entry in the form of a magnetic impulse or other form of computer data compilation of any symbol or series of symbols executed, adopted or authorized as a signature.

(c) *Suspended or substituted requirements.* The following paragraphs refer to requirements that are suspended or replaced, in whole or part, for a document in an electronic format.

(1) *Binding.* The requirement for a copy to be bound in one or more parts shall be satisfied by including in or with a single submission in an electronic format all documents required to be so bound.

(2) *Filing of documents incorporated by reference.* (i) Wherever a document, or part thereof, which is incorporated by reference into a directly transmitted electronic filing is required to be filed with, provided with, or is to accompany the filing to the Commission and such document is not in an electronic format, such requirement shall be suspended, provided that the document has been filed with or provided to the Commission previously. Any requirement as to delivery or provision to persons other than the Commission shall not be affected by this paragraph.

(ii) Where in the regulations incorporation is permitted by specific reference to a filing in which a document was "physically filed," the term is expanded to allow reference to a filing in which a document was submitted in electronic format.

(3) *Number of copies required to be filed.* One copy of a document filed in an electronic format shall satisfy any requirement that more than one copy of such document be filed with or provided to the Commission.

(4) *Exact copies.* The requirement that a copy of a document be filed with the Commission shall be satisfied by filing such document in an electronic format with an explanation that narratively describes in detail the variation between such document and the copied document.

(5) *Registrant.* The term "registrant", when used in the forms ID, ET or SE, or in the rules adopting those forms, shall include any person required or permitted to make filings with the Commission pursuant to the Holding Company Act.

(6) *Paper.* Whenever the term "paper" appears, the term "electronic format" also shall be included unless the context refers specifically to characteristics of paper.

(7) *Rule 22(d), "Formal Specifications".* The requirements as to size, quality and color of paper are suspended for documents in an electronic format.

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

1. The authority citation for Part 259 continues to read as folows:

Authority: Secs. 5, 6, 7, 10, 12, 13, 14, 17(a), 20, 49 Stat. 812, 814, 815, 818, 823, 825, 827, 830, 833; 15 U.S.C. 79e, 79f, 79g, 79j, 79*l*, 79m, 79n, 79q, 79t.

2. By adding Subpart G—Forms for Electronic Filing to include §§ 259.601, 259.602 and 259.603, to read as follows:

Subpart G—Forms for Electronic Filing

Sec.

259.601 Form ET, transmittal form for electronic format documents under the Edgar pilot.

259.602 Form ID, uniform application for identification numbers and passwords under the Edgar pilot.

259.603 Form SE, for exhibits of registrants filing under the Edgar pilot.

Subpart G—Forms for Electronic Filing

§ 259.601 Form ET, transmittal form for electronic format documents under the Edgar pilot.

This Form shall accompany each electronic filing under the Edgar pilot project when the reporting medium is either diskette or magnetic tape.

§ 259.602 Form ID, uniform application for identification numbers and passwords under the Edgar pilot.

(a) Form ID is to be used by persons participating in the Edgar Pilot for the purpose of requesting assignment of:

(1) Company Identification Number (CIK)—used internally by the Commission to uniquely identify each registrant;

(2) Company Password—a unique command assigned to a registrant which is essential to obtain access to the electronic filing system for the purpose of imputing data on behalf of that registrant;

(3) Personal Identification Number (PIN)—a series of symbols, which serves as a signature, to be assigned upon request to each individual who may sign documents filed with the Commission.

(b)(1) CIK and Passwords may be requested only by the registrant or by a duly authorized person (*e.g.*, officer, director or trustee) on its behalf.

(2) PIN may be requested only by the person to whom the number is to be assigned.

§ 259.603 Form SE, for exhibits of registrants filing under the Edgar pilot.

This form shall be used for the filing of any exhibit(s) by persons filing any document pursuant to the Public Utility Holding Company Act of 1935 provided such registrant:

(a) Is filing in an electronic format under the Edgar Pilot project; and

(b) determines that it is impracticable, in its judgment, to file such exhibit(s) in an electronic format.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

1. The authority citation for Part 239 continues to read in part as follows:

Authority: Securities and Exchange Act of 1933, 15 U.S.C. 77a.

2. By amending paragraph *IV* of the General Instructions of Form ET described in § 239.62 to read as follows:

§ 239.62 Form ET, transmittal form for electronic format documents under the Edgar pilot.

* * * * *

Form ET

* * * * *

IV. Application of General Rules and Regulations and Directions

Attention is directed to the General Rules and Regulations under the Securities Act of 1933, the Securities Exchange Act of 1934, Trust Indenture Act of 1939, and Public Utility Holding Company Act of 1935, as modified by temporary rules 499, 12b–37, 0–12 and 111, respectively. * * *

* * * * *

3. By amending Part III—SIGNATURES of Form ID described in § 239.63 to read as follows:

§ 239.63 Form ID, uniform application for identification numbers and passwords under the Edgar pilot.

* * * * *

Form ID

* * * * *

Part III—Signatures

* * * * *

Section 19 of the Securities Act of 1933 (15 U.S.C. 77s), sections 13(a) and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78w), section 319 of the Trust Indenture Act of 1939 (15 U.S.C. 77sss), and section 20 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79t), authorizes solicitation of this information.* * *

* * * * *

4. By amending Parts I, II, and III of the General Instructions of Form SE described in § 239.64 to read as follows:

§ 239.64 Form SE, for exhibits of registrants filing under the Edgar pilot.

* * * * *

Form SE

* * * * *

I. Rule as to the Use of Form SE

This form shall be used for the filing of any exhibit(s) by persons filing registration statements or reports pursuant to the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, or the Public Utility Holding Company Act of 1935 provided such registrant: * * *

II. Application of General Rules and Regulations

A. Attention is directed to the General Rules and Regulations under the Securities Act, the Exchange Act, the Trust Indenture Act, and the Holding Company Act as modified by temporary rules 499, 12b–37, 0–12, and 111 respectively. * * *

B. Particular attention is directed to Rules 411 and 499(c)(2) under the Securities Act; Rules 12b–23, 12b–32, and 12b–37 under the Exchange Act, and Rules 22 and 111(c)(2) under the Holding Company Act, the specific registration or reporting form to be used, and Item 601 of Regulation S–K.

III. Preparation of Form

Form SE shall serve as a covering sheet for all exhibits to be filed in paper format. An exhibit index shall be included and where applicable shall list exhibits filed according to the number assigned to such exhibit in the table contained in Item 601 of Regulation S–K.

* * * * *

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

1. The authority citation for subpart A of Part 200 continues to read as follows:

Authority: Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C.

2. By revising paragraph (f) introductory text and adding new paragraph (f)(10) to § 200.30–5 to read as follows:

§ 200.30–5 Delegation of Authority to Director of Division of Investment Management.

* * * * *

(f) With respect to the Public Utility Holding Company Act of 1935 (15 U.S.C. 79 *et seq.*):

* * * * *

(10) To adjust the filing date of a filing submitted in an electronic format where the acceptance of the filing is delayed because of equipment malfunction or technical problem.

* * * * *

V. Findings

* * * * *

In accordance with the Administrative Procedure Act, 5 U.S.C. 553(b)(A), these temporary rules and forms relate solely to agency organization, procedure, or practice, and thus the notice and public comment procedure is not necessary.

By the Commission.

John Wheeler,

Secretary.

May 23, 1985.

Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed Edgar temporary rules and forms promulgated, under the Public Utility Holding Company Act of 1935 will not have a significant economic impact on a substantial number of small entities. The reason for this certification is as follows: The Edgar Pilot Project ("Pilot") is designed to develop and test, using actual filings, an electronic disclosure system, designated "Edgar" for Electronic Data Gathering, Analysis and Retrieval. The proposed rules and forms would merely adapt current procedural rules to accommodate electronic filings. The electronic filings will be made by companies that have volunteered to participate in the Pilot and that already have (or are willing to purchase) the computer facilities necessary to make their filings electronically. Since participation in the Pilot is voluntary, small companies may avoid possible burdens of the program by not volunteering. Moreover, the definition of a small business as found in Rule 110 under the Public Utility Holding Company Act of 1935, ". . . a holding company system whose gross consolidated revenues . . . for its previous fiscal year did not exceed $1,000,000," excludes all holding companies currently registered under the Act, as the smallest of these had operating revenues of $10,907,000 in 1984.

Dated: May 23, 1985.

John S.R. Shad,

Chairman.

[FR Doc. 85-13110 Filed 5-31-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 6 and 24

[T.D. 85-95]

Customs Regulations Amendments Relating to Progressive Clearance of Aircraft

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations relating to progressive clearance for airlines that commingle domestic (stopover) passengers who arrived on an earlier flight and have already cleared Customs at their port of arrival and are continuing on to another U.S. destination, with international passengers who are arriving at their port of arrival and have not yet cleared Customs. The amendments will implement progressive clearance procedures to be followed by airlines which would enable Customs to be reimbursed for the additional cost of reinspecting revenue producing domestic (stopover) passengers at the same time the international passengers are being inspected for the first time.

EFFECTIVE DATE: July 3, 1985.

FOR FURTHER INFORMATION CONTACT:

Operational Aspects: Joseph O'Gorman, Office of Inspection and Control, (202-566-5607).

Legal Aspects: John Mathis, Carriers, Drawback and Bonds Division, (202-566-5706) U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Generally, Customs inspects passengers when they arrive at their port of arrival in the U.S. If a plane carrying international passengers who have not yet cleared Customs stops temporarily at a port of arrival in the U.S. to pick up domestic (stopover) passengers who arrived on an earlier flight and have already cleared Customs, before continuing to a final U.S. destination, standard Customs procedure is to inspect all arriving international passengers before the domestic passengers board the plane. This procedure eliminates the commingling of domestic passengers, who have already cleared Customs, with international passengers who have not cleared Customs. As a result, all passengers heading for the final U.S. destination have cleared Customs and there is no possibility of international passengers passing contraband to domestic passengers not subject to futher inspection, or other such fraudulent practices. Domestic (stopover) passengers include not only revenue producing passengers but non-revenue producing passengers as well (i.e., airline personnel and other persons to whom the carrier is authorized to provide free transportation).

However, the increasingly high cost to the airlines of having their planes wait on the ground at the initial location while the international passengers are inspected before the boarding of the domestic passengers, has prompted the airlines to request that inspection of the international passengers be deferred to the final destination. In such a case Customs would be required to reinspect the domestic passengers due to the commingling of inspected and uninspected passengers.

Pursuant to these requests, Customs has entered into voluntary agreements with several airlines that specify compliance with specific requirements before approval will be granted by Customs for the progressive clearance of flights when inspected domestic (stopover) passengers are commingled with international passengers who have not yet cleared Customs. Information regarding specific carriers that have signed these agreements may be obtained from Customs.

One of the requirements of each agreement is that the airlines reimburse Customs for the additional costs of reinspection at the rate of $2.00 per revenue producing domestic (stopover) passenger. The airlines have agreed to pay this progressive clearance fee and Customs may assess it pursuant to the User Charges Statute (31 U.S.C. 9701), which states that a Federal agency is required to charge appropriate fees to recover the costs of special services provided by that agency. The fees must be fair and based on the costs to the Government, value to the recipient, public policy or interest served, and other pertinent facts. This fee is in addition to any other charges currently incurred, except overtime reimbursed by the airlines under the Customs overtime laws (19 U.S.C. 267, 1451). In those cases where Customs is reimbursed by the airlines under 19 U.S.C. 1451, the fee will not be charged. In addition, the progressive clearance fee will not be charged for the reinspection of non-revenue passengers.

In addition to paying the reinspection fee, the airlines must also: (1) Arrange for the checked baggage of all passengers requiring reinspection on the previously-described flights to be off-loaded and made available for examination in the Federal inspection area at the destination port (intermediate of final) where an inspection is to take place; (2) notify in writing all stopover passengers, prior to boarding, that they will be subject to full reinspection by Customs; (3) provide to the domestic (stopover) passenger a Customs declaration identified by the words "Domestic Flight". The domestic (stopover) passenger is only required to complete Items 1-4 on the declaration; and (4) make available to Customs the permit to proceed and/or the general declaration, which clearly indicates the number of domestic (stopover) passengers to be reinspected upon arrival at the destination port (intermediate of final) where an inspection of passengers is to take place. An airline that wishes to terminate the permit to proceed granted upon

compliance with these requirements must provide Customs a minimum of 30 days written notice before a scheduled change.

Although the progressive clearance procedures based on voluntary agreements between Customs and the affected airlines went into effect as of January 1, 1984, by notice published in the **Federal Register** on October 3, 1984 (49 FR 39075) Customs proposed to amend §§ 6.9 and 24.12, Customs Regulations (19 CFR 6.9, 24.12) to implement these procedures. No comments were received in response to the notice. Accordingly, after a further review of the matter, Customs has determined to adopt the rule as proposed.

Executive Order 12291

It has been determined that these amendments are not a "major rule" within the criteria provided in section 1(b) of E.O. 12291, and therefore, no regulatory impact analysis is required.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendments will not have a significant economic impact on a substantial number of small entities. Accordingly, they are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Glen. E. Vereb, Regulations Control Branch, Office of Regulations and Rulings, Customs Headquarters. However, personnel from other Customs offices participated in its development.

Lists of Subjects

9 CFR Part 6

Air carriers, Air transportation, Aircraft, Airports, Freight.

9 CFR Part 24

Customs fees, Accounting.

Amendments to the Regulations

Parts 6 and 24, Customs Regulations (19 CFR Parts 6, 24), are amended as set forth below.

William von Raab,

Commissioner of Customs.

Approved: May 3, 1985.

Edward T. Stevenson,

Acting Assistant Secretary of the Treasury.

PART 6—AIR COMMERCE REGULATIONS

1. The authority citation for Part 6 is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnote 11), 1624, 49 U.S.C. 1474, 1509;

§ 6.2 also issued under 19 U.S.C. 1322, 1448, 1450, 1451, 1644;

§ 6.6 also issued under 19 U.S.C. 1431;

§ 6.7 also issued under 19 U.S.C. 1644;

§ 6.8 also issued under 19 U.S.C. 1644, 46 U.S.C. 91, 92;

§ 6.17 also issued under 19 U.S.C. 1551, 1552, 1553; and

§§ 6.18 and 6.20 also issued under 19 U.S.C. 1552, 1553.

2. All other statutory authority cited at the end of various sections in Part 6 is removed.

3. Part 6 is amended by adding a new paragraph (f) to § 6.9 to read to follows:

§ 6.9 Residue cargo and passengers not previously cleared.

* * * * *

(f) Airlines that commingle domestic (stopover) passengers (that is, passengers who have already cleared Customs at their port of arrival and are continuing on another aircraft to a second U.S. destination) with international passengers who are arriving at their port of arrival and have not yet cleared Customs, must comply with certain requirements before being issued a permit to proceed. These requirements are as follows:

(1) The domestic (stopover) passengers must be transported on U.S.-registered aircraft, or on foreign-registered aircraft of the same foreign airline that brought them into the U.S.

(2) Pay a $2.00 charge per each revenue producing domestic (stopover) passenger reinspected in the U.S. (See § 24.12 of this chapter).

(3) Arrange for the checked baggage of all passengers requiring reinspection on the previously-described flights to be off-loaded and made available for examination in the Federal inspection area at the destination port (intermediate or final) where an inspection is to take place.

(4) Notify in writing all stopover passengers, prior to boarding, that they will be subject to full reinspection by Customs. This written notification will contain the following language: "Notice to all boarding passengers; You are boarding an aircraft on which passengers will be arriving in the U.S. from foreign destinations. These passengers have not yet cleared U.S. Customs. Accordingly, you will be subject to a full reinspection by Customs at your final U.S. port of entry."

(5) Provide to the domestic (stopover) passengers a Customs declaration identified by the words "Domestic Flight". The domestic (stopover) passenger is only required to complete Items 1–4 on that declaration.

(6) Make available to Customs the permit to proceed and/or the general declaration, which clearly states the number of domestic (stopover) passengers to be reinspected upon arrival at the destination port (intermediate or final), as otherwise required by law, where an inspection of passengers is to take place.

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. The authority citation for Part 24 is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnote 11), 1624, 31 U.S.C. 9701;

§ 24.1 also issued under 19 U.S.C. 197, 198, 1648;

§ 24.4 also issued under 19 U.S.C. 1623, 26 U.S.C. 5007, 5054, 5061, 7805;

§ 24.11 also issued under 19 U.S.C. 1485(d);

§ 24.12 also issued under 19 U.S.C. 1524, 46 U.S.C. 927;

§ 24.14 also issued under 19 U.S.C. 1;

§ 24.16 also issued under 19 U.S.C. 261, 267, 1450, 1451, 1452, 1623, 46 U.S.C. 2111, 2112;

§ 24.17 also issued under 19 U.S.C. 261, 267, 1450, 1451, 1452, 1456, 1524, 1557, 1562, 46 U.S.C. 2110, 2111, 2112;

§ 24.32 also issued under 5 U.S.C. 5582, 5583;

§ 24.36 also issued under 26 U.S.C. 6423.

2. All other statutory authority cited at the end of various sections in Part 24 is removed.

3. Part 24 is amended by adding a new paragraph (d) to § 24.12 to read as follows:

§ 24.12 Customs Fees; charges for storage.

* * * * *

(d) Pursuant to the progressive clearance procedures set forth in § 6.9(f) of this chapter, when airlines commingle domestic (stopover) passengers who have already cleared Customs at their port of arrival and are continuing on to another U.S. destination, with international passengers who are arriving at their port of arrival and have not yet cleared Customs, a progressive clearance fee of $2.00 per domestic (stopover) passenger reinspection in the U.S. will be charged by Customs to the affected airlines to offset the additional cost to Customs of reinspecting passengers who have already been cleared. The fee is in addition to any other charges currently incurred, such as overtime services, but will not apply to passengers reinspected on an overtime basis if the cost of performing such reinspection is reimbursed to Customs in accordance with 19 U.S.C. 1451. The fee will not apply to the reinspection of non-revenue producing passengers, including but not limited to, employees of the carrier and their dependents, deadhead

crew, employees of other carriers who may be assessed a service charge by the transporting carrier, and other persons to whom the carrier is authorized to provide free transportation pursuant to 14 CFR Part 233. The airline industry will be notified at least 90 days in advance of the date of any change in the amount of the fee necessitated by either an increase or decrease in costs to Customs, but no new fee shall take effect before January 1, 1986.

[FR Doc. 85–13174 Filed 5–31–85; 8:45 am]
BILLING CODE 4820–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 81

[Docket No. 76N–0366]

Provisional Listing of Certain Color Additives; Postponement of Closing Dates

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing for 90 days the closing dates for the provisional listing of FD&C Red No. 3 and of FD&C Yellow No. 5 for use in coloring cosmetics and externally applied drugs and of the lakes of these color additives for use in coloring food and ingested drugs; of FD&C Yellow No. 6 for use in food, drugs, and cosmetics; of D&C Red No. 8, D&C Red No. 9, D&C Red No. 33, and D&C Red No. 36 for use in drugs and cosmetics; of D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37 for use as color additives in externally applied drugs and cosmetics. The new closing date for the provisional listing of all of these color additives will be September 3, 1985. This postponement will permit the uninterrupted use of these color additives while the agency conducts a rulemaking on new, longer extensions of the provisional list. The agency intends to propose these extensions in the **Federal Register** shortly.

DATES: Effective June 3, 1985, the new closing dates for FD&C Red No. 3 and its lakes, D&C Yellow No. 5 and its lakes, D&C Yellow No. 6, D&C Red No. 8, D&C Red No. 9, D&C Red No. 33, D&C Red No. 36, D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37 will be September 3, 1985.

FOR FURTHER INFORMATION CONTACT: Gerad McCowin, Center for Food Safety and Applied Nutrition (HFF–330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5676.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 2, 1985 (50 FR 13018), FDA established the current closing date of June 3, 1985, for the provisional listing of FD&C Red No. 3 and of FD&C Yellow No. 5 for use in cosmetics and in externally applied drugs and for the provisional listing of the use of the lakes of FD&C Red No. 3 and of FD&C Yellow No. 5 in food and ingested drugs; of FD&C Yellow No. 6 for use in food, drugs, and cosmetics; and of D&C Red No. 8, D&C Red. No. 9, D&C Red No. 33, and D&C Red No. 36 for use in drugs and cosmetics. The agency had previously extended the closing dates for these color additives on several occasions. For a full procedural history of the provisional listing of these color additives, see 48 FR 45237 for FD&C Red No. 3, 48 FR 45760 for FD&C Yellow No. 5, 49 FR 13344 for FD&C Yellow No. 6, 48 FR 42807 for D&C Red No. 8 and D&C Red No. 9, 48 FR 44773 for D&C Red No. 33, and 49 FR 38935 for D&C Red No. 36.

In that same issue of the **Federal Register** (50 FR 13017), FDA published a final rule establishing the current closing date of June 3, 1985, for the provisional listing of D&C Orange No. 17, D&C Red No. 19, and D&C Red No. 37 for use in externally applied drugs and cosmetics. The agency had previously extended the closing dates for these color additives on several occasions. For a full procedural history of the provisional listing of these color additives, see 48 FR 38814 for D&C Red No. 19 and D&C Red No. 37 and 48 FR 44774 for D&C Orange No. 17.

FDA recently has extended the closing dates for the provisional listing of each of these color additives and of the lakes of FD&C Red No. 3 and of FD&C Yellow No. 5 to permit consideration of the scientific and policy aspects of the data concerning the safety of their provisionally listed uses. As a result of that consideration, it has become clear that the uses of all of these color additives except FD&C Yellow No. 5 raise significant scientific and policy questions that cannot be resolved in the immediate future. Because of these questions, the agency has decided that it is necessary to propose new extensions of the provisional list to permit additional review. The agency will explain the questions raised by these additives and the basis for the length of the proposed extension for each color additive in the **Federal Register** document that it will publish shortly. To ensure that the provisional listing of these color additives does not expire during the rulemaking on that proposal, FDA is postponing the closing date of the provisional list until September 3, 1985. This brief postponement will provide an opportunity for the public to comment on the actions that FDA will propose to take with respect to these color additives and for the agency to review those comments and to publish a final rule. The continued use of these color additives, including FD&C Yellow No. 5 and its lakes, until September 3, 1985, will not pose a hazard to the public health.

Because of the shortness of time until the June 3, 1985, closing date, FDA concludes that notice and public procedure on these amendments are impracticable, and that good cause exists for issuing the postponement as a final rule. This final rule will permit the uninterrupted use of D&C Red No. 8, D&C Red No. 9, D&C Red No. 33, D&C Red No. 36, D&C Orange No. 17, D&C Red No. 19, D&C Red No. 37, and FD&C Yellow No. 6, as well as FD&C Red No. 3 and FD&C Yellow No. 5 and their lakes, until September 3, 1985. Therefore, in accordance with 5 U.S.C. 553(d)(1) and (3), this regulation is being issued as a final rule and is being made effective on June 3, 1985. In accordance with 21 CFR 10.40(e)(1), FDA will consider comments from any person who believes that the brief extension of the provisional list provided for in this final rule should be modified or revoked.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the transitional provisions of the Color Additive Amendments of 1960 and under authority delegated to the Commissioner of Food and Drugs, Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

1. The authority citation for Part 81 is revised to read as follows:

Authority: Secs. 701, 706 (b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376 (b), (c) and (d)); Title II, Pub. L. 86–618; sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note); 21 CFR 5.10.

§ 81.1 [Amended]

2. In § 81.1 *Provisional lists of color additives,* by revising the closing dates for "FD&C Red No. 3," "FD&C Yellow No. 5," and "FD&C Yellow No. 6" in

paragraph (a) to read "September 3, 1985" and by revising the closing dates for "D&C Orange No. 17," "D&C Red No. 8," "D&C Red No. 9," "D&C Red No. 19" "D&C Red No. 33," "D&C Red No. 36," and "D&C Red No. 37" in paragraph (b) to read "September 3, 1985."

§ 81.27 [Amended]

3. In § 81.27 *Conditions of provisional listing,* by revising the closing dates for "D&C Orange No. 17," "FD&C Red No. 3," "D&C Red No. 8," "D&C Red No. 9," "D&C Red No. 19," "D&C Red No. 33," "D&C Red No. 36," "D&C Red No. 37," "FD&C Yellow No. 5," and "FD&C Yellow No. 6" in paragraph (d) to read "September 3, 1985" and by revising the closing dates for "FD&C Red No. 3" and "D&C Red No. 33" in paragraph (e) to read "September 3, 1985."

Dated: May 20, 1985.

Joseph P. Hile,

Acting Commissioner of Food and Drugs.

[FR Doc. 85-13381 Filed 5-31-85; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 178

[Docket No. 85F-0058]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 1,3,5-tris(3,5-di-*tert*-butyl-4-hydroxybenzyl)-*s*-triazine-2,4,6(1*H*,3*H*,5*H*)trione as an antioxidant/stabilizer in olefin copolymers intended for use in contact with food. This action responds to a petition filed by B.F. Goodrich Co.

DATES: Effective June 3, 1985; objections by July 3, 1985.

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

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

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 26, 1985 (50 FR 7837), FDA announced that a petition (FAP 4B3828) had been filed by B.F. Goodrich Co., Akron, OH 44318, proposing that the food additive regulations be amended to provide for the safe use of 1,3,5-tris(3,5-di-*tert*-butyl-4-hydroxybenzyl)-*s*-triazine-2,4,6(1*H*,3*H*5*H*)trione as an antioxidant/stabilizer in olefin copolymers complying with § 177.1520 (21 CFR 177.1520) intended for use in contact with food.

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

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

The agency has previously concluded that this action will not have a significant impact on the human environment and that an environmental impact statement is not required. FDA has not received any new information or comments that would alter its previous determination that there is no significant impact on the human environment, and that an environmental impact statement is not required. The evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, Part 178 is amended as follows:

PART 178--INDIRECT FOOD ADDITIVES; ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for Part 178 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 510. and 5.61.

2. In § 178.2010(b) by adding the Chemical Abstracts Service Registry number (CAS Reg. No.) for "1,3,5-Tris(3,5-di-*tert*-butyl-4-hydroxybenzyl)-*s*-triazine-2,4,6(1*H*,3*H*,5*H*)trione and by adding new limitation 4 to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * *	
1,3,5-Tris(3,5-di-*tert*-butyl-4-hydroxybenzyl)-*s*-triazine-2,4,6,(1H,3H,5H)trione (CAS Reg. No. 27676-62-6).	For use only:
* * * * *	
	4. At levels not exceeding 0.1 percent by weight of olefin copolymers complying with § 177.1520(c) of this chapter, items 3.1, 3.2, 3.3, 3.4, or 3.5.
* * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 3, 1985 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 3, 1985.

Dated: May 20, 1985.

John M. Taylor,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85–13135 Filed 5–31–85; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 178

[Docket No. 83F–0116]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

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

DATES: Effective June 3, 1985; objections by July 3, 1985.

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

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

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of April 26, 1983 (48 FR 18895), FDA announced that a food additive petition (FAP 3B3701) had been filed by Ciba-Geigy Corp., Three Skyline Drive, Hawthorne, NY 10532, proposing that Parts 175, 176, 177, and 178 (21 CFR Parts 175, 176, 177 and 178) of the food additive regulations be amended to provide for the safe use of tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)] methane as an antioxidant and/or stabilizer in food-contact applications listed in the following sections: § 175.125 *Pressure-sensitive adhesives* (21 CFR 175.125), § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300) in paragraph (b)(3)(xxxi), § 175.320 *Resinous and polymeric coatings for polyolefin films* (21 CFR 175.320), § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170), § 176.210 *Defoaming agents used in the manufacture of paper and paperboard* (21 CFR 176.210), § 177.1210 *Closures with sealing gaskets for food containers* (21 CFR 177.1210), § 178.3800 *Preservatives for wood* (21 CFR 178.3800), and § 178.3850 *Reinforced wax* (21 CFR 178.3850).

In a notice published in the **Federal Register** of March 18, 1985 (50 FR 10859), FDA announced that it was amending the filing notice of April 26, 1983, to provide for the safe use of tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)] methane as an antioxidant/stabilizer in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) as follows:

1. In pressure sensitive adhesives complying with § 175.125 *Pressure sensitive adhesives* (21 CFR 175.125);
2. In can end cement formulations complying with § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300);
3. In petroleum alicyclic hydrocarbon resins complying with § 175.320 *Resinous and polymeric coatings for polyolefin films* (21 CFR 175.320);
4. In petroleum alicyclic hydrocarbon resins or their hydrogenated products complying with § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170);
5. In resins and polymers complying with § 176.180 *Components of paper and paperboard in contact with dry food* (21 CFR 176.180);
6. In rosin and rosin derivatives complying with § 176.210 *Defoaming agents used in the manufacture of paper and paperboard* (21 CFR 176.210);
7. In closures with sealing gaskets complying with § 177.1210 *Closures with sealing gaskets for food containers* (21 CFR 177.1210);
8. In petroleum hydrocarbon resin and rosins complying with § 178.3800 *Preservatives for wood* (21 CFR 178.3800); and
9. In reinforced wax complying with § 178.3850 *Reinforced wax* (21 CFR 178.3850).

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive uses are safe and that the regulations should be amended to permit the petitioned uses of tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)] methane as stated in the amended filing notice.

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

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

List of Subjects in 21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, Part 178 is amended as follows:

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

1. The authority citation for Part 178 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. In § 178.2010(b) by adding nine new entries to the list of limitations for "Tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)] methane" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * *	
Tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane (CAS Reg. No. 6683–19–8).	For use only: * * * 11. At levels not to exceed 1 percent by weight of pressure sensitive adhesives complying with § 175.125 of this chapter. 12. At levels not to exceed 1 percent by weight of can end cement formulations complying with § 175.300(b)(3)(xxxi) of this chapter.

Substances	Limitations
	13. At levels not to exceed 1 percent by weight of petroleum alicyclic hydrocarbon resins complying with § 175.320(b)(3) of this chapter. 14. At levels not to exceed 1 percent by weight of petroleum alicyclic hydrocarbon resins or their hydrogenated products complying with § 176.170(b)(2) of this chapter. 15. At levels not to exceed 1 percent by weight of resins and polymers complying with § 176.180 of this chapter. 16. At levels not to exceed 1 percent by weight of rosin and rosin derivatives complying with § 176.210(d)(3) of this chapter. 17. At levels not to exceed 1 percent by weight of closures with sealing gaskets complying with § 177.1210 of this chapter. 18. At levels not to exceed 1 percent by weight of petroleum hydrocarbon resin and rosins and rosin derivatives complying with § 178.3800(b) of this chapter. 19. At levels not to exceed 1 percent by weight of reinforced wax complying with § 178.3850 of this chapter.
. . . . .	

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 3, 1985, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation is effective June 3, 1985.

Dated: May 20, 1985.

John M. Taylor,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-13138 Filed 5-31-85; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 178

[Docket No. 84F-0109]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations by revising the use temperature limitation for C_{10-16}-alkyl mercaptoacetates reaction products with dichlorodioctylstannane and trichlorooctylstannane in vinyl chloride plastics intended for use in contact with food. This action responds to a petition filed by Ciba-Geigy Corp.

DATES: Effective June 3, 1985; objections by July 3, 1985.

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

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

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of May 17, 1984 (49 FR 20914), FDA announced that a food additive petition (FAP 4B3791) had been filed by Ciba-Geigy Corp., Hawthorne, NY 10532, proposing that the food additive regulations be amended to remove the use temperature limitation for C_{10-16}-alkyl mercaptoacetates reaction products with dichlorodioctylstannane and trichlorooctylstannane in vinyl chloride plastics intended for use in contact with food under 21 CFR 178.2650.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below. The agency has, however, determined that a revision, rather than a removal, of the use temperature limitation is in accord with the data submitted by the petitioner.

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

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

List of Subjects in 21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, Part 178 is amended as follows:

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

1. The authority citation for Part 178 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

§ 178.2650 [Amended]

2. Section 178.2650 *Octyltin stabilizers in vinyl chloride plastics* is amended in the introductory paragraph by changing the use temperature limitation "49 °C (120° F)" to read "75 °C (167° F)."

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 3, 1985, submit to the Dockets Management

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

Effective date. This regulation is effective June 3, 1985.

Dated: May 20, 1985.

John M. Taylor,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-13137 Filed 5-31-85; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Colloidal Ferric Oxide Injection; Iron Dextran Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to codify two previously approved new animal drug applications (NADA's) sponsored by Ralston-Purina Co. and Boehringer Ingelheim Animal Health, Inc. The NADA's provide for intramuscular use of ferric oxide or hydroxide complexed with a polysaccharide (dextrin or dextran) in baby pigs for preventing or treating iron deficiency anemia. The regulations are also amended to indicate those conditions of use which were found effective as a result of a National Academy of Sciences/National Research Council (NAS/NRC) evaluation of the products.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: Ralston-Purina Co., Checkerboard Square, St. Louis, MO 63164, is sponsor of NADA 11-779 providing for use of Purina Pigemia Injectable 100. Boehringer Ingelheim Animal Health, Inc. (formerly Philips Roxane, Inc.), 2621 North Belt Highway, St. Joseph, MO 64502, is sponsor of NADA 10-955 providing for use of FE-100. The products contain injectable iron polysaccharide (dextrin or dextran) complexes equivalent to 100 milligrams of elemental iron per milliliter. They were subjects of a Drug Efficacy Study Implementation (DESI) notice published in the **Federal Register** of February 14, 1969 (34 FR 2211). In the notice, NAS/NRC concluded and FDA concurred that the drugs are effective for prevention and treatment of iron-deficiency anemia in suckling pigs.

The sponsors were invited to submit supplemental NADA's providing revised labeling limiting the claims and presenting the conditions of use substantially as stated in the notice. Both firms responded to the notice by submitting supplemental NADA's which revised their products' labeling in accordance with the DESI notice. The agency approved the supplements but at that time, such approvals were not routinely codified. Accordingly, the regulations are now amended to codify the firms' approved NADA's and to specify the NAS/NRC-approved conditions of use.

This action, reflecting an approved NADA, does not constitute reaffirmation of the safety and effectiveness data supporting this approval. Since the NADA's were approved before July 1, 1975, the sponsors have not been required to submit a summary of the safety and effectiveness data and information in accordance with the freedom of information provisions of § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)). However, a summary of the basis for each approval is available upon request in accordance with 21 CFR 514.11(e)(2)(i).

For identical or similar products having the same conditions of use, applications need not include effectiveness data as specified by §§ 514.1(b)(8)(ii) or 514.111(a)(5)(ii)(*a*)(*4*) (21 CFR 514.1(b)(8)(ii) or 514.111(a)(5)(ii)(*a*)(*4*) of the animal drug regulations, but approval may require bioequivalency or similar data as suggested in the guidelines for submitting NADA's for NAS/NRC-reviewed generic drugs, available in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 522

Animal drugs, Injectable.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 522 is amended as follows:

PART 522—IMPLANTATION OF INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for Part 522 continues to read as follows:

Authority: Sec 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

2. In § 522.940 by redesignating existing paragraphs (b) and (c) as (c) and (d), adding new paragraph (b), and revising redesignated paragraph (c) to read as follows:

§ 522.940 Colloidal ferric oxide injection.

* * * * *

(b) *NAS/NRC status.* Use of this drug has been NAS/NRC reviewed and found effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

(c) *Sponsor.* See Nos. 010042, 012481, and 017800 in § 510.600(c) of this chapter.

* * * * *

3. In § 522.1183 by redesignating existing paragraphs (b), (c), and (d) as (c), (d), and (e); and adding new paragraphs (b) and (f) to read as follows:

§ 522.1183 Iron hydrogenated dextran injection.

* * * * *

(b) *NAS/NRC status.* Use of this drug has been NAS/NRC reviewed and found effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter,

but may require bioequivalency and safety information.

* * * * *

(f)(1) *Sponsor.* See No. 000010 in § 510.600(c) of this chapter.

(2) *Conditions of use.* It is used in baby pigs as follows:

(i) For prevention of iron deficiency anemia, administer intramuscularly 100 milligrams at 2 to 4 days of age. Dosage may be repeated at 14 to 21 days.

(ii) for treatment of iron deficiency anemia, administer intramuscularly 100 to 200 milligrams when indicated between 5 to 28 days of age.

Dated: May 24, 1985.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 85–13136 Filed 5–31–85; 8:45 am]

BILLING CODE 4160–01–M

PEACE CORPS

22 CFR Part 307

Standards of Conduct

Correction

In FR Doc. 85–11945 beginning on page 20902 in the issue of Tuesday, May 21, 1985, make the following correction: In the third column, under **General Counsel,** the third line should read "Assistant General Counsel".

BILLING CODE 1505–01–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Payment of Premiums; Correction

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on payment of premiums that appeared at page 12533 in the **Federal Register** of Friday, March 29, 1985 (50 FR 12533). This action is needed to correct certain editorial errors in the filing requirements for plans that change plan years.

FOR FURTHER INFORMATION CONTACT: Renae R. Hubbard, Special Counsel, Corporate Policy and Regulations Department, Code 611, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, 202–254–6476 (202–254–8010 for TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The following corrections are made in FR Doc. 85–7675 appearing on 12533 in the issue of March 29, 1985:

§ 2610.3 [Corrected]

1. On page 12537, column three, the introductory text of paragraph (a)(8) is corrected by removing from the eighth line the words "no later than" and adding "on or before the later of 30 days after the date on which the amendment to change the plan year was adopted, or".

2. On page 12537, column three, paragraph (a)(8)(i) is corrected to read as follows:

* * * * *

(i) For plan years beginning before January 1, 1985, the last day of the seventh month following the close of the preceding short plan year;

David M. Walker,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 85–13134 Filed 5–31–85; 8:45 am]

BILLING CODE 7708–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 943

Extension of Deadline for Submission of Program Amendments to the Texas Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: OSM is announcing its decision to extend the deadline for Texas to (1) promulgate rules governing the training, examination and certification of blasters and (2) develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation. On June 25, 1984, Texas requested a six-month extension of the deadline for submission of a blaster program. On September 21, 1984, OSM announced its decision to extend Texas' deadline to March 21, 1985 (49 FR 37062). On March 7, 1985, Texas requested an additional four months' extension through July 15, 1985, to submit a blaster training and examination program.

All States with regulatory programs approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) are required to develop and adopt a blaster certification program by March 4, 1984. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause. In accordance with the State's request, the Director is granting the State an additional four-month extension of time, to July 15, 1985, to submit a proposed blaster certification program.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Markey, Director, Tulsa Field Office, Office of Surface Mining, 333 West Fourth Street, Room 3014, Tulsa, Oklahoma 74103; Telephone: (918) 581–7927.

SUPPLEMENTARY INFORMATION: On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Chapter M (48 FR 9486). Section 850.12 of these regulations stipulates that the regulatory authority in each State with an approved program under SMCRA shall develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation within 12 months after approval of a State program or within 12 months after the publication date of OSM's rule at 30 CFR Part 850, whichever is later. In the case of Texas' program, the applicable date was 12 months after the publication date of OSM's rule, or March 4, 1984.

On March 1, 1984, Texas submitted an amendment to its approved program which was intended to implement the Federal requirements for a blaster training, examination and certification program. OSM published a notice of public comment period and opportunity for public hearing in the **Federal Register** on March 23, 1984 (49 FR 10943). In its subsequent review of the proposed amendment, OSM identified several deficiencies and pointed these out to the State. On June 25, 1984, Texas advised OSM that it would require a six-month extension of the deadline for resubmission of a blaster program to prepare any necessary revisions and additions to the program. On September 21, 1984, OSM announced its decision to extend the deadline for submission of the blaster program to March 21, 1985 (49 FR 37062).

On March 7, 1985, Texas requested an additional four-month extension to July 15, 1985, to submit a blaster training and certification program. Texas stated that, due to restrictions in its Administrative Procedure and Texas Register Act, only

one rule action amending § 11.221 may be pending at a time. Because of another rulemaking ongoing in Texas, the State anticipates that a rulemaking to revise blaster certification regulations will not be submitted to the Railroad Commission until July 15, 1985.

Section 850.12(b) of the Federal regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause.

Director's Determination

In accordance with the State's request, the Director has decided to extend the deadline until July 15, 1985, for Texas to resubmit rules governing a blaster certification and training program consistent with Federal requirements. This extension is granted in light of procedural restrictions in Texas' rulemaking schedule.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 943

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: May 28, 1985.

Jed D. Christensen,

Director, Office of Surface Mining.

PART 943—TEXAS

30 CFR Part 943 is amended as follows:

1. The authority citation for Part 943 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR Part 943 is amended by revising paragraph (a) of § 943.16 to read as follows:

§ 943.16 Required program amendments.

Pursuant to 30 CFR 732.17, Texas is required to submit for OSM's approval the following proposed program amendments by the dates specified.

(a) By July 15, 1985, Texas shall submit for OSM's approval—

(1) Rules governing the training, examination and certification of blasters and

(2) A program to examine and certify all persons who are directly responsible for the use of explosives in surface coal mining operations.

[FR Doc. 85–13178 Filed 5–31–85; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8–R, Amdt. No. 28]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Appeals and Hearings

AGENCY: Office of the Secretary, DoD.

ACTION: Amendment to final rule.

SUMMARY: This final rule revises Chapter X of the Department of Defense Regulation governing CHAMPUS, DoD 6010.8–R, to allow the Director, Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), or a designee, generally to complete the administrative appeals process through issuance of a final agency decision. The effect of the amendment is to reserve to the Assistant Secretary of Defense (Health Affairs) (ASD(HA)) authority to review and issue final agency decisions in those appeal cases requiring resolution of CHAMPUS policy and a final decision which may be relied on, used, or cited as precedent in the administration of CHAMPUS. The amendment also removes the unintended result of reconsideration reviews being performed on issues where the authority for the initial determination is not vested in OCHAMPUS.

DATES: Effective March 1, 1985. Comments will be accepted until August 2, 1985.

ADDRESS: Send comments to Policy Branch, OCHAMPUS, Aurora, Colorado 80045, Attention: Reta Michak.

FOR FURTHER INFORMATION CONTACT: Reta Michak, Policy Branch OCHAMPUS, Aurora, Colorado 80045, Telephone (303) 361–4078.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD 6010.8–R, "Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as part 199 of this Title. In FR Doc 83–6298, appearing in the **Federal Register** on March 11, 1983 (48 FR 10309), the Office of the Secretary of Defense amended § 199.16 revising the policies and procedures for appealing benefit decisions made by the Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Office of the Civilian Health and Medical Program of the Uniformed Services Europe (OCHAMPUSEUR) and CHAMPUS Fiscal Intermediaries.

This amendment will reduce administrative handling of appeals, reduce the time required for completion of administrative appeals, limit appeals to those matters under the authority of OCHAMPUS, and allow the Office of the Secretary to monitor contractor implementation of CHAMPUS requirements of law and regulation.

Because a delay in implementation of this procedural change and the expected expediting of administrative appeals would be contrary to public interest, a memorandum was issued by the Assistant Secretary of Defense (Health Affairs) which authorized the Director, OCHAMPUS, to issue final decisions effective March 1, 1985. This final rule revises DoD 6010.8–R to reflect this procedural change. The proposed rule making process is not being used based on a determination that delay in adoption of the amendment would be contrary to public interest (32 CFR 296.2(d)(4)). However, in recognition of the value of public comments, written comments are invited for 60 days following publication of this final rule. A document advising of any revisions prompted by public comments will be published in the **Federal Register** and any changes which operate to increase

the rights, benefits, or privileges provided in the amended regulation will be effective retroactively to the effective date insofar as administratively feasible.

The first change under § 199.16 corrects the unintended implications of the 1983 amendments that fiscal intermediaries review appeals involving denial of CHAMPUS claims based on ineligibility of the claimant, denial of issuance of a nonavailability statement, and exclusion of a provider from CHAMPUS based on disqualification under other federal programs. Appeal, if any, of these issues lies with the uniformed services or other federal programs and not OCHAMPUS or its fiscal intermediaries.

The second change under § 199.16 allows the Director, OCHAMPUS, or a designee, generally to finalize the administrative appeal process. Under the present procedure, a Final Decision by the ASD(HA) is required for every appeal except where the Director, OCHAMPUS, or a designee, agrees with a Recommended Decision in favor of the appealing party. This amendment limits review and Final Decisions by the ASD(HA) to those cases where the Director, OCHAMPUS, or a designee, forwards the case for review by the ASD(HA) as necessary to resolve CHAMPUS policy and issue a Final Decision which may be relied on, used, or cited as a precedent in the administration of CHAMPUS.

Section 605(b) of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires that each federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues regulations which would have a significant impact on a substantial number of small entities. The Secretary certifies, pursuant to section 605(b) of Title 5, United States Code, enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that this regulation will not have a significant economic impact on a substantial number of small businesses, organizations, or government jurisdictions.

We have determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It is not, therefore, a "major rule" under Executive Order 12291.

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health insurance, Military personnel.

PART 199—[AMENDED]

Accordingly, 32 CFR is amended to read as follows:

1. The authority citation for Part 199 continues to read as follows:

Authority: 10 U.S.C. 1079, 1086, 5 U.S.C. 301.

2. The Note in § 199.16(a)(6)(iv) is revised as follows:

§ 199.16 Appeal and hearing procedures.

* * * * *

(a) * * *

(6) * * *

(iv) * * *

Note.—A request for administrative review under this appeal process which involves a dispute regarding a requirement of law or regulation (§ 199.16(a)(5)(i)) or does not involve a sufficient amount in dispute (§ 199.16(a)(6)) may not be rejected at the reconsideration level of appeal. However, an appeal shall involve an appealable issue and sufficient amount in dispute under these sections to be granted a formal review or hearing.

3. Section 199.16(e) is revised to read as follows:

* * * * *

(e) *Final Decision.* (1) *Director, OCHAMPUS.* The recommended decision shall be reviewed by the Director, OCHAMPUS, or a designee, who shall adopt or reject the recommended decision or refer the recommended decision for review by the Assistant Secretary of Defense (Health Affairs). The Director, OCHAMPUS, or designee, normally will take action with regard to the recommended decision within 90 days of receipt of the recommended decision or receipt of the revised recommended decision following a remand order to the Hearing Officer.

(i) *Final Action.* If the Director, OCHAMPUS, or a designee, concurs in the recommended decision, no further agency action is required and the recommended decision, as adopted by the Director, OCHAMPUS, is the final agency decision in the appeal. In the case of rejection, the Director, OCHAMPUS, or a designee, shall state the reason for disagreement with the recommended decision and the underlying facts supporting such disagreement. In these circumstances, the Director, OCHAMPUS, or a designee, may have a final decision prepared based on the record, or may remand the matter to the Hearing Officer for appropriate action. In the latter instance, the Hearing Officer shall take appropriate action and submit a new recommended decision within 60 days of receipt of the remand order. The decision by the Director, OCHAMPUS, or a designee, concerning a case arising under the procedures of this § 199.16, shall be the final agency decision and the final decision shall be sent by certified mail to the appealing party or parties. A final agency decision under this § 199.16(e)(1) will not be relied on, used, or cited as precedent by the Department of Defense in the administration of CHAMPUS.

(ii) *Referral for review by ASD(HA).* The Director, OCHAMPUS, or a designee, may refer a hearing case to the Assistant Secretary of Defense (Health Affairs) when the hearing involves the resolution of CHAMPUS policy and issuance of a final decision which may be relied on, used, or cited as precedent in the administration of CHAMPUS. In such a circumstance, the Director, OCHAMPUS, or a designee, shall forward the recommended decision, together with the recommendation of the Director, OCHAMPUS, or a designee, regarding disposition of the hearing case.

(2) *ASD(HA).* The ASD(HA), or a designee, after reviewing a case arising under the procedures of this § 199.16 may issue a final decision based on the record in the hearing case or remand the case to the Director, OCHAMPUS, or a designee, for appropriate action. A decision issued by the ASD(HA), or a designee, shall be the final agency decision in the appeal and a copy of the final decision shall be sent by certified mail to the appealing party or parties. A final decision of the ASD(HA), or a designee, issued under this § 199.16(e)(2) may be relied on, used, or cited as precedent in the administration of CHAMPUS.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

May 28, 1985.

[FR Doc. 85–13081 Filed 5–31–85; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD2 85–09]

Special Local Regulations; KHMO National Tom and Becky Raft Race

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adpoted for Miles 309.0 to 311.0, Upper Mississippi River. The "KHMO National Tom and Becky Raft Race", an

approval marine event, will be held on July 6, 1985, at Hannibal, Missouri. These special local regulations are needed to provide for the safety of life and property on navigable waters during the event.

EFFECTIVE DATE: These regulations will be effective from 10:00 a.m. on July 6, and terminate at 12:00 noon on July 6, 1985.

FOR FURTHER INFORMATION CONTACT: LCDR. B. J. Willis, Chief, Boating Technical Branch Second Coast Guard District, 1430 Olive St., St., Louis, MO 63103. Telephone (314) 425–4055.

SUPPLEMENTARY INFORMATION: These special local regulations are issued pursuant to 33 U.S.C. 1233 and 33 CFR 100.35, for the purpose of promoting the safety of life and property on the Upper Mississippi River Between miles 309.0 and 311.0 during the "KHMO National Tom and Becky Raft Race", July 6, 1985. This event will consist of approximately 35 participants with homemade log rafts, which could pose hazards to navigation in the area. Therefore, these special local regulational are deemed necessary for the promotion of safety of life and property in the are during this event.

A notice of proposed rule making has not been published for these regulations, Following normal rule making procedures would have been impracticable. The application to hold the event was not received until April 25, 1985, and there was insufficient time in which to publish proposed rules in advance of the event. These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the duration of the regulated area is short. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities. This rule is necessary to ensure the protection of life and property in the area during the event.

Drafting Information

The drafters of this regulations are BMCM W.L. Giessman, USCGR, Project Officer, Boating Technical Branch, and Lt. R. E. Kilroy, USCG, Project Attorney, Second Coast Guard District Legal Office.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Final Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35–0208 to read as follows:

§ 100.35–0208 Upper Mississippi River, miles 309.0 through 311.0.

(a) *Regulated Area* The area between Mile 309.0 and 311.0 Upper Mississippi River is designated the regatta area, and may be closed to commercial and recreational navigation or mooring between the hours of 10:00 a.m. on July 6, and 12:00 noon, on July 6, 1985. All times listed are local time.

(b) *Special Local Regulations.* The Coast Guard will maintain a patrol consisting of regular and auxiliary Coast Guard vessels in the regatta area. This patrol will be under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on Channel 16 (156.8 MHZ) by the call sign "COAST GUARD PATROL COMMANDER". Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event or any other craft. The rules contained in the above two sentences shall not apply to participants in the event or vessels of the patrol operating in the performance of their assigned duties.

(c) The Patrol Commander may direct the anchoring, mooring or movement of any boat or vessel within the regatta area. A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels so signaled shall stop and shall comply with the orders of the Patrol Vessel. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(d) The Patrol Commander may establish vessel size and speed limitations and operating conditions.

(e) The Patrol Commander may restrict vessel operation within the regatta area to vessels having particular operating characteristics.

(f) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life and property.

(g) This § 100.35–0208 will be effective on July 6, 1985, between the hours of 10:00 a.m. and 12:00 noon (local time).

(33 U.S.C. 1233; 49 U.S.C. 108; 33 CFR 100.35; 49 CFR 1.46(b))

Dated: May 10, 1985.

B. F. Hollingsworth

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

[FR Doc. 13202 Filed 5–31–85; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD3 85–27]

Special Local Regulations; Cape May Classic

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special Local Regulations are being adopted for the 1985 Cape May Classic. This Hobie Cat Regatta is sponsored by Hobie Cat Fleet 416 of Central Valley, Pennsylvania. This sailboat racing event will be held off Cape May, New Jersey on June 22–23, 1985. This regulation is needed to provide for safety of life on navigable waters during the event.

EFFECTIVE DATES: This regulation is effective from 9:00 a.m. to 5:00 p.m. on June 22 and 23, 1985.

FOR FURTHER INFORMATION CONTACT: Lt D.R. Cilley, (212) 668–7974.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rule Making has not been published for this regulation and it is being made effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The application to hold this event was not received until May 8, 1985, and there was not sufficient time remaining to publish a proposed rule in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this regulation are Lt D.R. Cilley, Project Officer, Third Coast Guard District Boating Safety Division, and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Regulations

The Gape May Classic is a Hobie Cat Sailboat racing event to be held off the Cape May Beachfront from Grant Beach to Poverty Beach from the shoreline out

to a distance of 2.0 nautical miles seaward. This regatta will be held on both June 22 and 23, 1985 and is sponsored by Hobie Cat Fleet 416 of Center Valley, Pennsylvania. Nearly 180 hobie cats ranging from 14 to 20 feet in length will participate in this event which is well known to the boaters and residents of this area. The sponsor is providing 5 vessels in conjunction with Coast Guard and local authorities to patrol this event. In order to provide for the safety of life and property, the Coast Guard will restrict vessel movement in the regulated area.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended as follows:

PART 100—[AMENDED]

1. The Authority Citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Part 100 is amended by adding a temporary § 100.35–316 to read as follows:

§ 100.35–316 Cape May Classic, New Jersey.

(a) *Regulated Area.* That area off Cape May, New Jersey from Grant Beach to Poverty Beach in the area bounded by the following points:
Latitude 38°55′38″N.; Longitude 74°56′06″W.
Latitude 38°56′10″N.; Longitude 74°53′38″W.
Latitude 38°54′13″N.; Longitude 74°53′03″W.
Latitude 38°53′43″N.; Longitude 74°55′29″W.

(b) *Effective Period.* This regulation will be effective from 9:00 a.m. to 5:00 p.m. on June 22 and 23, 1985.

(c) *Special Local Regulations.* (1) All persons or vessels not registered with sponsor as participants or not part of the regatta patrol are considered spectators.

(2) No spectator, commercial fishing or press boats may enter or remain in the regulated area unless authorized to be there by the sponsor or Coast Guard patrol personnel. Those vessels wishing to cross the regulated area shall contact the Coast Guard Patrol Commander.

(3) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(4) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) $500 for any person in charge of the navigation of a vessel.

(ii) $500 for the owner of a vessel actually on board.

(iii) $250 for any other person.

(iv) Suspension or revocation of a license for a licensed officer.

Dated: May 20, 1985.

P.A. Welling,

Captain, U.S. Coast Guard, Acting Commander, Third Coast Guard District.

[FR Doc. 85–13199 Filed 5–31–85; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[08–84–11]

Drawbridge Operation Regulations; Mermentau River and Superior Oil Canal, LA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD), the Coast Guard is changing the regulations governing the operation of the following two drawbridges:

(1) The swing span bridge over the Mermentau River, mile 7.1 on LA82 at Grand Chenier, Cameron Parish, Louisiana.

(2) The swing span bridge over the Superior Oil Canal, mile 6.3, on LA82 between Grand Chenier and Pecan Island, Cameron Parish, Louisiana.

This change requires that at least four hours advance notice be given for an opening of the draw of the Mermentau River bridge from 9 p.m. to 5 a.m. and for the Superior Oil Canal bridge from 6 p.m. to 6 a.m. The bridges will continue to open on signal outside these hours. Presently, the Mermentau River bridge opens on signal at all times, while the Superior Oil Canal bridge is on 12 hours advance notice from 9 p.m. to 5 a.m. and opens on signal outside these hours.

This change is being made because of the infrequent requests to open the draws during the prescribed advance notice periods. This action will relieve the bridge owner of the burden of having persons constantly available at the bridges to open the draws during the advance notice periods and will still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on July 3, 1985.

FOR FURTHER INFORMATION CONTACT: Perry Haynes, Chief, Bridge Administration Branch, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: On 2 January 1985, the Coast Guard published a proposed rule (50 FR 122) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a Public Notice dated 11 January 1985 and in the Local Notice to Mariners of 16 January 1985. In each instance, interested persons were given until 19 February 1985 to submit comments.

Drafting Information

The drafters of these regulations are Perry Haynes, project office, and Steve Crawford, project attorney.

Discussion of Comments

Five letters were received. One came from a gas and oil exploration company stating that the proposed rule was acceptable, considering the commitment made by the LDOTD that the bridges would be opened on less than the four hours advance notice in the case of a bona fide emergency. One came from the Cameron Parish Police Jury expressing concern about the economic representativeness of using 1982 bridge openings to make the case and the effect of the operating change on the local economy, and stemmed in part from condensed information. To allay this concern, the LDOTD wrote to the police juring showing: (1) The 1980 through 1983 bridge openings were used to justify the change, not just 1982, and that these openings are representative of various levels of economic activity; (2) that these openings are few and basically for repeat waterway users; (3) that these mariners can arrange for an opening by calling the bridge owner collect from ashore or afloat at any time; and, (4) that this type of operation should not have a detrimental economic effect on those mariners or the parish. As a result of the foregoing, there was no indication of any further concern. Three letters of no objection were received from federal agencies.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of

Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that few vessels pass through the bridges during the prescribed advance notice periods, respectively, with 1983 openings showing a decline from those of 1982, 81 and 80. There were 293 openings of the Mermentau River bridge in 1983 between 9 p.m. and 5 a.m., in contrast to 332 in 1980, a peak oil activity year, or less than one opening per day in each year on average. Similarly, there were 157 openings of the Superior Oil Canal Bridge in 1983 between 6 p.m. and 6 a.m., in contrast to 326 in 1980, or less than one opening per day in each year on average. These few vessels can reasonably provide four hours notice for a bridge opening by placing a collect call at any time to the LDOTD District Office in Lake Charles, (318) 439–2406. From afloat, this contact may be made by marine radiotelephone through a public coast station. Scheduling their arrival at the bridges at the appointed times would involve little or no additional expense to the mariners. However, should the occasion arise during the advance notice period, to open the bridges on less than four hours notice to accommodate a bona fide emergency or to operate the bridges on demand for a temporary surge in waterway traffic, the LDOTD has committed to doing so. Since the economic impact of these regulations are expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority for Part 117 continues to read as follows:

Authority. 33 U.S.C. 499 and 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by adding a new § 117.480 and revising § 117.495, to read as follows:

§ 117.480 Mermentau River.

The draw of the S82 bridge, mile 7.1 at Grand Chenier, shall open on signal; except that, from 9 p.m. to 5 a.m. the draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw will open on less than four hours notice for an emergency and will open on demand should a temporary surge in waterway traffic occur.

§ 117.495 Superior Oil Canal.

The draw of the S82 bridge mile 6.3 in Cameron Parish, shall open on signal; except that, from 6 p.m. to 6 a.m. the draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw will open on less than four hours notice for an emergency and will open on demand should a temporary surge in waterway traffic occur.

Dated: May 20, 1985.

W.H. Stewart,

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

[FR Doc. 85–13203 Filed 5–31–85; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD7 85–02]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Florida Department of Transportation, the Coast Guard is changing regulations governing the PGA Boulevard and Parker bridges in Palm Beach County by permitting the number of openings to be limited during certain periods. This change is being made because periods of vehicular and marine traffic have increased. This action will accommodate the needs of vehicular traffic yet still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on July 3, 1985.

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

SUPPLEMENTARY INFORMATION: On January 31, 1985 the Coast Guard published proposed rules (50 FR 4528) concerning this amendment. The Commander, Seventh Coast Guard District, also published the proposal as a Public Notice dated February 12, 1985. In each notice interested persons were given until March 18, 1985 to submit comments.

Drafting Information

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

Discussion of Comments

In response to the proposal 4 letters were received. One supported the proposal. Another supported the proposal only if his vessel was considered a regularly scheduled cruise vessel eligible for passage through the draws at any time. The vessel owner was advised that the Coast Guard considered it reasonable to conclude that the vessel was a "regularly scheduled cruise vessel". Two requested the installation of radiotelephones; one of these commenters also requested "on demand" bridge openings after dark. The installation of radiotelephones is under consideration by the Florida Department of Transportation. The proposed regulations would, at certain times, require vessels to await a scheduled opening during darkness. This is not inconsistent with rules for other drawbridges and can be addressed by future rulemaking if indicated.

Economic Assessment and Certification

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

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

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—[AMENDED]

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; and 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. Section 117.261 is amended by adding a new paragraph (i)(3) and revising paragraph (j) to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Miami.

* * * * *

(i)(3) The draw of the PGA Boulevard Bridge, mile 1012.6, shall open on signal; except that from 7 a.m. to 9 a.m. and 4

p.m. to 7 p.m., Monday through Friday except federal holidays, the draw need open only on the quarter-hour and three-quarter hour. On Saturdays, Sundays, and federal holidays from 8 a.m. to 6 p.m., the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour. Public vessels of the United States, tugs with tows, regularly scheduled cruise vessels, and vessels in distress shall be passed at any time.

(j) The draw of the Parker (US–1) Bridge, mile 1013.7, shall open on signal; except from 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m., Monday through Friday except federal holidays, the draw need open only on the hour and half-hour. On Saturdays, Sundays, and federal holidays from 8 a.m. to 6 p.m., the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour. Public vessels of the United States, tugs with tows, regularly scheduled cruise vessels, and vessels in distress shall be passed at any time.

* * * * *

Dated: May 14, 1985.

A. R. Larzelere,

Captain, U.S. Coast Guard, Acting Commander, Seventh Coast Guard District.

[FR Doc. 85–13200 Filed 5–31–85; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[08–84–12]

Drawbridge Operation Regulations; Lafourche Bayou and Company Canal, LA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD), the Coast Guard is changing the regulations governing the operation of the following three drawbridges:

(1) The lift span bridge over Company Canal, mile 0.4, on LA1 at Lockport, Lafourche Parish, Louisiana.

(2) The swing span bridge over Lafourche Bayou, mile 50.8, on LA655 at Lockport, Lafourche Parish, Louisiana.

(3) The pontoon bridge over Lafourche Bayou, mile 54.2, on LA364 at Mathews, Lafourche Parish, Louisiana.

This change requires that the draws of the first two bridges, at Lockport, open on at least four hours advance notice from 6 p.m. to 10 a.m. and on signal from 10 a.m. to 6 p.m.; and that the draw of the third bridge, at Mathews, open on at least four hours advance notice at all times. The three bridges presently are required to open on signal at all times.

This change is being made because of the infrequent requests for opening the draws during the prescribed advance notice periods. This action will relieve the bridge owner of the burden of having persons constantly available at the bridges to open the draws during the advance notice periods and will still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on July 3, 1985.

FOR FURTHER INFORMATION CONTACT: Perry Haynes, Chief, Bridge Administration Branch, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: On 24 December 1984, the Coast Guard published a proposed rule (49 FR 49856) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a Public Notice dated 2 January 1985. In each instance, interested persons were given until 7 February 1985 to submit comments.

Drafting Information

The drafters of these regulations are Perry Haynes, project officer, and Steve Crawford, project attorney.

Discussion of Comments

Five letters were received in response to the public notice. None were received in response to the **Federal Register**. Two letters from federal agencies offered no objections to the proposed regulations. Three letters of concern were received from two marine service companies and the Mayor of Lockport who wrote on behalf of them. Both companies are located on Lafourche Bayou just downstream from the Lockport bridge at mile 50.8. The letters indicated that the four hours advance notice for an opening of the two Lockport bridges could cause a business loss to the companies were they unable to react quickly to customer calls for service. The LDOTD has assured the respondents that if a vessel must depart its company facility and transit the bridges, in less than the prescribed four hours advance notice, to meet the requirements of a customer call, that the LDOTD would make every effort to effectuate an earlier transit. Moreover, and for all cases, because the bridges are in close proximity to each other, whenever a vessel has to transit them in succession, the same bridgetender would follow from bridge to bridge to facilitate the passage. In view of this, the respondents stated that they had no objection to the proposed change in operating the bridges and the issuance of this final rule.

Economic Assessment and Certification

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

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that few vessels pass through the bridges during the prescribed advance notice periods. During these periods, both Lockport bridges and the Mathews bridge are averaging less than one opening per day. These few vessels can reasonably provide four hours notice for a bridge opening by placing a collect call during normal working hours to the LDOTD Office at Houma, Louisiana, telephone (504) 851–0900 and at any time to the District Office at Lafayette, Louisiana, telephone (318) 233–7404. Scheduling their arrival at the bridges at the appointed time would involve little or no additional expense to the mariners. However, should the occasion arise, during the advance notice period, to open the bridges on less than four hours notice to accommodate a bona fide emergency or to operate the bridges on demand for a temporary surge in waterway traffic, the LDOTD has committed to doing so. Since the economic impact of these regulations are expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read:

Authority: 33 U.S.C. 490 and 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. Section 117.465 is amended by renumbering the existing § 117.465 (a) through (c) as § 117.465 (c) through (e), and adding a new § 117.465 (a) and (b); and a new § 117.438a is added to read as follows:

§ 117.465 Lafourche Bayou.

(a) The draw of the S655 bridge, mile 50.8 at Lockport, shall open on signal; except that, from 6 p.m. to 10 a.m. the

draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

(b) The draw of the S364 bridge, mile 54.2 at Mathews, shall open on signal if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

* * * * *

§ 117.438a Company Canal.

The draw of the S1 bridge, mile 0.4 at Lockport, shall open on signal; except that, from 6 p.m. to 10 a.m. the draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

Dated: May 20, 1985.

W.H. Stewart,

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

[FR Doc. 85-13204 Filed 5-31-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[CGD3-85-23]

Safety Zone Regulations; New York, East River

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in New York Harbor, East River.

This zone is needed to protect vessels from possible safety hazards associated with a fireworks display in the East River. Entry into this zone is prohibited unless authorized by the Captain of the Port, New York.

EFFECTIVE DATES: This regulation becomes effective on July 4, 1985 at 8 p.m. It terminates on July 4, 1985 at 10 p.m.

FOR FURTHER INFORMATION CONTACT: Captain of the Port, New York (212)-668-7917.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation. Publishing an NRPM would be contrary to public interest since immediate action is needed to respond to any potential hazards.

Drafting Information

The drafters of this regulation are LTJG M. O'Malley, Project Officer for the Captain of the Port, Ms. M.A. Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Regulation

The circumstances requiring this regulation result from the possible dangers and hazards to navigation associated with a fireworks display in the East River.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. Part 165 is amended by adding § 165.T343 to read as follows:

§ 165.T343 Safety Zone: New York, New York Harbor, East River.

(a) *Location.* The following area is a safety zone: The waters of the East River, New York, New York from the northern end of the Consolidated Edison Pier at 15th Street Manhattan, thence easterly on a course of 087 degrees true to the northern end of the Noble Street Pier Brooklyn, thence north along the Brooklyn shoreline including Newtown Creek to the Kosciusko Bridge, thence along the Queens shoreline to Hell Gate Light at Hallets Point (LL# 1275), thence on a westerly course of 261 degrees true to the Fireboat Station Pier at Horns Hook Manhattan, thence south along the Manhattan shoreline to the starting point.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the port.

Dated: May 17, 1985.

A.E. Henn,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 85-13206 Filed 5-31-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[CCGD11-80-12]

Safety Zone Cancellation; San Pedro Bay, Los Angeles, CA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This document cancels the Safety Zone in San Pedro Bay published December 29, 1980 in the **Federal Register**. Construction in the San Pedro Bay has been completed and a Safety Zone is no longer required.

EFFECTIVE DATE: This amendment is effective upon publication.

FOR FURTHER INFORMATION CONTACT: LtJg Jorge Arroyo, 11th District Boating Affairs Office, 400 Ocean Gate Blvd., Long Beach, CA 90822, Telephone (213) 590-2331.

SUPPLEMENTARY INFORMATION: Construction in the San Pedro Bay has been completed and the Captain of the Port Los Angeles/Long Beach has determined the public is no longer endangered.

Drafting Information

The principal person involved in the drafting of the rulemaking is: LCdr T.H. Jenkins, Chief, Port Management Division, c/o Captain of the Port, Los Angeles/Long Beach, 165 N. Pico Ave., Long Beach, CA 90802. The project attorney is Lt. C.M. McNally, c/o Commander, Eleventh Coast Guard District (d1), 400 Oceangate Blvd., Long Beach, CA 90802.

List of Subjects in 33 CFR Part 165

Harbors, Marines safety, Navigation (water), Security measures, Vessels, Waterways.

In consideration of the above, Part 165 of Title 33 of the Code of Federal Regulations is amended as follows:

PART 165—[AMENDED]

1. The authority citation for 33 CFR Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 160.5.

§ 165.1108 [Removed]

2. By removing § 165.1108.

L.E. Beaudin,

Captain, U.S. Coast Guard, Captain of the Port, Los Angeles/Long Beach.

May 29, 1985.

[FR Doc. 85-13205 Filed 5-31-85; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 212

Administration of the Forest Development Transportation System

AGENCY: Forest Service, USDA.

ACTION: Completion of review of existing regulation.

SUMMARY: In compliance with Executive Order 12291, the Forest Service has reviewed 36 CFR Part 212, Administration of the Forest Development Transportation System. The regulation describes the system of access roads, trails, and airfields needed for the protection, administration, and use of the National Forests; establishes principles for use of the Forest Development Transportation System; provides for the cooperative development and maintenance of transportation facilities with commercial users and other public agencies; provides for the acquisition and granting of easements; and provides for the administration of the Pacific Crest National Scenic Trail. The regulation and amendments were published in the **Federal Register** on December 18, 1959; July 7, 1960; April 16, 1965; July 31, 1974; November 11, 1975; January 14, 1977; May 10, 1978; and June 23, 1983. A notice of intent to review the regulation was published in the Department of Agriculture Semiannual Regulatory Agenda, published in the **Federal Register** on April 19, 1984 (49 FR 15706).

Review of the existing regulation was conducted internally. Public comment was not solicited during the review, because the regulation primarily defines the forest development transportation system and provides internal authority and guidance to Forest System employees. Moreover, a review of agency records revealed that no public comment or complaint has been received on the regulation.

Based upon internal administrative review, the Forest Service has determined that the regulation should be retained in its present form and that the regulation does not impose economic or regulatory burdens on the public. The review did conclude that the current regulation can be improved in minor technical ways, but that the need for these changes is not urgent.

FOR FURTHER INFORMATION CONTACT: Jerome B. Knaebel, Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013, (703) 235–9846.

Dated: May 24, 1985.

F. Dale Robertson,

Associate Chief.

[FR Doc. 85–13222 Filed 5–31–85; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 447

[BPO–020–F]

Medicare and Medicaid Program; Withholding the Federal Share of Payments To Recover Medicare or Medicaid Overpayments

Correction

In FR Doc. 85–11005 beginning on page 19684 in the issue of Friday, May 10, 1985, make the following correction:

On page 19689, first column, the last two line of § 447.30(e)(1), "provider's services under Medicaid with FFP." should have read "provider's services under Medicaid."

BILLING CODE 1505–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6662]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

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

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

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646–2717, 500 C Street, Southwest, FEMA—Room 416, Washington, D.C. 20472.

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

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

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final

rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

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

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

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

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Region I					
Maine:					
York	Newfield, town of	230196B	Mar. 12, 1976, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Feb. 21, 1975 and June 15, 1979	June 5, 1985.
Do	South Berwich, town of	230157C	Apr. 21, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Aug. 9, 1974, July 6, 1979, and Oct. 15, 1976.	Do.
Massachusetts:					
Barnstable	Bourne, town of	255210D	Apr. 30, 1971, Emerg.; June 29, 1973, Reg.; June 5, 1985, Susp.	June 29, 1973, July 1, 1974, Jan. 2, 1976, and May 7, 1976.	Do.
Bristol	Fairhaven, town of	250054	Oct. 8, 1971, Emerg.; Mar. 16, 1976, Reg.; June 5, 1985, Susp.	May 31, 1974 and Oct. 1, 1983	Do.
Barnstable	Mashpee, town of	250009E	Nov. 24, 1972, Emerg.; Sept. 15, 1978, Reg.; June 5, 1985, Susp.	Aug. 2, 1974, Sept. 15, 1978, and Oct. 1, 1983.	Do.
Bristol	Somerset, town of	255220B	Nov. 13, 1970, Emerg.; Mar. 17, 1972, Reg.; June 5, 1985, Susp.	Mar. 18, 1972, July 1, 1974, and Apr. 23, 1976.	Do.
Region II					
New Jersey: Morris	Washington, township of	34036B	Sept. 1, 1972, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Jan. 9, 1974 and June 4, 1976	Do.
New York:					
Warren	Glens Falls, city of	360872B	June 24, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	May 31, 1974 and Oct. 10, 1975	Do.
Orange	Newburgh, city of	360626B	June 9, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Mar. 15, 1974 and July 23, 1976	Do.
Do	Newburgh, town of	36067A	July 22, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Dec. 17, 1976	Do.
Sullivan	Liberty, town of	360823B	May 14, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	June 21, 1974 and Jan. 30, 1976	Do.
Rensselaer	Schaghticoke, town of	360158B	Dec. 27, 1979, Emerg.; June 11, 1982, Reg.; June 5, 1985, Susp.	Jan. 23, 1976 and June 11, 1982	Do.
Do	Valley Falls, village of	361469B	Dec. 19, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Nov. 22, 1974 and July 23, 1976	Do.
Region III					
Maryland: Charles	Unincorporated areas	240089B	Mar. 30, 1973, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Feb. 7, 1975 and Sept. 17, 1982	Do.
Virginia:					
Rockingham	Broadway, town of	510135B	July 5, 1974, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	May 17, 1974 and Apr. 30, 1976	Do.
Do	Mt. Crawford, town of	510224	July 18, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Aug. 16, 1974 and May 21, 1976	Do.
Region VI					
Texas:					
Brazoria	Surfside Beach, village of	481266	Jan. 20, 1976, Emerg.; June 10, 1977, Reg.; June 5, 1985, Susp.	May 8, 1971, July 1, 1974 and June 10, 1977.	Do.
Tarrant	Westover Hills, town of	480615B	July 2, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Aug. 30, 1974 and Dec. 19, 1975	Do.
Region VIII					
Colorado:					
El Paso	Fountain, city of	080061	Oct. 2, 1974, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	June 28, 1974, Oct. 24, 1975 and May 29, 1979.	Do.
Do	Green Mountain Falls, town of	080062B	Mar. 18, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Aug. 30, 1974 and Dec. 12, 1975	Do.
Region X					
Oregon: Klamath	Klamath Falls, city of	410112B	Aug. 5, 1974, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	June 28, 1974 and Feb. 20, 1976	Do.
Washington: Yakima	Unincorporated areas	530217B	Apr. 11, 1974, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Dec. 27, 1974 and Aug. 9, 1977	Do.
MINIMAL CONVERSIONS					
Region II					
New York:					
Jefferson	Adams, town of	360324C	Sept. 1, 1978, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	May 31, 1974 May 5, 1976 and Oct. 15, 1976.	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Columbia	Ancram, town of	361312A	July 24, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Nov. 15, 1974	Do.
Do	Austerlitz, town of	361385A	Feb. 14, 1977, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Dec. 27, 1974	Do.
Jefferson	Brownsville town of	361063B	Apr. 29, 1976, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Dec. 6, 1974 and Nov. 28, 1975	Do.
Warren	Chester, town of	360609A	Apr. 8, 1977, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Feb. 6, 1976	Do.
Chenango	Earlville, village of	360397B	July 30, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	May 31, 1974 and May 28, 1976	Do.
Columbia	Greenport, town of	361319B	Aug. 29, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Nov. 1, 1974 and July 23, 1976	Do.
Essex	Keene, town of	361151C	Nov. 9, 1976, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Nov. 1, 1974, July 16, 1976 and Dec. 22, 1978.	Do.
Chenango	McDonough, town of	361377A	Mar. 26, 1976, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Jan. 31, 1975	Do.
Essex	Newcomb, town of	361390A	Apr. 15, 1976, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Jan. 24, 1975	Do.
Columbia	New Lebanon, town of	360176C	July 22, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Apr. 12, 1974, July 30, 1976 and Nov. 12, 1976.	Do.
Jefferson	Rutland, town of	360350C	Aug. 11, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	June 7, 1974, Jan. 16, 1976 and Sept. 3, 1976.	Do.
Clinton	Saranac, town of	360171A	May 9, 1978, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Apr. 18, 1975	Do.
Region III					
Pennsylvania:					
Crawford	Linesville, borough of	421560A	Apr. 15, 1976, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Jan. 10, 1975	Do.
Armstrong	Wayne township of	421318B	Oct. 3, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Sept. 13, 1974 and July 23, 1976	Do.
Region X					
Idaho:					
Latah	Deary, city of	160133A	June 25, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Jan. 17, 1975	Do.
Idaho	Ferdinand, city of	160068B	June 23, 1976, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Sept. 6, 1974 and Apr. 9, 1976	Do.
Adams	New Meadows, city of	160181A	Aug. 27, 1976, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Feb. 21, 1975	Do.
Washington: Stevens	Colville, city of	530187B	July 23, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Dec. 26, 1973 and Mar. 26, 1976	Do.
Washington:					
Snohomish	Lynnwood, city of	530167B	May 9, 1975, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	June 28, 1974 and Dec. 28, 1975.	Do.
Kittitas	Roslyn, city of	530299	Nov. 29, 1976, Emerg.; June 5, 1985, Reg.; June 5, 1985, Susp.	Oct. 22, 1976	Do.
REGULAR CONVERSION					
Wisconsin: LaCrosse	LaCrosse, city of	555562B	Dec. 4, 1970, Emerg.; Jan. 15, 1971, Reg.; June 15, 1985, Susp.	Jan. 15, 1971, July 1, 1974, May 14, 1976 and May 15, 1985.	June 15, 1985.

[1] Certain Federal assistance no longer available in special flood hazard areas.
Code for reading 4th column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension

Issued: May 29, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85-13146 Filed 5-31-85; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 26

Public Entry and Use, Ruby Lake National Wildlife Refuge, NV

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) is withdrawing regulations published on June 12, 1984, that govern boating on Ruby Lake National Wildlife Refuge (NWR). In their place, regulations are issued that will permit powerboats on the South Sump of Ruby Lake from August 1 through December 31 only. These actions are being taken to comply with a court-approved settlement arising from a lawsuit over the June 12 rulemaking.

EFFECTIVE DATE: July 3, 1985.

FOR FURTHER INFORMATION CONTACT: James F. Gillett, Division of Refuge Management, U.S. Fish and Wildlife Service, 18th and C Streets, NW., Washington, D.C. 20240 (telephone: 202-343-4311).

SUPPLEMENTARY INFORMATION: On June 12, 1984, at 49 FR 24139, the Service issued a final rulemaking to regulate the use of boats on the South Sump of Ruby Lake NWR, Nevada. The regulations provided that motorless boats and boats with electric motors could be used from June 15 through December 31 annually. The regulations further permitted the use of powerboats (having motors of 10 horsepower or less) on the South Sump from July 15 through December 31 in 1984, 1986, and 1988, and from August 1 through December 31 in 1985 and 1987. This alternating annual schedule was developed to accommodate a Service research program to evaluate the effects of powerboating on canvasback and redhead duck broods.

On July 16, 1984, a notice was published at 49 FR 28773 announcing the emergency closure of the South Sump to powerboating from July 15, 1984, through July 31, 1984. This action was taken because extremely high water had caused a high rate of nest failure and subsequent late renesting among canvasback and redhead ducks using the refuge, thereby making nests vulnerable to disturbance.

On July 5, 1984, the Defenders of Wildlife, *et al.*, filed suit (Civil Action No. 84-2035) in U.S. District Court, Washington, D.C., against the Secretary of the Interior, *et al.*, to contest the July 15 opening dates for powerboating as set forth in the June 12 rulemaking. On January 3, 1985, the District Court

dismissed the lawsuit pursuant to a stipulated settlement by the parties providing for the Service to withdraw the June 12, 1984, final rule pertaining to regulations for powerboats and replace it with a rule that would permit powerboats on the South Sump of Ruby Lake only from August 1 through December 31 annually. This rule is in response to the terms of the stipulated settlement agreement. No substantive comments were received on the proposed rule on this issue, which was published on March 7, 1985, at 50 FR 9300.

Conformance With Statutory and Regulatory Authorities

The National Wildlife Refuge System Administration Act of 1966 (NWRSAA), as amended (16 U.S.C. 668dd), authorizes the Secretary of the Interior to permit public access, use and recreation on refuges whenever it is determined that such uses are compatible with the major purposes for which such areas were established. The Service has determined that permitting the use of motorized boats from August 1 through December 31 annually will not have a biological impact on waterfowl nesting and is compatible with the major purposes for which the Ruby Lake NWR was established.

The provisions of the NWRSAA relating to recreation are administered in accordance with the Refuge Recreation Act of 1962 (16 U.S.C. 460k), which authorizes the Secretary to permit recreational uses on refuges if they are appropriate incidental or secondary uses. In conformance with that Act, the Service has determined that motorized recreational boating, governed by the regulations set forth in this rule, permits a secondary use of Ruby Lake NWR that is not inconsistent with the primary objectives for which it was established. Further, the proposed recreational use will not interfere with the primary purposes for which the Ruby Lake NWR was established. The above determinations are based in large part on the Service's empirical data derived from its experience under the identical regulations in effect from 1978 to the present. In addition, funds are available within the annual refuge budget for the administration of the recreational activities that will be permitted by these regulations.

Economic Effect

Executive Order 12291 of February 19, 1981, requires the preparation of regulatory impact analyses for major rules. A major rule is one 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, government agencies or geographic regions, or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or government jurisdictions.

This rulemaking is a minor adjustment to existing regulations for one refuge; therefore, this action will not have an adverse impact on the overall economy or a particular region, industry or group of industries, or level of government. With respect to small entities, the rulemaking will not significantly alter the existing recreational uses of the refuge, and small entities such as sporting good stores, restaurants, motels and local governments will not be significantly affected by the rule.

Accordingly, the Department of the Interior has determined that this proposed rule is not a "major rule" within the meaning of Executive Order 12291, and would not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Environmental Effects

The final environmental impact statement for the "Operation of the National Wildlife Refuge System" [FES 76–52] was filed with the Council on Environmental Quality on November 12, 1976; a notice of availability was published in 41 FR 51131. Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), an environmental assessment (EA) was prepared in 1976 on the effects of boating on the management of Ruby Lake NWR. An EA and Finding of No Significant Impact were also prepared for the June 12, 1984, rulemaking.

Maps of the South Sump are available from the Refuge Manager, Ruby Lake NWR, Ruby Valley, Nevada 89833, and will be posted at refuge boat landings. Copies of the maps can also be obtained from the Regional Director, U.S. Fish and Wildlife Service, 500 Northeast Multnomah Street, Suite 1692, Portland, Oregon 97232.

Primary author of this rule is Stephen J. Lewis, Division of Refuge Management, U.S. Fish and Wildlife Service, 18th and C Sts., NW., Washington, D.C. 20240.

List of Subjects in 50 CFR Part 26

National Wildlife Refuge System, Recreation, Wildlife refuges.

PART 26—[AMENDED]

Accordingly, 50 CFR Part 26, is amended as set forth below:

1. The authority citation for Part 26 continues to read as follows:

Authority: Sec. 2, 22 Stat. 614, as amended (16 U.S.C. 685); Sec. 5, 43 Stat. 651 (16 U.S.C. 725); Sec. 5, 45 Stat. 449 (16 U.S.C. 690d); Sec. 10, Stat. 1244 (16 U.S.C. 715); Sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); Sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); Sec. 4, 76 Stat. 654 (16 U.S.C. 460k); Sec. 4, 80 Stat. 927 (16 U.S.C. 668dd); (5 U.S.C. 301): (16 U.S.C. 685, 725, 680d), unless otherwise noted.

2. The entry at § 26.34 for Ruby Lake National Wildlife Refuge, Nevada, is revised to read as follows:

§ 26.34 [Amended]

Ruby Lake National Wildlife Refuge, Nevada

Beginning June 15 annually and continuing until December 31 annually, motorless boats and boats with electric motors are permitted only on that portion of the Ruby Lake National Wildlife Refuge known as the South Sump. Beginning August 1 annually and continuing until December 31 annually, boats propelled with a motor or combination of motors in aggregate not to exceed a 10 horsepower rating are permitted on the South Sump of the refuge. Boats may be launched only from landings approved and so designated by the Refuge Manager.

Dated: May 3, 1985.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85–13157 Filed 5–31–85; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 655

[Docket No. 40211-4050]

Atlantic Mackerel, Squid, and Butterfish Fisheries

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

ACTION: Notice of squid specifications increase.

SUMMARY: NOAA issues this notice increasing the annual squid specifications under the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP). Regulations governing the squid fisheries require publication of specification adjustments, with reasons for such adjustments. This action is intended to foster the FMP's goal of creating benefits for the U.S. fishing industry.

EFFECTIVE DATE: June 15, 1985. Comments are invited until June 18, 1985.

ADDRESS: Send comments to Salvatore A. Testaverde, Northeast Region, NMFS, State Fish Pier, Gloucester, MA 01930. Mark on the outside of the envelope, "Comments on Notice of Squid Specifications."

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

SUPPLEMENTARY INFORMATION: Section 655.21(b)(1)(v) of the implementing regulations states that initial optimum yield (IOY) specifications for Atlantic squid may be adjusted at any time during the fishing year by the Director, NMFS, Northeast Region (Regional Director), in consultation with the Mid-Atlantic Fishery Management Council (Council). The basis for any adjustment may be that new information or changed circumstances indicate that U.S. fishermen will exceed the initial DAH, or that IOY should be increased to produce maximum net benefits to the United States based upon an application of economic factors. Section 655.22(f) requires any adjustments to the IOY to be published in the **Federal Register** with the reasons for such adjustments, and may provide for a public comment period.

An addition of 2,500 mt has been made to the *Illex* TALFF to recognize confirmation that a proposal involving Spain, which was approved by the Council, will be pursued as originally presented to the Council. In addition to commitments to make *Loligo* purchases already recognized in the final annual specifications, an *Illex* joint venture will be carried out as originally presented as part of the Spain/Stonavar proposal. The amounts previously identified in a footnote as potential TALFFs are being placed into TALFFs. This is consistent with NOAA's policy of placing into the annual specifications only those amounts which are part of a proposal reviewed and endorsed by the Council. If the available TALFF is not utilized in a manner beneficial to the United States, further amounts may not be allocated, and any unallocated amounts may even be withdrawn from TALFF. This revision also requires adjustments to bycatch amounts in the *Loligo* TALFF of one percent of the increased amount of *Illex* squid (25 mt), and in the butterfish TALFF of one percent (25 mt).

Revisions are also made to the annual specifications to reflect adjustments in the TALFFs for *Loligo* and *Illex* squids. In the final annual specifications, published at 50 FR 20215, May 15, 1985, the *Loligo* TALFF was adjusted from 700 mt to 5,700 mt consistent with the terms of the FMP. Adjustments must also be made to bycatch amounts in the *Illex* TALFF of ten percent, or 500 mt; and to the butterfish TALFF of six percent, or 300 mt.

In summary, each of the IOY specifications has been increased; *Loligo*, from 28,200 mt to 28,225 mt; *Illex*, from 16,700 mt to 19,700 mt; and butterfish, from 11,700 mt to 12,025 mt. All squid and butterfish bycatch adjustments were made in accordance with regulations; the regulations for squids are found at § 655.21(b)(1)(iv) (A) and (B), and for butterfish at § 655.21(b)(3)(iii).

The following table lists the revised specifications including bycatch amounts for *Loligo* and *Illex* squid and butterfish, in metric tons. Revised specifications are made for the initial optimum yield (IOY) and total allowable level of foreign fishing (TALFF).

REVISED SPECIFICATIONS FOR FISHING YEAR APRIL 1, 1985, THROUGH MARCH 31, 1986

[In metric tons (mt)]

	Loligo squid		Illex squid		Butterfish	
	Initial specifications	Revised specifications	Initial specifications	Revised specifications	Initial specifications	Revised specifications
Max OY[1]	44,000		30,000		[2] 16,000	
ABC	33,000		25,000		[2] 16,000	
IOY	28,200	28,225	16,700	19,700	11,700	12,025
DAH	22,500		16,000		11,000	
DAP	20,500		11,500		11,000	
JVP	[3] 2,000		[3] 4,500			
Reserve	0	0	0	0		
TALFF	5,700	5,725	700	3,700	700	1,025

[1] These are maximum OYs (as stated in the EMP).
[2] Up to the figure given.
[3] Additional amounts may be added to JVP by increasing the IOY up to 1,700 mt (for a total of 3,700 mt) for *Loligo* and up to 4,000 mt (for a total of 8,500 mt) for *Illex*, depending upon performance.

Other Matters

This action is authorized by 50 CFR Part 655, and complies with E.O. 12291.

List of Subjects in 50 CFR Part 655

Fisheries, Reporting and recordkeeping requirements.

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

Dated: May 29, 1985.

Carmen J. Blondin,

Deputy Assistant Adminstrator For Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 85–13228 Filed 5–29–85; 4:46 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 50, No. 106
Monday, June 3, 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 928

Papayas Grown in Hawaii; Proposed Change in Interest Charges

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites comments on a proposal that would change the interest rate charged on delinquent assessments from one percent per month to one and one-half percent per month. The proposed action is designed to bring the interest rate more into line with current comparable rates, and thereby encourage handlers to pay assessments in a more timely manner.

DATES: Comments must be submitted by July 3, 1985.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Docket Clerk, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2069, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the office of the Docket Clerk during regular business hours.

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

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, 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 action is designed to promote orderly marketing of the Hawaiian papaya crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This proposal is issued under Marketing Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This proposal is based upon the recommendations and information submitted by the Papaya Administrative Committee and upon other available information. Under § 928.41 of the marketing order, if a handler does not pay program assessments within a prescribed period, the unpaid assessment may be subject to an interest charge at rates prescribed by the committee with the approval of the Secretary. The current interest rate is set forth in § 928.141 of Subpart—Rules and Regulations (§§ 928.141–928.160), and that rate has been in effect since February 13, 1984. This proposal would revise the rate from one percent to one and one-half percent to reflect a rate more in line with current comparable interest rates.

List of Subjects in 7 CFR Part 928

Marketing agreement and orders, Hawaii, Papayas.

PART 928—[AMENDED]

1. The authority citation for 7 CFR Part 928 continues to read as follows:

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

2. Section 928.141 is revised to read as follows:

§ 928.141 Interest charges.

(a) Assessments levied pursuant to § 928.41 not paid within five days after the 25th of each month on papayas handled during the preceding month shall be subject to an interest charge of one and one-half percent per month.

(b) Notification that assessments are due not later than five days after the 25th of each month shall constitute a demand on a handler for the payment of the handler's pro rata share of expenses within the meaning of § 928.41(a).

Dated: May 24, 1985.

Thomas R. Clark,

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

[FR Doc. 85–13152 Filed 5–31–85; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85–ACE–06]

Proposed Revocation of Transition Area; West Plains, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to revoke the West Plains, Missouri, transition area. It was anticipated that instrument approaches would be made to the West Plains, Missouri Airport utilizing the Non-Directional Radio Beacon (NDB) as a navigational aid. The transition area was established based on this NDB to ensure the segregation of aircraft utilizing the instrument approach procedures under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). However, the City of West Plains, Missouri has permanently closed their airport effective May 8, 1985, and the NDB will be relocated. Therefore, the transition area is no longer necessary.

DATES: Comments must be received on or before July 8, 1985.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–540, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis G. Earp, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE–540, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106, or by calling (816) 374–3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMS should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

Discussion

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by revoking the 700-foot transition area at West Plains, Missouri. The City of West Plains permanently closed their airport on May 8, 1985. The NDB on which the approach procedure was predicated was also shutoff at this time and will be relocated. Therefore, the transition area is no longer necessary. Accordingly, the FAA proposes to release that airspace below 700 feet above the ground level for other than instrument flight operations. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by altering the following transition area:

West Plains, Missouri

Revoke transition area.

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

Issued in Kansas City, Missouri, on May 22, 1985.

Murray E. Smith,

Director, Central Region.

[FR Doc. 85–13185 Filed 5–31–85; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 832–3031]

Wein Products, Inc., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require four California firms and two individuals engaged in the advertising, sale and distribution of "DECIMATE," an ultrasonic pest control product, among other things, to cease representing that DECIMATE or any other ultrasonic pest control product will eliminate cockroaches, rats, mice, or other such pests from a home or place of business; will eliminate them within a specified period of time; will protect a home or place of business from rodent or insect infestations or cause any area to be free of such pests; and will serve as an effective alternative to the use of conventional pest control products. The firms would also be barred from making any performance or effectiveness claims for ultrasonic pest control devices unless they possess and rely upon proper substantiating evidence when making those claims. Additionally, the order would require that the firms maintain, for a period of three years, copies of all materials relied upon to substantiate product claims, as well as those materials in their possession that contradict, qualify or otherwise question any representation.

DATE: Comments must be received on or before July 29, 1985.

ADDRESS: Comments should be addressed to: FTC/Office of the Secretary, Room 136, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Harrison J. Sheppard, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, Calif. 94102. (415) 556–1270.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Ultrasonic pest control devices, Trade practices.

Before the Federal Trade Commission

In the Matter of Wein Products, Inc., a corporation; El Mar Trading Corporation, a corporation; El Mar Corporation, a corporation; Stanley Weinberg, and Allen Schor, individually and as officers and

directors of the corporation(s); File No. 832-3031.

Agreement containing consent order to cease and desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Wein Products, Inc., a corporation; El Mar Trading Corporation, a corporation; El Mar Corporation, a corporation; Stanley Weinberg, individually and as an officer and director of Wein Products, Inc.; and Allen Schor, individually and as an officer and director of El Mar Trading Corporation and El Mar Corporation, (hereinafter sometimes referred to as proposed respondents), and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated.

It is hereby agreed by and between Wein Products, Inc., El Mar Corporation and El Mar Trading Corporation, by their duly authorized officers, Stanley Weinberg, individually and as an officer of Wein Products, Inc., and Allen Schor, individually and as an officer of El Mar Trading Corporation and El Mar Corporation, and their attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent Wein Products, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of California, with its offices and principal place of business located at 115 W. 25th Street, Los Angeles, California 90007.

Proposed respondents El Mar Trading Corporation and El Mar Corporation are corporations organized, existing, and doing business under and by virtue of the laws of the State of California, with their offices and principal place of business located at 821 E. Artesia Boulevard, Carson, California 90745.

Proposed respondent Stanley Weinberg is an officer and director of Wein Products, Inc. He formulates, directs and controls the policies, acts and practices of said corporation and his address is the same as that of said corporation.

Proposed respondent Allen Schor is an officer and director of El Mar Trading Corporation and El Mar Corporation. He formulates, directs, and controls the policies, acts and practices of said corporations and his address is the same as that of said corporations.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft complaint here attached.

3. Proposed respondents waive:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

d. All claims under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to-order to proposed respondents' addresses as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that respondents Wein Products, Inc., a corporation, El Mar Trading Corporation, a corporation, and El Mar Corporation, a corporation, their successors and assigns, and their officers; Stanley Weinberg, individually and as an officer and director of Wein Products, Inc.; and Allen Schor, individually and as an officer and director of El Mar Trading Corporation and El Mar Corporation; and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of the "DECIMATE" or any other ultrasonic pest control product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that the Decimate or any other ultrasonic pest control product will:

(1) Eliminate cockroaches, rats, mice or other pests from a home or place of business;

(2) Eliminate rodents or insects from a home or place of business within two to six weeks, or within any other specified period of time;

(3) Protect an area where said product is in use in a home or place of business from rodents or insects, or will cause an area to be free of rodents or insects;

(4) Protect, from rodent and insect infestations, areas up to 2000 square feet in a home or place of business, or in any other specified square footage area; or

(5) Serve as an effective alternative to the use of conventional products such as sprays, powders, traps or other chemicals in providing protection from insect and rodent infestation.

B. Representing, directly or by implication, any performance characteristic of any ultrasonic pest control product, unless at the time of

making such representation respondents possess and rely upon competent and reliable evidence which substantiates the representation. Evidence in the form of tests, experiments, analyses, research studies, or other evaluations shall be competent and reliable only if they are conducted in an objective manner by persons qualified to do so, using procedures geneally accepted in the relevant professions or sciences to yield accurate, reliable, and reproducible results.

C. Representing, directly or by implication, that any ultrasonic pest control product is effective in providing protection from insect or rodent infestation in a home or place of business unless at the time of making such representation respondents possess and rely upon competent and reliable evidence which either directly relates to such home or place of business use conditions, or which can properly be applied to such conditions. Evidence in the form of tests, experiments, analyses, research studies, or other evaluations shall be competent and reliable only if they are conducted in an objective manner by persons qualified to do so, using procedures generally accepted in the relevant professions or sciences to yield accurate, reliable, and reproducible results.

II

It is further ordered that for a period of three (3) years after the last date of dissemination of any representation concerning the performance characteristics or efficacy of any product covered by this order, respondents shall maintain and upon request make available to the Commission for inspection and copying copies of all materials relied upon to substantiate the representation, and copies of all documents in respondents' possession that contradict, qualify, or otherwise call into question said representation, including complaints from consumers.

III

It is further ordered that respondents shall for a period of three (3) years distribute, or cause to be distributed, a copy of this order to all present and future managerial employees, distributors, independent sales agents, and direct purchasers.

IV

It is further ordered that for a period of ten years:

A. Corporate respondents shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents that may affect compliance obligations arising out of this order, such as dissolution, assignment of the ultrasonic pest control business, sale resulting in the emergence of a successor corporation, or the creation or dissolution of subsidiaries.

B. Respondent Allen Schor shall promptly notify the Commission of the discontinuance of his present business or employment in connection with the marketing of ultrasonic pest control products and of his affiliation with any new business or employment in the ultrasonic pest control business, stating the nature of the business or employment in which he is newly engaged, as well as a description of his duties and responsibilities in connection with such new ultrasonic pest control business or employment and the address of such new business or employment.

V

It is further ordered that respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an Agreement to a proposed Consent Order from the following corporations and individuals:

Wein Products, Inc., 115 W. 25th Street, Los Angeles, California 90007
El Mar Trading Corporation a.k.a. El Mar Corporation, 821 E. Artesia Boulevard, Carson, California 90745
Stanley Weinberg, 115 W. 25th Street, Los Angeles, California 90007
Allen Schor, 821 E. Artesia Boulevard, Carson, California 90745

The proposed Consent Order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the Agreement and the comments received and will decide whether it should withdraw from the Agreement or make final the Agreement's proposed Order.

The respondents listed above have been and are engaged in the manufacture and marketing of an ultrasonic pest control product called the "DECIMATE." In marketing the DECIMATE, respondents have said that the device is an effective alternative to the use of "toxic chemicals," pesticides, sprays, poisons or traps. They have claimed that the DECIMATE will eliminate roaches, rats, mice, mosquitoes, crickets, fleas, flies, spiders and other crawling and flying pests from a home; that the DECIMATE will cover a very large area, up to 2000 or 3500 square feet (depending upon the mode of the product); and that all insects and rodents will be eliminated from the home or place of business in two to six weeks.

According to the Commission's Complaint, the DECIMATE will not completely or permanently rid a home or place of business from insect or rodent infestation, nor will it do so within two to six weeks as claimed. The Complaint alleges as false, respondents' claim that use of the DECIMATE is an effective alternative to the use of traps, sprays, powders or other chemicals. The Complaint alleges that even though rodents can hear ultrasound, they rapidly habituate to it and any reaction by rodents to the DECIMATE would, at best, only be of short duration. The Complaint also alleges that ultrasound has no pest control effect on insects. According to the Complaint, the use of ultrasound is not an effective alternative to the use of conventional pest control products.

The Complaint challenges respondents' claim that the DECIMATE can effectively cover 2000 to 3500 square feet in the home or place of business. The Complaint alleges that these claims are false because ultrasound loses intensity as it travels, is absorbed by soft objects, is reflected by hard objects and is unable to penetrate to places of feeding or nesting behind doors or walls.

Finally, the Complaint charges that respondents do not possess a reasonable basis for the product claims they make because they have not conducted appropriate tests which show that the DECIMATE performs as represented or they have improperly applied the results of tests of others.

Respondents have signed an Agreement containing a Consent Order which requires them, jointly and severally, to cease and desist from representing that the DECIMATE or any ultrasonic pest control product will: (1) Eliminate cockroaches, rats, mice or other pests from a home or place of business; (2) eliminate rodents and insects within two to six weeks or within any other specified period of time; (3) protect an area from or cause an area to be free of rodents or insects; (4) protect against rodent or insect infestations in areas up to 2000 square feet or in any other specified square footage area; or (5) serve as an effective pest control alternative to the use of

conventional products such as sprays, powders, traps or other chemicals.

The Order further requires respondents to refrain from making any performance claims for the DECIMATE or any other ultrasonic pest control product unless they possess and rely upon competent and reliable evidence which substantiates the claims of performance.

The Order also requires the corporate respondents to notify the Commission of any proposed changes in their corporate structures, require the individual respondent Allen Schor to notify the Commission of any change in his involvement in the pest control product business, requires respondents to notify all managerial and sales personnel of the order by distributing a copy of the order to each of them, and requires all respondents to file a compliance report.

Respondents' Agreement to enter into this Order is for settlement purposes only, and does not constitute an admission by respondents that they have violated the law as alleged in the Complaint issued with the Order.

The purposes of this analysis is to facilitate public comment on the proposed Order, and it is not intended to constitute an official interpretation of the agreement and proposed Order or to modify its terms in any way.

Emily H. Rock,

Secretary.

[FR Doc. 85-13141 Filed 5-31-85; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[File No. 811-0089]

Decorating Products Association of Central Florida; Correction

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; correction.

SUMMARY: This document corrects a Commission document previously published in the **Federal Register** on Tuesday, May 14, 1985 (50 FR 20107, FR Doc. 85-11552). The end of the comment period was incorrect. Comments will be accepted until July 15, 1985.

DATE: The correction is effective June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Ed Glynn, FTC/L-502-4, Washington, D.C. 20580 (202) 634-6608.

Emily H. Rock,

Secretary.

[FR Doc. 85-13142 Filed 5-31-85; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[EE-1-85]

Church Tax Inquiries and Examinations; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the procedures for conducting church tax inquiries and examinations.

DATES: The public hearing will be held on Tuesday, July 16, 1985, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Tuesday, July 2, 1985.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W. Washington, D.C. The requests to speak and outlines or oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (EE-1-85).

FOR FURTHER INFORMATION CONTACT: B. Faye Easley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, telephone 202-566-3935 (not a toll-free call).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under Treasury Regulations § 301.7611-1. The proposed regulations appeared in the **Federal Register** for Monday, March 11, 1985 (50 FR 9678).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than Tuesday, July 2, 1985, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue:

James J. McGovern,

Director, Employee Plans and Exempt Organizations Division.

[FR Doc. 85-13226 Filed 5-31-85; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7-85-14]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of Mr. Walter Ketcham, representing local mariner interests, the Coast Guard is considering changing the regulations governing the Broad Causeway bridge, mile 1081.4, at Bay Harbor Islands by shifting the authorized opening times by 15 minutes. This proposal is being made because of a change in the types of vessels using the waterway over the last ten years. This action should facilitate navigation with no impact on vehicular traffic.

DATE: Comments must be received on or before July 18, 1985.

ADDRESSES: Comments should be mailed to Commander (oan), Seventh Coast Guard District, 51 SW. 1st Avenue, Miami, Florida 33130. The comments and other materials referenced in this notice will be available for inspection and copying at 51 SW. 1st Avenue, Room 816, Miami, Florida 33130. Normal office hours are 7:30 a.m. to 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments.

Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Seventh Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

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

Discussion of Proposed Regulations

The Sunny Isles and Broad Causeway bridges cross the Atlantic Intracoastal Waterway in Dade County, Florida. During periods that these bridges are authorized scheduled openings the former opens on the quarter-hour and three-quarter hour while the latter opens on the hour and half-hour. A vessel proceeding through both bridges must traverse the 3.4 miles between them at a speed of at least 13.2 knots in order to pass through the second bridge when it next opens. Slower vessels must plan on spending 45 minutes between bridges for an average speed of about 4.5 knots. If both bridges opened simultaneously at 30 minute intervals, all vessels traveling 6.8 knots or faster would arrive at the second bridge in time for its next opening and thus avoid waiting an extra 15 minutes. An examination of bridgetender logs showed that the majority of vessels requiring an opening could travel between the bridges in under 30 minutes.

Economic Assessment and Certification

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

The economic impact of this proposal is expected to be beneficial and a full regulatory evaluation is unnecessary. We conclude this because the proposal will not impose any additional restrictions on navigation and will continue to exempt tugs with tows and regularly scheduled cruise vessels. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, it is proposed to amend Part 117 of Title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; and 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. It is proposed to amend § 117.261 by revising paragraph (y)(2) to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Miami.

* * * * *

(y) * * *

(2) The draw of the Broad Causeway bridge, mile 1081.4, at Bay Harbor Islands shall open on signal except that from 8:00 a.m. to 6:00 p.m. daily, the draw need open only on the quarter-hour and three-quarter hour.

* * * * *

Dated: May 14, 1985.

A.R. Larzelere,

Captain, U.S. Coast Guard, Acting Commander, Seventh Coast Guard District.

[FR Doc. 85–13201 Filed 5–31–85; 8:45 am]

BILLING CODE 4910–14–M

POSTAL SERVICE

39 CFR Part 111

Location of Information About Mailing Under Company Permit Imprints

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: In order to improve the inspection, audit, and the return of undeliverable mail when mailed under a company permit, the Postal Service proposes to amend the Domestic Mail Manual to require mailers to print on matter bearing a company permit imprint a complete return address where information about a mailing may be obtained for inspection and audit by postal officials. At present, postal regulations do not require that information about a mailing be kept at the return address. The proposal would also allow the Postal Service to return undeliverable as addressed mail to the mailer's office.

DATE: Comments must be received on or before July 3, 1985.

ADDRESS: Written comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260–5360. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room P200, U.S. Postal Service Headquarters, 935 L'Enfant Plaza N., S.W. Washington, D.C. 20260–5360.

FOR FURTHER INFORMATION CONTACT: John C. English of the Office of Mail Classification, (202) 245–4353.

SUPPLEMENTARY INFORMATION:

I. Background

Section 145 of the Domestic Mail Manual currently requires mailers who use company permits to print a complete return address. The regulation does not, however, require mailers' records, which are subject to review and audit by postal officials, to be kept at that address. Accordingly, Postal Service officials have often been unable to locate the required records. In other instances, considerable effort must be expended by the Postal Service to locate information about mailings submitted under company permit imprints. It has also been difficult to return undeliverable as addressed First-Class Mail and postage due mail when the office of mailings and the return address on the company permit have not been the same.

II. Recommended Change

The Postal Service concludes that the proposed change would lead to greater efficiency in the administration of regulations governing company permits. It would also make it practical for the Postal Service to return undeliverable as addressed First-Class Mail and postage due mail to the location where the records are maintained for the mailings.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed relemaking by 39 U.S.C. 410(a), the Postal Service invites comments on the following proposed revision of the Domestic Mail Manual, incorporated by reference in the Code of Federal Regulations. *See* 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

CHAPTER 1—DOMESTIC MAIL SERVICES

145 Permit Imprints (Mail Without Affixed Postage)

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408, 3001–3011, 3201–3219, 3403–3405, 3601, 3621; 42 U.S.C. 1973cc–13, 1973cc–14.

2. Revise 145.44 of the Domestic Mail Manual to read as follows:

145.44 Company Permit Imprints for Any Class of Mail

The city, State, and permit number may be omitted if the permit holder has permits at two or more post offices, provided the exact name of the company or individual holding the permits is shown in the permit imprint. When this style of company imprint is used, the mailing piece must bear a complete domestic return address where information (date of mailing, post office of mailing, number of pieces mailed, weight of a single piece, the amount of postage paid), can be obtained for a mailing. The permit holder must maintain the records for one year and make them available for inspection and audit upon request of post office officials. A sample piece from the mailing must also be available.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Louis A. Cox,

General Counsel.

[FR Doc. 85–13175 Filed 5–31–85; 8:45 am]

BILLING CODE 7710–12–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 12

[CGD 84–088]

Certification of Seamen

AGENCY: Coast Guard, DOT.

ACTION: Extension of comment period for advance notice of proposed rulemaking.

SUMMARY: The Advance Notice of Proposed Rulemaking (50 FR 4875) published February 4, 1985 (50 FR 4875), put forth items being considered for inclusion into the total revision of 46 CFR Part 12, Certification of Seamen, Due to requests from the public, the comment period is being extended 60 days.

DATES: Comments must be received on or before August 1, 1985.

ADDRESSES: Comments should be submitted to: Commandant (G–CMC), (CGD 84–088), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington D.C. 20593. Comments will be available for examination at the Marine Safety Council (G–CMC/21), Room 2110, 2100 Second Street, SW., Washington, D.C. 20593, between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: LTJG Sean T. Connaughton, Project Manager, Office of Merchant Marine Safety (G–MVP), (202) 426–2240.

SUPPLEMENTARY INFORMATION: The Advance Notice of Proposed Rulemaking published on February 4, 1985, provided that public comments should be received by June 1, 1985. Due to public interests and request, the 120-day comment period is being extended another 60 days, to August 1, 1985.

May 29, 1985.

B.G. Burns,

Captain, U.S. Coast Guard Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 85–13198 Filed 5–31–85; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL MARITIME COMMISSION

46 CFR Part 552

[Docket No. 85–17]

Financial Reports of Vessel Operating Common Carriers by Water in the Domestic Offshore Trades

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule and request for comments.

SUMMARY: The Federal Maritime Commission proposes to amend its rules governing financial reports required of vessel operating common carriers in the domestic offshore waterborne commerce of the United States. This action is necessary to conform the reporting form (Form FMC–378) to the Uniform Financial Reporting Requirements (46 CFR Part 232) of the Maritime Administration, U.S. Department of Transportation. These requirements replaced the Uniform System of Accounts for Maritime Carriers (46 CFR Part 582) upon which the report form was previously based. Other minor reporting changes are proposed to delete unnecessary information reporting requirements.

DATE: Comments due by July 3, 1985.

ADDRESS: Comments (original and 15 copies) to: Bruce Dombrowski, Acting Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT:

Robert G. Drew, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523–5796

John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523–5866

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission is required to evaluate the reasonableness of rates in the domestic offshore trades filed by vessel operating common carriers. To provide for the orderly acquisition of the data essential to this evaluation, the Commission promulgated what is now 46 CFR Part 552. Self-propelled vessel operators report the required financial and operating data on FMC Form 378, "Statements of Financial and Operating Data". It has been the policy of the Commission to base these statements on the chart of accounts prescribed by the Maritime Administration, U.S. Department of Transportation (MARAD). It is the intention of the Commission to continue this policy. Therefore, because MARAD has recently revised its chart of accounts through the publication of Uniform Financial Reporting Requirements (46 CFR Part 232), the Commission is amending 46 CFR Part 552 (49 FR 42934) to conform its reporting form to the revised chart of accounts.

These amendments which do not result in any substantive modification of financial reporting requirements and reflect only new terminology are summarized as follows:

1. *Section 552.5 (o) and (p)*—the addition of new definitions, "voyage expense" and "voyage expense relationship" are new terms replacing "vessel operating expense" and "vessel operating expense relationship", respectively;

2. *Section 552.6(a)(2)*—substitution of MARAD's new designation "Uniform Financial Reporting Requirements" for the former designation, "Uniform System of Accounts for Maritime Carriers";

3. *Section 552.6(b)(4)(i)*—reflects the use of a combined schedule for self-propelled vessel operators (Form FMC–378) reporting assets and accumulated depreciation, and substitutes the term "voyage expense relationship" for "vessel operating expense relationship";

4. *Section 552.6(b)(5)*—reflects the new terminology used for "average voyage expense" definition;

5. *Section 552.6(b)(7)*—reflects the inclusion of other assets with "Investment in Other Property and Equipment"—Schedule A–IV—for self-propelled vessel operators (Form FMC–378);

6. *Section 552.6(b) (9) and (10)*—reflects renumbering of schedules;

7. *Section 552.6(c)(2)*—reflects usage of new terminology in designating "voyage expense" accounts;

8. *Section 552.6(c)(4)*—reflects consolidation of line item accounts under "Administrative and General Expense" schedules.

In addition to the changes necessitated by the revision of MARAD's chart of accounts, other changes have been made amending or removing certain provisions of the regulations. These changes concern information which the Commission considers no longer necessary to the effective administration of its regulatory responsibilities, and which do not result in substantial changes in the calculations of Rate Base or Net Income or reporting carriers. They are summarized as follows:

1. *Section 552.4(c)*—cross referencing exhibits and schedules to underlying workpapers deleted as duplicative of 552.4(a);

2. *Section 552.6(a)(1)*—directors and stockholders need not be disclosed because it is irrelevant to the Commission's rate-of-return methodology;

3. *Section 552.6(b)(1)*—gross amounts for additions and deductions to vessel investment need not be disclosed because *pro rata* allocation for the reporting period is the relevant information from which gross amounts can be calculated if necessary;

4. *Section 552.6(b)(1)(ii)*—allocation of vessels costs to Other Cargo need not be disclosed because the allocation to the Trade is the relevant information from which Other Cargo can be calculated, if necessary;

5. *Section 552.6(b)(2)(i)*—depreciable life and residual value of vessels need not be disclosed because accumulated depreciation is the relevant information.

Finally, the citation of statutory authority is being revised to reflect only United States Code citations in accordance with required Federal Register format.

The Commission has determined that this proposed rule is not a "major rule" as defined in Executive Order 12291, 46 CFR 12193, February 27, 1981, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State or Local government agencies; or geographic regions; or,

(3) Significant adverse effect on competition, employment, investment productivity, innovations, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Vice Chairman of the Federal Maritime Commission certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizations and small governmental jurisdictions.

The primary economic impact of this rule would be on ocean common carriers which generally are not small entities. A secondary impact may fall on shippers, some of whom may be small entities, but that impact is not considered to be significant.

List of Subjects in 46 CFR Part 552

Maritime carriers, Reporting and recordkeeping requirements, Uniform system of accounts.

Collection of Information requirements contained in this regulation have been approved by the Office of Management and Budget under provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned control numbers 3072–0008, 3072–0029 and 3072–0030.

PART 552—[AMENDED]

Therefore, pursuant to 5 U.S.C. 553; secs. 18(a), 21 and 43 of the Shipping Act, 1916 (46 U.S.C. app. 817(a), 820, 841(a)); and secs. 1, 2, 3(a), 3(b), 4 and 9 of the Intercoastal Shipping Act, 1933 (46 U.S.C. app. 843, 844, 845, 845(a) and 847), Part 552 of Title 46, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 552 is revised to read:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 817(a), 820, 841a, 843, 844, 845, 845a and 847.

§ 552.4 [Amended]

2. Section 552.4(c) is removed.

3. Paragraphs (o) and (p) of § 552.5 are revised to read as follows:

§ 552.5 Definitions.

* * * * *

(o) "*Voyage Expense*" means: (1) For carriers required to file Form FMC–378: The total of Vessel Operating, Vessel Port Call and Cargo Handling Expenses less Other Shipping Operations Revenue.

(2) For carriers required to file From FMC–377: The total of Direct Vessel and Other Shipping Operations Expenses, less Other Revenue.

(p) *"Voyage Expense Relationship"* means the ratio of total Trade Voyage Expense to total Company Voyage Expense.

* * * * *

4. Section 552.6 is amended by revising paragraphs (a) introductory text of (b)(1), (b)(1)(ii), (b)(2)(i), paragraph heading of (b)(4), (b)(4)(i), (b)(5), (b)(7), paragraph heading of (b)(9), (b)(10), (c)(2) and (c)(4) to read as follows:

§ 552.6 Forms.

(a) *General.* (1) The submission required by this part shall be submitted in the prescribed format and shall include General Information regarding the carrier, as well as the following schedules as applicable:

Exhibit A—Rate Base and supporting schedules;
Exhibit B—Income Account and supporting schedules;
Exhibit C—Rate of Return and supporting schedules;
Exhibit D—Application for Waiver; and
Exhibit E—Initial Tariff Filing Supporting Data.

(2) Statements containing the required exhibits and schedules, are described in paragraphs (b), (c), (d), (e) and (f) of this section and are available upon request from the Commission. The required General Information, schedules and exhibits are contained in forms FMC–377 and FMC–378. For carriers required to file form FMC–378, the statements are based on the *Uniform Financial Reporting Requirements* prescribed by the Maritime Administration, U.S. Department of Transportation. For carriers required to file Form FMC–377, the statements are based on the accounts prescribed by the Interstate Commerce Commission for Carriers by Inland and Coastal Waterways. The schedules contained in these statements are distinguished from those contained in the Form FMC–378 statements by the suffix "A" (e.g., Schedule A–IV(A)).

(b) *Rate Base (Exhibits A and A(A))*—(1) *Investment in Vessels (Schedules A–I and A–I(A)).* Each cargo vessel (excluding vessels chartered under leases which are not capitalized in accordance with § 552.6(b)(10)) employed in the Service for which a statement is filed shall be listed by name, showing the original cost to the carrier or to any related company, *plus* the cost of improvements, conversions, and alterations, *less* the cost of any deductions. All additions and deductions made during the period shall be shown on a *pro rata* basis, reflecting the number of days they were applicable during the period. The result of these computations shall be called Adjusted Cost.

* * * * *

(ii) The total of the adjusted cost of all vessels employed in the Service during the period which has not been allocated to Other Services, as required in § 552.6(b)(1)(i)(B), shall be allocated to

the Trade in the cargo-cube mile relationship.

(2) *Accumulated Depreciation—Vessels (Schedules A–II and A–II(A)).* (i) Each cargo vessel (excluding vessels chartered under leases which are not capitalized in accordance with § 552.6(b)(10)) employed in the Service shall be listed separately. For vessels owned the entire year, accumulated depreciation as of the beginning and the end of the year shall be reported and the arithmetic average computed. This amount shall be allocated to the Service and to the Trade in the same proportions as the cost of the vessel was allocated on Schedule A–I or A–I(A). If the depreciable life of any equipment installed on a vessel differs from the depreciation life of the vessel, the cost and the depreciation bases shall be set forth separately.

* * * * *

(4) *Investment in Other Property and Equipment; Accumulated Depreciation Other Property and Equipment (Schedules A–IV and A–IV(A) and A–V(A)).* (i) Actual investment, representing original cost to the carrier or to any related company, in other fixed assets employed in the Service shall be reported as of the beginning of the year. Accumulated depreciation for these assets shall be reported both as of the beginning and as of the end of the year. The arithmetic average of the two amounts shall also be shown and shall be the amount deducted from original cost in determining rate base. Additions and deductions during the period shall also be reported, and the carrier shall report as though all such changes took place at midyear, except for those involving substantial sums, which shall be prorated on a daily basis. Allocation to the Trade shall be based upon the actual use of the specific asset or group of assets within the Trade. For those assets employed in a general capacity, such as office furniture and fixtures, the voyage expense relationship shall be employed for allocation purposes. The basis of allocation to the Trade shall be set forth and fully explained.

* * * * *

(5) *Working Capital (Schedule A–V).* Working capital for vessel operators shall be determined as average voyage expense. Average voyage expense shall be calculated on the basis of the actual expenses of operating and maintaining the vessel(s) employed in the Service (excluding lay-up expenses) for a period represented by the average length of time of all voyages (excluding lay-up periods) during the period in which any cargo was carried in the Trade. Expenses for operating and maintaining the vessels employed in the Trade shall include: Vessel Operating Expense, Vessel Port Call Expense, Cargo Handling Expense, Administrative and General Expense and Interest Expense allocated to the Trade as provided in paragraphs (c)(2), (c)(4) and (c)(5) of this section. For this purpose, if the average voyage, as determined above, is of less than 90 days duration, the expense of hull and machinery insurance and protection and indemnity insurance shall be determined to be 90 days, provided that such allowance for insurance expense shall not, in the aggregate, exceed the total actual insurance expense for the period.

* * * * *

(7) *Investment in Other Assets (Schedule A–VII(A)); Accumulated Depreciation—Other Assets (Schedule A–VIII(A)).* For carriers required to file Form FMC–377, any other assets claimed by the carrier as components of its rate base shall be set forth separately in a schedule. The basis of allocation to the Trade and computations of percentages employed shall be set forth and fully explained. Where other assets are subject to depreciation, the amount of accumulated depreciation to be subtracted from the original cost in determining the component of rate base shall be the arithmetic average of both the beginning and the end of the year. Capital Construction Funds and other special funds are specifically excluded from rate base. For carriers required to file Form FMC–378, other assets, and the related accumulated depreciation, are to be included on Schedule A–IV.

* * * * *

(9) *Capitalization of Interest During Construction (Schedules A–VII and A–IX(A)).*

* * * * *

(10) *Capitalization of Leases (Schedules A–VIII and A–X(A)).* Leased assets which are capitalized on the carrier's books and which meet the AICPA guidelines for capitalization may also be included in rate base. Schedule A–VIII or A–X(A), "Capitalization of Leases," shall be submitted setting forth pertinent information relating to the lease and the details of the capitalization calculation. Allocations to the Trade shall follow the requirements of paragraphs (b)(1) and (b)(4) of this section.

(c) *Income Account (Exhibits B and B(A)).*

* * * * *

(2) *Voyage Expense (Schedule B–II.* A schedule of voyage expense shall be submitted for any period in which any cargo was carried in the Service. Allocations to the Trade shall be on the following basis:

(i) For all voyages in the Service, vessel expense shall be allocated to the Trade in the cargo-cube mile or cargo cube relationship, as appropriate. Should any of the elements of vessel expense be directly allocable to specific cargo, such direct allocations shall be made and explained.

(ii) Vessel port call and cargo handling expenses shall be assigned directly, to the extent possible, by ports at which incurred, to the Trade and Other Cargo, or otherwise allocated on the basis of cargo cube loaded and discharged at each port.

(iii) Other Shipping Operations Revenue shall be deducted from Vessel Operating Expense. Other Shipping Operations Revenue should be assigned directly, to the extent possible, or otherwise allocated on the basis of cargo cube loaded and discharged at each port. Any direct assignments shall be fully set forth and explained.

* * * * *

(4) *Administrative and General Expense (Schedules B–III and B–III(A)).* Administrative and general expenses (A & G) shall be allocated to the Trade using the voyage expense relationship. Direct assignments should be made where practical, particularly with respect to advertising expense related to the operation of passenger and combination vessels. Any direct assignment shall be set forth and explained. Charitable contributions shall not be allocated to the Trade. In those instances where a carrier is engaged in other business in addition to shipping, A&G should be allocated to each business in the ratio of total operating expenses for each business (*less* A&G and income taxes) to total company operating expenses (*less* A&G and income taxes).

* * * * *

By the Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85–13034 Filed 5–31–85; 8:45 am]

BILLING CODE 6730–01–M

Notices

Federal Register
Vol. 50, No. 106
Monday, June 3, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum of Agreement Regarding the Management of Historic Properties at the Bellows Air Force Station, Island of Oahu, HI

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to § 800.8 of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), with the U.S. Air Force, 15th Air Base Wing and the Hawaii State Historic Preservation Officer providing for the management of historic properties found on lands owned, managed or controlled by the Bellows Air Force Station on the Island of Oahu, Hawaii. The proposed Programmatic Memorandum of Agreement will establish mechanisms by which historic and cultural properties will be identified, evaluated and protected in order to meet the requirements of section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

Comments Due: July 3, 1985.

FOR FURTHER INFORMATION CONTACT: Additional information regarding this Programmatic Memorandum of Agreement is available from the Executive Director, Advisory Council on Historic Preservation, Western Division of Project Review, 730 Simms Street, Room 450, Golden Colorado 80401, telephone (303) 236–2682.

Dated: May 28, 1985.

John M. Fowler,

Deputy Executive Director.

[FR Doc. 85–13164 Filed 5–31–85; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Subcommittee for Biotechnology Animal Molecular Biology; Meeting; Correction

In **Federal Register**, Vol. 50, No. 99, published at page 21104, on Wednesday, May 22, 1985, the announced place of a meeting of the Subcommittee for Biotechnology Animal Molecular Biology that was to be held at the U.S. Department of Agriculture, Room 024 Morrill Hall, Washington, D.C., has been changed to the University of California at Davis, California.

This notice appears in a less than 15-day notice period prior to the meeting due to extenuating circumstances which necessitated moving the place of the meeting.

All other information in the announcement remains the same.

Contact person for more information: Kenneth J. Cremer, Associate Program Manager, Competitive Research Grants Office, Office of Grants and Program Systems, Room 112 Morrill Hall, Washington, D.C.; telephone: (202) 475–5022.

Dated: May 30, 1985.

Kenneth J. Cremer,

Executive Secretary.

[FR Doc. 85–13408 Filed 5–31–85; 8:45 am]

BILLING CODE 3410–MT–M

Agricultural Marketing Service

[Marketing Agreement 146]

Budget of Expenses of the Peanut Administrative Committee and Rate of Assessment for the 1985–86 Crop Year

Pursuant to Marketing Agreement 146, regulating the quality of domestically produced peanuts (30 FR 9402), and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement, and other information, it is hereby found and determined that the expenses of said Committee and the rate of assessment applicable to peanuts produced in 1985 and for the crop year beginning July 1, 1985, shall be as follows:

(a) *Administrative expenses.* The budget of expenses for the Committee for the crop year beginning July 1, 1985, shall be in the amount of $690,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determine to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee for indemnification payments, pursuant to the terms and conditions of indemnification applicable to 1985 crop peanuts, effective July 1, 1985, are estimated at, but may exceed $6.375 million, such amount being reasonable and likely to be incurred.

(c) *Rate of assessment.* Each handler shall pay to the Peanut Administration Committee, in accordance with section 48 of the marketing agreement, an assessment at the rate of $4.71 per net ton of farmers stock peanuts received or acquired other than those described in section 31 (c) and (d) ($0.46 for administrative expenses and $4.25 for indemnification expenses).

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to § 48 of the marketing agreement, shall continue. That portion of the total assessment funds accrued from the $4.25 rate and not expended in providing indemnification on the 1985 crop peanuts shall be kept in such reserve and shall be available to pay indemnification expenses of subsequent crops.

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

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.

The expenses and rate of assessment are, under the agreement, on a crop year basis and will automatically be applicable to all assessable peanuts from the beginning of such crop year. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments; they are represented on the Committee which has submitted the recommendation with respect to such expenses and assessment for approval;

and handlers have had knowledge of the foregoing in their recent industry-wide discussions and will be afforded maximum time to plan their operations accordingly.

Dated: May 24, 1985.

Thomas R. Clark,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 85-13151 Filed 5-31-85; 8:45 am]

BILLING CODE 3410-02-M

Federal Grain Inspection Service

Designation Renewal of Sioux City Inspection and Weighing Agency, Inc. (IA)

AGENCY: Federal Grain Inspection Service (FGIS), USDA.

ACTION: Notice.

SUMMARY: This notice announces the designation renewal of Sioux City Inspection and Weighing Agency, Inc. (Sioux City), as an official agency responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act).

EFFECTIVE DATE: July 1, 1985.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 1647 South Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

FGIS announced that Sioux City's designation terminates on June 30, 1985, ane requested applicational for official agency designation to provide official services within the specified geographic area in the January 2, 1985, issue of the **Federal Register** (50 FR 135). Applications were to be postmarked by February 4, 1985.

There were two applicants for the Sioux City designation. Sioux City applied for designation renewal and David L. Ayers and Kenneth W. Ayers, proposing to do business as Siouxland Grain Inspection Service, Inc., also applied for the Sioux City designation.

FGIS announced the applicant names and requested comments on same in the March 1, 1985, issue of the **Federal Register** (50 FR 8351). Comments were to be postmarked by April 15, 1985; one favorable comment was received regarding Sioux City's designation renewal.

FGIS evaluated all available information regarding the designation criteria in Section 7(f)(1)(A) of the Act, and in accordance with Section 7(f)(1)(B), determined that Sioux City is better able than any other applicant to provide official services in the geographic area for which FGIS is renewing its designation, effective July 1, 1985, and terminating June 30, 1988. Sioux City will provide official inspection services in its specified geographic area, which is the entire area previously described in the January 2 **Federal Register** issue.

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency for the performance of official inspection or Class X or Class Y weighing services and where the agency and one or more of its inspectors or weighers is located. In addition to the specified service points within the assigned geographic area, an agency will provide official services not requiring an inspector or weigher to all locations within its geographic area.

Interested persons may contact the Regulatory Branch, specified in the address section of this notice, to obtain a list of an agency's specified service points. Interested persons also may obtain a list of the specified service points by contacting the agency at the following address: Sioux City Inspection and Weighing Agency, Inc., 310 South Floyd Blvd., Room 302 (03,05,06), Sioux City, IA 51101.

(Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: May 14, 1985.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 85-13038 Filed 5-31-85; 8:45 am]

BILLING CODE 3410-EN-M

Request for Comments on Designation Applicants in the Geographic Areas Currently Assigned to Louisville Grain Inspection Services, Inc. (KY), Minot Grain Inspection Service, Inc. (ND), and Tri-State Grain Inspection Service, Inc. (OH)

AGENCY: Federal Grain Inspection Service (FGIS) USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for official agency designation in the geographic areas currently assigned to Louisville Grain Inspection Services, Inc., Minot Grain Inspection Service, Inc., and Tri-State Grain Inspection Service, Inc.

DATE: Comments to be postmarked on or before July 18, 1985.

ADDRESS: Comments must be submitted, in writing, to Lewis Lebakken, Jr., Information Resources Management Branch, Resources Management Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 0667 South Building, 1400 Independence Avenue SW., Washington, DC 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382-1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

FGIS requested applications for official agency designation to provide official services within specified geographic areas in the April 1, 1985, issue of the **Federal Register** (50 FR 12842). Applications were to be postmarked by May 1, 1985.

There were two applicants for the Louisville designation. Louisville Grain Inspection Services, Inc., applied for designation renewal, and Grain Inspection Services of America, and unincorporated subsidiary of Woodson-Tenent Laboratories, Inc., Memphis, Tennessee, also applied for the Louisville designation. Minot Grain Inspection Service, Inc., and Tri-State Grain Inspection Service, Inc., were the only applicants, each applying for designation renewal.

This notice provides interested persons the opportunity to present their comments concerning the designation applicants. All comments must be submitted to the Information Resources Management Branch, Resources Management Division, specified in the address section of this notice.

Comment and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area. Notice of the final decision will be published in the **Federal Register**, and the applicants will be informed of the decision in writing.

(Pub. L. 94-582, 90 Stat. 23867, as amended (7 U.S.C. 71 *et seq.*)

Dated: May 15, 1985.

Neil E. Porter,

Acting Director Compliance Division.

[FR Doc. 85–13039 Filed 5–31–85; 8:45 am]

BILLING CODE 3410–EN–M

Request for Designation Applicants To Provide Official Services in the Geographic Areas Currently Assigned to Idaho Grain Inspection Service (ID), Lewiston Grain Inspection Service, Inc. (ID), and Utah Department of Agriculture (UT)

AGENCY: Federal Grain Inspection Service (FGIS), USDA.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as Amended (Act), official agency designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act. This notice announces that the designation of three agencies will terminate, in accordance with the Act, and requests applications from parties, including the agencies currently designated, interested in being designated as the official agency to provide official services in the geographic area currently assigned to each specified agency. The official agencies are Idaho Grain Inspection Service, Lewiston Grain Inspection Service, Inc., and Utah Department of Agriculture.

DATE: Applications to be postmarked on or before July 3, 1985.

ADDRESS: Applications must be submitted to James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 1647 South Building, Washington, DC 20250. All applications received will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act specifies that the Administrator of FGIS is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

Idaho Grain Inspection Service (Idaho), U.S. Highway 30 West, P.O. Box 4209, Pocatello, ID 83201, Lewiston Grain Inspection Service, Inc. (Lewiston), 1450 3rd Avenue North, Lewiston, ID 83501, and Utah Department of Agriculture (Utah), 350 North Redwood Road, Salt Lake City, UT 84116, were each designated under the Act as an official agency to provide inspection functions on December 1, 1982.

Each official agency's designation terminates on November 30, 1985. Section 7(g)(1) of the Act states, generally, that official agencies' designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Idaho, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is the southern half of the State of Idaho up to the northern boundaries of Adams, Valley, and Lemhi Counties.

The geographic area presently assigned to Lewiston, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is the northern half of the State of Idaho down to the northern boundaries of Adams, Valley, and Lemhi Counties.

The geographic area presently assigned to Utah, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is the entire State of Utah.

Interested parties, including Idaho, Lewiston, and Utah, are hereby given opportunity to apply for official agency designation to provide the official services in the geographic areas, as specified above, under the provisions of section 7(f) of the Act and § 800.196(d) of the regulations issued thereunder. Designation in each specified geographic area is for the period beginning December 1, 1985, and ending November 30, 1988. Parties wishing to apply for designation should contact the Regulatory Branch, Compliance Division, at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: May 14, 1985.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 85–13040 Filed 5–31–85; 8:45 am]

BILLING CODE 3410–EN–M

Request for Comments on Designation Applicant in Colorado and Portions of Nebraska and Wyoming

AGENCY: Federal Grain Inspection Service (FGIS) USDA.

ACTION: Notice.

SUMMARY: This notice requests comments for interested parties on the applicant for official agency designation in the State of Colorado and portions of the States of Nebraska and Wyoming.

DATE: Comments to be postmarked on or before July 18, 1985.

ADDRESS: Comments must be submitted, in writing, to Lewis Lebakken, Jr., Information Resources Management Branch, Resources Management Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 0667 South Building, 1400 Independence Avenue SW,. Washington, DC 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

FGIS requested applications for official agency designatin to provide official services in the States of Colorado and portions of the States of Nebraska and Wyoming in the April 5, 1985, issue of the **Federal Register** (50 FR 13641). Applications were to be postmarked by May 6, 1985.

Hutchings, Inc., doing business as Denver Grain Exchange Association, Commerce City, Colorado, was the only applicant. This agency has been providing official inspection service in the area on an interim basis since April 1, 1985.

This notice provides interested persons the opportunity to present their comments concerning the designation applicant. All comments must be submitted to the Information Resources Management Branch, Resources

Management Division, specified in the address section of this notice.

Comments and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area. Notice of the final decision will be published in the Federal Register, and the applicant will be informed of the decision in writing.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Date: May 14, 1985.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 85–13041 Filed 5–31–85; 8:45 am]

BILLING CODE 3410-EN-M

COMMISSION ON CIVIL RIGHTS

Kansas Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Kansas Advisory Committee to the Commission will convene at 9:00 a.m. and will adjourn at 12:00 Noon on June 20, 1985, at the Holiday Inn, 200 West Turnpike Access Road, Lawrence, Kansas. The purpose of the meeting is to provide an orientation for new members and develop plans for future projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Burdett A. Loomis or Melvin Jenkins, director of the Central States Regional Office at (816) 374–5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 22, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–13154 Filed 5–31–85; 8:45 am]

BILLING CODE 6335-01-M

Wisconsin Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Wisconsin Advisory Committee to the Commission will convene at 7:00 p.m. and will adjourn at 9:00 p.m., on June 18, 1985, at the Madison Metropolitan School District, 545 W. Dayton, Room 103, Madison, Wisconsin. The purpose of the meeting is to hold an orientation session for new members and discuss followup to the Indian Rights Memorandum sent to the Commission.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Kwame S. Salter or Clark G. Roberts, director of the Midwestern Regional Office, at (312) 353–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 24, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–13155 Filed 5–31–85; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Argonne National Laboratory et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 85–075. Applicant: Argonne National Laboratory, Argonne, IL 60439. Instrument: Electron Microscope, Model EM 420T with Accessories. Manufacturer: N.V. Philips Electronic Instruments, The Netherlands. Intended use: See notice at 50 FR 4996. Instrument ordered: December 17, 1984.

Docket No. 85–076. Applicant: The Institute for Cancer Research, Philadelphia, PA 19111. Instrument: Electron Microscope, Model EM 420T with Accessories. Manufacturer: N.V. Philips Electronic Instruments, The Netherlands. Intended use: See notice at 50 FR 4996. Instrument ordered: December 28, 1984.

Docket No. 85–077. Applicant: University of Texas System Cancer Center, Houston, TX 77030. Instrument: Electron Microscope, with Eucentric Side Entry Goniometer Stage, Model JEM 1200EX/SEG–10. Manufacturer: JEOL, Ltd., Japan. Intended use: See notice at 50 FR 11746. Instrument ordered: June 19, 1984.

Docket No. 85–080R. Applicant: Children's Hospital of San Francisco, San Francisco, CA 94118. Instrument: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use: See notice at 50 FR 15596. Application received by Commissioner of Customs: February 4, 1985.

Docket No. 85–082. Applicant: College of William and Mary, Williamsburg, VA 23185. Instrument: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use: See notice at 50 FR 7363. Instrument ordered: December 21, 1984.

Docket No. 85–085. Applicant: Microelectronics Center of North Carolina, Research Triangle Park, NC 27709. Instrument: Electron Microscope, Model JEM 200CX with Accessories. Manufacturer: JEOL, Ltd., Japan. Intended use: See notice at 50 FR 7944. Instrument ordered: November 15, 1984.

Docket No. 85–094. Applicant: University of Puerto Rico, Rio Piedras, PR 00931. Instrument: Electron Microscope, Model EM 10CA with Accessories. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use: See notice at 50 FR 11746. Instrument ordered: September 14, 1984.

Docket No. 85–136. Applicant: National Institutes of Health, Bethesda, MD 20205. Instrument: Electron Microscope, Model EM 410 with Accessories. Manufacturer: N.V. Philips Electronic Instruments, The Netherlands. Intended use: See notice at 50 FR 15597. Instrument ordered: January 23, 1985.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or of any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 85–13211 Filed 5–31–85; 8:45 am]

BILLING CODE 3510-DS-M

Environmental Protection Agency; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 85–023. Applicant: U.S. Environmental Protection Agency, Las Vegas, NV 15027. Instrument: Mass Spectrometer, Model MM ZABS250 with Accessories. Manufacturer: VG Analytical, United Kingdom. Intended use: See notice at 49 FR 47646.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument is a triple sector instrument capable of MS/MS analysis with a mass range of 1 to 3000 atomic mass units at an accelerating voltage of 8000. The National Institutes of Health advises in its memorandum dated April 2, 1985 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director Statutory Import Programs Staff.

[FR Doc. 85–13214 Filed 5–31–85; 8:45 am]

BILLING CODE 3510-DS-M

University of Illinois at Urbana Champaign; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW, Washington, D.C.

Docket No. 85–024. Applicant: University of Illinois at Urbana-Champaign, Urbana, IL 61801. Instrument: Photon Counting Spectrometer with Accessories. Manufacturer: Photochemical Research Associates, Canada. Intended Use: See notice at 49 FR 47646.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument operates in the nanosecond to millisecond range, with pulsed light mode providing time-correlated single photon counting. The National Bureau of Standards advises in its memorandum dated March 21, 1985 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpsoe and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director Statutory Import Programs Staff.

[FR Doc. 85–13215 Filed 5–31–85; 8:45 am]

BILLING CODE 3510-DS-M

Rutgers University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C.

Document No. 85–026. Applicant: Rutgers University, Piscataway, NJ 08854. Instrument: Mass Spectrometer, Model MM7070EQ–HF with Accessories. Manufacturer: VG Analytical, Ltd., United Kingdom. Intended Use: See notice at 49 FR 47647.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides high-resolution MS/MS analysis capability and a mass range of 1 to 15 600 atomic mass units. The National Institutes of Health advises in its memorandum dated April 2, 1985 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equvalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc. 85–13213 Filed 5–31–85; 8:45 am]

BILLING CODE 3510-DS-M

Wayne State University; Decision on Application For Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 83–324R. Applicant: Wayne State University, Detroit, MI 48202. Instrument: GC/Mass Spectrometer, MS80. Original notice of this resubmitted application was published in the Federal Register of October 31, 1983.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides a scan cycle time of 0.3 seconds and is capable of at least 3 scans per second when performing GC/MS. The National Bureau of Standards advises in its memorandum dated April 16, 1985 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value

to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director Statutory Import Programs Staff.

[FR Doc. 85-13212 Filed 5-31-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-403-401]

Carbon Steel Structural Shapes From Norway; Preliminary Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Import Administration.

ACTION: Notice of preliminary determination of sales at less than fair value.

SUMMARY: We preliminarily determine that carbon steel structural shapes (structurals) from Norway are being, or are likely to be, sold in the United States at less than fair value. We have notified the United States International Trade Commission (ITC) of our determination. We have directed the U.S. Customs Service to suspend liquidation on all entries of the subject merchandise as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by August 12, 1985.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Terri Feldman, Office of Investigations, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW, Washington, D.C. 20230; telephone: (202) 377-4198.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that structurals from Norway are being, or are likely to be, sold in the United States at less than fair value, pursuant to section 733(b) of the Tariff Act of 1930, as amended (the Act).

We found that the foreign market value of structurals exceeded the United States price on 100 percent of the sales compared. These margins ranged from 5.51 percent to 13.92 percent. The overall weighted-average margin on all sales compared is 8.62 percent. If this investigation proceeds normally, we will make a final determination by August 12, 1985.

Case History

On December 20, 1984, we received a petition from Chaparral Steel Company on behalf of the U.S. industry producing structurals. In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of structurals from Norway are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are causing material injury, or threaten material injury, to a United States industry. The petition also alleged that critical circumstances exist with respect to imports of structurals from Norway.

After reviewing the petition, we determined it contained sufficient grounds upon which to initiate an antidumping duty investigation. We notified the ITC of our action and initiated such an investigation on January 9, 1985 (50 FR 2317). On February 4, 1985, the ITC determined that there is a reasonable indication that imports of structurals are materially injuring a United States industry (50 FR 6070).

On February 14, 1985, a questionnaire was sent to Norsk Jerverk A.S. (Norsk), a Norwegian producer of structurals. We received its response on April 1, 1985. On May 7, 1985, we received a supplemental response from Norsk.

Scope of Investigation

The products under investigation are "carbon steel structural shapes," which cover hot-rolled, forged, extruded, or drawn, or cold-formed or cold-finished carbon steel angles, shapes, or sections, not drilled, not punched, and not otherwise advanced, and not conforming completely to the specifications given in the headnotes to Schedules 6, Part 2, Subpart B of the Tariff Schedules of the United States Annotated ("TSUSA"), for blooms billets, slabs, sheet bars, bars, wire rods, plates, sheets, strip, wire, rails, joint bars, tie plates, or any other tubular products set forth in the TSUSA, having a maximum cross-sectional dimension of 3 inches or more, as currently provided for in items 609.8005, 609.8015, 609.8035, 609.8041, or 609.8045 of the TSUSA. Such products are generally referred to as structural shapes.

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price because the merchandise was sold to unrelated purchasers prior to its importation into the United States. We calculated the purchase price based on the F.A.S. packed price to United States purchasers.

Foreign Market Value

In accordance with Section 773(a)(1) of the Act, we used home market prices to determine foreign market value. The home market prices were based on delivered, packed prices to unrelated home market purchasers. In calculating foreign market value, we made currency conversions from Norwegian krone to United States dollars in accordance with § 353.56(a)(1) of the Commerce Regulations, using the certified quarterly exchange rates. We made deductions, where appropriate, for inland freight, insurance and rebates. We made such or similar comparisons of merchandise based upon product subgroups selected by Department of Commerce industry experts, and, where appropriate, made adjustments for differences in physical characteristics based upon production cost differences provided by these industry experts.

We disallowed the following adjustments. Norsk claimed a circumstance of sale adjustment to account for the differences in selling costs incurred in the Norwegian and United States markets. We disallowed this adjustment because it was based upon indirect expenses, and thus was not directly related to sales under consideration as required by § 353.15(a) of the Commerce Regulations. Norsk also claimed an adjustment to account for the surcharge it places on small orders. We disallowed this adjustment because Norsk has not provided sufficient information explaining the basis for the adjustment.

If additional verifiable information regarding the disallowed adjustments is provided, it will be considered for the purposes of the final determination.

Verification

We will verify all data used in reaching the final determination in this investigation.

Negative Preliminary Determination of Critical Circumstances

The petitioners have alleged that imports of structural shapes from Norway present critical circumstances. Under section 733(e) of the Act, critical

circumstances exist when the Department has a reasonable basis to believe or suspect that: (1)(a) there is a history of dumping in the United States or elsewhere of the class or kind of the merchandise which is the subject of the investigation, or (b) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than fair value, and (2) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

In preliminarily determining whether there is a reasonable basis to believe or suspect that there have been massive imports over a relatively short period, we considered the following factors: whether imports have surged recently; recent import penetration levels; and whether patterns of imports over the period may be explained by seasonal swings.

We have reviewed recent import statistics and have determined that there have not been massive imports of structurals from Norway over a relatively short period. Since we did not find massive imports over a relatively short period, we did not need to consider whether there is a history of dumping of structurals from Norway or whether the importers knew or should have known that the merchandise was being sold for less than fair value.

Therefore, for the reasons described above, we preliminarily determine that critical circumstances do not exist with respect to structurals from Norway.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of structurals from Norway. This suspension of liquidation applies to all merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeded the United States price.

This suspension of liquidation will remain in effect until further notice. The weighted-average margin is 8.62 percent.

ITC Notification

In accordance with section 733(F) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring, or threaten materially injury to, a U.S. industry before the later of 120 days after we make our preliminary affirmative determination, or 45 days after we make our final determination.

Public Comment

In accordance with section 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 2:00 p.m. on July 1, 1985, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by June 24, 1985. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

May 28, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-13230 Filed 5-31-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-455-402]

Carbon Steel Plate From Poland; Preliminary Determination of Sales at Less Than Fair Value

AGENCY: Import Administration, International Trade Administration.

ACTION: Notice.

SUMMARY: We preliminarily determine that carbon steel plate from Poland is being, or is likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend the liquidation of all entries of the subject merchandise as described in the "Suspension of Liquidation" section of the notice. If this investigation proceeds normally, we will make a final determination by August 12, 1985.

EFFECTIVE DATE: June 3, 1986.

FOR FURTHER INFORMATION CONTACT: Paul Tambakis, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; Telephone: (202) 377-0186.

SUPPLEMENTARY INFORMATION:

Preliminary Determinaton

Based upon our investigation, we preliminarily determine that carbon steel plate from Poland is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act). We have preliminarily determined the weighted-average margin of sales at less than fair value to be 15.02 percent.

If this investigation proceeds normally, we will make a final determination by August 12, 1985.

Case History

On December 19, 1984, we received a petition from United States Steel Corporation, filed on behalf of the domestic producers of carbon steel plate. In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petitioners alleged that imports of carbon steel plate from Poland are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Act, and that these imports materially injure, or threaten material injury to, a United States industry. After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation on carbon steel plate. We notified the ITC of our action and initiated such an investigation on January 8, 1985 (50 FR 1915). On February 4, 1985, the ITC determined that there is a reasonable indication that imports of carbon steel plate are materially injuring a U.S. industry (50 FR 6070).

On March 11, 1984, a questionnaire was sent to Stalexport, and on April 17, 1985, we received Stalexport's response. Stalexport submitted a supplemental response on May 23, 1985.

As discussed under the "Foreign Market Value" section of this notice, we have preliminarily determined that Poland is a state-controlled-economy country for the purpose of this investigation.

Scope of Investigation

The product under investigation is carbon steel plate which covers hot-rolled carbon steel products whether or nor corrugated or crimpled; not pickled; not cold-rolled; not in coils; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal and not clad; 0.1875 inch or more in thickness and over 8 inches in width; as currently provided for in items 607.6620 and 607.6625 of the *Tariff Schedules of the United States Annotated* (TSUSA). Semifinished products of solid rectangular cross section with a width at least four times the thickness and processed only through primary mill hot-rolling are not included.

Because Stalexport accounted for all exports of this merchandise to the United States, we limited our investigation to that firm. We investigated all sales of carbon steel plate for the period July 1, 1984, through December 31, 1984.

Fair Value Comparison

To determine whether sales in the United States of the subject merchandise were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we calculated the purchase price of carbon steel plate based on the F.O.B., C. & F. or ex-mill price to unrelated United States purchasers shown in the response submitted by Stalexport. We made deductions, where appropriate, for foreign inland freight and insurance, ocean freight, stowage, brokerage and handling charges, and commissions. We will develop information for our final determination which will allow us to value zloty-denominated charges in a non-state-controlled economy country at a omparable level of economic development.

Foreign Market Value

In accordance with section 773(c) of the Act, we used prices of carbon steel plate imported into the United States to determine foreign market value.

Petitioner alleged that Poland is a state-controlled-economy country and that sales of the subject merchandise from that country do not permit a determination of foreign market value under section 773(a). After an analysis of the Polish economy, and consideration of the briefs submitted by the parties, we have preliminarily concluded that Poland is a state-controlled-economy country for the purpose of this investigation. Central to our decision on this issue is the fact that the central government of Poland strictly controls the prices and levels of production of steel products as well as the internal pricing of the factors of production.

As a result, section 773(c) of the Act requires us to use prices or the constructed value of such or similar merchandise in a "non-state-controlled-economy" country. Our regulations establish a preference for foreign market value based upon sales prices. They further stipulate that, to the extent possible, we should determine sales prices on the basis of prices in a "non-state-controlled-economy" country at a stage of economic development comparable to the country with the state-controlled economy.

After an analysis of countries producing plate, Department of Commerce economists determined that Greece, South Africa and Taiwan were countries at a comparable stage of economic development and it would, therefore, be appropriate to base foreign market value on their sales prices. However, the companies which we contacted in Greece, South Africa and Taiwan have all advised us that they will not provide surrogate data for this investigation.

Pursuant to § 353.8(a)(1) of our regulations, we therefore based foreign market value on available information for prices at which carbon steel plate was sold by third countries of comparable economic development to Poland for export to the United States. Department of Commerce economists determined that of the countries exporting plate to the United States, South Africa, Greece and Taiwan were at the most comparable level of economic development to Poland. There were no exports of plate to the United States by Greece during the period of investigation. Therefore, we based foreign market value on the simple average ex-mill price of plate from South Africa and Taiwan for export to unrelated purchasers in the United States. We gathered simple average price information from special steel summary invoice (SSSI) statistics, which was the best information available. We made deductions for foreign wharfage, ocean freight, and marine insurance. We also made deductions, where applicable, for United States duty, wharfage and handling. We made comparisons of merchandise based upon product subgroups selected by Department of Commerce industry experts.

Verification

We will verify all data used in reaching the final determination in these investigations.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of carbon steel plate from Poland that are entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeded the United States price, which was 15.02 percent of the ex-factory value. This suspension of liquidation will remain in effect until further notice.

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry before the later of 120 days after we make our preliminary affirmative determination, or 45 days after we make our final determination.

Public Comment

In accordance with section 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 2:00 p.m. on July 18, 1985, at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington,

D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by July 11, 1985. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

May 24, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-13229 Filed 5-31-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-455-403]

Carbon Steel Structural Shapes From Poland; Preliminary Determination of Sales at Less Than Fair Value

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that structural shapes (structurals) from Poland are being, or are likely to be, sold in the United States at less than fair value. We also preliminarily determine that critical circumstances do not exist in this case. We have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend the liquidation of all entries of the subject merchandise as described in the "Suspension of Liquidation" section of the notice. If this investigation proceeds normally, we will make a final determination by August 12, 1985.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Arthur Simonetti, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; Telephone: (202)377-0184.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that structurals from Poland are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act). We have preliminarily determined the weighted-average margin of sales at less than fair value to be 59.96 percent. We also preliminarily determine that critical circumstances do not exist in this case.

If this investigation proceeds normally, we will make a final determination by August 12, 1985.

Case History

On December 20, 1984, we received a petition from Chaparral Steel Company, filed on behalf of the domestic producers of structurals. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petitioner alleged that imports of structurals from Poland are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Act, and that these imports materially injure, or threaten material injury to, a United States industry. The petition also alleged that critical circumstances exist with regard to imports of structurals from Poland. After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We notified the ITC of our action and initiated such an investigation on January 9, 1985 (50 FR 2317). On February 4, 1985, the ITC determined that there is a reasonable indication that imports of structurals are materially injuring a U.S industry (50 FR 6070).

On March 11, 1984, a questionnaire was sent to Stalexport, and on April 17, 1985, we received Stalexport's response. Stalexport submitted a supplemental response on May 17, 1985.

As discussed under the "Foreign Market Value" section of this notice, we have preliminarily determined that Poland is a state-controlled-economy country for the purpose of this investigation.

Scope of Investigation

The products under investigation are structural shapes, which cover hot-rolled forged, extruded, or drawn, or cold-formed or cold-finished carbon steel angles, shapes, or sections, not drilled, not punched, and not otherwise advanced, and not conforming completely to the specifications given in the headnotes to Schedules 6, Part 2, Subpart B of the Tariff Schedules of the United States Annotated (TSUSA), for blooms, billets, slabs, sheet bars, bars, wire rods, plates, sheets, strip, wire, rails, joint bars, tie plates, or any other tubular products set forth in the TSUSA, having a maximum cross-sectional dimension of 3 inches or more, as currently provided for in items 609.8005, 609.8015, 609.8035, 609.8041 and 609.8045 of the TSUSA. Such products are generally referred to as structural shapes.

Because Stalexport accounted for all exports of this merchandise to the United States, we limited our investigation to that firm. We investigated all sales of structurals for the period July 1, 1984, through December 31, 1984.

Fair Value Comparison

To determine whether sales in the United States of the subject merchandise were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we calculated the purchase price of structurals based on the F.O.B., or C.I.F. price to unrelated United States purchasers shown in the response submitted by Stalexport. We made deductions, where appropriate, for foreign inland freight and insurance, ocean freight, stowage, brokerage and handling charges, and commissions. We will develop information for our final determination which will allow us to value zloty-denominated charges in a non-state-controlled economy country at a comparable level of economic development.

Foreign Market Value

In accordance with section 773(c) of the Act, we used prices of structurals imported into the United States as a surrogate in determining foreign market value.

Petitioner alleged that Poland is a state-controlled-economy country and that sales of the subject merchandise from that country do not permit a determination of foreign market value under section 773(a). After an analysis of the Polish economy, and consideration of the briefs submitted by the parties, we have preliminarily concluded that Poland is a state-controlled-economy country for the purpose of this investigation. Central to our decision on this issue is the fact that the central government of Poland strictly controls the prices and levels of production of steel products as well as the internal pricing of the factors of the production.

As a result, section 773(c) of the Act requires us to use prices or the constructed value of such or similar

merchandise in a "non-state-controlled-economy" country. Our regulations establish a preference for foreign market value based upon sales prices. They further stipulate that, to the extent possible, we should determine sales prices on the basis of prices in a "non-state-controlled-economy" country at a stage of economic development comparable to the country with the state-controlled-economy.

After an analysis of countries producing structurals, Department of Commerce economists determined that Greece, South Africa, Taiwan and Ireland were countries at a comparable stage of economic development and it would, therefore, be appropriate to base foreign market value on their prices. However, the companies which we contacted in Greece, South Africa, Taiwan and Ireland have advised us that they will not provide surrogate data for this investigation.

Pursuant to § 353.8(a)(1) of our regulations, we therefore based foreign market value on available information for prices at which structurals were sold by third countries of comparable economic development to Poland for export to the United States. Department of Commerce economists determined that of the countries exporting structurals to the United States, South Africa, Belgium and Japan were at the most comparable level of economic development to Poland. We based foreign market value on the simple average ex-mill price of structurals from South Africa, Belgium and Japan for export to unrelated purchasers in the United States. We gathered simple average price information from special steel summary invoice (SSSI) statistics, which was the best information available. We made deductions for foreign wharfage, ocean freight, and marine insurance. We also made deductions, where applicable, for United States duty, wharfage and handling. We made comparisons of merchandise based upon product subgroups selected by Department of Commerce industry experts, and, in the case of South Africa sales, we made adjustments for differences in physical characteristics of the merchandise based upon production cost differences provided by these industry experts.

Verification

We will verify all data used in reaching the final determination in these investigations.

Negative Preliminary Determination of Critical Circumstances

The petitioners have alleged that imports of structural shapes from Poland present critical circumstances. Under section 733(e) of the Act, critical circumstances exist when the Department has a reasonable basis to believe or suspect that: (1)(a) There is a history of dumping in the United States or elsewhere of the class or kind of the merchandise which is the subject of the investigation, or (b) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than fair value, and (2) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

In preliminarily determining whether there is a reasonable basis to believe or suspect that there have been massive imports over a relatively short period, we considered the following factors: whether imports have surged recently; recent import penetration levels; and whether patterns of imports over the period may be explained by seasonal swings.

We have reviewed recent import statistics and have determined that there have not been massive imports of structurals from Poland over a relatively short period. Since we did not find massive imports over a relatively short period, we did not need to consider whether there is a history of dumping of structurals from Poland or whether the importers knew or should have known that the merchandise was being sold for less than fair value.

Therefore, for the reasons described above, we preliminarily determine that critical circumstances do not exist with respect to structurals from Poland.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of structurals from Poland that are entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to these investigations exceeded the United States price, which was 59.96 percent of the ex-factory value. This suspension of liquidation will remain in effect until further notice.

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry before the later of 120 days after we make our preliminary affirmative determination, or 45 days after we make our final determination.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 2:00 p.m. on July 9, 1983, at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by July 2, 1985. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

May 28, 1985.

[FR Doc. 85-13231 Filed 5-31-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-469-053]

Oleoresins of Paprika From Spain; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Revocation of Countervailing Duty Order.

SUMMARY: As a result of a request by the Government of Spain, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order on oleoresins of paprika from Spain would not cause, or threaten to cause, material injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order. All entries of this merchandise on or after June 21, 1982, will be liquidated without regard to countervailing duties.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Alan Long or Christopher Beach, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION: On February 28, 1979, the Treasury Department published in the **Federal Register** a countervailing duty order on oleoresins of paprika from Spain (44 FR 11214).

On June 21, 1982, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that the Government of Spain had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). It was not necessary for the Department, upon notification from the ITC, to suspend liquidation of entries of the merchandise pursuant to that section of the TAA, since previous suspensions remained in effect.

On March 8, 1985, the ITC notified the Department of its determination (50 FR 10118, March 5, 1985) that an industry in the United States would not be materially injured, or threatened with material injury, nor would the establishment of such an industry be materially retarded, by reasons of imports of oleoresins of paprika from Spain if the order were revoked. As a result, the Department is revoking the countervailing duty order concerning oleoresins of paprika from Spain with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after June 21, 1982, the date the Department received notification of the request for an injury determination.

The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after June 21, 1982, without regard to countervailing duties, and to refund any estimated countervailing duties collected with respect to these entries.

This revocation and notice are in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Dated: May 24, 1985.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 85–13177 Filed 5–31–85; 8:45 am]

BILLING CODE 3510-DS-M

[C–549–501]

Preliminary Affirmative Countervailing Duty Determination; Certain Circular Welded Carbon Steel Pipes and Tubes From Thailand

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Thailand of certain circular welded carbon steel pipes and tubes (pipes and tubes). The estimated net bounty or grant is 4.41 percent *ad valorem* during the period of review. However, during the period of review companies exporting the products under investigation filed applications for the receipt of Tax Certificates for Exports for shipments to the United States. Therefore, we are adjusting the bonding/deposit rate to reflect the receipt of benefits under this program. We are directing the U.S. Customs Service to suspend liquidation of all entries of certain circular welded carbon steel pipes and tubes from Thailand that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register** and to require a cash deposit or bond on entries of these products in an amount equal to 5.03 percent *ad valorem*.

If this investigation proceeds normally, we will make our final determination by August 7, 1985.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Rick Herring or Mary Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; Telephones: (202) 377–0187 and (202) 377–3464.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is a reasonable basis to believe or suspect that benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Thailand of certain circular welded carbon steel pipes and tubes. The following programs are preliminarily determined to confer bounties or grants:

- Export Packing Credits
- Tax Certificates for Exports

We estimate the net bounty or grant to be 4.41 percent *ad valorem* during the period of review. However, we are adjusting the bonding/deposit rate by 0.62 percent *ad valorem* to reflect the receipt of benefits under the Tax Certificates for Exports program which would apply to pipes and tubes entered into the United States after the date of publication of this notice.

Case History

On February 28, 1985, we received a petition filed on behalf of the Committee on Pipe & Tube Imports (CPTI), its subcommittees on standard and line pipe, and the companies which are members of those subcommittees, with respect to certain welded carbon steel pipes and tubes. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleged that manufacturers, producers, or exporters in Thailand of certain circular welded carbon steel pipes and tubes receive bounties or grants within the meaning of section 303 of the Act.

The petition, as originally filed, covered both standard pipe, which is defined in the "Scope of Investigation" section of this notice, and line pipe. By amendment dated March 12, 1985, for petitioners clarified that the petition was being filed on behalf of the standard pipe subcommittee and the line pipe subcommittee of the CPTI, and by individual manufacturers of standard pipe and line pipe. By amendment dated March 14, 1985, petitioners withdrew the portion of the petition dealing with line pipe.

We found that the petition contained sufficient grounds upon which to initiate a countervailing duty investigation, and on March 20, 1985, we initiated such an investigation (50 FR 12062). We stated that we expected to issue a preliminary determination by May 24, 1985. We also stated in our initiation notice that the subcommittee on standard pipe and the

individual manufacturers of standard pipe had standing to file the petition with respect to standard pipe, and that the subcommittee on line pipe did not have standing with respect to standard pipe because a majority of its membership does not produce standard pipe.

Since Thailand is not a "country under the Agreement" within the meaning of section 701(b) of the Act and the merchandise being investigated is dutiable, sections 303 (a)(1) and (b) of the Act apply to this investigation. Accordingly, petitioners are not required to allege that, and the United States International Trade Commission is not required to determine whether, imports of this merchandise cause or threaten material injury to a United States industry.

We presented a questionnaire to the government of Thailand in Washington, D.C., on March 29, 1985. The response to our questionnaire was received on May 3, 1985.

On April 15, 1985, United States Steel Corporation (U.S. Steel) became a party to the proceeding. On April 24, 1985, U.S. Steel alleged that additional bounties or grants, not covered in our initiation notice, are being conferred on the manufacture and exportation of the merchandise. Since these new allegations were made on a timely basis, we are seeking additional information on the Export Promotion Fund, business tax exemptions on export sales, and tax deductions based on increased export earnings.

Scope of the Investigation

The products under investigation are circular welded carbon steel pipes and tubes, with an outside diameter of .375 inch or more but not over 16 inches, of any wall thickness, and currently classifiable in the Tariff Schedules of the United States Annotated (TSUSA), under items 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258 and 610.4925. These products, commonly referred to in the industry as standard pipe or structural tubing, are produced to various ASTM specifications, most notably A–120, A–53, and A–135.

Analysis of Programs

Throughout this notice, we refer to certain general principles applied to the facts of the instant investigation. These principles are described in the "Subsidies Appendix" attached to the notice of "Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina; Final Affirmative Countervailing Duty Determination and Countervailing Duty Order" which was published in the April 26, 1984 issue of the **Federal Register** (49 FR 18006).

Consistent with our practice in preliminary determinations, where a response to an allegation denies the existence of a program, receipt of benefits under a program, or eligibility of a company or industry under a program, and the Department has no persuasive evidence showing the response is incorrect, we accept the response for purposes of the preliminary determination. All such responses, of course, are subject to verification. If the response cannot be supported at verification, and the program is otherwise countervailable, the program will be considered to confer a bounty or grant in the final determination.

For purposes of this determination, the period for which we are measuring bounties or grants (the review period) is calendar year 1984.

There are two Thai producers of circular welded carbon steel pipes and tubes (pipes and tubes) which account for 95 percent of the exports of the subject merchandise to the United States during the period for which we are measuring bounties or grants: Saha Thai Pipe Company and Thai Steel Pipe Industry Company.

Based upon our analysis of the petition and the response to our questionnaire, we preliminarily determine the following:

I. Programs Determined To Confer Bounties or Grants

We determine that bounties or grants are being provided to manufacturers, producers, or exporters in Thailand of pipes and tubes under the following programs.

A. Export Packing Credits

Petitioners allege that producers and exporters of the products under investigation receive preferential export financing. Export packing credits are short-term loans used for either pre-shipment or post-shipment financing. These loans, which are provided through commercial banks, can be rediscounted at the Bank of Thailand through its export refinancing facility. Under the "Regulations Governing the Rediscount of Promissory Notes Arising from Exports" (B.E. 2514), the commercial banks charge the borrower a maximum of seven percent interest per annum for the export credit, and then the bank rediscounts these loans at five percent interest with the Bank of Thailand. On October 1, 1984, the discount rate was increased to nine percent and the rediscount rate was increased to seven percent. These loans are provided in baht for up to 180 days.

Because only exporters are eligible for these loans, we determine that they are countervailable to the extent that they are provided at preferential rates. As the benchmark for short-term loans, it is our practice to use the national average commercial interest rate or the most comparable, predominant commercial interest rate for short-term financing. For purposes of this preliminary determination, we are using a weighted-average interest rate as calculated by the Bank of Thailand and included in the questionnaire response of the government, as best information available. During verification, we will gather additional information on commercial short-term interest rates to determine whether this is the most appropriate benchmark for short-term loans in Thailand.

Comparing this weighted-average interest rate to the rate charged on export packing credits, we find that the rate on export packing credits is preferential, and, therefore, preliminarily determine that these loans confer bounties or grants on the products under investigation. During the period of review, Thai Steel Pipe used export packing credits on exports to the United States. Applying this average commercial bank interest rate as the benchmark, we calculate an estimated net bounty or grant of 4.41 percent *ad valorem* for exports to the United States.

B. Tax Certificates for Exports

Petitioners allege that producers and exporters of the products under investigation receive tax certificates on their exports. The government of Thailand issues tax certificates to exporters to rebate indirect taxes on inputs into the exported product. In Thailand indirect tax rebates are authorized under two programs.

In 1981, a program for rebating indirect taxes was implemented through the "Tax and Duty Compensation of Exported Goods Produced in the Kingdom Act" (hereinafter the Tax and Duty Act). The rebate rates under the Tax and Duty Act are computed on the basis of a 1975 input/output (I/O) study. The statistical base for the I/O study was updated in 1980. Using the I/O study, the Thai Ministry of Finance computes the value of total inputs (both imports and local purchases) at ex-factory prices. They also calculate the import duties and indirect taxes on each input. The Ministry then calculates the ratio of indirect taxes to the ex-factory prices of the final product to determine the rebate rate for each type of product. This rate is then applied to the FOB value of the export to determine the

amount of rebate that will be provided. Under the Tax and Duty Act the rebates are paid to companies through tax certificates which can be used to pay other tax liabilities. These tax certificates can also be transferred to other companies which can use them to pay their tax liabilities. The current rebate rates on 99 covered products are listed in the "Notification of the Ministry of Finance" No. Or. 1/2524.

The alternative program authorizing the rebate of indirect taxes is the "Announcement of the Ministry of Finance" No. 256/2524. This rebate authorization was announced in 1971 and revised in 1978. According to the response of the government of Thailand, this "flat rate rebate" is available only to exporters of galvanized steel pipe with coupling which is not a product under investigation; the flat rate rebate also was not used by any of the producers who exported the subject merchandise during the review period.

Accordingly, for this preliminary determination, we have analyzed only the rebate program provided through the Tax and Duty Act.

Traditionally, we have applied a three-prong test to determine whether the rebate of prior stage cumulative indirect taxes borne by inputs that are physically incorporated into the final product confers a bounty or grant. Under this test, we examine whether: (1) The program involved operates for the purpose of rebating indirect taxes; (2) there is a clear link between eligibility for payments on exports and indirect taxes paid; and (3) the government has reasonably calculated and documented the actual tax incidence borne by the product concerned and has demonstrated a clear link between such tax incidence and the rebate amount paid on export.

Where an indirect tax rebate system incorporates rebates on import duties, or where there is a fixed duty drawback system instead of an individual duty drawback system (Thailand operates an individual duty drawback system), we have determined that we must apply a linkage analysis similar to our test for rebate systems that are designed only to rebate indirect taxes.

First, the Department examines whether the system is intended to operate as a drawback system. Next, the Department analyzes whether the government properly ascertained the level of the fixed drawback. This includes a review of the sample, including the documentation and accuracy of the information gathered from the sample on input coefficients, import prices and rates of duty on imported inputs, the ratio of imported inputs to domestically produced inputs (when, for a given imported input, there is also domestic production of the input), and the exchange rates used to convert import prices denominated in a foreign currency to the local currency. Finally, we review whether the rebate schedules are revised periodically so that the drawback amount reflects the amount of duty (and indirect taxes, if there is a combined duty and indirect tax rebate system) paid.

Where these conditions are met, the Department will consider that a rebate system that rebates both indirect taxes and import duties, or a fixed duty drawback system, does not confer a bounty or grant when the amount rebated for duties and indirect taxes on physically incorporated inputs equals (or is less than) the fixed amount set in the schedule for the exported product. When the system rebates duties and indirect taxes on both physically incorporated and non-physically incorporated inputs, we would find a bounty or grant exists to the extent that the fixed rebate exceeds the allowable rebate on physically incorporated inputs. Based on these tests, we preliminarily determine the following:

The Tax and Duty Act provides that the taxes and duties eligible for rebate include those on materials, equipment, spare parts, machinery, fuels and other energy used in production. Taxes such as income tax, payment of royalties to the government for mineral rights, and taxes which are otherwise refundable or exempt are excluded from the rebate. Thus, the program operates to rebate indirect taxes and import duties.

The eligibility criteria for the Tax and Duty Act rebate program when considered in conjunction with the government's response, including copies of the input/output tables, the conversions codes and the Ministry of Finance rebate charts, leads us to conclude that there is a link between eligibility for the rebate and indirect taxes and import duties actually paid.

We have reviewed the documentation submitted by the government in their response showing their detailed calculation of the rebate rates. Under the Tax and Duty Act, these calculations itemize the inputs and list ex-factory prices, import values, import taxes, and domestic indirect taxes. The inputs itemized in the government's calculations include non-physically incorporated items.

Because under the Tax and Duty Act rebate program, non-physically incorporated items are included in the rebate calculations at the final stage, we preliminarily determine that there is an excessive remission of indirect taxes on exported goods. To calculate the amount of the overrbate, we have taken into account the following factors. Under the program, the government calculates a "full" rebate rate that includes both import duties and indirect taxes, and a "normal" rebate rate which includes only indirect taxes. The normal rebate rate is claimed when firms participate in the customs duty drawback or exemption programs on imported raw materials, or when firms do not use imported materials in the production process. For purposes of this preliminary determination, we are calculating the overrebate based only on the normal rate, since according to the government response, all rebates applied for or received by pipe and tube producers were calculated at the rate of 1.96 percent which is the normal rate of rebate.

To determine the estimated net bounty or grant from this excessive remission of indirect taxes, we calculated the indirect tax incidence on physically incorporated inputs at FOB prices. We compared this allowable rebate to the authorized rebate available to pipe and tube producers. We then compared the percentage by which the authorized rebate would exceed the allowable rebate. Using this methodology, we calculated an estimated net bounty or grant of 0.62 percent *ad valorem*. Because this is a recurring program, we are allocating the benefit to the year of receipt.

The first shipments of the merchandise under investigation to the U.S. were in the last quarter of 1984. Although applications for tax certificates were filed based on these exports, no tax certificates based on these exports were received by either producer during the review period. Since applications have been filed and the tax certificates are forthcoming, the benefits accorded under this program will apply to pipes and tubes imported into the United States after the date of publication of this notice. Therefore, we are adjusting the bonding/deposit rate to reflect the receipt of the tax certificates. This results in an estimated bonding/deposit rate of 0.62 percent *ad valorem*.

II. Programs Determined Not To Be Used

We preliminarily determine that the manufacturers, producers or exporters in Thailand of pipes and tubes do not use the following programs which were listed in our notice of initiation.

A. Investment Promotion Act

Petitioners allege that producers and exporters of the products under investigation receive benefits under the Investment Promotion Act. The Investment Promotion Act (B.E. 2520) of 1977 provides incentives for investment to promote development of the Thai economy. Administered by the Board of Investment, the Investment Promotion Act authorizes the exemption of import duties and certain taxes. According to the response of the government of Thailand, neither Saha Thai nor Thai Steel Pipe receive benefits under this program.

B. Export Processing Zones

In 1979, Export Processing Zones were authorized through the "industrial Estates Authority of Thailand Act" (B.E. 2522). One export processing zone has been set up in Thailand. According to the response of the government of Thailand, neither Saha Thai nor Thai Steel Pipe is located in the export processing zone.

C. Rediscount of Industrial Bills

Petitioners allege that producers and exporters of the product under investigation receive benefits from the rediscount of Industrial bills. The Bank of Thailand authorizes rediscounts for short-term promissory notes arising from industrial activity. The Bank of Thailand's "Regulations Governing the Rediscount of Promissory Notes Arising from Industrial Undertakings" permit commercial banks to rediscount short-term promissory notes for industrial purchases. These industrial promissory notes are also called industrial bills. According to the response of the government of Thailand, neither Saha Thai nor Thai Steel Pipe use this program.

D. Electricity Discount for Exporters

Petitioners allege that exporters of the products under investigation receive discounts of electricity charges. The three electricity authorities in Thailand provides a discount of 20 percent on the electricity rates charged to producers of export products. The discount is calculated as a credit which is deducted from each company's electric bill. According to the response of the government of Thailand, neither Saha Thai nor Thai Steel Pipe use this program.

E. Assistance to Trading Companies

Petitioners allege that trading companies in Thailand receive benefits under the Investment Promotion Act. In 1978 the Board of Investment authorized certain incentives to eligible trading companies under section 36 of the Investment Promotion Act. These incentives included duty exemption for both raw materials and essential materials used in export production, exemptions of certain business taxes, double deduction of foreign marketing expenses for income tax purposes and permission to maintain foreign currency accounts. According to the response of the govenment of Thailand, Saha Thai and Thai Steel Pipe do not export the subject merchandise through Thai trading companies.

F. Tax Exemption for Promoted Industries

Petitioners allege that "promoted" industries are exempt from certain sales taxes. According to the response of the government of Thailand, this program is not used.

Verification.

In accordance with section 776(a) of the Act, we will verify the data used in making our final determination. As previously stated, we will not accept any statement in the response that cannot be verified in our final determination.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of certain circular welded carbon steel pipes and tubes from Thailand which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or the posting of a bond for each such entry of this merchandise in the amount of 5.03 *ad valorem*. This suspension will remain in effect until further notice.

Public Comment

In accordance with § 355.35 of our regulations (19 CFR 355.35), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on June 26, 1985, at the U.S. Department of Commerce, room 1851, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, room B-099, at the above address within 10 days of the publication of this notice.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, pre-hearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by June 19, 1985. Oral presentations will be limited to issues raised in the briefs.

In accordance with 19 CFR 355.33(d) and 19 CFR 355.34, written views will be considered if received not less than 30 days before the final determination or, if a hearing is held, within 10 days after the hearing transcript is available.

This notice is published pursuant to section 703(f) of the Act 19 U.S.C. 1671b(f)).

Dated: May 24, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-13207 Filed 5-31-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-433-502]

Preliminary Affirmative Countervailing Duty Determination; Oil Country Tubular Goods For Austria

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Austria of oil country tubular goods. The estimated net subsidy is 1.82 percent *ad valorem*.

We have notified the United States International Trade Commission (ITC) of our determination. We are directing the U.S. Customs Service to suspend liquidation of all entries of oil country tubular goods from Austria that are entered or withdrawn from warehouse for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond on entries of these products in the amount equal to the estimated net subsidy.

If this investigation proceeds normally, we will make our final determination by August 7, 1985.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Loc Nguyen or Mary Martin, Office of Investigation, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone: (202) 377-0167 or 377-3464.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is reason to believe or suspect that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1980, as amended (the Act), are being provided to manufacturers, producers, or exporters in Austria of oil country tubular goods. For purposes of this investigation, the following programs are found to confer subsidies:

- Equity Infusions.
- Grants to the Austrian Steel Industry.
- Export Financing Under the Kontrollbank Export Credits Program.
- 100,000 Schilling Action Cash Grant Program.

We determine the estimated net subsidy to be 1.82 percent *ad valorem.*

Case History

On February 28, 1985, we received a petition from the United States Steel Corporation of Pittsburg, Pennsylvania, filed on behalf of the U.S. industry producing oil country tubular goods. In compliance with the filing requirements of section 355.26 of our regulations (19 CFR 355.26), the petition alleged that manufacturers, producers, or exporters in Austria of oil country tubular goods directly or indirectly receive benefits which constitute subsidies within the meaning of section 701 of the Act, and that these imports materially injure or threaten material injury to a U.S. industry.

On March 5, 1985, we received a letter from Lone Star Steel Company of Dallas, Texas, requesting that the company be added as a co-petitioner to the proceeding on oil country tubular goods from Austria, filed by the United States Steel Corporation. The United States Steel Corporation agreed to include Lone Star Steel Company as a co-petitioner in this proceeding. By letter dated March 7, 1985, Lone Star Steel Company amended the petition. On March 26, 1985, CF&I Steel Corporation requested to become a co-petitioner in this proceeding; the request was subsequently granted, after the agreement of the other two petitioners.

We found that the amended petition contained sufficient grounds upon which to initiate a countervailing duty investigation, and on March 20, 1985, we initiated such an investigation (50 FR 12065). We stated that we expected to issue a preliminary determination by May 24, 1985.

Since Austria is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the ITC of our intention. On April 17, 1985, the ITC determined that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of oil country tubular goods from Austria. (50 FR 16173).

We presented a questionnaire concerning the allegations to the government of Austria in Washington, D.C., on March 21, 1985. The government of Austria and Voest-Alpine AG provided responses to our questionnaire on April 29, 1985.

Scope of the Investigation

The Products covered by this investigation are "oil country tubular goods" (OCTG), which are hollow steel products of circular cross-section intended for use in the drilling of oil or gas. These products include oil well casing, tubing, and drill pipe of carbon or alloy steel, whether welded or seamless, manufactured to either American Petroleum Institute (API) or proprietary specifications. This investigation covers both finished and unfinished oil country tubular goods. The provisions of the *Tariff Schedules of the United States, Annotated (TSUSA)* covering all steel pipe and tube, including oil country tubular goods, were changed as of April 1, 1984. As a result of the changes mentioned above, oil country tubular goods now comprise TSUSA item numbers 610.3216, 610.3219, 610.3233, 610.3242, 610.3243, 610.3249, 610.3252, 610.3254, 610.3256, 610.3258, 610.3262, 610.3264, 610.3721, 610.3722, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4225, 610.4235, 610.4325, 610.4335, 610.4942, 610.4944, 610.4946, 610.4954, 610.4955, 610.4956, 610.4957, 610.4966, 610.4967, 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5226, 610.5234, 610.5240, 610.5242, 610.5243, and 610.5244.

Analysis of Programs

Thoughout this notice, we refer to certain general principles applied to the facts of the current investigation. These principles are described in the "Subsidies Appendix" attahced to the notice of "Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina; Final Affirmative Countervailing Duty Determination and Countervailing Duty Order," which was published in the April 26, 1984, issue of the **Federal Register** (49 FR 18006).

Consistent with our practice in preliminary determinations, where a response to an allegation denies the existence of a program, receipt of benefits under a program, or eligibility of a company or industry under a program, and the Department has no persuasive evidence showing that the response is incorrect, we accept the response for purposes of the preliminary determination. All such responses are subject to verification. If the response cannot be supported at verification, and the program is otherwise countervailable, the program will be considered a subsidy in the final determination.

There is only one known producer in Austrua of oil country tubular goods, Voest-Alpine AG. We have received information from the company and the government of Austria. For purposes of this preliminary determination, the period for which we are measuring subsidization ("the review period") is calendar year 1984.

Petitioners alleged that Voest-Alpine AG has received massive government equity infusions since 1975. Petitioners believe that these equity infusions have been on terms inconsistent with commercial considerations. We have consistently held that government provision of equity does not *per se* confer a subsidy. Government equity purchases bestow countervailable benefits only when they occur on terms inconsistent with commercial considerations. When there is no market-determined price for equity, it is necessary to determine whether the company was a reasonable commercial investment. Voest-Alpine AG's shares are not publicly traded and there are no market-determined prices for its shares. Therefore, we must determine whether the equity infusions into Voest-Alpine AG were reasonable commercial investments.

To make this determination, we reviewed and assessed financial statments from 1971 to 1983 (1984 statements were not provided). In analyzing the financial statements, we considered the information from the viewpoint of an investor. Included in this review we analyzed the following data:

- Rate of return on sales.
- Rate of return from operations.
- Rate of return on equity.
- Debt to equity ratio.
- Current ratio.

Based on our review of the financial statements, and responses of the company and government, we preliminarily determine that the government's equity infusions into Voest-Alpine AG between 1978 and 1984 were on terms inconsistent with commercial considerations. In their responses, the government of Austria and Voest-Alpine AG provided data for the applicable period, including

financial statements and debt information.

Based upon our analysis of the petition and the responses to our questionnaire, we preliminarily determine the following:

I. Programs Determined To Confer Subsidies

We preliminarily determine that subsidies are being provided to manufacturers, producers, or exporters in Austria of oil country tubular goods under the following programs:

A. Equity Infusions

Petitioners alleged that equity infusions into Voest-Alpine AG by the government of Austria were on terms inconsistent with commercial considerations. The responses stated that Voest-Alpine AG received equity infusions during the period 1975–1984 from Osterreichische Industrieverwaltungs-Aktiengesellshaft (OIAG). Portions of the equity infusions into Voest-Alpine AG have been transferred to an affiliated company, Vereinigte Edelstahlwerke AG (VEW). Under the terms of applicable legislation, Voest-Alpine AG was required to transfer the funds to VEW. VEW does not produce or export any of the merchandise under investigation, and therefore we do not consider equity infusions to VEW to benefit the products under investigation.

As discussed in the "Analysis of Programs" section, we preliminarily determine that Voest-Alpine AG was not a reasonable commercial investment from 1978 to 1984, and thus the government equity infusions between 1978 and 1984 were on terms inconsistent with commercial considerations. Therefore, we preliminarily determine that these equity infusions confer benefits which constitute a subsidy.

Following the methodology contained in the Subsidies Appendix, we have calculated the benefit from these equity infusions by comparing the national average rate of return on equity in 1984 to Voest-Alpine AG's rate of return on equity in 1983. During verification, we intend to seek information on Voest-Alpine AG's rate of return on equity in 1984. The national average rate of return on equity was taken from *Capital International Perspective*. We then allocated the aggregate benefit over the value of total sales of all products produced by Voest-Alpine AG. On this basis we preliminarily determine the subsidy to be 0.08 percent *ad valorem*.

B. Grants to the Austrian Steel Industry

Under Law 602/1981, the Austrian government authorized a grant of 2 billion Austrian schillings for the structural improvement of Voest-Alpine AG. These funds were dispersed through OIAG to Voest-Alpine AG in 1981 and 1982.

Law 589/1983 further permitted OIAG to raise new funds beginning in 1983. These funds were to be used for improving the economic structure of nationalized industrial enterprises. Of the funds raised by OIAG, pursuant to the 1983 law, a portion went to Voest-Alpine AG in the form of equity infusions. These are discussed above. The other portion was made available to Voest-Alpine AG in the form of grants, approximately three-quarters of which were disbursed in 1983 and 1984. Approximately one-quarter of the grant money, allocated to Voest-Alpine AG under Law 589/1983, was not disbursed as of April 29, 1985.

We find these grants to be limited to a specific enterprise or industry or to a specific-group-of enterprises or industries. Therefore, we preliminarily determine these grants to be countervailable.

To calculate the amount of the benefit, we have allocated the grants over 15 years (the average useful life of renewable assets in the steel industry). Discount rates have been developed for the years in which the grants were agreed upon. Therefore, the grants authorized under the 1981 law have been allocated using Voest-Alpine AG's 1981 weighted cost of capital. For the grants authorized by the 1983 law, the date of agreement varies. Apparently the amounts and the dates of allocation are negotiated by OIAG and Voest-Alpine AG. Therefore, for grants received pursuant to the 1983 law we have used Voest-Alpine AG's weighted cost of capital in the year of allocation as the discount rate. The portion of the grant which had not been disbursed as of April 29, 1985, was not included in these benefit calculations. During verification we intend to seek updated information on the standing of this undisbursed portion of the grant.

We allocated the aggregate benefit over the value of total sales of all products produced by Voest-Alpine AG. Based on this methodology we find the subsidy conferred by grants to be 1.60 percent *ad valorem*.

C. Kontrollbank Export Financing

Petitioners alleged that Voest-Alpine AG has received preferential export financing from the Austrian government in the form of loans at below-market interest rates. The government of Austria's response stated that it does not extend export financing credits, but that such credits are extended by commercial banks through various programs. The most important of such programs is the Statutory Export Financing Scheme operated by Osterreichische Kontrollbank Aktiengesellschaft (OKB). The OKB was founded by the Austrian government in 1946 to provide services not normally available from commercial banks. Since 1950 it has served as the official arm of the Federal Ministry of Finance for administration of the Austrian Export Credit and Guarantee Scheme. OKB's twelve shareholders are exclusively Austrian credit institutions of which two are large nationalized banks.

Voest-Alpine AG received export financing through this program at interest rates lower than the national average short-term interest rate in Austria during 1984. For purposes of this preliminary determination, we have used 9.25 percent as the benchmark for short-term loans. This is the "Commercial Bank Lending Rate to Prime Borrowers," in Austria as reported in *World Financial Markets*. Since Kontrollbank export financing is only available for use by exporters and the rates of interest charged are less than commercial interest rates on comparable loans, we preliminarily determine that the provision of such financing constitutes a countervailable benefit.

The benefit provided under this program was determined by applying the interest rate differential between the short-term benchmark and the interest rates paid by Voest-Alpine AG, on the principal amount of all loans received by the company, for the number of days the loans were outstanding. We then allocated the aggregate benefit over the value of exports of all products produced by Voest-Alpine AG. On this basis, we calculated a subsidy in the amount of 0.08 percent *ad valorem* for the products under investigation.

D. Various Cash Grant Programs

Petitioners alleged that the Federal government provides cash grants, equal to 100,000 Schillings per job created, to companies relocating to, or expanding plants in the special development and coal-mining areas.

The government response stated that a 100,000 Schilling Action program was established by joint resolution between Austria's federal and state governments. Funds from this program are granted (by both the federal and the applicable state government) as a premium in an amount

no greater than 100,000 Schillings for each newly created job. To receive these cash grants, a company must meet the following requirements: (1) The recipient must have invested at least 400,000 Schillings in a newly estimated plant or 200,000 Schillings in the expansion of an old plant; (2) the character of the investment must be innovative; and (3) the recipient must make an employment guarantee of at least three years.

Under this program, Voest-Alpine AG was awarded a cash grant for the construction of its new seamless tube mill in Kindberg, Styria. Accordingly, 50 percent of any grant awarded is to be paid by the state (Styria) government and 50 percent by the federal government. The grant was approved in 1981 with payment to be made in two equal installments. The first installment was paid in May, 1983; the second installment is still outstanding. We have no information on the record that the rate of federal support does not vary from state to state and/or that the support is available in all parts of Austria. Because this program may be limited to companies located in specific regions, we preliminary determine this grant to be countervailable.

The methodology used to calculate the benefit was similar to the methodology used in the section entitled "Grants to the Austrian Steel Industry." The undisbursed portion of the grant was not included in this benefit calculation.

We allocated the aggregate benefit over the value of total sales of the oil country tubular goods under investigation. Based on this methodology we find the subsidy conferred by this grant to be 0.06 percent *ad valorem*.

II. Programs Determined Not To Confer a Subsidy

We preliminarily determine that subsidies are not being provided to manufacturers, producers, or exporters in Austria of oil country tubular goods under the following programs:

A. Osterreichische Investitionskredit TOP–1 and TOP–2 Loans

Petitioners alleged that Voest-Alpine AG has received preferential export financing from the government of Austria through TOP–1 and TOP–2 loans. The government of Austria's response stated that the programs are intended to further investments which are important for structural change by providing federal interest rate supporting for credits given by Austrian banks. These credits are refinanced on the Austrian capital market by the Investitionskredit AG.

According to the government's response, the TOP–1 and TOP–2 programs are not limited to export promotion nor are they limited to a specific industry or group of industries. Therefore, we preliminarily determine that the program does not constitute a subsidy.

B. Labor Subsidies

Petitioners alleged that Voest-Alpine AG has received benefits from labor programs sponsored by the Austrian government.

1. *Government-Funded Labor Training.* The government response stated that under the Labor Market Promotion Act, Law No. 31/1969, companies in Austria may receive funds from the Austrian government for the establishment of in-house training programs to improve worker skills or to teach workers new vocations. In addition, under this law companies in Austria with low levels of capacity utilization may receive funds to be paid to the workers involved in training combined with reduced hours of work. Employees whose working hours are reduced receive support payments compensating them for the loss in earning sustained. Workers receiving benefits under this program spend the difference between their reduced working hours and their normal working hours in training programs. The government's response stated that funding for these labor training programs is available to all sectors of Austrian industry and not just to the iron and steel industry or to export-related industries. Because this program is not limited to a specific enterprise or industry, or group of enterprises or industries, we preliminarily determine that the program does not constitute a subsidy.

2. *Special Assistant Act.* The Special Assistant Act of 1973, Law No. 642/1973, provides enhanced unemployment benefits for former employees of sectors of the economy hit by the downturn which have been let go and are at least 55 years old for men or 50 years old for women. The Federal Minister of Social Affairs is empowered to determine by decree which sectors of the economy warrant application of the provisions of the law. In a decree issued on March 21, 1983, the iron and steel industry was included within the provisions of this law. The government of Austria's response stated that payments under this law are made directly to the workers who have been laid off by an employer. The employer itself is not entitled to any support or subsidies under this law and is not relieved from payment of any expenses otherwise the obligation of such employer. Because this program provides assistance to workers and does not relieve Voest-Alpine AG of any expenses or obligations, we preliminarily determine that the company does not receive a subsidy under this program.

C. Interest Subsidy Program

Petitioners alleged that Voest-Alpine AG has received interest subsidies from the Austrian government. The government of Austria's response stated that the European Recovery Program Fund of Austria administered a program from 1978–1981 aimed at encouraging industrial projects in Austria. Under this program, qualifying investments were eligible for interest support, reducing the amount of interest payable on commercial loans obtained to finance such investments. Furthermore, the response stated that all companies in Austria were eligible for this program and it was not confined to export-related projects. Because this program is not related to a specific enterprise or industry, or group of enterprises or industries, we preliminarily determine that this program does not constitute a subsidy.

D. Loan Guaranty Program

Petitioners alleged that Voest-Alpine AG has received substantial loan guarantees from the Austrian government. The Austrian government's response stated that loans issued by insurance companies in Austria must meet certain strict requirements for investment security according to section 77 of the Insurance Supervisory Law of October 18, 1976. Because of these requirements, commercial loans by insurance companies must be guaranteed by the government or secured by a pledge of a real estate. The government guarantees insurance company loans to Voest-Alpine AG to enable the insurance companies to find larger-scale legally eligible investments for placement of their investment portfolios, rather than to enable Voest-Alpine AG to raise funds, which it is able to do through other sources. Accordingly, we preliminarily determine that this program does not provide subsidies to Voest-Alpine AG.

E. Local Subsidies To Reduce Moving and Worker Housing Costs—"Pendlerbeihilfe" Program

Petitioners alleged that enterprises willing to move from overcrowded industrial areas to development areas may receive subsidies to reduce moving and worker housing costs. The government of Austria's response stated

that their "Pendlerbeihilfe" program was established to cover a portion of the costs incurred by workers, who must commute to a distant new job, due to lay-offs by their prior employer. Workers are only eligible to participate in this program when housing is unavailable in the vicinity of their new job. This program is administered by the state office of the Federal Ministry of Social Affairs and directly benefits the individual worker; benefits do not accrue to the company. Because this program provides assistance to individual workers and not companies, we preliminarily determine that Voest-Alpine AG does not receive a subsidy under this program.

III. Programs Determined Not To Be Used

We preliminarily determine that manufacturers, producers or exporters in Austria of oil country tubular goods did not use the following programs:

A. Income Tax Deferral on Export Sales

Petitioners alleged that the Austrian government provides an export subsidy by permitting exporters to deduct from their taxable income fifteen percent of receivables originating from exports. The response of Voest-Alpine AG stated that it does not benefit from this program

B. Export-Oriented Research Projects

Petitioners alleged that Voest-Alpine AG has received export-oriented research and development loans on preferential terms. The government of Austria's response stated that there are no government programs which promote export-oriented research projects. However, the response also stated that the Chamber of Commerce sponsors programs, which are available to a variety of industries, to promote exports. Since no loans were made to Voest-Alpine AG under the Chamber of Commerce's loan program, we preliminarily determine that this program was not used.

IV. Programs For Which Additional Information Is Needed

A. Reduced Tax Liability

Petitioners alleged that companies with new factories can deduct up to 40 percent of the cost of machinery and equipment from their quarterly tax liabilities. The response of the government of Austria stated that the Investment Premium Laws of 1982 and 1984 (Laws 110/82 and 128/84, respectively) allow for cash payments or income tax deductions for individuals or corporations that have invested in certain kinds of assets. The goverment of Austria's response stated that Voest-Alpine received premiums that are not limited to a specific enterprise or industry, or a group of enterprises or industries. However, because sections of the response are unclear, we preliminarily determine that additional information is needed.

B. Preferred European Recovery Program Loans for Regional Development

Petitioner alleged that European Recovery Program (ERP) loans are available on preferential terms in special development areas. The response of the government of Austria is summarized in section II.C. of this notice, entitled "Interest Subsidy Program." The response did not state, however, if preferential ERP loans are available for regional development on a selective basis. Therefore, we preliminarily determine that additional information is needed.

C. Interest Support by the State Government of Styria

Petitioners alleged that a number of local incentives are available to industries in Austria. Voest-Alpine AG, in its response, stated that it received interest support under this program in 1983 and 1984. Although the government's response stated that this program is not limited to a specific enterprise or industry, or group of enterprises or industries, the eligibility criteria may limit this program to a certain group of enterprises or industries. Therefore, we preliminary determine that additional information is needed.

V. Program Preliminarily Found Not To Exist

According to the government response, the following program does not exist.

Local Tax Incentives in Coal Mining Areas

Petitioners alleged that coal mining communities reduce local taxes (i.e., payroll, trade tax and local fees) during the initial years of a company's operation.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of oil country tubular goods from Austria which are entered, or withdrawn from warehouse for consumption on or after the date of publication of this notice in the **Federal Register** and to require an *ad valorem* cash deposit or bond for each such entry of this merchandise at 1.82 percent *ad valorem.*

This suspension will remain in effect until further notice.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC conforms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports materially injure or threaten material injury to a U.S. industry 120 days after the Department makes its preliminary affirmative determination or 45 days after its final affirmative determination, whichever is latest.

Verification

In accordance with section 776(a) of the Act, we will verify the data used in making our final determination. As previously stated, we will not accept any statement in the response that cannot be verified for our final determination.

Public Comment

In accordance with § 355.35 of our regulations, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on June 27, 1985, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room B-099, at the above address within 10 days of the publication of this notice.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, at least 10 copies of pre-hearing briefs must be submitted to the Deputy Assistant Secretary by June 19, 1985. Oral presentations will be limited to issues raised in the briefs.

In accordance with 19 CFR 355.33(d) and 19 CFR 355.34, written views will be considered if received not less than 30 days before the final determination or, if

a hearing is held, within 10 days after the hearing transcript is available.

This notice is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)).

Dated: May 24, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-13208 Filed 5-31-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-433-401]

Certain Carbon Steel Products From Austria; Preliminary Determinations of Sales at Less Than Fair Value

AGENCY: International Trade Administration/Import Administration/ Commerce.

ACTION: Notice.

SUMMARY: We have preliminarily determined that certain carbon steel products from Austria are being, or are likely to be, sold in the United States at less than fair value, and have notified the U.S. International Trade Commission (ITC) of our determinations. We have also directed the U.S. Customs Service to suspend the liquidation of all entries of certain carbon steel products from Austria that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

If these investigations proceed normally, we will make our final determinations by August 12, 1985.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Paul Thran, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone: (202) 377-3963.

Preliminary Determinations

We have preliminarily determined that certain carbon steel products from Austria are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1673(b)) (the Act). For the 40 percent of total sales to the United States that were reported by the respondent, we made fair value comparisons based on the United States price and home market prices. The weighted-average margin for the reported sales is .002 percent. However, for sales to the United States which were not reported by respondent, we used the best information available. This was the margins in the petition. The simple average margin for the products under investigation is 55.3 percent.

Because the unreported sales constitute 60 percent of total sales, the weighted-average margin for all sales is 33 percent.

Case History

On December 19, 1984, we received a petition from the United States Steel Corporation on behalf of the domestic carbon steel flat-rolled products industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petitioner alleged that imports of certain carbon steel products from Austria are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring or are threatening material injury to a United States industry. The petition also alleged that sales of the subject merchandise were being made at less than the cost of production. After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate antidumping investigations. We notified the International Trade Commission (ITC) of our actions and initiated such investigations on January 14, 1985 (50 FR 1911). On February 4, 1985, the ITC determined that there is a reasonable indication that imports of certain carbon steel products from Austria are materially injuring a U.S. industry (50 FR 6070). However, no indication of injury was found on imports of galvanized flat-rolled products and this product was dropped from the investigations.

We presented an antidumping questionnaire to counsel for Voest-Alpine AG, the sole Austrian producer of the products under investigation for export to the United States.

Products Under Investigation

The products under investigation are hot- and cold-rolled carbon steel flat-rolled products. A further description of the products is contained in the appendix to this notice.

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

During the course of these investigations, respondent informed the Department that it had discovered that products subject to the investigations which had been sold through trading companies into the world market had ended up in the United States. Respondent did not report those sales in its response to our questionnaire. We requested background information on these sales as they represented approximately 60 percent of the sales to the United States during the period of investigation. After some delay, respondent provided information on May 17, 1985, that indicated that is should have reported full information on these sales.

For reported sales, we used the purchase price of the subject merchandise, as provided in section 772(b) of the Act, to represent the United States price because the merchandise was sold to unrelated U.S. purchasers prior to its importation into the United States. We calculated the purchase price based on the price to the (first) unrelated United States purchaser. We deducted brokerage charges, U.S. Duty, inland freight, ocean freight, and marine insurance, where appropriate.

Respondent requested that we include an adjustment to the U.S. price for any trading profits or losses from dealings with an intermediate unrelated foreign trading company on certain sales to the United States. We have requested additional information on this issue and will consider it in making our final determinations. However, we have not made the adjustment in our preliminary calculations.

For unreported sales, we have used the best information available. This is the simple average margin for the products under investigation from the petition, 55.3 percent.

Foreign Market Value

In accordance with section 773(a)(1), we used home market prices for calculating foreign market value. We made comparisons of "such or similar" merchandise based on grade, thickness, width and surface treatment categories selected by Commerce Department industry experts.

We deducted home market discounts. We adjusted for differences in packing and merchandise, where appropriate. The petitioners alleged that sales in the home market were at prices below the cost of production. We examined production costs, including materials, labor, and general expenses, and found some sales below cost. Where below-

cost sales constituted more than 10 percent of sales in any merchandise category, we eliminated them from our calculations. We still had sufficient home market sales for comparisons for all of the merchandise under investigation.

In calculating foreign market value, we made currency conversions from Austrian schillings to United States dollars in accordance with § 353.56(a)(1) of our regulations, using the certified daily exchange rates.

Verification

In accordance with section 776(a) of the Act, we will verify the information provided by the respondent by using standard verification procedures, including examination of relevant sales and financial records of the company.

ITC Verification

In accordance with section 733(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to these investigations. We still allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to a U.S. industry before the later of 120 days after we make our preliminary affirmative determinations, or 44 days after we make our final determinations.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of certain carbon steel products from Austria that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The United States Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amounts by which the foreign market value of the merchandise subject to these investigations exceeds the United States price as shown in the table below. This suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Weighted-average margin percentage
Voest-Alpine	33
All others	33

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10:00 a.m. on July 10, 1985, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed.

In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by July 3, 185. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

We will make our final determinations of whether these imports are being sold at less than fair value within 75 days of the date of publication of this notice in the **Federal Register**.

These determinations are published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

May 28, 1985.

Appendix

Scope of Investigations

The products under investigation are hot-rolled flat-rolled products and cold-rolled flat-rolled products.

The term "*hot-rolled flat-rolled products*" covers hot-rolled carbon steel products, whether or not corrugated or crimped, not cold-rolled, not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal, and not clad; 01875 inch or more in thickness and over 8 inches in width and pickled, as currently provided for in item 607.8320 of the *Tariff Schedules of the United States, Annotated* (TSUSA), or under 0.1875 inch in thickness and over 12 inches in width, whether or not pickled, whether or not in coils, as currently provided for in items 607.6710, 607.6720, 607.6730, 607.6740, or 607.8342 of the *TSUSA*.

The term "*cold-rolled flat-rolled products*" covers cold-rolled carbon steel products, whether or not corrugated or crimped; whether or not painted or varnished and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal, and not clad; over 12 inches in width and 0.1875 inch in thickness, as currently provided for in item 607.8320 of the *TSUSA*, or over 12 inches in width and under 0.1875 inch in thickness, whether or not in coils; as currently provided for in items 607.8350, 607.8355, 607.8360 of the *TSUSA*.

[FR Doc. 85-13232 Filed 5-31-85; 8:435 am]
BILLING CODE 3510-DS-M

[A-429-404]

Certain Carbon Steel Products From the German Democratic Republic; Preliminary Determinations of Sales at Less Than Fair Value

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice of preliminary determinations of sales at less than fair value.

SUMMARY: We preliminarily determine that certain carbon steel products from the German Democratic Republic (GDR) are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determinations, and we have directed the U.S. Customs Service to suspend liquidation on all entries of the subject merchandise as described in the "Suspension of Liquidation" section of this notice. If these investigations proceed normally, we will make our final determinations by August 12, 1985.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Terri A. Feldman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone: (202) 377-4198.

SUPPLEMENTARY INFORMATION:

Preliminary Determinations

Based upon our investigations, we preliminarily determine that certain carbon steel products from the GDR are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673d) (the Act). The estimated margins were based on the best information available,

as explained below in the section of this notice which describes our fair value comparisons and calculations. The margins for individual products investigated are listed in the "Suspension of Liquidation" section of this notice. If these investigations proceed normally, we will make our final determinations by August 12, 1985.

Case History

On December 19, 1984, we received a petition from United States Steel Corporation, filed on behalf of the domestic producers of certain carbon steel products. In compliance with the filing requirements of § 353.36 of our regulations (19 CFR 353.36), the petition alleged that imports of certain carbon steel products from the GDR are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are causing material injury, or are threatening material injury, to a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate antidumping duty investigations. We notified the ITC of our action and initiated these investigations on January 8, 1985 (50 FR 1913). On February 4, 1985, the ITC determined that there is a reasonable indication that imports of certain carbon steel products from the GDR are materially injuring a U.S. industry.

On March 8, 1985, a questionnaire was presented to the Embassy of the GDR for transmission to Metallurgiehandel Ve Aussen-und-Binnenhandelsbetrieb der DDR (Metallurgiehandel).

On April 2, 1985, we learned from the Commerical Section of the Embassy of the GDR that Metallurgiehandel would not respond to the questionnaire.

As discussed under the "Foreign Market Value" section of this notice, we have preliminary determined that the GDR is a state-controled-economy country for the purpose of these investigations.

Scope of the Investigation

The products under investigation are carbon steel plate, hot-rolled carbon steel flat-rolled products, and cold-rolled carbon steel flat-rolled products.

The term *"carbon steel plate"* covers hot-rolled carbon steel products, whether or not corrugated or crimped; not pickled; not cold-rolled; not in coils; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal and not clad; 0.1875 inch or more in thickness and over 8 inches in width; as currently provided for in item 607.6620 and 607.6625 of the Tariff Schedule of the United States Annotated *(TSUA). Semifinished products of solid rectangular cross section with a width at least four times the thickness and processed only through primary mill hot-rolling are not included.*

The term *"cold-rolled carbon steel flat-rolled products"* covers cold-rolled carbon steel flat-rolled products, whether or not corrogated or crimped; whether or not painted or varnished and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal and not clad; over 12 inches in width, and 0.1875 inch or more in thickness; a currently provided for in item 607.8320 of the *TSUSA;* or over 12 inches in width and under 0.1875 inch in thickness, whether or not in coils; as currently provided for in items 607.8350, 607.8355 or 607.8360 of the *TSUSA.*

The term *"hot-rolled carbon steel flat-rolled products"* covers hot-rolled carbon steel flat-rolled products, whether or not corrugated or cimped; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal and not cald; 0.1875 inch or more in thickness and over 8 inches in width; pickled, and as currently provided for in item 607.8320 of the *TSUSA;* and in coils, as currently provided in item 607.6610 of the *TSUSA.*

According to the petition, Metallurgiehandel accounted for all the exports of this merchandise to the United States. We investigated all imports of carbon steel products during the period July 1 through December 31, 1984.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less fair value, we compared the United States price, based on the best information available, with the foreign market value, also based on the best information available. We used the best information available as required by section 776(b) of the Act because respondent did not submit a response.

United States Price

We calculated the purchase price of certain carbon steel products as provided in section 772 of the Act, on the basis of the average f.o.b. values for the six month period of investigation as provided in the IM146, compiled, by the Bureau of the Census. We used these data as the best information available instead of the average IM146 values for an 18 month period which were provided in the petition.

Foreign Market Value

Petitioners alleged that the GDR is a state-controlled-economy country and that sales of the subject merchandise from that country do not permit a determination of foreign market value under section 773(a). After an analysis of the GDR's economy, we have preliminarily concluded that the GDR is a state-controlled-economy country for purposes of these investigations. Central to our decision on this issue is the fact that the central government of the GDR strictly controls the prices and levels of production of the GDR carbon steel products industry, as well as the internal pricing of the factors of production.

Therefore, we calculated foreign market value as provided in section 773 of the Act. The best information available for calculating foreign market value was the constructed value data submitted in the petition. These data were based on alleged Austrian costs plus the statutory minimum profit of 8 percent.

Verification

In accordance with section 776(a) of the Act, we will verify all data used in reaching the final determination in these investigations, if a timely response is received.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of certain carbon steel products from the GDR which are entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register.** The Customs Service shall require a cash deposit or bond in an amount equal to the estimated amount by which the foreign market value of the merchandise subject to these investigations exceeds the United States price.

This suspension of liquidation will remain in effect until further notice.

The margins for individual products investigated are as follows:

Product	Margin (percent)
Carbon Steel Plate	42
Cold-rolled carbon steel, flat-rolled products	60
Hot-rolled carbon steel, flat-rolled products	80

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports are materially injuring, or are threatening material injury to, a U.S. industry before the later of 120 days after we make our preliminary affirmative determination, or 45 days after we make our final determination.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on July 1, 1985, the U.S. Department of Commerce, Room B841, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by June 21, 1985. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

May 28, 1985.

[FR Doc. 85-13233 Filed 5-31-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-485-401]

Certain Carbon Steel Products From Romania; Preliminary Determinations of Sales at Less Than Fair Value

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice of preliminary determinations of sales at less than fair value.

SUMMARY: We preliminarily determine that certain cabron steel products from Romania are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determinations, and we have directed the U.S. Customs Service to suspend liquidation on all entries of the subject merchandise as described in the "Suspension of Liquidation" section of this notice. If these investigations proceed normally, we will make our final determinations by August 12, 1985.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: David D. Johnston, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, D.C. 20230; telephone: (202) 377-2239.

SUPPLEMENTARY INFORMATION: .

Preliminary Determinations

Based upon our investigations, we preliminarily determine that certain carbon steel products from Romania are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The estimated margins were based on the best information available, as explained below in the section of this notice which describes our fair value comparisons and calculations. The margins for individual products investigated are listed in the "Suspension of Liquidation" section of this notice. If these investigations proceed normally, we will make our final determinations by August 12, 1985.

Case History

On December 19, 1984, we received a petition from United States Steel Corporation, filed on behalf of the domestic producers of certain carbon steel products. In compliance with the filing requirements of § 353.36 of our regulations (19 CFR 353.36), the petition alleged that imports of certain carbon steel products from Romania are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are causing material injury, or are threatening material injury, to a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate antidumping duty investigations. We notified the ITC of our action and initiated these investigations on January 8, 1985 (50 FR 1916). On February 4, 1985, the ITC determined that there is a reasonable indication that imports of certain carbon steel products from Romania are materially injuring a U.S. industry.

On March 12, 1985, a questionnaire was sent to Metalexportimport. On May 1, 1985, we received the response to the questionnaire. The response was not accompanied by a non-confidential summary or an agreement to release the confidential information under administrative protective order. On May 17, 1985 we received an agreement to release confidential information under administrative protective order. We found that the response did not provide adequate product descriptions for us to make sales comparisons of fair value. We have requested this information.

As discussed under the "Foreign Market Value" section of this notice, we have preliminarily determined that Romania is a state-controlled-economy country for the purpose of these investigations.

Scope of the Investigations

The products under investigation are hot-rolled carbon steel flat-rolled products, and cold-rolled carbon steel flat-rolled products.

The term "*cold-rolled carbon steel flat-rolled products*" covers cold-rolled carbon steel flat-rolled products, whether or not corrogated or crimped; whether or not painted or varnished and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal and not clad; over 12 inches in width, and 0.1875 inch or more in thickness; as currently provided for in item 607.8320 of the Tariff Schedules of the United States Annotated (*TSUSA*); or over 12 inches in width and under 0.1875 inch in thickness, whether or not in coils; as currently provided for in items 607.8350, 607.8355 or 607.8360 of the *TSUSA*.

The term "*hot-rolled carbon steel flat-rolled products*" covers hot-rolled carbon steel flat-rolled products, whether or not corrugated or crimped; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape;

not coated or plated with metal and not clad; 0.1875 inch or more in thickness and over 8 inches in width; pickled, as currently provided for in item 607.8320 of the *TSUSA*; or under 0.1875 inch in thickness an over 12 inches in width, whether or not pickled, whether or not in coils, as currently provided for in items 607.6710, 607.6720, 607.6730, 607.6740, or 607.8342 of the *TSUSA*.

According to the petition, Metalexportimport accounted for all the exports of this merchandise to the United States. We investigated all imports of certain carbon steel products during the period July 1 through December 31, 1984.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price, based on the best information available, with the foreign market value, also based on the best information available. We used the best information available as required by section 776(b) of the Act because the response did not have adequate product descriptions.

United States Price

We calculated the purchase price of certain carbon steel products as provided in section 772 of the Act, on the basis of the average f.o.b. values for the period of investigation as provided in the IM146, compiled by the Bureau of the Census. We used these data as the best information available instead of the average IM146 values for a 12 month period, which were provided in the petition.

Foreign Market Value

Petitioners alleged that Romania is a state-controlled-economy country and that sales of the subject merchandise from that country do not permit a determination of foreign market value under section 773(a). After an analysis of Romania's economy, we have preliminarily concluded that Romania is a state-controlled-economy country for purposes of these investigations. Central to our decision on this issue is the fact that the central government of Romania strictly controls the prices and levels of production of Romania's carbon steel products industry, as well as the internal pricing of the factors of production.

Therefore, we calculated foreign market value as provided in section 773 of the Act. The best information available for calculating foreign market value was the constructed value data submitted in the petition. These data were based on Spanish costs plus the statutory minimum profit of 8 percent.

Verification

In accordance with section 776(a) of the Act, we will verify all data used in reaching the final determination in these investigations, if a timely response is received.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of certain carbon steel products from Romania which are entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or bond in an amount equal to the estimated amount by which the foreign market value of the merchandise subject to these investigations exceeds the United States price.

This suspension of liquidation will remain in effect until further notice.

The margins for individual products investigated are as follows:

Product	Margin (percent)
Cold-rolled carbon steel, flat-rolled products	63
Hot-rolled carbon steel, flat-rolled products	50

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports are materially injuring, or are threatening material injury to, a U.S. industry before the later of 120 days after we make our preliminary affirmative determination, or 45 days after we make our final determination.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 2:30 p.m. on July 8, 1985, the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by July 1, 1985. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

May 28, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-13234 Filed 5-31-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-307-401]

Certain Welded Circular Carbon Steel Pipes and Tubes From Venezuela; Preliminary Determination of Sales at Less Than Fair Value

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain welded circular carbon steel pipes and tubes from Venezuela are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend liquidation on all entries of the subject merchandise as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make our final determination by August 12, 1985.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Karen Sackett, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC. 20230; telephone: (202) 377-3003.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that certain pipes and tubes from Venezula are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The estimated margin for the respondent was based on the best information available, as explained below in the section of this notice which describes our fair value comparisons and calculations. The margin for the company investigated is listed in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by August 12, 1985.

Case History

On December 18, 1984, we received a petition from the Subcommittee of the Committee on Pipe and Tube Imports and its member companies, who produce standard pipe on behalf of the domestic producers of standard pipe. In compliance with the filing requirements of § 353.36 of our regulations (19 CFR 353.36), the petition alleged that imports of certain pipes and tubes from Venezuela are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or are threatening material injury, to a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on January 7, 1985 (50 FR 1614), and notified the ITC of our action. On February 1, 1985, the ITC determined that there is a reasonable indication that imports of standard pipe are materially injuring a U.S. industry.

On February 14, 1985, a questionnaire was presented to counsel for Conduven, the Venezuelan respondent. An incomplete questionnaire response was received on April 1, 1985. The response did not describe the individual products sold in sufficient detail to permit us to determine proper such or similar merchandise comparison groups. We notified the respondent on May 3, 1985 that we would require additional information on difference of merchandise adjustments, exchange rates, and English translations of certain information. We stated that, if they did not provide us with the required information, we would proceed to the preliminary determination using the best information available. We did not receive an adequate response to our deficiency letter in sufficient time to use in the preliminary determination. We are requesting additional information to correct the outstanding deficiencies.

Scope of Investigation

The product under investigation is small diameter circular welded carbon steel pipe and tube, with an outside diameter of .375 inch or more but not over 16 inches, of any wall thickness, currently classifiable in the *Tariff Schedules of the United States, Annotated* (TSUSA), under items 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258, and 610.4925.

We limited our investigation to Conduven since it accounted for virtually all the exports of this merchandise to the United States. We investigated all sales of certain pipes and tubes during the period July 1, 1984 through December 31, 1984.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price, based on the best information available, with the foreign market value, also based on best information available. We used best information available as required by section 776(b) of the Act for the reasons explained in the "Case History" section of this notice.

United States Price

We calculated the purchase price of certain pipes and tubes, as provided in section 772 of the Act, on the basis of average customs value for the period of investigation, as reported by the Bureau of Census IM145X. We used these data as the best information available instead of those provided in the petition in order to obtain a representative figure for the total period of investigation, since petitoner provided United States price information for only one month during the period of investigation.

Foreign Market Value

We calculated foreign market value as provided in section 773 of the Act. The best information available for calculating foreign market value was home market pricing information provided in the petition which listed prices for various sizes of standard pipe not over 4.5 inches in outside diameter, less a 14% discount, and converted to U.S. dollars using the September quarterly rate certified by the Federal Reserve Bank.

Verification

In accordance with section 776(a) of the Act, we will verify all data used in reaching the final determination in this investigation.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of certain pipes and tubes from Venezuela which are entered or withdrawn from warehouse for consumption on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or posting of a bond in an amount equal to the estimated amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price.

This suspension of liquidation will remain in effect until further notice. The margins are as follows:

Manufacturers	Margin (percent)
Conduven	26.19
All other manufacturers/producers/exporters	26.19

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports are materially injuring, or are threatening material injury to, a U.S. industry before the later of 120 days after we make our preliminary affirmative determination, or 45 days after we make our final determination.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:30 a.m. on July 12, 1985, at the U.S. Department of Commerce, Room 3708, 14th St. and Constitution Avenue NW., Washington, D.C. 20230. Individuals who wish to

participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reasons for attending; and (4) a list of the issues to be discussed.

In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by July 5, 1985. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

May 28, 1985.

[FR Doc. 85-13236 Filed 5-31-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-307-402]

Certain Carbon Steel Products From Venezuela; Preliminary Determinations of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: We have preliminarily determined that certain carbon steel products from Venezuela are being, or are likely to be, sold in the United States at less than fair value, and have notified the U.S. International Trade Commission (ITC) of our determinations. We have also directed the U.S. Customs Service to suspend the liquidation of all entries of certain carbon steel products from Venezuela that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

If these investigations proceed normally, we will make final determinations by August 12, 1985.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Michael Ready, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 377-2613.

SUPPLEMENTARY INFORMATION:

Preliminary Determinations

We have preliminarily determined that certain carbon steel products from Venezuela are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The weighted-average margin for each product investigated is listed in the "Suspension of Liquidation" section of this notice.

Case History

On December 19, 1984, we received a petition filed in proper form from the United States Steel Corporation, on behalf of the U.S. industry producing certain carbon steel products. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Venezuela are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act (19 U.S.C. 1673), and that these imports are materially injuring, or threatening material injury to, a U.S. industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate antidumping investigations. We initiated the investigation on January 14, 1985 (50 FR 1917), and notified the ITC of our action.

On January 28, 1985, the ITC found that there is a reasonable indication that imports of certain carbon steel products from Venezuela are materially injuring, or threatening material injury to, a U.S. industry (U.S. ITC Pub. No. 1642 February 1985).

We investigated the manufacturer C.V.G. Siderurgica del Orinoco, C.A. (SIDOR) who accounts for all Venezuelan exports of hot and cold-rolled carbon steel flat-rolled products to the United States. We examined 100 percent of the sales made by SIDOR during the period of investigation. It appears that a Canadian reseller sold all of the Venezuelan plate to the United States during the period of investigation.

Scope of Investigations

The products under investigation are: (1) Carbon steel plate, (2) hot-rolled carbon steel flat-rolled products and (3) cold-rolled carbon steel flat-rolled products.

1. The term "*carbon steel plate*" covers hot-rolled carbon steel products, whether or not corrugated or crimped; not pickled; not cold-rolled; not in coils; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal and not clad; 0.1875 inch or more in thickness and over 8 inches in width; as currently provided for in items 607.6620, and 607.6625 of the *Tariff Schedules of the United States Annotated* (TSUSA). Semifinished products of solid rectangular cross section with width at least four times the thickness and processed only through primary mill hot-rolling are not included.

2. The term "*hot-rolled carbon steel flat-rolled products*" covers hot-rolled carbon steel products, whether or not corrugated or crimped; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal and not clad; 0.1875 inch or more in thickness and over 8 inches in width; pickled and as currently provided for in item 607.8320 of the *TSUSA*; and not pickled and in coils; as currently provided in items 607.6610 or under 0.1875 inch in thickness and over 12 inches in width, whether or not pickled, whether or not in coils, as currently provided for in items 607.6710, 607.6720, 607.6730, 607.6740, or 607.8342 of the *TSUSA*.

3. The term "*cold-rolled carbon steel flat-rolled products*" covers cold-rolled carbon steel products, whether or not corrugated or crimped; whether or not painted or varnished and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal and not clad; over 12 inches in width, and 0.1875 or more in thickness; as currently provided for in item 607.8320 of the *TSUSA*; or over 12 inches in width and under 0.1875 inch in thickness, whether or not in coils; as currently provided for in items 607.8350, 607.8355, or 607.8360 of the *TSUSA*.

With respect to carbon steel plate, our investigation revealed that all sales to the United States during the period of investigation (July-December, 1984) were of merchandise which was exported by SIDOR to Canada which entered the commerce of that country, and which was subsequently exported to the United States. Given the above set of circumstances, pursuant to section 773(g) of the Act, we are treating Canada as the country of exportation. Before making a final determination, we will attempt to determine the foreign market value by using Canada as the country of exportation. For the purposes of this preliminary determination we are assigning to carbon steel plate the same bonding rate we have found applicable to hot-rolled flat-rolled products.

With respect to cold-rolled flat-rolled products, SIDOR failed to provide a complete listing of its home market

sales. Therefore, for purposes of this preliminary determination, we are assigning to cold-rolled flat-rolled products the same bonding rate we have found applicable to hot-rolled flat-rolled products.

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used the purchase price of the subject merchandise to represent the United States price because the merchandise was sold to unrelated purchasers prior to its importation into the United States. We calculated the purchase price based on the FOB packed price to unrelated customers in the United States. We made deductions, where appropriate, for Venezuelan inland freight, handling and loading charges.

Foreign Market Value

In accordance with section 773(a) of the Act, we calculated foreign market value based on home market sales. We made comparisons of "such or similar" merchandise based on grade, thickness, width and surface treatment categories selected by Commerce Department industry experts.

We calculated the home market prices for each product on the basis of delivered prices to unrelated purchasers. From these prices, we deducted, where appropriate, Venezuelan inland freight. We made adjustments, where appropriate, for differences in credit and warranty expenses in accordance with § 353.15 of our Regulations (19 CFR 353.15). The Federal Reserve Bank of New York ceased certifying Venezuelan exchange rates in August 1984. Pursuant to § 353.56 of the Regulations, we made currency conversions at the rates certified by the Federal Reserve Bank, for the dates for which there was a certified rate. For the period after the Federal Reserve Bank ceased certifying a Venezuelan exchange rate, we made necessary currency conversions using two rates published by the Central Bank of Venezuela.

SIDOR is required by the Venezuelan government to convert its dollar foreign exchange earnings at two different exchange rates. Seventy-five percent of SIDOR's dollar earnings are converted at the free-market rate prevailing in Venezuela. The remaining 25 percent is converted at a fixed rate of 7.5 bolivares to the dollar (an amount which reflects SIDOR's purchases of dollars for imported inputs which occur at the Bs. 7.5 rate). Thus, for the dates when the Federal Reserve Bank has not certified a rate, we have used, as best information available, the weighted-average of the two rates used by SIDOR when converting its dollar earnings into bolivares.

We have requested the Federal Reserve Bank to certify the Venezuelan exchange rates for the period after August 1984. We intend to use certified rates for our final determinations.

Verification

As provided in section 776(a) of the Act, we will verify all information used in reaching our final determinations.

Suspension of Liquidation

In accordance with section 773(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of certain carbon steel products from Venezuela that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The United States Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted average amounts by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. This suspension of liquidation will remain in effect until further notice.

Article VI.5 of the General Agreement on Tariffs and Trade provides that "[n]o product . . . shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act, which prohibits assessing dumping duties on the portion of the margin attributable to export subsidies. In the preliminary countervailing duty determinations on certain carbon steel products from Venezuela, we found export subsidies (50 FR 11227). If a level of export subsidies is found in the final countervailing duty determination on certain carbon steel products from Venezuela, it will be subtracted for deposit or bonding purposes from the dumping margins, if any, found in the final antidumping determinations on certain carbon steel products from Venezuela.

Manufacturer/producer/exporter	Weighted-average margin percentage
Carbon steel plate SIDOR	4.84
All others	4.84
Hot-rolled carbon steel flat-rolled products SIDOR	4.84
All others	4.84
Cold-rolled carbon steel flat-rolled products SIDOR	4.84
All others	4.84

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry before the later of 120 days after we make our preliminary affirmative determinations or 45 days after we make our final affirmative determinations.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10:00 a.m. on June 28, 1985, at the United States Department of Commerce, Room B–841, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099, at the above address within 10 days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed.

In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by June 21, 1985. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of

this notice's publication, at the above address and in at least 10 copies.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

May 28, 1985.

[FR Doc. 85-13235 Filed 5-31-85; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Financial Assistance Application Announcement; California

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) Program to operate a MBDC for a 3 year period, subject to available funds. The cost of performance for the first 12 months is estimated at $275,000 for the project performance period of September 1, 1985 to August 31, 1986. The MBDC will operate in the Sacramento Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $233,750 in Federal funds and a minimum of $41.250 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The I.D. Number for this project will be 09-10-85002-01.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organization, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying

The MBDC will operate for a three (3) year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as the MBDC's satisfactory performance, the availability of funds, and Agency priorities.

A pre-application conference to assist all interested applicants will be held at the following address and time: Minority Business Development Agency, U.S. Department of Commerce, 450 Golden Gate Avenue, Room 15018, San Francisco, California 94102, June 4, 1985 at 10:00 A.M..

Proposals are to be mailed to the following address: Minority Business Development Agency, U.S. Department of Commerce, San Francisco Regional Office, 450 Golden Gate Avenue, Box 36114, San Francisco, California 94102, 415/556-6734.

Closing date: The closing date for applications is June 14, 1985. Applications must be postmarked on or before 5:00 pm-June 14, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. Xavier Mena, Regional Director, San Francisco Regional Office.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

11.800 Minority Business Development

(Catalog of Federal Domestic Assistance)

May 23, 1985.

Xavier Mena,

Regional Director, San Francisco Regional Office.

[FR Doc. 85-13166 Filed 5-31-85; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcements; Tennessee

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive application under its Minority Business Development Center (MBDC) Program to operate and MBDC for a 3-year period, subject to available funds. The cost of performance for the first *12* months is estimated at *$275,000* for the project performance of *10/01/85* to *09/30/86*. The MBDC will operate in the *Memphis Tennessee* Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of *$233,750* in Federal funds and a minimum of *$41,250* in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services). The Project Number is *04-10-85029-01* for the *Memphis, Tennessee* MSA.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organization, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDC supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements include in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating is annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDC based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

DATES: Closing Date: The closing date for applications is *June 30, 1985.* Applications must be postmarked on or before *June 30, 1985.*

ADDRESS: Atlanta Regional Office, 1371 Peachtree Street N.E., Suite 505, Atlanta, Georgia 30309, (404) 881-4091.

FOR FURTHER INFORMATION CONTACT: Carlton L. Eccles, Regional Director, Atlanta Regional Office.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of applications kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: May 28, 1985.

Carlton L. Eccles,

Regional Director, Atlanta Regional Office.

[FR Doc. 85–13168 Filed 5–31–85; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Applications Announcements; North Carolina

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first 12 months is estimated at *$187,000* for the project performance of *10/1/85* to *9/30/86*. The MBDC will operate in the *Charlotte, North Carolina* Metropolitan Statistical Area (MSA).

The first year cost for the MBDC will consist of *$158,950* in Federal funds and a minimum of *$28,050* in non-Federal funds, (which can be a combination of cash, in-kind contribution and fees for services). The Project Number is *04–10–85030–01* for the *Charlotte, North Carolina* MSA.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organization, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of business. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

DATES: Closing date: The closing date for applications is *June 30, 1985.* Applications must be postmarked on or before June *30, 1985.*

ADDRESS: Atlanta Regional Office, 1371 Peachtree Street, NE., Suite 505, Atlanta, Georgia 30309, (404) 881–4091.

FOR FURTHER INFORMATION CONTACT: Carlton L. Eccles, Regional Director, Atlanta Regional Office.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: May 28, 1985.

Carlton L. Eccles,

Regional Director, Atlanta Regional Office.

[FR Doc. 85–13169 Filed 5–31–85; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Marine Fisheries Advisory Committee; Meeting That Is Partially Closed to the Public

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

Time and Date: The meeting will convene June 24, 1985, 10:15 a.m. and adjourn at approximately 12:00 noon, June 26, 1985.

Place: NOAA Sand Point Facility, Seattle, Washington.

Status: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), notice is hereby given of a meeting of the Marine Fisheries Advisory Committee (MAFAC). Parts of this meeting will be open to the public. The remainder of the meeting will be closed to the public. MAFAC was established by the Secretary of Commerce on February 17, 1971, to advise the Secretary on all living marine resource matters which are the responsibility of the Department of Commerce. This Committee ensures that the living marine resource policies and programs of this Nation are adequate to meet the needs of commercial and recreational fishermen, environmental, state, consumer, academia, and other national interests.

Matters To Be Considered:

Portions Open to the Public:

June 24, 1985, 10:00 a.m.–5:00 p.m., fishery financial assistance programs and habitat initiatives.

June 26, 1985, 9:00 a.m.–12:00 noon, review of current fishery data and summation of recommendations.

Portions Closed to the Public:

June 25, 1985, 9:00 a.m.–3:30 p.m. (Executive Session), current and future year budget/program priorities.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with concurrence of the General Counsel, formally determined on May 20, 1985, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda item to be covered during the Executive Session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because the item will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(9)(B) as information the premature disclosure of which will be likely to significantly frustrate the implementation of proposed agency action. (A copy of the determination is available for public inspection and duplication in the Central Reference and Records Inspection Facility, Room 6628, Department of Commerce.) All other portions of the meeting will be open to the public.

FOR FURTHER INFORMATION OR COPIES OF MEETING SUMMARIES CONTACT: Ann Smith, Executive Secretary, Marine Fisheries Advisory Committee, National Marine Fisheries Service, NOAA, Washington, D.C. 20235. Telephone: (202) 634–9563.

Dated: May 28, 1985.

Joseph W. Angelovic,

Deputy Assistant Administrator for Fisheries.

[FR Doc. 85–13153 Filed 5–31–85; 8:45 am]

BILLING CODE 3510-01-M

Pacific Coast Groundfish Fishery

Correction

FR Doc. 85–11857, beginning on page 20470 in the issue of Thursday, May 16, 1985, appeared in the Proposed Rules section; however, it should have appeared in the Notices section.

BILLING CODE 1505–01–M

Pacific Coast Groundfish Fishery

Correction

FR Doc. 85–11858, beginning on page 20420 in the issue of Thursday, May 16, 1985, appeared in the Rules and Regulations section; however, it should have appeared in the Notices section.

BILLING CODE 1505–01–M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. CRT 85–3 85CA]

Adjustment of Cable Copyright Royalty Rates

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice of Inquiry.

SUMMARY: This notice solicits comments on TBS's petition to adjust the cable copyright royalty rate for cable operators who want to carry WTBS, Atlanta, Georgia. Comments are solicited specifically, but not restricted to, TBS's standing to petition, the scope of the TBS petition, and the procedures to be followed in considering the petition. This notice is in response to a motion filed by the Motion Picture Association of America which requested a notice and comment proceeding.

DATES: Comments must be submitted by July 8. Reply comments must be submitted by August 8.

ADDRESS: Comments may be filed with or mailed to: Copyright Royalty Tribunal, 1111 20th Street, NW, Suite 450, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Robert Cassler, General Counsel, (202) 653–5175.

SUPPLEMENTARY INFORMATION: The Copyright Act of 1976 (Act) established the Copyright Royalty Tribunal (Tribunal) to make determinations concerning the adjustment of copyright royalty rates which cable operators must pay for the retransmission of nonnetwork distant broadcast signals. 17 U.S.C. 111, 801 (1976). Section 801(b)(2) of the Act authorizes the Tribunal to make three adjustments: (1) To adjust the rates established by the Act for those distant signals which a cable operator could legally carry under the regulations of the Federal Communications Commisson (FCC) in effect on April 15, 1976, but only to maintain the real constant dollar level of the royalty fees set by the Act; (2) to set the rates for those distant signals which, due to changes in FCC regulations regarding distant signal carriage, became legally available to cable operators after April 15, 1976; and (3) to set the rates for those distant signals which, due to changes in FCC regulations regarding syndicated and sports program exclusivity, became legally available to cable operators after April 15, 1976.

Section 804 of the Act establishes 1985 as the year in which the Tribunal can be petitioned to reconsider the cable royalty rates. The Tribunal was petitioned and has already concluded the inflation adjustment of the rates established by the Act. *1985 Inflation Adjustment for Cable Copyright Royalty Rates,* 50 FR 18480 (May 1, 1985).

On March 25, 1985, the Tribunal received a petition from Turner Broadcasting System, Inc. (TBS) to adjust the cable royalty rates, "for carriage of newly added distant broadcast signals as it is applied to carriage of WTBS, Atlanta, Georgia in certain circumstances." On April 8, 1985, the Motion Picture Association of America, Inc. (MPAA) filed a motion with the Tribunal requesting the Tribunal to establish a notice and comment proceeding for resolving certain questions raised by the TBS petition. Specifically, MPAA seeks resolution of six issues: the exact nature of the relief requested by TBS, whether TBS is an "owner or user of copyrighted works with a significant interest in the royalty rate," what rates would apply to carriage of WTBS under TBS' proposed regulation, who would bear the burden of proof, whether a WTBS rate would be a "discriminatory" rate, and whether the Tribunal should use the same procedures it recently adopted for the 1983 cable distribution proceeding.

The Tribunal believes that the notice and comment procedure requested by MPAA would assist the orderly disposition of the TBS petition. The Tribunal is especially mindful of its obligation under section 804(a)(2) which states, "The Tribunal shall make a determination as to whether the applicant has a significant interest in the royalty rate in which an adjustment is requested." However, the Tribunal believes that certain of MPAA's requested questions may be premature. For example, the question of whether creating a special classification for WTBS might result in discriminatory rates would be better addressed at the time of hearing than at this stage. Therefore, the Tribunal declines to propose MPAA's six questions as phrased, but will ask the following questions:

To TBS alone:

1. What is the exact nature of the relief requested by TBS?

2. How would it work?

To the public and TBS:

1. Is TBS an owner or user of copyrighted works with a significant interest in the royalty rate in which an adjustment is requested, as required by 17 U.S.C. 804(a)(2)?

2. Should the same procedures recently adopted in the 1983 distribution proceeding *(Notice Commencing 1983 Cable Distribution Proceeding,* 50 FR 13845 (April 8, 1985) be used for a TBS rate adjustment proceeding? Should TBS be required to put forward its case first, with a period for rebuttal cases to follow, or should all parties who intend to put in evidence be required to file their cases at the same time?

3. What burden of proof should TBS have to sustain to obtain the rate it seeks?

Comments are requested for the above specified questions, but comments may be submitted on any issue which an individual believes is important. To facilitate informed commenting, the entire TBS petition is printed following this notice. The motion by MPAA and the procedures of the 1983 cable distribution proceeding are available for inspection or copying at the Tribunal's offices, Suite 450, 1111 20th Street, N.W., Washington, D.C. during regular business hours. Comments are due by July 8, 1985. Reply comments are due by August 8, 1985.

Edward W. Ray,

Acting Chairman.

May 29, 1985.

Petition To Commence Proceeding To Adjust Copyright Royalty Rates for Cable Carriage of WTBS

Turner Broadcasting System, Inc. (TBS), pursuant to 17 U.S.C. 801(b)(2)(B) and 804(b), hereby petitions the Copyright Royalty Tribunal (CRT or Tribunal) to commence a proceeding solely for the purpose of adjusting the cable compulsory license royalty rate for carriage of newly added distant broadcast signals as it is applied to carriage of WTBS, Atlanta, Georgia in certain circumstances.

TBS is the owner of SuperStation WTBS, a UHF television station retransmitted via satellite to cable television systems nationwide. TBS owns the copyright in certain works, and is licensed to use other copyrighted works, contained in WTBS' broadcast. Accordingly, TBS has the requisite "significant interest" to petition for adjustment of the cable royalty rate as required by 17 U.S.C. 804(b). With respect to the carriage of WTBS, all Form 3 systems have the same interests as TBS. 37 CFR 301.62.

The Copyright Royalty Tribunal in 1982 adjusted the cable copyright royalty fees to reflect the Federal Communications Commission's repeal of its distant signal and syndicated exclusivity rules. 47 FR 52146 (Nov. 19, 1982), *aff'd National Cable Television Association, Inc. v. Copyright Royalty Tribunal,* 724 F. 2d 176 (D.C. Cir. 1983). Specifically, and as relevant to the instant petition, the CRT established a rate of 3.75 percent of gross subscriber receipts for the carriage of any distant signal over the number that would have been permitted under FCC rules in effect as of June 24, 1981. (Hereinafter "CRT decision"). This new rate applied only to cable systems obtaining semiannual gross receipts from subscribers of $214,000 or more ("Form 3" systems). *See generally* 37 CFR 308.2.

TBS's experiences under the CRT's decision have demonstrated that the post-deregulation 3.75% rate is not reasonable within the meaning of section 801(b)(2)(B) with respect to cable system carriage of WTBS. *First,* WTBS began to be distributed to cable systems by satellite in 1976. Substantially all contracts for programming into which WTBS had entered prior to 1976 have now expired. Contracts currently in effect were entered into between a willing buyer, TBS, and a willing seller. Each seller has been aware of WTBS's satellite distribution, and has contracted at free market prices voluntarily reached by the parties for exhibition of the programming. *Second,* these direct licensing fees paid by WTBS to copyright owners for renewal of rights or for purchase of initial rights have, in fact, increased to reflect the expanded audience WTBS now reaches nationally. *Third,* program suppliers, while voluntarily selling to WTBS, offer only those programs they view as suitable for exhibition by WTBS in its capacity as the "SuperStation"; hence, a "SuperStation" submarket of the current syndication market has been created with respect to WTBS. *Fourth,* the 3.75% rate has inhibited carriage of WTBS. A substantial number of Form 3 cable systems, representing more than 1.2 million subscribers, has discontinued carriage; hundreds of other cable systems have declined to carry WTBS.

The net result of these evolutionary events is that the imposition of the 3.75 percent rate for cable systems carrying WTBS as a "*post-Malrite*" signal represents a windfall double payment to copyright holders who had entered into voluntary program exhibition contracts with TBS at prices reflecting the value of the national SuperStation audience plus the statutory royalty rate. The 3.75 rate is unnecessary either to compensate copyright holders for additional cable use, since that compensation has been paid directly by TBS, or to protect copyright holders from any other alleged harm since all sales have been voluntarily contracted in a new, SuperStation syndicated programming submarket. In consequence, TBS respectfully requests that the CRT reduce the royalty rate applicable to those cable systems subject to the CRT's November 19, 1982 rate decision for carriage of WTBS from 3.75 percent of gross receipts to the applicable statutory rates, and to adopt the following regulation, to be codified at 37 CFR 308.2:

(e) Notwithstanding paragraph (a) of this Section, commencing with the second accounting period of 1985 and for each semiannual accounting period thereafter, (1) if the signal of WTBS, Atlanta, Georgia had been carried by a cable system during the first or second accounting period of 1984 and the cable system paid a royalty for the carriage of the WTBS signal of 3.75 per centum of the gross receipts of the cable system or (2) if a cable system began carrying the signal of WTBS, Atlanta, Georgia after January 1, 1985, then the cable system can elect to classify the signal of WTBS for royalty purposes as a "national distant signal." If the cable system classifies the WTBS signal as a "national distant signal," the royalty rate to be paid by a cable system for the carriage of the WTBS signal shall be computed as if the WTBS signal were subject to the rates established in 17 U.S.C. 111(d)(2)(B).

Finally, TBS requests that, in view of the Tribunal's considerable flexibility to establish its own procedures, the CRT limit this proceeding under section 801(b)(2)(B) to the consideration of the above regulation applicable to WTBS.

Respectfully submitted,

Turner Broadcasting Sytem, Inc.

March 25, 1985.

[FR Doc. 85-13223 Filed 5-31-85; 8:45 am]
BILLING CODE 1410-06-M

[CRT Docket No. 84-1 83CD]

Order Directing Partial Distribution of 1983 Cable Royalty Fees

On April 8, 1985, the Tribunal published in the **Federal Register** its determination that a controversy exists as to the distribution of the 1983 cable copyright royalty fees. *Notice Commencing 1983 Cable Distribution Proceeding,* 50 FR 13845 (April 8, 1985). By April 22, 1985, eight parties had filed notices of intent to participate in Phase I of the 1983 cable distribution proceeding, and by May 13, 1985 each Phase I claimant had filed its written direct case advancing their justification of the percentage of the royalty fund to which it believed it is entitled.

On May 21, 1985, the Phase I claimants—the Program Suppliers, the Joint Sports Claimants, the National Association of Broadcasters, the Public Television Claimants, the Music Claimants, the Devotional Claimants, the Canadian Claimants and National Public Radio—filed jointly a motion for a 50% distribution of the fund based upon the allocation to each Phase I claimant from the 1982 cable distribution proceeding. The Phase I claimants make it clear in their filing that none of the claimants necessarily agree that the 1982 percentage allocations are applicable in the 1983 proceeding. Each claimants reserves its right to seek a higher percentage award. However, the Phase I claimants do agree that retention of 50% of the 1983 fund is "an amount sufficient to satisfy all claims with respect to which a controversy exists. . . ." Section 111(b)(5)(C) of the Copyright Act of 1976. the Phase I claimants also agree that in the event any claimant is found to have received an overpayment from this partial distribution based upon the Tribunal's final determination, it will refund the overpayment.

The Tribunal orders that 50% of the 1983 cable copyright royalty fees constituting the 1983 fund as of June 27, 1985 will be distributed on June 27, 1985 solely to the agents designated by the Phase I claimants. In the event any claimant is required to refund any portion of this distribution, it will refund the overpayment with interest. The interest will be assessed at the same rate the money would have earned if it had remained in the 1983 fund.

The 50% distribution to be allowed at this time is based upon the final determination of Phase I of the 1982 cable distribution proceeding:

	Percent
Program Suppliers	69.2982
Joint Sports Claimants	14.8496
Public Television Claimants	5.1974
National Association of Broadcasters	4.4549
Music Claimants	4.2074
Devotional Claimants	1.000
Canadian Claimants	0.7425
National Public Radio	0.25
Total	100.0000

Edward W. Ray,

Acting Chairman.

May 29, 1985.

[FR Doc. 85–13224 Filed 5–31–85; 8:45 am]

BILLING CODE 1410–15–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Public Information Collection Requirement Submitted to OMB for Review.

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Existing Collection in Use Without an OMB Number

Report of Dental Correction (AFROTC Form 10).

AFROTC Form 10 is used as a record of dental corrections for AFROTC cadets. Pilot and navigator candidates are required to have any dental defects corrected to ensure they meet the standards for commissioning before they receive their commissioning examinations. The information is used to certify that the cadets meet the dental standards for commissioning requirements.

Individuals

Responses 7500

Burden hours 625

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone number (202) 746–0933.

SUPPLEMENTAL INFORMATION: A copy of the information collection proposal may be obtained from TSgt Thomas E. Lowther, AFROTC/RRF, Maxwell AFB, AL 36112–6663, telephone number (205) 293–5997.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

May 29, 1985.

[FR Doc. 85–13190 Filed 5–31–85; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Existing Collection in Use Without an OMB Number

AFROTC Four-Year Scholarship Program Finalist Questionnaire (AFROTC Form 69A).

The questionnaire is used during the selection process for finalists competing for AFROTC four-year scholarships. It is filled out as part of an interview and requires applicants to respond to questions in their own handwriting. The questionnaire tests the applicants' ability to think through a question and respond in writing in a logical and grammatically correct manner.

Individuals

Responses 10,000

Burden Hours 5,000

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone number (202) 746–0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained by Captain John C. Sampson, AFROTC/RRUF, Maxwell AFB, AL 36112–6663, telephone number (205) 293–7783.

Dated: May 29, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85–13193 Filed 5–31–85; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The Point of contact from whom a copy of the information proposal may be obtained.

Existing Collection in Use Without an OMB Control Number

Credentials Evaluation of Health Care Practitioners

This form is used to obtain personal and professional information from health care practitioners seeking to join or be employed by the Air Force to provide patient care so that their qualifications for doing so may be objectively evaluated.

Individuals

Responses 2,250

Burden hours 1,125

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer,

Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC. 20503, and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone number (202) 746–0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Capt. Jackie Smity, HQ USAF/SGQ, Bolling AFB, DC 20332–6188, telephone (202) 767–2159.

Dated: May 29, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85–13192 Filed 5–31–85; 8:45 am]

BILLING CODE 3810-01-M

USAF Scientific Advisory Board; Meeting

Change of location in meeting of the USAF Scientific Advisory Board Ad Hoc Committee Study on Artificial Intelligence published in **Federal Register** on April 18, 1985 (50 FR 15475). It will be held at the MITRE Corp., Bedford, MA (previously scheduled at the Pentagon, Washington, DC). Everything else remains the same.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8845.

Worita C. Koritko,

Air Force Federal Register Liaison Officer.

[FR Doc. 85–13318, Filed 5–31–85; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Public information collection requirement submitted to OMB for review.

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whon comments regarding the information collection are to be forwarded; and (8) the point of contact from whom a copy of the information proposal may be obtained

Existing Collection in Use Without an OMB Number

Marksmanship Competition Rifle and Pistol (Individual and Team) Entry and Score Cards; DA Forms 1342, 1343, 1344, and 1345.

Department of the Army forms are used to record individual and team scores for the annual conduct of Excellence-in-Competition and National Matches competition. The score cards are used for computation and recording purposes.

Affected public

Responses 3,820

Burden Hours 216

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone number (202) 746–0933.

FOR FURTHER INFORMATION CONTACT: A copy of the information collection proposal may be obtained by Mr. David O. Cochran, DAIM–ADI, Room 1D667, The Pentagon, Washington, DC 20310–0700, telephone (202) 695–5111.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

May 29, 1985.

[FR Doc. 85–13191 Filed 5–31–85; 8:45 am]

BILLING CODE 3810-01-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement for the Proposed Deer Creek Reservoir Water Supply Project

AGENCY: U.S. Army Corps of Engineers, Army Department, DOD.

Sponsor: Wyoming Water Development Commission, Cheyenne, Wyoming.

ACTION: Notice of Intent to Prepare a draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed action is to construct the Deer Creek Reservoir on Deer Creek, at tributary of the North Platte River located in east-central Wyoming. The dam site is located at the upper end of the Lower Deer Creek Canyon in Converse County approximately 18 miles southwest of Glenrock.

2. Existing water supplies are not expected to be sufficient to meet the needs of projected growth beyond the year 1990. This proposal would provide adequate domestic water supplies to meet needs through the year 2005. Alternatives being evaluated by the applicant include:

a. Increasing the capacity of existing reservoirs.

b. Construction of a new reservoir.

c. Trans basin diversion.

d. Use of ground water resources.

e. Conservation.

f. No action.

Alternatives available to the Corps of Engineers include:

a. Approve the permit application.

b. Denial of the permit.

c. Approve the permit with some modification.

3. To date, public involvement has included a public hearing held by the Wyoming Water Development Commission. No significant issues have yet been identified. The project will also comply with the requirements of the Historic Preservation Act, the Endangered Species Act, the Fish and Wildlife Coordination Act, Section 404 of the 1977 Clean Water Act, Executive Order 11988 on flood plains, and Executive Order 11990 on wetlands.

4. Scoping meetings for the DEIS will be held on Tuesday, June 11, 1985, at 7:00 p.m. (MST) in the City Council Chambers of the City of Casper located at 200 North David Street, and on Wednesday, June 12, 1985, at 7:00 p.m. (CST) in the Snyder Building of the University of Nebraska West Central Research Extension Center, North Platte, Nebraska. The participation of the public and all interested Government agencies is invited.

5. The Omaha District estimates that the DEIS will be released for public review in November 1985.

ADDRESS: Questions about the proposed action, DEIS, or scoping meetings should be directed to Richard Gorton; Chief, Environmental Analysis Branch; Omaha District, CE; 6014 U.S. Post Office and Courthouse; Omaha, Nebraska 68102, phone (402) 221–4605.

Dated: May 14, 1985.

John O. Roach,

Department of the Army Liaison Office.

[FR Doc. 85–12862 Filed 5–31–85; 8:45 am]

BILLING CODE 3710-JB-M

Intent To Prepare a Draft Supplement to the Tennessee Valley Authority's Final Environmental Impact Statement for the Proposed Development and Use of Mallard-Fox Creek Area in North Alabama

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft supplement to the final environmental impact statement (FEIS).

SUMMARY: The Nashville District Corps of Engineer (CE) is currently preparing a Detailed Project Report (DPR) on the development of the Morgan County Port in Decatur, Alabama, along the Tennessee River (River Mile 399.0). The study is being conducted under the authority of section 107 of the 1960 Rivers and Harbors Act, as amended.

The FEIS for the Morgan County industrial development was prepared by the Tennessee Valley Authority and is hereby adopted by the Corps of Engineers. The Louisville District CE is preparing the draft supplement to the FEIS at the request of the Nashville District CE. The supplement will address proposed port developemnt. The Tennessee Valley Authority is participating as a cooperating agency in the preparation of the supplement.

The action being considered by the Nashville District involves the dredging of a nine-foot (minimum) navigation channel to link the Morgan County Port with the Tennessee River navigation channel. Dredging would occur to elevation 538. It is estimated that approximately one million cubic yards of material will require excavation and disposal.

The draft supplement will cover a variety of issues including economics, land use, transportation and wetlands in addition to the actual dredging of the navigation channel. Any individual or group having comments regarding the contents of the draft supplement is requested to submit them to the Corps of Engineers at the address at the end of this notice within sixty days of the publication date of this notice.

DATE: It is estimated that the draft supplement will be released for public review on or before 1 October 1985.

ADDRESS: Questions regarding the considered action or the draft supplement should be directed to Dwayne G. Lee, Colonel, Corps of Engineers, 500 Federal Place, P.O. Box 59, Louisville, Kentucky 40201. Phone: (502) 582-5601.

By authority of the Secretary of the Army.

Dated: May 16, 1985.

Dwayne G. Lee,

Colonel, CE, District Engineer.

[FR Doc. 85-12436 Filed 5-31-85; 8:45 am]

BILLING CODE 3710-JB-M

Department of the Army

Intent To Grant a Limited Exclusive Patent License to Neurotherapeutics Corp.

The Department of the Army announces its intention to grant Neurotherapeutics Corporation, a corporation of the District of Columbia, a limited exclusive license under U.S. Patent No. 4,267,182, issued May 12, 1981, and U.S. Patent No. 4,434,168, issued February 28, 1984, both entitled "Narcotic Antagonists in the Therapy of Shock", by J.W. Holaday, et al.

The proposed limited exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and the Department of Commerce's regulations at 37 CFR Part 404. The proposed license may be granted unless, within 60 days from the date of this notice, the Department of the Army receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest. All comments and materials must be submitted to the Chief, Patents, Copyrights, and Trademarks Division, U.S. Army Legal Services Agency, 5611 Columbia Pike, Falls Church, VA 22041-5013.

For further information concerning this notice, contact: Lieutenant Colonel Francis A. Cooch, USALSA (JALS-PC), Nassif Bldg.—Room 332A, Falls Church, VA 22041-5013, Telephone No. (Area Code 202) 756-2434/2435.

John O. Roach, II,

Army Liaison Officer With the Federal Register.

[FR Doc. 85-13170 Filed 5-31-85; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Naval Discharge Review Board; Hearing Locations

In November 1975, the Naval Discharge Review Board commenced to convene and conduct prescheduled discharge review hearings for a number of days each quarter in locations outside of the Washington, D.C. area. The cities in which these hearings are scheduled are determined in part by the concentration of applicants in a geographical area.

The following NDRB itinerary for August 1985 through November 1985 has been approved, but remains subject to modification if required:

12 through 16 August 1985—San Diego, California

19 through 22 August 1985—San Francisco, California

23 through 27 September 1985—Chicago, Illinois

18 through 22 November 1985—Dallas, Texas

Any former member of the Navy or Marine Corps who desires a discharge review, either in Washington, D.C., or in a city nearer to their residence, should file an application with the Naval Discharge Review Board using DD Form 293. If a personal appearance is requested, the petitioner should enter on the application the hearing location which is preferred. Application forms (DD 293) may be obtained from, and the completed application should be mailed to, the following address: Naval Discharge Review Board, Suite 905, 801 North Randolph Street, Arlington, Virginia 22203-1989.

Notice is hereby given that, since the foregoing itinerary is subject to modification and since, following receipt of a new application, the Naval Discharge Review Board must obtain applicant's military records before a hearing may be scheduled, the submission of an application to the Naval Discharge Review Board is not tantamount to scheduling a hearing. Applicants and representatives will be mailed a notification of the date and place of their hearing when personal appearance has been requested.

For further information concerning the NDRB, contact: Captain R.A. Ways, U.S. Navy, Executive Secretary, Naval Discharge Review Board, Suite 905, 801 North Randolph Street, Arlington, Virginia 22203-1989, (202) 696-4881.

Dated: May 29, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, USNR Federal Register Liaison Officer.

[FR Doc. 85-13132 Filed 5-31-85; 8:45 am]

BILLING CODE 3810-01-M

Naval Research Advisory Committee; Closed meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the David W. Taylor Naval Ship Research and Development Center (DTNSRDC) Review Team of the Naval Research Advisory Committee Panel on Laboratory Oversight will meet on June 19, 1985, at the David W. Taylor Naval Ship Research and Development Center,

Carderock, Maryland. The meeting will commence at 8:30 A.M. and terminate at 4:00 P.M. on June 19. The entire meeting will be closed to the public.

The purpose of the meeting is to examine the scientific, technical, and engineering health of DTNSRDC. The agenda for the meeting will consist of technical briefings by the Review Team to the DTNSRDC management and discussion among the Review Team members to begin consolidating a draft report. The entire meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander T.C. Fritz, U.S. Navy, Office of Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217–5000, Telephone number (202) 696–4870.

Dated: May 29, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85–13133 Filed 5–31–85; 845; am]

BILLING CODE 3810–AE–M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Training Program for Special Programs Staff and Leadership Personnel

AGENCY: Department of Education.

ACTION: Application Notice for Transmittal of Application for New Awards; and Establishment of Final Funding Priorities for Fiscal Year 1985.

SUMMARY: Applications are invited for new awards under the Training Program for Special Programs Staff and Leadership Personnel.

Authority for this program is contained in sections 417A and 417F of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1070d, 1070d–1d)

The Secretary is authorized to make grants under this program to institutions of higher education, and other public and private nonprofit institutions and organizations.

The purpose of the grant awards is to improve the operation of the Special Programs for Students from Disadvantaged Backgrounds (Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers) by providing training for staff and leadership personnel employed in, or preparing for employment in, such programs and projects.

Effective Date: The priorities included in this notice take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

Closing Date for Transmittal of Applications: An application for a training grant must be mailed or hand delivered by July 19, 1985.

Applications Delivered by Mail: An application sent by mail should be addressed to the U.S. Department of Education, Application Control Center, Room 5673, ROB #3, Attention: 84.103 (Training Program for Special Programs Staff and Leadership Personnel), 400 Maryland Avenue SW, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark or a private mail receipt as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: It is anticipated that up to $1,088,300 will be available for new awards under the Training Program for Special Programs Staff and Leadership Personnel in fiscal year 1985. It is estimated that these funds will provide for approximately eleven (11) training grant awards.

These estimates do not bind the U.S. Department of Education to a specific number of grants, or to the amount of any grant, unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages are expected to be ready for mailing by June 4, 1985. Application packages may be obtained by contacting the Division of Student Services, U.S. Department of Education (Room 3060, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245–2165.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information package is only intented to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations. (Approved by the Office of Management and Budget under control number 1840–0125, Expiration Date, 12/31/86.)

The Secretary suggests that the narrative portion of the application not exceed thirty (30) pages in length. The Secretary further suggests that only the information required by the application form be submitted.

Program Information: The Secretary is accepting applications for one year of funding to support a variety of training projects that respond to the training needs and priorities of the Special Programs Staff and Leadership Personnel. An applicant may submit more than one application for funding under this program, and the Secretary urges that separate applications be submitted for separate proposed training activities.

The applications for new awards will be evaluated competitively under this selection criteria for new awards, 34 CFR 642.31. In addition, applicants that have been funded within the previous three years to operate a training project for Special Programs Staff and Leadership Personnel will be evaluated on the basis of their prior experience under 34 CFR 642.32.

Applicable Regulations: Regulations applicable to this program are:

(a) Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78; and

(b) Regulations governing the Training Program for Special Programs Staff and Leadship Personnel (34 CFR Part 642), and the final priorities included in this notice.

Funding Priorities

On February 5, 1985, the Secretary of Education published in the **Federal Register**, 50 FR 4997–4998, a notice of proposed funding priorities for training activities to be funded under the Training Program for Special Programs Staff and Leadership Personnel for Fiscal Year 1985. Under §§ 642.31(f) and 642.34 of the Training Program regulations, 34 CFR Part 642, the Secretary awards up to 8⅓ points to applicants that propose to carry out one or more of the priority activities.

Interested parties were given 30 days to submit comments, suggestions or recommendations regarding the proposed priorities. A total of nine comments were received. Favorable comments were received supporting all priorities. Other comments were received suggesting additional priorities. The Secretary decided to limit the priority activities to the proposed priorities because of the limited amount of funds available for training. The following is a summary of the comments received and the Secretary's response to the comments regarding all priorities.

Proposed Priority (1): Workshops for new Special Programs project directors (less than two years in their current positions) to improve their skills in areas such as supervision, program administration including evaluation, and compliance with Federal regulations in order to prevent mismanagement or marginal results.

Comments: One commenter suggested that the workshop should include the improvement of skills in the areas of: (a) Personnel preparation/inservice planning; (b) interviewing prospective employees; and (c) interpersonal/intercultural relations.

Response: No change has been made. Applicants requesting training project funds under the priority may include any of the topics cited above. Although not specifically stated, the priority does encompass such topics.

Proposed Priority (2): Workshops which enhance the skills of Special Programs instructional staff in providing basic skills development and developing effective individualized instructional techniques.

Comment: One commenter suggested the workshop include developing interpersonal skills in students.

Response: No change has been made. An applicant has the flexibility to include, under the proposed priority, those content areas that relate to the priority on basic skills development and developing effective individualized instructional techniques.

Proposed Priority (3): Workshops which provide Special Programs counselors and instructors with techniques and information on appropriate uses of standardized tests and student assessment procedures.

Comment: One commenter suggested that the priority include crosscultural counseling, intergroup relations, and parent counseling.

Response: No change has been made. Due to limited funds, enhancement of counselors' and instructors' skills in these areas must be provided through in-service training.

Proposed Priority (4): Workshops to enhance the skills of project staff who provide services to one or more of the following types of individuals: the physically handicapped or learning disabled; the adult learner; and students from rural and other non-urban environments.

Comments: Two commenters supported training for project staff who provide services to the physically handicapped or learning disabled, the adult learner and students from rural and other non-urban environments. One of the commenters also suggested that training on the speech handicapped should not be included with training on the learning disabled but treated as a separate category.

Response: No change has been made. Workshops designed to enhance the skills of staff who provide services to physically handicapped or learning disabled persons may also include training on specific disabilities.

Other Comments: Other comments received suggested adding the following training priorities:

(a) Training workshops which would provide staff with skills, techniques and informatin on effective student retention.

(b) Workshops to provide project directors and other personnel directly involved in resource development with skills to identify and secure program funding and support services from State and local resources as supplemental sources.

(c) Workshops to provide training for Special Programs' clerical personnel so that they can better contribute to assisting disadvantaged students and aiding in project continuity.

(d) Workshops to train and retrain health care administrators and clinical support staff at local health departments.

Response: With the exception of (d) above, each suggested addition to the priorities is eligible for funding under the Training Program and has merit. However, the Secetary has decided to limit the number of priorities due to the limited amount of funds available. The Secretary will consider applications for a Training Program project on (a), (b), and (c) above and other topics which are not listed as priorities if the applicant addresses another significant training need in the local area being served by the Special Programs.

The training of health care administrators and staff (see (d) above) is not an eligible project under the Training Program. Training under the Program is limited by statute to staff and leadership personnel employed or preparing for employment in projects under the Special Programs for Students from Disadvantaged Backgrounds (Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers.)

After careful consideration of the comments received, the Secretary is adopting the following priorities as the final priorities that will be used to evaluate applications for new awards in Fiscal Year 1985.

Funding Priorities for Fiscal Year 1985

(1) Workshops for new Special Programs project directors (less than two years in their current positions) to improve their skills in areas such as supervision, program administration including evaluation, and compliance with Federal regulations in order to prevent mismanagement or marginal results.

(2) Workshops which enhance the skills of Special Programs instructional staff in providing basic skills development and developing effective individualized instructional techniques.

(3) Workshops which provide Special Programs counselors and instructors with techniques and information on appropriate uses of standardized tests and student assessment procedures.

(4) Workshops to enhance the skills of project staff who provide services to one

or more of the following types of individuals: the physically handicapped or learning disabled, the adult learner, and students from rural and other non-urban environments.

The Secretary will consider applications for a Training Program project on topics other than those given priority if the applicant addresses another significant training need in the local area being served by the Special Programs. Those proposals will not receive any priority points.

FOR FURTHER INFORMATION CONTACT: Jowava M. Leggett, Division of Student Services, U.S. Department of Education (Room 3060, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: (202) 245–2165.

(20 U.S.C. 1070d, 1070d–1d)

(Catalog of Federal Domestic Assistance Number: 84.103—Training Program for Special Programs Staff and Leadership Personnel)

Dated: May 28, 1985.

William J. Bennett,

Secretary of Education.

[FR Doc. 85–13184 Filed 5–31–85: 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Western Area Power Administration

Proposed Criteria for the Allocation of 3.125 Percent (50 MW) of Transfer Capability on the California-Oregon Transmission Project Among Non-Federal Public Entities

AGENCY: Western Area Power Administration, Sacramento Area Office, DOE.

ACTION: Announcement of procedures to govern the allocation of 3.125 percent, approximately 50 MW, of transfer capability on the California-Oregon Transmission Project among non-Federal public entities. This document also is an announcement of call for applications for individual allotments from this transfer capability.

SUMMARY: On February 7, 1985, the Secretary of Energy issued his Memorandum of Decision (MOD) on the California-Oregon Transmission Project (Project). The MOD, published in the **Federal Register** on February 20 and 22, 1985 (50 FR 7102; 50 FR 7368), was based upon a full and complete review and consideration of the record of a public hearing held January 25, 1985, as well as all other comments and recommendations on a proposed Memorandum of Understanding (MOU) among the Project Participants (Participants) for the financing, construction, and operation of the Project. The text of the MOU was published in the **Federal Register** on January 3, 1985 (50 FR 420). The MOD, as further clarified by the Department of Energy's (DOE) letter of May 4, 1985, determined that the MOU represents an appropriate plan for development of the Project subject to the following modifications and conditions: (1) The United States will retain ownership of all existing towers and other facilities of the Central Valley Project (CVP) which remain after the upgrade. The DOE will grant the non-Federal Participants whatever licenses are necessary for installing new 500–kV insulators and conductors, modifying existing towers, and installing entire new towers. Ownership of all new insulators and conductors and all new towers will be retained by the non-Federal Participants; (2)(a) users of the 6.25 percent (100 MW) of Project transfer capability reserved to the Western Area Power Administration (Western) for the DOE laboratories, the Federal wildlife refuges and other Federal agencies shall pay Western reasonable transmission fees to be established by Western; (b) the Federal laboratories and wildlife refuges will not lay off Intertie transfer capability to other Federal agencies so long as the 100 MW of intertie capacity is required by such laboratories and wildlife refuges; (c) acceptable firm transmission service arrangements under reasonable rates, terms, and conditions shall be provided by the Participants to those laboratories, wildlife refuges, and agencies; and (3) 3.125 percent, approximately 50 MW, of Project transfer capability shall be made available for allocation by Western among the non-Federal public entities who responded to both the August 6, 1984 (49 FR 31335), and the January 3, 1985 (50 FR 420), **Federal Register** notices, excluding those entities who are MOU Participants or signatories or are represented by such Participants. This notice deals with the third condition of the MOD.

DATES: The following schedule shall apply to these procedures. Because of the expedited nature of these procedures, it should be noted that applications for an allocation are being requested prior to the announcement of the Final Applicant Eligibility Criteria. Western believes that the need to identify all prospective qualified applicants within the constricted schedule outweighs the need for a potential applicant to know the Final Applicant Eligibility Criteria. Western will publish in the **Federal Register** its determination of the eligible status of each applicant.

Public Comment Forum on Proposed Applicant Eligibility Criteria and Terms and Conditions—June 18, 1985 10 a.m. in the Sierra Room Holiday Inn-Holidome 5321 Date Ave., Sacramento, CA

Written Comments Due—Due no later than 4:30 p.m. local time on the thirtieth (30) day after the publication date of this **Federal Register** notice or if that day falls on a weekend or a holiday, then at the same time on the next following workday. Comments must be mailed or delivered to the address given below.

Applications for Allocation Filing Period—Due no later than 4:30 p.m. local time on the thirtieth (30) day after the publication date of this **Federal Register** notice or if that day falls on a weekend or a holiday, then at the same time on the next following workday. Applications must be mailed by certified mail or delivered to the address given below.

Announcement of Final Applicant Eligibility Criteria, Terms and Conditions, and Proposed Allocations—On or about August 1, 1985

Public Comment Forum on Proposed Allocations—On or about August 20, 1985. Location to be announced

Written Comments Due—Due 30 days after the announcement of the proposed allocations

Announcement of Final Allocations—On or about September 30, 1985

ADDRESS: For further information concerning the public comment forums contact, Mr. David G. Coleman, Area Manager, Sacramento Area Office, Western Area Power Administration, U.S. Department of Energy, 1825 Bell Street, Sacramento, CA 95825, telephone No. (916) 440–2077.

Proposed criteria: The following criteria define the applicant eligibility criteria and the terms and conditions applicable to allocations of the 3.125 percent of the transfer capability of the Project. Western reserves the right to promulgate further criteria as necessary to interpret or implement any criteria set forth below.

I. *Proposed Applicant Eligibility Criteria:* Western will allocate the 3.125 percent of transfer capability in accordance with the following proposed criteria:

1. The applicant must be a non-Federal public entity and must qualify under Reclamation Law (particularly section 9(c) of the Reclamation Project

Act of 1939 (43 U.S.C. 485h(c)) as a preference entity.

2. The applicant must not be a Participant, signatory, nor represented by the Participants in the MOU.

3. The applicant or someone on its behalf must have filed a Statement of Interest pursuant to the **Federal Register** notice of August 6, 1984, and submitted written and/or oral comments pursuant to the **Federal Register** notice of January 3, 1985.

4. Applicants must, by the inservice date of the project, be either (a) an irrigation or water district or a group of such districts with pumping load for agricultural, municipal, or industrial purposes; or (b) a utility which owns and operates its electric system.

5. Preference will be given to applicants in the marketing area of the Sacramento Area Office of Western.

6. Entities similarly organized (e.g., irrigation and water districts) may form a Joint Powers Agency or similar organization (referred herein as a JPA) which will collectively represent its members in all matters necessary to obtain power service. The JPA must be authorized to enter into all participation and other agreements related to the Project.

a. The JPA must be formally organized and viable by within 3 months after the final allocations.

b. Western will accept applications from JPAs or proposed JPAs. Each member of the JPA or proposed JPA must meet all of the applicant eligibility criteria.

c. An allocation will be made to the JPA, not to the individual members.

d. Membership in a JPA shall be available on fair and reasonable conditions to any entity each of whose members meets all of the applicant eligibility criteria and is organized similarly to the members of the JPA.

II. *Proposed Terms and Conditions:* The following terms and conditions are proposed to apply to the entity receiving an allocation.

1. Allocations of transfer capability will be made in increments of no less than 0.0625 percent, or 1 MW.

2. Allottees may use the transfer capability to serve their own loads (or its member loads) but not the loads of other entities, provided that, the allottee may lay off its project transfer capability as may be provided in the participation agreement(s) for the Project, so long as the allottee retains net economic benefits proportionally equivalent to its allocation.

3. Within 3 months after the final allocations, each allottee must have entered into the applicable participation agreement(s) paid all up-front costs, and conclusively demonstrated its willingness and ability to pay its share of the construction costs and annual expenses of the Project, unless otherwise agreed between the successful allottee(s) and the Participant(s).

4. In the event that the allottee does not meet condition number 3 above, its allocation will be revoked and placed in the allocation pool to be made available for reallocation to other eligible applicants.

5. In the event that all of the 3.125 percent of transfer capability is not allocated or reallocated, such portion shall revert to the Project Participants, except Western on a pro rata basis for so long as that portion remains unallocated.

Section-By-Section Analysis: The rationale for the proposed allocation criteria and the proposed terms and conditions are given below in corresponding sequence.

I. Proposed Applicant Eligibility Criteria

1. The purpose of this criterion is to carry out the policy of the Secretary of Energy's Memorandum of Decision on the California-Oregon Transmission Project, dated February 7, 1985, and as clarified by the DOE letter of May 4, 1985 (which is available upon request at the address given above in this notice).

2. This criterion ensures that a Participant, signatory, or one represented by a Participant does not receive an allocation in addition to its present entitlement contained in the MOU.

3. The sum of requests for allocations from the 3.125 percent of transfer capability are expected to exceed that which is available. This criterion reflects the results of prior proceedings that provided the opportunity for entities to indicate their commitments and interest in participating in the Project.

4. The criterion will limit the potential applicants to those entities which are irrigation or water districts with pumping loads or utilities with bona fide electric utility responsibility. Under this criterion a "paper" organization; i.e., one with no electric utility responsibilities and that is not an irrigation or water district, is not eligible to be awarded an allocation for resale.

5. Western believes that the benefits of the 3.125 percent of the Project's transfer capability should stay within the marketing area of the Sacramento Area Office. The marketing area generally encompasses the Central Valley Project water basin, from the California-Oregon border in the north to a point about midway between Los Angeles and Santa Barbara, California, in the south, as well as the northern two-thirds of Nevada. The Project facilities and impacts are in northern and central California. Since there are far more requests for capacity in this area than can be met with the 3.125 percent, Western believes the benefits should accrue to the area.

6. Entities seeking transfer capability that have a common interest in participating in the Project and may wish to pool their financial and administrative resources by forming a JPA or similar organization. Western has proposed a 3-month deadline from the date of the final allocations as the cutoff date by which a JPA or similar organization must be formally organized because the viability of the Project in terms of participation and financing must be promptly determined. Any unreasonable delays would be detrimental to the Project. The condition that all members of a JPA or similar organization meet each of the criteria is necessary to ensure that only qualified applicants will benefit.

II. Proposed Terms and Conditions

1. Allocations of transfer capability in increments of not less than 0.0625 percent, or 1 MW, meet Intertie scheduling requirements in that power is normally scheduled in units of no less than 1 MW.

While an allocation of 0.0625 percent (1 MW) is possible, Western has a preference for marketing larger allocations because of administrative and operational considerations of Intertie scheduling. Scheduling 1 MW is possible; however, the time devoted to scheduling 1 MW is about the same for a large block of power. Thus, scheduling small blocks of power is not as cost effective as scheduling large blocks, and may even be cost prohibitive. Use of larger scheduling blocks should reduce direct (scheduling) and overhead costs associated with Intertie operations.

Another important consideration is the acquisition of a resource to load an allottee's transfer capability. Unless the allottee of a small allocation (1–5 MW) groups his allocation with others, that allottee may have difficulty finding any seller interested in dealing small amounts. The economics weigh against such transactions.

2. The list of entities which desire to have transfer capability is lengthy, and Western must provide a condition that only entities who will use the transfer capability beneficially will receive an allocation. However, an allottee may lay off its participation share as may be

provided in the participation agreement(s).

Since the conference report to Pub. L. 98–360 specifically referenced irrigation districts as eligible Participants, it is apparent that Congress intended for these public water districts, which consume large amounts of electricity, to share in the benefits anticipated from access to the power to be transmitted by the Project.

The Secretary's purpose in conditioning the MOU was to assure the opportunity to participate to those entities Congress had indicated would be eligible Participants. Since Congress intended for irrigation districts to have an opportunity to participate, the Secretary set aside a separate allotment for these parties that had not been afforded the opportunity to participate in the formation of the MOU. His primary intent was to ensure that any such entities which qualified and paid their pro rata participation share would receive net economic benefits proportionally equivalent to the other Participants. The MOD was not intended to impose wheeling precedents, but rather to ensure such Participants the full economic benefit of the bargain Congress had decided they were eligible to make.

While the authorizing legislation did not impose mandatory wheeling, neither did it prohibit wheeling should an allottee and an electric utility Participant agree. These economic arrangements must be worked out among the parties in conjunction with Western's allotment proceedings. In this way, the fundamental purpose of the Project—the fair and equitable allocation of the economic benefits of access to Northwest power—will be satisfied, while fulfilling Congress' intent as to eligible Participants in this Project.

3. The condition that the JPA or similar organization has entered into the applicable participation agreement(s), paid its share of appropriate up-front costs, and demonstrated its willingness and ability to pay its proportionate share of the share of the construction costs and annual expenses of the Project within 3 months of the publication of the final allocations is to ensure that the Project proceeds as expeditiously as intended by the Congress and by the Secretary and the current Participants to the MOU. In accordance with section 2 above, the allottee(s) and the Participant(s) may agree to transmission or other arrangements that will afford equivalent economic benefits.

4. This condition provides for the ministerial procedure to maintain the availability of any unsubscribed allocation for reallocation.

5. This condition provides for the ministerial procedure to return any unallocated portion of the 3.125 percent to the Participants, except Western, on a pro rata basis.

Call for applications: Western calls for applications to be submitted by certified mail or by hand delivery to the Sacramento Area Office. If hand delivered, the application is to be brought to the Office of the Area Manager. The filing period closes on the thirtieth (30) day after the publication date of this **Federal Register** notice, or if that day falls on a weekend or holiday, then on the next following workday, and the application must be received at the Sacramento Area Office, 1825 Bell Street, Sacramento, California, no later than 4:30 p.m., local time. The application format is as follows:

Western Area Power Administration, Sacramento Area Office

Application for Power Allocation

Applicant's Name _____
Official Contact Person _____
Address _____
_____
_____
Phone ( ) _____

Application for:
Transfer Capability of ——— percent (—— MW)

The following to be completed by Western.
Certified Mail Receipt Number or hand delivered by: _____
Date Received: _____
Time: _____
Signed: _____

Six copies of the application are to be submitted. The information in the application should be submitted in the sequence listed below under Applicant Profile Data. If information is "not available," so indicate. If an area of data requested is "not applicable," so indicate. Western does not require the application to be spiral or perfect bound or with hard cover.

The burden of ensuring consistency of the content of all six copies rests with the applicant. Errors in data or missing information are not the responsibility of Western.

Applications deemed deficient by Western may be returned with a statement of deficiencies within a reasonable amount of time from the date the application was received by Western. The applicant must resubmit the corrected application within 5 working days of receipt of the returned application in order for the application to be considered eligible.

Applicant Profile Data

1. *Eligibility:* The applicant must submit and include demonstrable evidence that it meets each of the applicant eligibility. This includes: (a) 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)); (b) a statement that the applicant is not a Participant, signatory, nor represented by the Participants in the MOU; (c) a statement that the applicant filed a Statement of Interest pursuant to the **Federal Register** notice of August 6, 1984, and submitted written and/or oral comments pursuant to the **Federal Register** notice of January 3, 1985; and (d) a statement of the applicant's status as a utility or an irrigation or water district with pumping load for agricultural, municipal, or industrial purposes.

2. *Organization:* A brief description of the organization that will interact with Western.

3. *Loads.*

a. Number and type of customers served: residential, commercial, industrial, military base, or agricultural.

b. Maximum demand and energy use for 1982, 1983, and 1984.

c. 1985–1995 projected monthly capacity and energy demand. Indicate forecasting method and basic assumptions.

4. *Resources.*

a. List of any owned generating resources—capacity and location.

b. List of power supply contracts—include amounts and term.

5. *Transmission:* Present points of interconnection and delivery voltage(s).

6. The name, address, and phone number of a contract person and the consulting firm, if used.

7. Any other information the applicant desires to include.

8. If the applicant is a JPA or proposed JPA it must provide the information requested above for each of its members or porposed members.

9. An affidavit with 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 the application. All statements in the application are subject to the provisions of 18 U.S.C. 1001.

Regulatory Requirements

Regulatory Flexibility Act of 1980

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available

for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. Western has determined that this rulemaking relates to an administrative service of allocating 3.125 percent of the Project transfer capability, and therefore is not a rule within the purview of the Regulatory Flexibility Act. Under 5 U.S.C. 6012(2), services are not considered "rules" within the meaning of the Act. Therefore, Western believes that no flexibility analysis is required.

Determination Under Executive Order 12291

DOE has determined that this is not a major rule because it does not meet the criteria of section 1(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981). Western has an exemption from sections 3, 4, and 7 of Executive Order 12291.

National Environmental Policy Act

Western is required to conduct an environmental evaluation of certain power marketing actions in compliance with the National Environmental Policy Act (NEPA) of 1969, and the DOE regulations published in the **Federal Register** (45 FR 20694, as amended). Under the DOE guidelines, Western will make an evaluation and determination of the possible environmental impacts of the proposed allocation.

Availability of information: All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the development of these criteria will be available for inspection and copying at the Sacramento Area Office, Western Area Power Administration, 1825 Bell Street, Sacramento, CA 95825, (916) 440–2084.

Issued at Golden, Colorado, May 24, 1985.

William H. Clagett,

Administrator.

[FR Doc. 85–13158 Filed 5–29–85; 12:08 pm]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–2844–8]

Agency Paperwork Reduction Act Clearance Requests Completed by the Office of Management and Budget

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The following information collection requests (ICRs), which the Agency submitted to the Office of Management and Budget (OMB) for review, have been given OMB clearance.

FOR FURTHER INFORMATION CONTACT: Nanette Liepman (PM–223); Office of Standards and Regulations; Regulation and Information Management Division; U.S. Environmental Protection Agency; 401 M Street, SW; Washington, DC 20460; telephone (202) 382–2742 or FTS 382–2742.

SUPPLEMENTARY INFORMATION:

EPA #0261; Notification of Hazardous Waste Activity—Amendment Based on Hazardous and Solid Waste Amendments (HSWA) of 1984, was approved 5/6/85 (OMB #2050–0028): expires 5/31/88)

EPA #0575; Health and Safety Data Reporting, Submission of Lists and Copies of Health and Safety Studies, was approved on 5/6/85 (OMB #2070–0004; expires 5/31/88)

EPA #0801; Uniform Hazardous Waste Manifest for Generators and Transporters—Amendment Based on HSWA of 1984, was approved on 5/6/85 (OMB #2050–0039; expires 5/31/88)

EPA #0820; Generator Requirements—Amendments Based on HSWA of 1984, was approved on 5/6/85 (OMB #2050–0035; expires 5/31/88)

EPA #0829; Environmental Information Documents for the Construction Grants Program Facilities Plans and New Source (NPDES) Permits, was approved on 4/19/85 (OMB #2090–0016; expires 4/30/88)

EPA #0916; Annual Updates to National Emission Data System and Hazardous and Trace Emission System (NEDS and HATREMS), was approved on 5/14/85 (OMB #2060–0088; expires 10/31/86)

EPA #0970; Reporting and Recordkeeping Requirements for RCRA Permittees—Amendment Based on HSWA of 1984, was approved on 5/6/85 (OMB #2050–0037; expires 5/31/88)

EPA #0976; Biennial Reports for Hazardous Waste Generators and Treatment, Storage and Disposal Facilities, was approved on 5/6/85 (OMB #2050–0024; expires 5/31/88)

EPA #1011; Partial Updating of TSCA Inventory Data Base Production and Site Report, was approved on 5/6/85 (OMB #2070–0070; expires 11/30/87)

EPA #1038; Procurement Solicitations (RFPs and IFBs), was approved on 4/23/85 (OMB #2030–0006; expires 5/31/86)

EPA #1119; Administrative Controls for Blending and Burning of Hazardous Waste and Used Oil Fuels—Amendments Based on HSWA of 1984, was approved on 4/24/85 (OMB #2070–0047; expires 4/30/86)

EPA #1098; Generic Section 8(a) Chemical Rules, was approved on 4/25/85 (OMB #2070–0067; expires 5/31/86)

EPA #1235; Nonpoint Source Assessment Project, was approved on 4/8/85 (OMB #2040–0092; expires 9/30/85)

EPA #1241; Silvex/2,4,5–T Products: Claim for Indemnification, Request for Federal Disposal, was approved on 5/3/85 (OMB #2070–0071; expires 5/31/86)

Dated: May 28, 1985.

David Schwarz,

Acting Director, Regulation and Information Management Division.

[FR Doc. 85–13054 Filed 5–31–85; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

May 31, 1985.

Federal-State Joint Board to Meet Friday, June 7, 1985.

The Federal-State Joint Board will consider a draft *Recommended Decision and Order* concerning the Florida Commission's proposal for an experimental unified intrastate/interstate access tariff in *MTS and WATS Market Structure* and *Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board*, CC Docket Nos. 78–72 and 80–26.

This meeting is open to the public and will take place immediately following the Commission meeting in Room 856, at 1919 M Street, NW., Washington, D.C.

Additional information concerning this meeting may be obtained from Margot Bester or Claudia Pabo of the Common Carrier Bureau, telephone number (202) 632–6363.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85–13391 Filed 5–30–85; 3:33 pm]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Emergency Food and Shelter National Board Program Plan Amendment

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice expands the Emergency Food and Shelter National Board Program Plan's listing of localities selected for funding, which was published in 49 FR 42680 (October 23, 1984) and 50 FR 11754 (March 25, 1985).

Selections were based on unemployment data for the period June 1983 through May 1984 and poverty data from the 1980 census, and include jurisdictions, including balance of counties, with 750 to 999 unemployed persons and an 11 percent or higher poverty rate. Availability of funds previously allowed only jurisdictions with a 16.0 percent or higher poverty rate to receive awards under published criteria. Remaining unobligated funds were reallocated to qualifying jurisdictions with a 14.4 percent or higher poverty rate. Subsequently remaining funds were further reallocated to those qualifying jurisdictions with a 14.3 percent poverty rate on the basis of the highest rates of unemployment (9.5 percent or higher unemployment rates.)

There were 19 jurisdictions that qualified for award amounts as follows:

Arkansas: Boone County	$7,710
Georgia:	
Baldwin County	8,447
Chattooga County	8,064
Illinois: Wabash County	7,468
Indiana: Washington County	8,913
Kentucky:	
Jessamine County	7,570
Mercer County	8,195
Louisiana: West Baton Rouge Parish	8,335
Minnesota: Douglas County	9,155
Mississippi: Itawamba County	7,747
Missouri:	
Henry County	7,347
Webster County	7,925
South Carolina: Barnwell County	8,288
Tennessee: Marshall County	7,104
Texas:	
Guadalupe County	8,782
Panola County	7,384
Walker County	7,524
Utah: Washington County	7,319
Virginia: Carroll County	8,027

With funding of these additional counties, all monies available for the Emergency Food and Shelter National Board Program Plan have been allocated.

FOR MORE INFORMATION CONTACT: Laurence I. Broun, Individual Assistance Division, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 646–3652.

Dated: May 29, 1985.

Dennis Kwiatkowski,

Chairman, National Board for Emergency Food and Shelter.

[FR Doc. 85–13145 Filed 5–31–85; 8:45 am]

BILLING CODE 6718–01–M

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 10 days after the date of the **Federal Register** in which the 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. 212–010320–009.

Title: Brazil/U.S. Gulf Ports Pooling Agreement.

Parties:

Companhia de Navegacao Lloyd Brasileiro

Companhia Maritima Nacional

United States Lines (S.A.) Inc.

Empresa Lines Maritimas Argentinas S.A.

A. Bottacchi S.A. de Navegacion C.F.I.I.

Transportation Maritima Mexicana S.A.

Cylanco S.A.

Synopsis: This proposed amendment would restate the agreement to conform with the Commission's format, organization and content requirements. The parties have requested a waiver of the filing requirements of the Commission's regulations.

Agreement No. 212–010389–004.

Title: U.S Gulf Ports/Argentina Pooling Agreement

Parties:

United States Lines (S.A.) Inc.

Empresa Lines Maritimas Argentinas S.A.

A. Bottacchi S.A. de Navegacion C.F.I.I.

Synopsis: This proposed amendment would restate the agreement to conform with the Commission's format, organization and content requirements. The parties have requested a waiver of the filing requirements of the Commission's regulations.

Agreement No. 224–010763.

Title: Charleston Terminal Agreement.

Parties:

South Carolina State Ports Authority (Authority)

Evergreen Marine Corp. (Taiwan) Ltd. (Evergreen)

Synopsis: Agreement No. 224–010763 provides that Evergreen shall have the exclusive use of 70 acres at the Authority's North Charleston Terminal for their container operations. Evergreen will call at the North Charleston Terminal in consideration for the assessment of terminal charges by the Authority that are different than those contained in the Authority's Terminal Tariff No. 1–A. These charges are provided for in the agreement. Evergreen guarantees a minimum of 30,000 loaded TEU's through the facility per contract year. The initial term of the agreement shall commence on the day on which the Commission determines that the agreement is effective. The agreement shall run for five years with an option to extend its term for an additional five-year period. The parties have requested a shortened review period for the agreement.

Dated: May 29, 1985.

By Order of the Federal Maritime Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85–13162 Filed 5–31–85; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Wachovia Corp., Winston-Salem, NC; Application To Engage in Nonbanking Activities

The Wachovia Corporation, Winston-Salem, North Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act, 12 U.S.C. 1843(c)(8), and § 225.23(a)(3) of Regulation Y, 12 CFR 225.23(a)(3), for permission to engage *de novo*, through its wholly owned subsidiary, Wachovia Services, Inc. ("WSI"), in certain nonbanking activities. Applicant proposes to expand the student loan servicing activities previously approved for its subsidiary to encompass the following activities:

(1) WSI will provide state and governmental authorities (the "Authority") with regular reports that include information in the aggregate and by individual lenders concerning the volume of loan being serviced by WSI for the Authority, and the volume of loan commitments outstanding;

(2) Based on the volume of loans being serviced and commitments outstanding (and in consultation with a trustee and the Authority), WSI will prepare projections for approval by the Authority of student loans to be purchased and commitments to be

issued in the future, consistent with the amount of funds available to the Authority as a result of its sale of bonds;

(3) WSI will advise eligible lenders, borrowers and other interested parties of the Authority's student loan purchase program, including the criteria used by the Authority in purchasing student loans and the extent to which the Authority will be purchasing loans in the future based on the funds available; and

(4) WSI will meet with the Authority on a regular basis to keep the Authority advised of WSI's activities in connection with the purchasing and servicing of student loans on behalf of the Authority.

Section 4(c)(8) of the Bank Holding Company Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be proper incident thereto." Applicant believes that these activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto, because the activities are, in Applicant's opinion, either provided by banks or functionally similar to services provided by banks. Specifically, Applicant believes that these activities, in addition to the previously approved student loan servicing activities, are permissible under § 225.25(b) of Regulation Y because they are an integral part of: (1) Making, acquiring and servicing loans for the account of others, as permitted by § 225.25(b)(1); (2) rendering investment and financial advice, as permitted by § 225.25(b)(4); and (3) data processing, as permitted by § 225.25(b)(7).

Interested persons may express their views on whether the proposed activities are "so closely related to banking or managing or controlling banks as to be a proper incident thereto," and whether allowing Applicant to engage in these activities 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 these questions must be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact there 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.

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Richmond.

Comments or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 27, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-13127 Filed 5-31-85; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) 85-0486—Fuqua Industries, Inc.'s proposed acquisition of assets of Berkey Photo, Inc. and voting securities of four subsidiaries, (Berkey Photo, Inc., UPE).	May 7, 1985
(2) 85-0519—Berkey Photo, Inc.'s Proposed acquisition of voting securities of B and E Sales Company, Inc., (Joseph J. Bittker, UPE).	Do.
(3) 85-0520—Berkey Photo, Inc.'s proposed acquisition of voting securities of B and E Sales Company, Inc., (Phillip L. Bittker, UPE).	Do.
(4) 85-0439—A. Jerrold Perenchio's proposed acquisition of voting securities of operating theatre subsidiaries of Loews Cinemas, Inc., (Loews Corporation, UPE).	May 8, 1985.
(5) 85-0472—Jepson Industries, Inc.'s (Robert S. Jepson, UPE) proposed acquisition of assets of Atlantic Industries, Inc., (Rubin Rabinowitz, UPE).	Do.
(6) 85-0488—LLC Corporation's proposed acquisition of voting securities of KEYCON Industries, Inc..	Do.
(7) 85-0499—Ames Department Stores, Inc.'s proposed acquisition of voting securities of G.C. Murphy Company.	Do.
(8) 85-0500—Ames Department Stores, Inc.'s proposed acquisition of voting securities of G.C. Murphy Company.	Do.
(9) 85-0501—Ames Department Stores, Inc.'s proposed acquisition of voting securities of G.C. Murphy Company.	Do.
(10) 85-0496—Zayre Corp's proposed acquisition of voting securities of Gaylords National Corporation.	May 9, 1985.
(11) 85-0497—Zayre Corp.'s proposed acquisition of voting securities of Gaylords National Corporation.	Do.
(12) 85-0517—Union Bank of Finland Ltd.'s proposed acquisition of voting securities of American Scandinavian Banking Corporation.	Do.
(13) 85-0476—William F. Farley's proposed acquisition of voting securities of Northwest Industries, Inc.	May 10, 1985.
(14) 85-0477—William F. Farley's proposed acquisition of voting securities of Pogo Producing Company.	Do.
(15) 85-0511—Nortek, Inc.'s proposed acquisition of voting securities of Intertherm Inc..	Do.
(16) 85-0513—Itel Corporation's proposed acquisition of voting securities of Great Lakes International, Inc.	Do.
(17) 85-0515—William F. Farley's proposed acquisition of voting securities of Northwest Industries, Inc..	Do.
(18) 85-0487—Pacific Telesis Group's proposed acquisition of voting securities of Byte Shops Northwest, Inc..	May 13, 1985.
(19) 85-0504—Emhart Corporation's proposed acquisition of voting securities of Mite Corporation.	Do.
(20) 85-0505—Emhart Corporation's proposed acquisition of voting securities of Mite Corporation.	Do.
(21) 85-0549—William Lyon's proposed acquisition of voting securities of Senior Corporation.	Do.
(22) 85-0425—Riverway Securities Company, Inc.'s (Josephine E. Abercrombie, UPE) proposed acquisition of voting securities of Color Tile, Inc..	May 14, 1985.
(23) 85-0482—Elkem a/s' proposed acquisition of voting securities of Jebsens Metals, Inc., (A/S Kristian Jebsens Assurance Forretning, UPE).	Do.
(24) 85-0483—Elkem a/s' proposed acquisition of voting securities of Jebsens Metals, Inc., (A/S Kristian Jebsens Assurance Forretning, UPE).	Do.
(25) 85-0498—Ducommun Incorporated's proposed acquisition of voting securities of Thiem Industries, Inc.	Do.
(26) 85-0509—Lockheed Corporation's proposed acquisition of voting securities of Avicom International, Inc.	Do.
(27) 85-0535—Loews Corporation's proposed acquisition of voting securities of Universal Insurance Company, (Kirby Exploration Company, Inc., UPE).	Do.
(28) 85-0494—Occidental Petroleum Corp.'s proposed acquisition of assets of subsidiaries of Lexington Mineral Company, Inc., (Pond Fork Mine, Elk Creek Mine, Coal Mountain Mine), (Wallace G. Wilkinson, UPE).	May 15, 1985.
(29) 85-0534—Drew National Corporation's proposed acquisition of voting securities of Pratt Hotel Corporation.	Do.
(30) 85-0454—Brunswick Corporation's proposed acquisition of voting securities of Ico, Inc.	May 16, 1985.
(31) 85-0471—L.B. Foster Company's proposed acquisition of voting securities of Sterling Pipe and Supply Company.	Do.

Transaction	Waiting period terminated effective
(32) 85-0526—Hugin Group plc's proposed acquisition of assets of Litton Industries, Inc. and voting securities of Litton Electronics, Inc.	Do.
(33) 85-0533—Louis J. Rousset's proposed acquisition of voting securities of The Victory Life Insurance Co., (Ashland Oil, Inc., UPE).	May 17, 1985.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, Legal Technician, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 85-13144 Filed 5-31-85; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 85E-0155]

Determination of Regulatory Review Period for Purposes of Patent Extension; Tornalate Metered Dose Inhaler

Correction

In FR Doc. 85-12668, beginning on page 21667 in the issue of Tuesday, May 28, 1985, make the following correction: On page 21668, in the first column, in the sixth line of the third complete paragraph, "1987" should have read "1974".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Sale of Public Lands; Los Angeles, San Diego, and Riverside Counties, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action—Direct Sales of Public Land: Los Angeles County, CA 17184, San Diego County, CA 17185, and Riverside County, CA 17186 in Southern California.

SUMMARY: The following described public lands have been examined and found suitable for disposal via direct sale at appraised market value pursuant to Sections 203 and 209 of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (90 Stat. 2750, 2757; 43 U.S.C. 1713, 1718).

County parcel No.	Serial No.	Legal description	Acres	Appraised value
LA-1	CA 17184	T. 4 N, R 15W., Sec. 26: Lot 3	4.90±	$100
SD-2	CA 17185	T. 13 S, R 1W., Sec. 20: W½SW¼SE¼	20.00+	58,000
R-3	CA 17186	T. 5 S, R 2W., Sec. 18: SE¼, excepting that portion in patents 04690058 & 1141450.	137.79±	103,000

Purpose: The purpose of these sales is to dispose of public lands which because of location, lack of administrative access and/or existing private residential developments in the areas, make them difficult and uneconomic to manage as part of the public lands. The public interest will be well served by offering these lands for sale. The sale will be held August 13, 1985. Because of the need to recognize historic use, access and land ownership patterns, the lands described above will be sold by direct sale, as authorized under Title 43 of the Code of Federal Regulations, Part 2711.3-3, to the following individuals:

Parcel CA-17184 will be sold to Mr. Henry Warmuth, P.O. Box 2441, Canyon Country, California 91351. Parcel CA-17185 will be sold to Mr. Ed Malone, 9555 East Genesse Avenue, San Diego, California 92121. Parcel CA-17186 will be sold to Mr. Ken Brimlow, 652 East Culver Avenue, Orange, California, 92666.

Upon publication of this Notice of Realty Action in the **Federal Register**, the public lands described are hereby segregated to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. The segregative effect shall terminate upon issuance of patent, upon publication in the **Federal Register** of a termination of the segregation or 270 days from the date of publication, whichever occurs first.

The sale will be carried out pursuant to FLPMA and existing Bureau policy, laws and regulations contained in 43 CFR 2711.3-3, direct sales.

A certified check, postal money order, bank draft or cashier's check, made payable to the Department of the Interior, BLM for not less than 10% of the appraised value shall be received at the place of sale—California Desert District, 1695 Spruce Street, Riverside, California 92507, by 10:00 a.m. on the sale date. The payment shall be enclosed in a sealed envelope clearly marked as follows:

PUBLIC LAND SALE-DIRECT
(Sale and Parcel No.)
August 13, 1985

The remainder of the full purchase price shall be submitted within 180 days from the sale date. Failure to submit the balance of the full purchase price within the above specified time limit shall result in cancellation of the sale and the deposit shall be forfeited. The land will than be offered competitively.

The authorized officer may refuse to accept an offer and withdraw a given parcel from sale, if he determines that consummation of the sale would be inconsistent with the provisions of any existing law, or consummation of the sale would encourage or promote speculation in public lands.

In addition to the 10% down payment for the parcel, the purchaser will be required to deposit a $50.00 non-refundable filing fee for the mineral interests to be conveyed with the surface estate. The mineral interests being offered for conveyance have no known mineral value, except Parcel No. R-3, where the United States will reserve the geothermal resources portion of the mineral estate. Failure to deposit this filing fee will result in cancellation of the sale.

Lands to be transferred from the United States will be subject to the following reservations:

1. The patent will contain a reservation for a right-of-way for ditches or canals constructed by authority of the United States in accordance with 43 U.S.C. 945.

2. Parcel No. R-3: A reservation for geothermal resources to the United States together with the right to prospect for and develop geothermal resources pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025).

Detailed information concerning the sales, including the environmental analysis and land report are available for review at the California Desert District Office, 1695 Spruce Street, Riverside, California 92507.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager at the above address. Any adverse comments will be evaluated by the California State Director, Bureau of Land Management, who may vacate or modify this 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: May 28, 1985.

Gerald E. Hillier,

District Manager.

[FR Doc. 85-13167 Filed 5-31-85; 8:45 am]

BILLING CODE 4310-40-M

[INT FSEIS 85-16]

Josephine and Jackson-Klamath Sustained Yield Units; Medford District of Southwestern Washington; Supplemental Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of final timber FSEIS.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior, Bureau of Land Management, Medford District Office, has prepared a final supplement to the Final Timber Management Environmental Impact Statements (EISs) for the Josephine and Jackson-Klamath Sustained Yield Units on public land in the Medford District of southwestern Oregon. The Josephine and Jackson-Klamath Final EISs describe the environmental impacts of timber harvest practices for the Medford District and were made available to the public in October, 1978, and November, 1979, respectively.

This final supplement analyzes the environmental impacts of (1) An increase in clearcutting acreage with an associated decrease in shelterwood harvest acreage and (2) a shift in the criteria for determining the leave overstory in a shelterwood harvest system from the amount of stand basal area removed to leaving a desired number of trees per acre. Analysis indicates that, under this change in ratio of harvest practices, there would be an increase in adverse air emissions from slash burning for the Josephine Sustained Yield Unit (JSYU). All other impacts would be similar or less than those addressed for the proposed actions in the final EISs.

The draft supplemental EIS was filed with the EPA and made available to the public in October, 1984. The comment period was 60 days, and ended December 21, 1984. The final supplemental EIS will be filed with the EPA and made available to the public on May 31, 1985. The comment period will be 30 days, ending July 1, 1985. Comments received after the close of the formal comment period will be considered until the decision is made. Your written comments on the final SEIS should be sent to: District Manager, Attn: Mike Walker, Team Leader, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97504, Telephone: (503) 776-4604.

Public reading copies of the Final SEIS will be available for review at the following locations:

Klamath County Library, Klamath Falls, Oregon
Josephine County Library, Grants Pass, Oregon
Coos County Library, Coquille, Oregon
Curry County Library, Gold Beach, Oregon
Douglas County Library, Roseburg, Oregon
Jackson County Library, Medford, Oregon
Rouge Community College Library, Grants Pass, Oregon
Library, Southern Oregon State College, Ashland, Oregon
Library, Oregon Institute of Technology, Klamath Falls, Oregon
Bureau of Land Management, Office of Public Affairs, 825 N.E. Multnomah Street, Portland, Oregon
Bureau of Land Management, Medford District Office, 3040 Biddle Road, Medford, Oregon 97504
Library, University of Oregon, Eugene, Oregon
Library, Portland State University, 727 S.W. Harrison, Portland, Oregon
Library, Oregon State University, Corvallis, Oregon.

A limited number of copies are available upon request to the BLM Medford District Office.

Dated: May 21, 1985.

William G. Leavell,

State Director, Oregon.

[FR Doc. 85-13165 Filed 5-31-85; 8:45 am]

BILLING CODE 4310-33-M

Utah, San Rafael Resource Area; Preparation of Resource Management Plan and Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare a resource management plan and environmental impact statement; request for public comments; and call for coal resource information.

SUMMARY: A resource management plan (RMP) and acompanying environmental impact statement (EIS) are being prepared for the San Rafael Resource area (SRRA), Moab District, Bureau of Land Management. A 30-day public comment period on issues to be covered by the RMP/EIS is being held. A concurrent call for coal resource information is being made to solicit information on coal resource development potential. A public workshop will be held on June 13, 1985 at 7:00 p.m., at the Courthouse in Castle Dale, Utah to discuss planning issues.

FOR FURTHER INFORMATION CONTACT: Address comments and requests for further information to Sam Rowley, Area Manager, San Rafael Resource Area, Bureau of Land Management, P.O. Drawer AB, Price, UT 84501.

SUPPLEMENTARY INFORMATION: The San Rafael RMP/EIS will be prepared under 43 CFR Part 1610 to meet the requirements of section 202 of the Federal Land Policy and Management Act and section 102 of the National Environmental Policy Act. This notice is intended to inform the public of the planning effort, and to invite public participation in identification of planning issues. This serves as the scoping notice (43 CFR 1501.7) to request public input on the scope of issues to be covered in the EIS.

The SRRA contains approximately 1.5 million acres in Emery County, Utah. Additionally, SRRA manages grazing and other public resources on portions of public lands, Forest Service lands, and National Park Service lands in Sevier and Wayne Counties, Utah.

The RMP/EIS will provide a comprehensive land use plan that will address management of all public resources in the SRRA. General planning issues anticipated are livestock management, wildlife habitat management, watershed management, recreation management, management of wild horses and burros, and management of wilderness study areas if not designated as wilderness by Congress. Resolution of issues will address management concerns for cultural resources, mineral resources, and off-road vehicle use.

As part of the RMP/EIS, lands subject to coal leasing will be examined to determine their unsuitability for all or specific types of mining. Lands within SRRA have previously been examined under the coal unsuitability criteria at 43 CFR Part 3461. The unsuitability criteria will be reviewed, and mining determinations may be revised in the RMP. This notice constitutes a call for coal resource information as provided at 43 CFR 3420.1-2 to solicit indications of interest and information on coal resource development potential for lands managed by SRRA. Proprietary data marked "confidential" will be treated accordingly.

The RMP/EIS will be prepared by an interdisciplinary team which will

include an archaeologist, an economist, a geologist, a hydrologist, a land use planner, a mining engineer, a range specialist, a realty specialist, a recreation planner, a soils scientist, a wildlife biologist, and a writer/editor. Other disciplines may also be represented.

The public is invited to comment on planning issues, the scope of the EIS, and coal resource information. Comments should be postmarked by July 1, 1985, 30 days from this notice, and addressed to the SRRA Area Manager. A public workshop will be held June 13, 1985 at 7:00 p.m., at the Courthouse in Castle Dale, Utah to discuss planning issues. Additional public participation will be invited throughout this planning effort as outlined in 43 CFR 1610.2.

Dated: May 31, 1985.

Kenneth V. Rhea,

Acting District Manager.

[FR Doc. 85-13420 Filed 5-31-85; 8:45 am]

BILLING CODE 4310-DQ-M

Fish and Wildlife Service

Revised Regional Resource Plans; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Correction of **Federal Register** Notice (50 FR 19491).

SUMMARY: In FR Doc. 85-11100, beginning on page 19491 in the issue of Wednesday, May 8, 1985, the following corrections are necessary:

1. On page 19492, Figure 1 is replaced in its entirety and republished to correct the spelling of "mollusc" and to update the subtaxonomic listings (i.e., populations and subspecies).

2. On page 19493, Figure 2, the Virgin Islands should be included with Region 4.

FOR FURTHER INFORMATION CONTACT: Dennis Buechler, Project Manager for National Planning, Division of Program Plans, U.S. Fish and Wildlife Service (Room 2556), 18th and C Streets NW., Washington, D.C. 20240; telephone (202) 343-4902.

Dated: May 28, 1985.

F. Eugene Hester,

Acting Director, U.S. Fish and Wildlife Service.

FIGURE 1

National Species of Special Emphasis

Mammals

Grizzly Bear
Polar Bear
Black-footed Ferret
Sea Otter
  Southern
  Alaskan population
Coyote
Gray Wolf
  Eastern
  Rocky Mountain
  Mexican
Pacific Walrus
West Indian Manatee

Birds

Brown Pelican
  Eastern
  California
Tundra Swan
  Eastern population
  Western population
Trumpeter Swan
  Interior population
  Pacific Coast population
  Rocky Mountain population
Greater White-fronted Goose
  Eastern Mid-continent population
  Western Mid-continent population
  Tule
  Pacific Flyway population
Snow Goose
  Greater
    Atlantic Flyway population
  Lesser
    Mid-continent population
  Western Central Flyway population
  Western Canadian Arctic population
  Wrangel Island population
Brant
  Atlantic population
  Pacific population
Canada Goose
  Atlantic Flyway population
  Tennessee Valley population
  Mississippi Valley population
  Eastern Prairie population
  Great Plains population
  Tall Grass Prairie population
  Hi-Line population
  Short Grass Prairie population
  Western Prairie population
  Rocky Mountain population
  Pacific population
  Lesser (Pacific Flyway population)
  Vancouver
  Dusky
  Cackling
  Aleutian
Northern Pintail*
Wood Duck
Black Duck
Mallard
Canvasback
  Eastern population
  Western population
Ring-necked Duck*
Redhead
California Condor
Osprey
Bald Eagle
  Southeastern population
  Chesapeake Bay population
  Northern population
  Southwest population
  Pacific States population
  Alaskan population
Golden Eagle
  Western population
Peregrine Falcon
  Eastern population
  Rocky Mountain-Southwestern population
  Pacific Coast population
  Alaskan populations (Arctic, American, and Peal's)
Attwater's Greater Prairie Chicken
Masked Bobwite
Clapper Rail
  Yuma
  Light-footed
Sandhill Crane
  Eastern population—Greater
  Mid-continent population—Lesser/Canadian/Greater
  Rocky Mountain population—Greater
  Lower Colorado population—Greater
  Centeral Valley population—Greater
  Pacific Flyway population—Greater
Whooping Crane
American Woodcock
Piping Plover*
Least Tern
  Interior
  Eastern
  California
Roseate Term*
White-winged Dove
Mourning Dove
Spotted Owl
  Northern
Red-cockaded Woodpecker
Kirtland's Warbler

Reptiles and Amphibians

American Alligator

Fish

Sea Lamprey
Sockeye Salmon (Alaskan)*
Coho Salmon
  Non-Alaskan U.S. stocks
  Alaskan stocks
Chinook Salmon
  Non-Alaskan U.S. stocks
  Alaskan stocks
Cutthroat Trout (Western U.S.)
Steelhead Trout
  Non-Alaskan U.S. stocks
  Alaskan stocks
Atlantic Salmon
Lake Trout (Great Lakes)
Striped Bass
Cui-ui

Species Groups of Special Emphasis

Seabird Group
Surface Feeding Duck Group
Bay Duck Group
Shorebird Group
Gull and Tern Group
Songbird Group
Heron and Allies Group
Hawiian Forest Bird Group
Hawaiian Water Bird Group
Blackbird and Starling Group
Endangered Freshwater Mollusc Group
Southwest Cactus Group
Sea Turtle Group
Pacific Salmon Group
Stream Trout Group
Great Lakes Percidae Group*
Upper Colorado River Endangered Fish Group
Desert Endangered Fish Group
Shad Group
Exotic Fish Group

*Species added during second RRP Planning cycle.

Reference: **Federal Register** Vol. 48, No. 237, December 8, 1983.

[FR Doc. 85-13163 Filed 5-31-85; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Availability of Plan of Operations for the Purpose of Oil Drilling Operations; Big Cypress National preserve

In accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations, Big Cypress National Preserve has received from Exxon Company, U.S.A., a draft Plan of Operations for the purpose of oil drilling in the Pepper Hammock area of the Preserve. The public is invited to review and comment on the Plan of Operations, copies of which are available for review during normal business hours at Everglades National Park Headquarters, Route 9336, 12 miles south of Homestead, Florida; Big Cypress National Preserve, Ochopee, Florida; Miami-Dade Public Library System, Main Library, 1 Biscayne Boulevard, Miami, Florida; Collier County Public Library, 650 Central Avenue, Naples, Florida; and at the National Park Service, Southeast Regional Office, 75 Spring Street SW., Atlanta, Georgia. Comments received on or before July 3, 1985 will be entered into the official record. For further information, contact Pat Tolle, Management Assistant, Everglades National Park (305) 247-6211.

Dated: May 23, 1985.

Robert M. Baker,

Regional Director, Southeast Region.

[FR Doc. 85-13130 Filed 5-31-85; 8:45 am]

BILLING CODE 4310-70-M

Hot Springs National Park, Garland County, AR; Draft General Management Plan/Development Concept Plan/Environmental Assessment

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 Part 516 of the Departmental Manual, the National Park Service has prepared a Draft General Management Plan/Development Concept Plan/Environmental Assessment for Hot Springs National Park, Garland County, Arkansas.

The Draft General Management Plan/Development Concept Plan/Environmental Assessment outlines a proposal and two alternative strategies for the rehabilitation and development, use, and long-term management of Hot Springs National Park. The park's present General Management Plan was approved in 1978. A concerted effort has been made to develop realistic and achievable proposals that will meet the park's most critical resource management needs, improve the overall quality of the visitor experience, respond to community concerns, and increase efficiency of park operations.

Copies of the Draft General Management Plan/Development Concept Plan/Environmental Assessment are available from Hot Springs National Park, Post Office Box 1860, Hot Springs, Arkansas 71902; and the Southwest Regional Office, National Park Service, Post Office Box 728, Santa Fe, New Mexico 87501, and will be sent upon request.

A Public Meeting is scheduled for July 2, 1985, at 7:00 p.m., at Convention Auditorium, Convention Boulevard, Hot Springs, Arkansas.

Anyone wishing to submit comments on the Draft General Management Plan/Development Concept Plan/Environmental Assessment should provide them to the Superintendent, Hot Springs National Park, Post Office Box 1860, Hot Springs, Arkansas 71902, by July 19, 1985, or provide them at the Public Meeting.

Dated: May 23, 1985.

Robert I. Kerr,

Regional Director, Southwest Region.

[FR Doc. 85-13131 Filed 5-31-85; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Aero Mayflower Transit Co.; Predetermined Price Protection Tariff, Item; Hearing Date Correction

AGENCY: Interstate Commerce Commission.

ACTION: Change of oral hearing date; correction.

SUMMARY: At 50 FR 21516, 5-24-85, the Commission announced that an oral hearing will be held on the rejection of Aero Mayflower's Predetermined Price Protection Tariff Item. By a notice published on 5-31-85, the Commission changed the date of the oral hearing. This notice corrects that change by changing the month of July in the date section to the month of June.

DATES: Oral hearing will be heard at 9:30 on June 19, 1985, instead of June 12, 1985. All other dates remain the same.

FOR FURTHER INFORMATION CONTACT:

Neil S. Llewellyn, 202-275-7348

Charles E. Langyher, 202-275-7739

This notice is issued under authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: May 24, 1985.

By the Commission.

James H. Bayne,

Secretary.

[FR Doc. 85-13429 Filed 5-31-85; 8:45 am]

BILLING CODE 7035-01-M

Agricultural Cooperatives Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: May 29, 1985.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Farmland Foods, Inc.
(2) 6910 North Holmes, Kansas City, MO 64116
(3) P.O. Box 403, Denison, IA 51442
(4) Larry Schwarte or Craig Hollander, P.O. Box 403, Denison, IA 51442

(1) Harvest States Cooperatives
(2) P.O. Box 64594, St. Paul, MN 55164
(3) 1667 N. Snelling Ave., St. Paul, MN 55108
(4) R.J. Eichman, P.O. Box 64594, St. Paul, MN 55164

(1) Rockingham Poultry Marketing Cooperative, Inc.
(2) P.O. Box 275, Broadway, VA 22815
(3) Coop Drive, Broadway, VA 22815

(4) June M. Fahrney, P.O. Box 275, Broadway, VA 22815.

James H. Bayne,

Secretary.

[FR Doc. 85-13160 Filed 5-31-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decrees Pursuant to Clean Air Act, Resource Conservation and Recovery Act, and Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7 notice is hereby given that on April 18 and May 29, 1985 two proposed consent decrees in *United States* v. *Metate Asbestos Corporation, et al.*, Civil Action No. 83-309 were lodged with the United States District Court for the District of Arizona. The complaint filed by the United States alleged violations of the Clean Air Act, Resource Conservation and Recovery Act, and the Comprehensive Environmental Response, Compensation, and Liability Act by Metate Asbestos Corporation, et al., due to asbestos contamination at the Mountain View Mobile Home Estates near Globe, Arizona. The complaint sought injunctive relief and cost recovery under CERCLA sections 104, 106, and 107, RCRA section 7003, and CAA section 303. The consent decrees provide requirements for the cleanup, perpetual monitoring and maintenance at the Jaquays site adjacent to Mountain View Mobile Home Estates and stipulated penalties for each day of delay in the performance of provisions set out in the decree; for a money judgment against certain defendants as cost recovery for the response action to be taken by the United States at the Mountain View Mobile Home Estates; and for the dismissal of certain parties.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decrees. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Metate Asbestos Corporation*, et al., D.J. Ref. 90-5-1-1-2157.

The proposed consent decrees may be examined at the office of the United States Attorney, 120 W. Broadway, Tucson, Arizona 85702, and at the Region IX Office of the Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105. Copies of the Consent Decrees may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1521, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decrees may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $4.20 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 85-13176 Filed 5-31-85; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meeting

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506:

Date: June 27, 1985.
Time: 9:00 a.m. to 5:00 p.m.
Room: 430.
Program: This meeting will review Challenge Grants applications from Media Organizations, for projects beginning December 1, 1985.

The proposed meeting is for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting 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 this meeting 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 this meeting 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. 85-13161 Filed 5-31-85; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-2947]

Finding of No Significant Impact; Issuance of Special Nuclear Material License No. SNM-1886, Illinois Power Co.; Clinton, IL

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of Special Nuclear Material License No. SNM-1886 to permit the receipt, possession, inspection, and storage of unirradiated nuclear fuel assemblies at the Clinton Power Station in Clinton, Illinois. The unirradiated fuel assemblies will be for eventual use in the Clinton Power Station, Unit 1, once its operating license is issued.

The Commission's Division of Fuel Cycle and Material Safety has prepared an Environmental Assessment related to the issuance of Special Nuclear Material License No. SNM-1886. On the basis of this assessment, the Commission has concluded that the environmental impact created by the proposed licensing action would not be significant and does not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate. The Environmental Assessment is available for public inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Copies of the Environmental Assessment may be obtained by calling (301) 427-4510 or by writing to the Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Silver Spring, Maryland, this 17th day of May 1985.

For the Nuclear Regulatory Commission.

W.T. Crow,

Acting Chief, Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, NMSS.

[FR Doc. 85-13209 Filed 5-31-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-05985, License No. 37-00276-25, EA 85-57]

Pittsburgh Testing Laboratory; Order To Show Cause Why License Should Not Be Suspended and Modified; Immediately Effective

I

Pittsburgh Testing Laboratory, 850 Poplar Street, Pittsburgh, Pennsylvania (the "licensee") is the holder of specific byproduct material License No. 37-00276-25 (the "license") issued by the Nuclear Regulatory Commission (the "Commission" or the "NRC") pursuant to 10 CFR Parts 30 and 34. The license authorizes the use of byproduct material for the conduct of industrial radiography and related activities and is due to expire on May 31, 1986.

II

On August 27 and 29-31, 1984, an NRC inspection was conducted at the licensee's facilities in Cleveland, Ohio, and Pittsburgh, Pennsylvania. During the inspection, several violations of NRC requirements were identified. On February 26, 1985, an Enforcement Conference was conducted with the licensee to discuss the violations. These violations are currently under review by the Commission for appropriate enforcement action. As a result of investigations to date, the NRC has established that two individuals were permitted to act as radiographers in the performance of licensed radiography activities in February, March, and August 1984, even though the individuals had not been certified by the licensee in accordance with the licensee's procedures and 10 CFR Part 34.

Specifically, on May 15, 1985, during an interview conducted under oath by the NRC Office of Investigations (OI) with Mr. Richard D. Biasella, District Manager and Radiation Safety Officer (DM/RSO) for the Cleveland facility, the following was established:

(1) The DM/RSO for the Cleveland facility assigned an individual he knew was not certified in accordance with the licensee's procedures and 10 CFR Part 34 to perform licensed radiography activities at a field site in Ravenna, Ohio during February and March 1984. In addition, on August 1, 1984, he assigned another individual he knew was not certified in accordance with the licensee's procedures and 10 CFR Part 34 to perform licensed activities at a field site in Warren, Ohio. The latter individual had only been employed since July 30, 1984 with no previous radiographic experience. Further, this individual was given the licensee's written radiographer's assistant examination on July 30, 1984. Subsequently, it was determined that this individual failed the examination.

(2) DM/RSO gave false information to an NRC inspector during the August 1984 inspection when, in response to questions regarding the activities of an uncertified radiographer, he informed the inspector that the individual in question had never performed duties as a radiographer and had only assisted a certified radiographer on August 2, 1984. In fact, the DM/RSO had assigned the individual to perform the duties of a radiographer on August 1, 1984, and was aware that the individual had conducted an independent radiographic examination on that date and that no certified radiographer was present at the time the examination was performed.

(3) The DM/RSO falsified the training records of the individual who performed licensed radiography activities in February and March 1984, so as to indicate that the individual had received the required training.

(4) The DM/RSO told an NRC inspector during the August 1984 inspection that radiography had never been performed on the grounds of the licensee's Cleveland, Ohio facility, when, in fact, he knew that radiography had been performed on the grounds of the licensee's Cleveland facility during the spring of 1984.

III

In order that radiography does not create a radiation hazard to the radiographer, other workers and members of the public, radiographers must be trained and knowledgeable, and must adhere strictly to radiation safety requirements. 10 CFR Part 34 of the Commission's regulations establishes radiation safety requirements for radiography including specific training, testing, and documentation requirements for individuals performing radiographic operations. In violation of these requirements, including 10 CFR 34.31, the DM/RSO deliberately assigned uncertified individuals to perform radiographic operations. These actions, as well as his subsequent lack of candor with NRC inspectors, demonstrate that there is no longer reasonable assurance that the licensee will comply with Commission requirements while Mr. Biasella is the Radiation Safety Officer at the Cleveland facility. In addition, these actions raise substantial questions regarding whether Mr. Biasella would comply with Commission requirements in the performance or supervision or any licensed activities. Therefore, I am ordering: (1) The removal of Mr. Biasella from the position of Radiation Safety Officer of the Cleveland facility and from all involvement in the performance or supervision of NRC licensed activities;and (2) the suspension of all licensed activities at the Cleveland facility until the licensee can demonstrate that a qualified individual has been appointed as the Radiation Safety Officer, and authorized by the NRC, to oversee licensed activities at the Cleveland facility. In view of the potential for serious adverse effects to the health and safety of the public from the use of uncertified individuals to perform licensed radiography activities and in view of Mr. Biasella's willingness to use such individuals, I have determined pursuant to 10 CFR 2.202(f) that the public health and safety require that these actions be immediately effective.

IV

Accordingly, pursuant to sections 81, 161(b), 161(i), 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Parts 30 and 34, it is hereby ordered that effective immediately:

A. License No. 37-00276-25 is amended by adding the following condition: Mr. Richard D. Biasella shall not serve as a Radiation Safety Officer or in any other position involving the performance or supervision of any licensed activities including the supervision of any Radiation Safety Officer.

B. All licensed activities at, or originating from, the licensee's Cleveland, Ohio facility are suspended until such time as:

1. A qualified Radiation Safety Officer has been selected and assigned to replace Mr. Richard D. Biasella;

2. A description of the qualifications of that individual has been submitted to the Regional Administrator, NRC, Region I; and

3. The license has been amended to authorize the individual to perform the functions of the Radiation Safety Officer for the Cleveland, Ohio facility.

C. The licensee President shall notify in writing all personnel involved in the performance and supervision of licensed

activities at any District Office of this Order and of the importance of strict adherence to NRC requirements and complete candor with NRC personnel. The licensee shall certify to the NRC that each District Manager and RSO has read the notification and Order, and understands their contents.

D. The Regional Administrator, Region I, may relax or rescind any of the above provisions upon demonstration of good cause by the licensee.

V

The licensee may show cause why this Order should not have been issued and should be vacated by filing a written answer under oath or affirmation within 20 days of the date of this Order which sets forth the matters of fact and law on which the licensee relies. The licensee may answer as provided in 10 CFR 2.202(b) by consenting to this Order. Upon the failure of the licensee to answer within the specified time, this Order shall be final without further proceedings.

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order within 20 days of the date of its issuance. Any answer to this Order or request for hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies shall also be sent to the Executive Legal Director at the same address and to the Regional Administrator, NRC Region I, 631 Park Avenue, King of Prussia, Pennsylvania 19406. If a person other than the licensee requests a hearing, that person shall describe specifically, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which that interest is affected by this Order. An answer to this order or a request for hearing shall not stay the immediate effectiveness of section IV of this order.

If a hearing is requested, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether this Order should be sustained.

Dated at Bethesda, Maryland, this 24th day of May 1985.

For the Nuclear Regulatory Commission.

James M. Taylor,

Director, Office of Inspection and Enforcement.

[FR Doc. 85-13210 Filed 5-31-85; 8:45 am]

BILLING CODE 7590-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Options Evaluation Task Force; Regular Meeting

AGENCY: Options Evaluation Task Force of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4. Activities will include:

- Update on Council's Decision Analysis Model;
- Public Comment.

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Options Evaluation Task Force.

DATE: Thursday, May 30, 1985, 9:30 a.m..

ADDRESS: The meeting will be held at the Council Central Office at 850 S.W. Broadway; Suite 1100, in Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Wally Gibson, (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 85-13126 Filed 5-31-85; 8:45 am]

BILLING CODE 0000-00-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-23709; 70-7114]

The Connecticut Light and Power Co.; Proposal To Borrow $50 Million for Generating Facilities; Exception From Competitive Bidding

May 28, 1985.

The Connecticut Light and Power Company ("CL&P"), Selden Street, Berlin, Connecticut 06037, subsidiary of Northeast Utilities ("NU"), a registered holding company, has filed a declaration with this Commission pursuant to section 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 50(a)(5) thereunder.

CL&P proposes to borrow up to $50 million pursuant to a February 14, 1985 Loan Agreement ("Agreement") between CL&P and the Connecticut Resources Recovery Authority (CRRA). The borrowings under the Loan Agreement are intended to provide funds for CL&P to finance CL&P's capital investment associated with the Mid-Connecticut Refuse-To-Energy Project ("Project"). CRRA is a specially chartered public instrumentality of the State of Connecticut, which is charged with the responsibility for implementing solid waste disposal and resource recovery systems, facilities and services, and for producing revenues from its resource recovery operations sufficient to make CRRA financially self-sustaining. CRRA proposes to construct and operate the Project at CL&P's South Meadow Station in Hartford, Connecticut and to generate revenues by selling steam to CL&P. In order to utilize such steam in the generation of electricity, CL&P will be required to refurbish two retired steam turbine generators and to make other changes at its South Meadow Station.

A series of four Agreement Documents ("Documents"), also dated February 14, 1985, set out the terms of the agreement, and provide, among other things, that CRRA will make an unsecured loan to CL&P for the amount of money necessary for CL&P to carry out the CL&P Scope of Work, associated primarily with refurbishment of the Electric Generating Facility. CL&P currently anticipates that the cost of performing the CL&P Scope of Work will not exceed $50 million, and borrowing under the Loan Agreement is intended to meet CRRA's obligations. The Documents provide that if the Connecticut Department of Public Utility Control or any successor agency shall not permit CL&P to recover from its ratepayers both a return of and return on all of CL&P's capital investment in the Electric Generating Facility in accordance with normal ratemaking principles, and if CRRA shall not elect to reimburse CL&P, on a current basis, for such costs, then a Project Termination shall be deemed to exist and CL&P shall be excused from all subsequent obligations to repay the principal, interest and commitment fees under the Loan Agreement to the extent of CL&P's unrecovered Project costs.

The Agreement contemplates that CL&P will requisition from CRRA reimbursement of its costs, not to exceed $50 million, for the CL&P Scope of Work as those costs are incured over the construction period of approximately three years. Following completion, the principal amount of all borrowings will be repaid to CRRA, subject to the cancellation right of CL&P, over a period of not more than 20 years. CL&P's payments of interest and commitment fees, and its repayments of principal, under the Agreement are intended to be matched as closely as possible to the payments that CRRA will be obligated to make for interest, commitment fees and principal on its underlying loan agreement(s) with its

lender(s). It is contemplated that CL&P will be informed of CRRA's plans for its placement of its own debt and that CL&P and CRRA will consult about alternative terms, with a mutual objective of achieving the lowest reasonable cost of financing consistent with the other requirements of the Agreement.

Additionally, the Agreement gives CL&P options to partially or fully reduce CRRA's loan commitment and to prepay loans, and provides for the disposition of Project properties in the event of termination of the Agreement.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 24, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-13218 Filed 5-31-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14542; File No. 812-6083]

Application and Opportunity for Hearing; Connecticut Mutual Life Insurance Co. et al.

May 28, 1985.

Notice is hereby given that Connecticut Mutual Life Insurance Company ("Company"), Panorama Separate Account ("Account"), a separate account of the Company registered as a unit investment trust under the Investment Company Act of 1940 ("Act"), and Connecticut Mutual Financial Services, Inc., the Account's principal underwriter (together "Applicants"), 140 Garden Street, Hartford, Connecticut 06154, filed an application on March 27, 1985, and an amendment thereto on May 24, 1985, for an order of the Commission, pursuant to sections 11(a), 11(c) and 26(b) of the Act, approving certain transactions arising from the elimination of one of the portfolios of an underlying series fund in which the Account invests in order to fund the variable annuity contracts issued by the Account. 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 rules thereunder for the text of relevant provisions.

According to Applicants, the Company is a mutual life insurance company organized under the laws of Connecticut and licensed to do business in the District of Columbia and all fifty states. Applicants state that the Account was organized in 1981 and holds assets attributable to certain variable annuity contracts ("Contracts") registered with the Commission under the Securities Act of 1933. The Account, through five sub-accounts, invests in shares of Connecticut Financial Services Series Fund I ("Series Fund I"), an open-end management company of the series type that currently consists of five portfolios, two of which are involved in the proposed transactions.

Applicants state that under the terms of the Contracts, contractowners may allocate purchase payments among the five sub-accounts of the Account which invest in corresponding portfolios of Series Fund I, and may transfer amounts between the sub-accounts at their relative net asset value without limit during the contract's accumulation period and during the annuity period if payments are being made on a basis other than a life contingency. If an annuity option has been chosen that involves a life contingency, only one transfer per calendar year is allowed. The Company currently permits up to four transfers per calendar year without imposing any transaction charge; after the fourth transfer the Company imposes a $10 transfer charge.

Applicants propose to eliminate one of the sub-accounts of the Account that invests in shares of the Intermediate Bond Portfolio ("Discontinued Sub-account") pursuant to provisions of the Contracts, as disclosed in the Account's prospectus, which permit the Company to eliminate one or more sub-accounts or substitute shares of another investment company for those held by the Account. Applicants state that at least 30 days prior to July 12, 1985, contractowners who have allocated amounts to the Discontinued Sub-account will be notified in writing of the Company's intention to eliminate the sub-account and that they may transfer amounts currently allocated to the Discontinued Sub-account to the other sub-accounts until July 12, 1985, on which day the Discontinued Sub-account will be terminated, without incurring a transaction fee and without the transaction counting as one of the four free transfers permitted annually. Thereafter, according to the Application, amounts not transferred or otherwise withdrawn from the the Discontinued Sub-account will be automatically transferred to the sub-account that invests in the Income Portfolio. Applicants state that all transfers will be effected at net asset value.

Applicants believe that this proposed transaction might be deemed to involve an offer of exchange within the meaning of section 11 of the Act and a substitution of securities within the meaning of section 26(b). Although Applicants state that they do not concede the applicability of these sections, to resolve any uncertainty they request an order of the Commission approving the transactions.

In support of their application, Applicants assert that: (1) The sub-account is being eliminated because contractholders have shown minimal interest in it as an investment; (2) contractowners will have sufficient time to reallocate amounts allocated to the Discontinued Sub-Account without incurring a transaction charge or having the transaction count as one of their four free transfers for the year; (3) if no request to reallocate is received before June 14, 1985, amounts will be automatically transferred to the sub-account investing the portfolio most similar to that in which the discontinued sub-account invests; (4) all transfers will be at relative net asset value, a basis which the Commission has deemed consistent with the provisions of section 11 in adopting Rule 11a-2.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 21, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for the request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a

hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-13159 Filed 5-31-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22082; File No. S7-787]

Summary Effectiveness and Additional Temporary Approval of Proposed Amendments to the Plan for the Designation of National Market System Securities Submitted by the National Association of Securities Dealers, Inc.

May 28, 1985.

On December 18, 1984, the National Association of Securities Dealers, Inc. ("NASD") filed with the Commission pursuant to Rule 11Aa2-1 under the Securities Exchange Act of 1934 ("Act") [1] proposed amendments to its "National Market System Securities Designation Plan with respect to NASDAQ Securities" ("Designation Plan").[2] The Designation Plan provides for the designation of securities meeting the criteria in Rule 11Aa2-1 for designation as National Market System Securities.

The proposed amendments primarily are intended to incorporate language changes reflecting amendments to Rule 11Aa2-1 that resulted in an expansion of the number of securities eligible for designation.[3] The proposed amendments also delete obsolete language, simplify procedures by which issuers apply for designation, and reflect changes in NASD procedures required to coordinate designation of OTC/NMS Securities with the Federal Reserve Board's administration of its OTC Margin List.[4]

On January 17, 1985, the NASD's amendments were temporarily approved for a period not to exceed 120 days from the publication of notice of approval. (For a complete description of the amendments, *see* Securities Exchange Act Release No. 21670; 50 FR 3610, January 25, 1985 ("release")) No comments were received regarding the release. The Commission stated at that time that "the maintenance criteria proposed by the NASD require further study before they can be approved on a permanent basis because the criteria are significantly lower than the newly-amended Tier 2 criteria". These issues remain largely unresolved. Accordingly, the NASD has resubmitted the proposed amendment and the Commission has determined to extend the period of effectiveness for another 120 days from the publication of notice of this release, while this area is studied further.

In accordance with the above, it is ordered, pursuant to section 11A of the Act and paragraph (d)(4) of Rule 11Aa2-1, that the NASD's amendments to the Designation Plan be, and hereby are, effective for a period not exceeding 120 days from the publication of notice of this release. In order to assist the Commission in determining whether to approve permanently the amendments before or upon the expiration of the 120 day period, interested persons are invited to submit their views to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, within 21 days from the date of publication of this notice in the **Federal Register.** The amendments to the Designation Plan will be available for public inspection in the Commission's public reference room, 450 Fifth Street, N.W., Washington, D.C. All communications should refer to File No. S7-787.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30-3(a)(37).

John Wheeler,

Secretary.

[FR Doc. 85-13219 Filed 5-31-85; 8:45 am]

BILLING CODE 8010-01-M

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[1] 17 CFR 240.11Aa2-1 ("Rule"). Pursuant to the Rule, certain actively-traded over-the-counter ("OTC") securities have been or will be designated as National Market System ("NMS") Securities. Upon designation, a NMS Security is deemed a "report" security, as that term is defined in Rule 11Aa3-1(a)(4) under the Act, and becomes subject to, among other things, the Commission's last sale reporting rule, Rule 11Aa3-1 under the Act.

[2] The Commission approved the NASD's Designation Plan on January 7, 1982. Securities Exchange Act Release No. 18399 (January 7, 1982), 47 FR 2228. Generally, the Designation Plan provides: (1) Procedures for designation of OTC/NMS Securities; (2) procedures for determining substantial compliance with Tier 2 criteria established in the Rule; (3) procedures and criteria for determining or suspending the NMS status of securities; and (4) procedures for publishing lists of OTC/NMS Securities.

[3] *See* Securities Exchange Act Release No. 21583 (December 18, 1984), 50 FR 730.

[4] OTC/NMS Securities are automatically marginable pursuant to Regulation T under the Act. See Federal Reserve Docket R-0512 (August 30, 1984), 49 FR 35756.

[Release No. 34-22077; Filed No. SR-MSE-85-3]

Self-Regulatory Oraganizations; Proposed Rule Change by Midwest Stock Exchange, Inc.; Relating to Mandatory Posting of Issues

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 May 3, 1985, the Midwest Stock Exchange, Incorporated 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

Article XXX, Rule 1, Interpretations and Policies .01, Section I is hereby amended as follows:

Additional italicized—[Deletions Bracketed].

. . . . Interpretations and Policies:

.01 Committee on Specialist Assignment & Evaluation

ASSIGNMENT FUNCTION

I. EVENTS LEADING TO ASSIGNMENT PROCEEDINGS

Pursuant to Article XXX, Rules 1 and 8, the Committee may, when circumstances require, assign or reassign a security. Seven circumstances may lead to the need for assignment or reassignment of a security. They are:

1. New listing or obtaining unlisted trading privilege;
2. Specialist request:
3. Corporation request;
4. Split-up and/or merger of specialist units;
5. Fundamental change of specialist unit;
6. Unsatisfactory performance action; and
7. Disciplinary action.

The following guidelines have been adopted by the Committee for its use in the assignment or reassignment of stocks among specialists and co-specialists. These guidelines set forth the general policy of the Committee concerning the posting and allocation of stocks. They are not, however, rigid rules to be strictly followed regardless of unique circumstances. These guidelines form only the starting point of the Committee's deliberations; they will be applied in light of the facts in each individual case.

1 through 5. No change in text.

6. Unsatisfactory Performance Action.

(a) and (b) No change in text.

(c) Mandatory Posting. Semi-annually the Exchange's market share for the previous six month period (calculated as a percentage of the number of trades reported to the consolidated tape) in each security for which there is a registered specialist shall be compared with the market shares of the other market centers trading that security. If during any such period the Exchange's market share in any such security is less than the third largest and also less than the Exchange's average market share for all issues for which there is a registered specialist, that security shall be promptly posted for applications in accordance with the provisions of Article XXX, Rule 1.01.II, provided, however, that no security shall be posted unless the specialist in that security has been registered as such for six months or more; and provided further, that, although all qualified co-specialists, including the current co-specialist, may apply, when considering the factors specified in Article XXX, Rule 1.01.III, the Committee will give preference to a designated co-specialist who, during the period, was not a co-specialist in any security that is being posted at that time pursuant to this Rule.

7. No change in text.

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.

(A) *Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change*

The proposed rule change provides for the semi-annual posting of issues assigned to co-specialists in which MSE ranks below three or more other exchanges by number of trades. The policy has been designed to improve overall performance, either through the dissemination of more competitive markets by the current co-specialist or reassignment to a different co-specialist and/or specialist unit.

The only issues which will be posted are those which have been assigned to the current specialist unit for the full six month period. Specialists will receive market share information on a monthly basis, giving them ample opportunity to request (subject to the approval of the Committee on Specialist Assignment and Evaluation) transfers of issues to stronger co-specialists within the unit prior to the semi-annual posting.

Once an issue is posted, any qualified co-specialist may apply including the current co-specialist. However, if there is competition among applicants with similar rankings in the measurements currently in use, the Committee will generally give preference to a co-specialist who is not losing that or any other issue in the current posting.

The proposed rule change is consistent with section 6(b)(5) of the Securities Exchange Act of 1934 in that it will encourage the dissementation of more competitive markets by MSE, thereby promoting just and equitable prinicples of trade, and, in general, protecting investors and the public interest.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

The Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(c) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received Form Members, Participants or Others*

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the propose 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 References Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by June 24, 1985.

For the Commission, by the Division of Market Regulation, pursuant to delegated authroity

Dated: May 28, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-13220 Filed 5-31-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22080; SR-NYSE-85-17]

Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc. Relating to Adoption of New Rule 412 (Customer Securities Account Transfers) and Rescission of Current Rule 412

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 May 15, 1985, the New York 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 proposed adoption of new Rule 412 is intended to expedite the transfer of a customer's securities account by strengthening the procedures set forth in the current rule and requiring use of an automated system when both the carrying organization and the receiving organization are participants in a registered clearing agency having

automated customer securities account transfer capabilities.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this rule change is to provide for a more timely and efficient transfer of a customer's securities account between member organizations. Current Rule 412, "Customer Account Transfer Contracts," sets forth a ten day transfer procedure and a process for establishing fail contracts when security positions are not transferred within the prescribed time period. However, since the rule does not require the transfer procedure or the establishment of fails, delays in the transfer of customer's securities accounts for frequently experienced. Another common reason for transfer delays stems from disagreements between carrying and receiving member organizations over security positions or money balances shown on the transfer instruction.

New Rule 412 strengthens the procedures set forth in the current rule by requiring that customer securities account transfers must occur within ten business days. This ten business day time period includes a five business day period for validation of security positions and money balances in the account. During the five business day validation period, the carrying organization must either validate or take exception to the transfer instruction and report the security positions and money balance in the account to the receiving organization.

To promote timely validation, the new rule states that discrepancies in security positions or money balances are not a basis for taking exception to the transfer instruction. Therefore, the carrying organization must transfer whatever is reflected on its books. Validation may be denied only for such reasons as the carrying organization having no record of the account on its books or the transfer instruction not being signed or containing an improper signature. The actual transfer of the account must occur within five business days from the date of validation.

Fail contracts must be established by both the carrying organization and the receiving organization at the end of the ten business day period if the security positions in the account have not been transferred. These fail contracts must then be closed out within ten business days.

The new rule also provides that when both the carrying organization and the receiving organization are participants in a registered clearing agency (as defined in and registered in accordance with the Securities Exchange Act of 1934 (the "Act")) having automated customer securities account transfer capabilities, the account transfer procedure, including the establishing and closing out of fail contracts, must be accomplished pursuant to Rule 412 and through such registered clearing agency. In this connection, the National Securities Clearing Corporation (NSCC), in conjunction with the Exchange, is developing an automated system for transferring customer securities accounts and plans to implement a "pilot" program shortly.

This automated system will debit/credit security positions and money balances from the carrying to the receiving organization and establish fails on non-transferred items. The Exchange will survey and enforce the rule and transfer process for its member organizations utilizing exception reports generated by the system.

Paragraph (f) of the new rule grants the Exchange the authority to exempt any member organization or class of member organization or any type of account, security or financial instrument from the provisions of the rule.

Such authority is necessry because of valid difficulties encountered in readily transferring certain accounts and assets (e.g., IRA and Keogh accounts, limited partnership interests, certificates of deposit) within the prescribed time periods. Also, in the event of a liquidation, merger, or acquisition of a member organization, it may not be practicable to apply the rule because of the large number of accounts that would have to be transferred and therefore, determinations will be made on a case-by-case basis. The Exchange is continuing to study whether certain financial instruments should be exempt from some or all of the requirements of the rule due to legitimate problems in transferring such instruments. The Exchange will issue written interpretations in this regard as appropriate.

To assist the Exchange in enforcing the rule, a provision is included that gives the Exchange authority to impose a late fee of up to $100 per securities account for each day a member organization fails to adhere to the time frames or procedures required by the rule and related published interpretations. This late fee generally will be imposed when patterns of dilatoriness in transfer of accounts are detected involving a particular member organization.

The proposed change is consistent with section 6(b) of the Act in that it fosters cooperation and coordination with persons engaged in regulating and processing information with respect to, and facilitating transaction in, securities. This is so because the procedures contained in the proposed rule are intended to expedite transfer of customer securities accounts between member organizations. The change also generally protects investors and the public interest by requiring expeditious transfer of accounts.

The provision of the rule authorizing the Exchange to impose a $100 late fee per account for each day a member organization fails to adhere to the time frames or procedures set forth in the rule is consistent with section 6(b)(1) of the Act because it is intended to foster the Exchange's capacity to enforce the rule.

New Rule 412 is also consistent with section 17A(a)(1) of the Act wherein Congress found that:

> The prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership and the safeguarding of securities and funds related thereto, are necessary for the protection of investors and persons facilitating transactions by and acting on behalf of investors.

Finally, the amendments are consistent with section 17A(a)(1)(C) of the Act in that requiring use of an automated transfer system when both the carrying organization and the receiving organization are participants in a registered clearing agency having such capabilities applies new data processing and communications techniques to the area of customer securities account transfers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposal does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments on an earlier version of this proposed rule change were solicited from the Exchange membership in September 1982 and those received are attached as Exhibit IB. In all, 24 letters representing the views of 17 member organizations and the NASD Uniform Practice Committee were received. A summary of the substance of the comments received including the significant issues raised and the Exchange response to these issues follows:

(1) *Comment:* To ensure that the rule operates effectively, account transfers should be processed by an indpendent third party such as the Exchange, Depository Trust Corporation, or National Securities Clearing Corporation.

Exchange response: The Exchange believes this suggestion has merit and has been working toward this goal. Therefore, a provision has been included in the current rule proposal which states that when both the carrying organization and the receiving organization are participants in a registered clearing agency having automated customer securities account transfer capabilities, the account transfer must be accomplished through the registered clearing agency.

(2) *Comment:* Financial Service Accounts should not be exempt from the mandatory time frames for transfer set forth in the rule.

Exchange response: The proposed new rule does not contain any exception for Financial Service Accounts. However, to limit potential member organization exposure with regard to credit/debit cards and unused checks, the Exchange will not object if member organizations require their return or an affidavit attesting to their loss or destruction before validating a transfer instruction.

(3) *Comment:* IRA and Keogh accounts that are not held by the member organization should be exempt from the Rule 412 requirements.

Exchange response: The Exchange recognizes that problems may arise in transferring IRA or Keogh accounts held by custodians or trustees over whom the Exchange does not have jurisdiction. The Exchange does not believe that exempting IRA and Keogh accounts is the answer. However, with regard to these accounts, the Exchange intends to further study appropriate time periods for validation and transfer and will publish an interpretation if an extension of the time periods is deemed appropriate.

(4) *Comment:* The rule should specifically provide that it applies to short option positions.

Exchange response: The new rule contains a provision which makes it clear that the rule applies to the transfer of short option positions.

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 thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be witheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will 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 June 24, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

May 28, 1985.

[FR Doc. 85-13221 Filed 5-31-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

[Docket 43006]

Pan Aviation Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on June 18, 1985, at 10:00 a.m. (local time) in Room 5332, Nassif Building, 400 7th Street SW., Washington, D.C. 20590, before the undersigned administrative law judge.

Dated at Washington, D.C., May 24, 1985.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 85-13225 Filed 5-31-85; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

[CGD 85-036]

Lower Mississippi River Waterway Safety Advisory Committee; Meeting; Cancellation

AGENCY: Coast Guard, DOT.

ACTION: Cancellation of meeting.

SUMMARY: The meeting of the Lower Mississippi River Waterway Safety Advisory Committee scheduled for Tuesday, June 11, 1985, as published in Vol. 50 No. 90, page 19601 of the **Federal Register** on May 9, 1985, is hereby cancelled.

FOR FURTHER INFORMATION CONTACT: Commander R.A. Brunnell, Executive Secretary, Lower Mississippi River Waterway Safety Advisory Committee, c/o Commander, Eighth Coast Guard District (mps), Room 1341, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130, Telephone number (504) 589-6901.

Dated: May 23, 1985.

L.C. Kindbom,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 85-13197 Filed 5-31-85; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Advisory Circular 25.1455-1, Waste Water/Potable Water Drain System Certification Testing

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY: This Notice announces the issuance of Advisory Circular (AC)

25.1455–1, Waste Water/Potable Water Drain System Certification Testing, which sets forth a specific method of compliance with the requirements of § 25.1455 of the Federal Aviation Regulations (FAR) pertaining to draining of fluids through drain masts when the fluids are subject to freezing.

DATE: Advisory Circular 25.1455–1 was issued by the Transport Airplane Certification Directorate in Seattle, Washington, on March 11, 1985.

How to obtain copies: A copy of AC 25.1455–1 may be obtained by writing to the U.S. Department of Transportation, M–494.3, Subsequent Distribution Unit, Washington, D.C. 20590.

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

Leroy A. Keith,

Manager, Aircraft Certification Division, ANM–100.

[FR Doc. 85–13187 Filed 5–31–85; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Granting of Relief; Federal Firearms Privileges

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of Granting of Restoration of Federal Firearm Privileges.

SUMMARY: The persons named in this notice have been granted restoration of their Federal firearms privileges by the Director, Bureau of Alcohol, Tobacco and Firearms. As a result, these persons may lawfully acquire, transfer, receive, ship, and possess firearms if they are in compliance with applicable laws of the jurisdiction in which they live.

FOR FURTHER INFORMATION CONTACT: Special Agent in Charge Paul M. Durham, Firearms Enforcement Branch, Firearms Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20026, (202–566–7258).

SUPPLEMENTARY INFORMATION:

In accordance with 18 U.S.C. 925(c), the persons named in this notice have been granted restoration of Federal firearms privileges with respect to the acquisition, transfer, receipt, shipment, or possession of firearms, said privileges lost by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to the Director's satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the restoration will not be contrary to the public interest.

The following persons have been granted restoration:

ABLE, James O'Neal, Box 99, Highway 116, Ridgeland, South Carolina, convicted on August 28, 1968, in the Jasper County Court, Jasper County, South Carolina; and on January 13, 1976, in the United States District Court, Southern District of Georgia.

ABRAHAMSON, Joseph Douglas, Post Office Box 22073, Tucson, Arizona, convicted on November 7, 1980, in the Circuit Court, Green County, Missouri.

ACKER, Ray Allen, 1214 North High, Longview, Texas, convicted on September 14, 1979, in the United States District Court, Northern Judicial District, Dallas, Texas.

ADAMS, Edward Morley, Jr., 3976 Broadway Street, Macon, Georgia, convicted on June 8, 1971, in the Bibb County Superior Court, Macon, Georgia.

AGEE, Carl Wayne, 1246 East Minnesota Street, Indianapolis, Indiana, convicted on April 7, 1948, in the United States District Court, Western District of Missouri.

ALDER, Ricky Lynn, 8725 Old Madisonville Road, Hopkinsville, Kentucky, convicted on July 24, 1980, in the Christian Circuit Court, Hopkinsville, Kentucky.

AMALFITANO, John Joseph, 311 President Street, Brooklyn, New York, convicted on May 23, 1966, in the United States District Court, Southern District of New York.

AMTHOR, Robert Kelly, 4713 Spring Meadow Lane #5, Midland, Texas, convicted on June 17, 1983, in the United States District Court, Dallas, Texas.

ANDREWS, Arthur R., 138 Farrand Parkway, Highland Park, Michigan, convicted on January 8, 1982, in the Recorders Court, Detroit, Michigan.

ANTHONY, Harry Gaylord, Jr., 304 Margnec Road, Chestertown, Maryland, convicted on April 23, 1971, in the Circuit Court, Kent County, Maryland.

ARNOLD, Charles Ray, Route 3, Central City, Kentucky, convicted on November 3, 1976, in the United States District Court, Owensboro, Kentucky.

ARTHAUD, Melvin Gary, Route 2, Box 30, Seiling, Oklahoma, convicted on August 13, 1982, in the United States District Court, Western Judicial, Oklahoma City, Oklahoma.

BARBOUR, Lonnie Lowell, Route 1, Box 525, Callaway, Virginia, convicted on April 7, 1970, in the United States District Court, Southern District of Illinois.

BARKLEY, Otha Raymond, Post Office Box 7, Evans City, Pennsylvania, convicted on October 27, 1948, in the Court of Oyer and Terminer, Butler County, Butler, Pennsylvania; and on April 7, 1975, in the Court of Common Pleas, Butler County, Butler, Pennsylvania.

BARNHILL, Robert Edward, Jr., 300 Barrington Drive, Tarboro, North Carolina, convicted on December 3, 1980, in the United States District Court, Charlotte, North Carolina.

BELCHER, Robert L., Route 1, Caneys Branch, Chapmanville, West Virginia, convicted on January 19, 1980, in the United States District Court, Huntington, West Virginia.

BENGE, Odell, Route 1, Box 338, London, Kentucky, convicted on September 23, 1981, in the United States District Court, London, Kentucky.

BIGGS, Craig Kenneth, 3608 South East Madison, Albany, Oregon, convicted on November 17, 1977, in the Circuit Court, Linn County, Oregon.

BOHREN, Dean Richard, 2401 College Parkway, #805, Bellingham, Washington, convicted on July 18, 1980, in the Superior Court, Grays Harbor County, Washington.

BORREMANS, Michael Wayne, 3106 Waco Street, San Angelo, Texas, convicted on June 5, 1979, in the 51st Judicial District Court, Tom Green County, Texas.

BOWKER, James David, Route 2, Murray, Kentucky, convicted on March 4, 1981, in the Circuit Court, Calloway County, Murray, Kentucky.

BRAME, William Boyd, Post Office Box 33–0, Southmont, North Carolina, convicted in December 1962, in the Superior Court, Rockingham County, Wentworth, North Carolina; and on July 17, 1981, in the United States District Court, Greensboro, North Carolina.

BROCK, Debra Ann, HCR 1, Box 375, Springdale, Washington, convicted on August 29, 1979, in the Superior Court, Thurston County, Washington.

BRONSON, Steven J., 308 West Stevens, St. Paul, Minnesota, convicted on August 17, 1978, in the District Court, St. Paul, Minnesota.

BROWER, Jerome Sanford, 4055 LaJunta Drive, Claremont, California, convicted on February 23, 1981,in the United States District Court, Washington, DC.

BROWN, Richard Lee, Rural Delivery 1, Box 45 AA, Port Matilda, Pennsylvania, convicted on April 29, 1963, in the Court of Quarter Sessions, Centre County, Pennsylvania.

BUCKEYE, Robert David, 48 Scarlet Drive, Meadville, Pennsylvania, convicted on January 31, 1979, in the Court of Common Pleas, Crawford County, Pennsylvania.

BURGESS, Ernest Edward, Route 2, Box 117, Ramseur, North Carolina, convicted on December 7, 1982, in the United States District Court, Greensboro, North Carolina.

BURK, John Delano, 123 S Street, Thomaston, Georgia, convicted on June 6, 1969, in the Superior Court, Lamar County, Georgia.

CAMP, Donald Ray, 313 Southeast 11th Street, Pryor, Oklahoma, convicted on October 18, 1973, in the Circuit Court, Washington County, Fayetteville, Arkansas.

CARMALT James Dennis, Post Office Box 681, Stevensville, Maryland, convicted on March 31, 1972, in the Circuit Court, Fairfax County, Virginia.

CARPENTER, Michael Stephen, 1969 Payne Street, Louisville, Kentucky, convicted on February 7, 1974, in the Jefferson Circuit Court, Louisville, Kentucky.

CASON, Barry Dee, 470 North Broad Street, Globe, Arizona, convicted on July 10, 1974, in the Superior Court, State of Arizona.

CASTELLAW, Ronald Wade, 3507 Silerton Road, Silerton, Tennessee, convicted on December 9, 1977, in the United States District Court, Memphis, Tennessee.

CATES, John Carrington, 4102 Colgate, Garland, Texas, convicted on August 15, 1976, in the 185th District Court, Harris County, Texas.

CHESHEY, Dennis Lloyd, Rural Delivery 1, Route 40, Box 369, Granville, New York, convicted on December 16, 1975, in the Albany County Court, Albany, New York.

CUNNINGHAM. David Maxwell, 1849 South 106 East Avenue, Tulsa, Oklahoma, convicted on May 1, 1980, in the United States District Court, Tulsa, Oklahoma.

CUNNINGHAM, Joseph R., 2992 Seneca Boulevard, Waterloo, New York, convicted on July 26, 1982, in the Seneca County Court, New York.

CURRY, Judith Fortney, Route 1, Box 164–K, Monroe, Louisiana, convicted on April 6, 1978, in the United States District Court, Eastern District of Louisiana.

CURRY, Shelby Earl, Route 1, Box 164–K, Monroe, Louisiana convicted on April 6, 1978, in the Western District, Monroe, Louisiana.

DALTON, William H., Jr., 226 10th Street, Princeton, West Virginia, convicted on September 18, 1979, in the United States District Court, Bluefield, West Virginia.

DEAN, Joann, Box 844, Beaver, Oklahoma, convicted on April 11, 1983, in the United States District Court, Western Judicial District of Oklahoma.

DEAN, Virgil W., Box 844, Beaver, Oklahoma, convicted on April 11, 1983, in the United States District Court, Western Judicial District of Oklahoma.

DITTY, Douglas James, 823 Westwood Boulevard, Monroe, Michigan, convicted on May 16, 1961, in the Circuit Court, Monroe County, Michigan.

DOMINGUEZ, John Felix, 415 Maple Grove Way, Columbia, Missouri, convicted on October 5, 1982, in the Circuit Court, Randolph County, Moberly, Missouri.

EAGLETON, Willie Lee, 16 Berryhill Drive, Apartment 16-C, Columbia, South Carolina, convicted on June 29, 1982, in the General Sessions Court, Richland County, South Carolina.

EATON, John J., 458 Johnson Street, North Andover, Massachusetts, convicted on November 13, 1952, in the Lawrence County District Court, Massachusetts.

EDROD, Anthony Leonard, 4623 South High School Road, Indianapolis, Indiana, convicted on July 5, 1973, in the Superior Court, Franklin County, Indiana.

ESPOSITO, Pasquale,, 204 East Third Street, Brooklyn, New York, convicted on March 9, 1979, in the United States District Court, Eastern District of New York.

EVANS, Wallace Gordon, Jr., 4510 Shoaf Road, Winton-Salem, North Carolina, convicted on November 8, 1979, in the Superior Court, Forsyth County, Winston-Salem, North Carolina.

FISHER, Lee James, 224–4th Workosky, Tonasket, Washington, convicted on August 15, 1977, in the Superior Court, Okanogan County, Washington,

FOGG, Edward Chambless III, 8150 Southwest 52 Avenue, Miami, Florida, convicted on November 6, 1980, in the United States District Court, Miami, Florida.

FROHRIEP, Wayne Emerson, 107 Canfield, Apartment 9, Mican, Michigan, convicted on March 7, 1977, in the Kalamazoo Circuit Court, Kalamazoo, Michigan.

FULLER, John Lemburg, Route 1, Box 21, Lampasas, Texas, convicted on September 28, 1979, in the United States District Court, Victoria Division, Southern District, Texas.

FUTRAL, James Robert, 1501 Northeast 27th Street, Wilton Manors, Florida, convicted on May 23, 1958, in the Cirminal Court, Broward County, Fort Lauderdale, Florida.

GAGER, Dennis F.L., Star Route 5, Box 153G, Dunnellon, Florida, convicted on March 8, 1963, in the 105th District Court, Kleburg County, Kingsville, Texas.

GARREN, James Michael, Route 9, Box 608 Spartanburg, South Carolina, convicted on November 22, 1977, in the Court of General Sessions, Spartanburg, South Carolina.

GARY, Frank, RFD 1, Box 254A, Capron, Virginia, convicted on May 22, 1978, in the Circuit Court, Southampton County, Virginia.

GIBBONS, Jerry Wayne, Route 1, Horse Cave, Kentucky, convicted on April 28, 1980, in the Circuit Court, Hart County, Munfordville, Kentucky.

GIBSON, Richard E., 13976 East County Road, 150 North, Greentown, Indiana, convicted on August 9, 1973, in the Northern Judicial District of Indiana.

GILLAND, Jimmy Dale, 3008 Woodrow Drive, Tarrant, Alabama, convicted on March 7, 1977, in the Circuit Court, Jefferson County, Birmingham, Alabama.

GINTHER, Thomas Evans, 7157 Chilacot Drive, Boise, Idaho, convicted on November 9, 1982, in the 4th Judicial Court, Idaho.

GIRTS, David Allan, 12040 12th North West, Seattle, Washington, convicted on May 24, 1982, in the Superior Court, King County, Washington.

GLIDEWELL, James DeWayne, 1121 Shelley Street, Albany, Kentucky, convicted on April 13, 1981, in the Superior Court, Camden County, Woodbine, Georgia.

GREGORY, Doyle Harrison, 1218 South 8th Avenue, Yakima, Washington, convicted on May 7, 1982, in the Superior Court, Yakima County, Washington.

GUMM, Gerald Richard, 510 Annette Street, Dodge City, Kansas, convicted on March 15, 1982, in the United States District Court, Kansas City, Kansas.

HANCOCK, Samuel C., West 20 Main, Spokane, Washington, convicted on September 25, 1978, in the United States District Court, Eastern District of Washington.

HARRIS, Richard Edward, 132–06 109th Avenue, South Ozone Park, New York, convicted on March 3, 1969, in the United States District Court, Southern District of New York.

HARRISON, A. Frank III, 14 Danridge Court, Columbia, South Carolina, convicted on November 9, 1979, in the United States District Court, Columbia, South Carolina.

HART, Margaret Hubbard, Route 1, Box 137, Covington, Virginia, convicted on December 11, 1978, in the Circuit Court, Hanover County, Virginia.

HARVEY, John W., 9013 Geneva Avenue, Montclair, California, convicted on April 13, 1981, in the United States District Court, District of New Mexico.

HENRY, John Patrick, 2701 Anna Street, North Platte, Nebraska, convicted on January 14, 1980, in the Lincoln County Court, North Platte, Nebraska.

HEYING, Dennis William, Route 1, Box 148, Lexington, Nebraska, convicted on May 21, 1980, in the District Court, Buffalo County, Kearney, Nebraska.

HODGES, Roberta Austin, Route 1, Box 696, Basset, Virginia, convicted on December 22, 1980, in the Circuit Court, Patrick County, Stuart, Virginia.

HOLT, Herman Wayne, Route 2, Box 284, Mansfield, Louisiana, convicted on October 17, 1977, in the 30th Judicial Court Beauregard Parish, Louisiana.

HORNE, William, 3102 Ferndale Avenue, Baltimore, Maryland, convicted on December 10, 1961, in the Baltimore Municipal Court, Western District.

HUGHES, Allen R., 1907 Westview Drive, Owensboro, Kentucky, convicted on August 13, 1974, in the Circuit Court, Daviess County, Kentucky.

HUGHES, Harry Jackson, Jr., Route 1, Box 334, Pulaski, Virginia, convicted on May 25, 1972, in the Circuit Court, Pulaski County, Virginia.

HULL, William Hollis, 332 Conkle Road, Hampton, Georgia, convicted in July 1972, in the Superior Court, Henry County, Georgia.

HUNLEY, Randall J., 730 West Stewart, Apartment 14, Owasso, Michigan, convicted on September 8, 1981, in the Circuit Court, Shiawassee County, Corunna, Michigan.

HUNT, Jack Robert, 908 Alvin Street, Pasadena, Texas, convicted on September 21, 1970, in the United States Disrict Court, Statesville, North Carolina.

HUNTER, Eric Randall, 14751 North Fairmont Drive, Edinburgh, Indiana, convicted on December 13, 1968, in the Bartholomew Circuit Court, Columbus, Indiana.

JACKSON, Kenneth L., 8621 Winchester Road, Fort Wayne, Indiana, convicted in October 1975, in the United States District Court, Fort Wayne, Indiana.

JACKSON, Ophelia, Route 7, Box 671, Montgomery, Texas, convicted on October 5, 1978, in the District Court, Montgomery County, Texas.

JENNINGS, Henry D., 6398 Hawfield Drive, Fayetteville, North Carolina, convicted on March 22, 1956, in the District Court, Greer County, Mangum, Oklahoma.

JOHNSON, Benny Meloyd, 463 Greene Avenue, Brooklyn, New York, convicted on September 15, 1977, in the Supreme Court Kings County, New York.

JOHNSON, Lyle, Rural Route 1, Box 69, Waukee, Iowa convicted on December 5, 1978, in the United States District Court, Des Moines, Iowa.

JOHNSON, Thurston E., Route 6, Box 28, Scottsville, Kentucky, convicted on May 26,

1976, in the Circuit Court, Barren County, Glasgow, Kentucky.

JONES, Clinton, Route 1, Hastings, Oklahoma, convicted on February 3, 1983, in the District Court, Oklahoma.

JONES, Daniel L., 4323 Fairview, Spokane, Washington, convicted on April 27, 1977, in the Supreme Court, Spokane, Washington.

JONES, James Vernon, 3007 McGough Drive, Mobile, Alabama, convicted on June 14, 1983, in the Circuit Court, Mobile, Alabama.

JONES, Sam Wade, 803 Sixth Avenue North, Columbus, Mississippi, convicted on March 13, 1975, in the United States District Court, Aberdeen, Mississippi.

KELLY, Ray McLeod, 592 North 2nd, Carrington, North Dakota, convicted on September 5, 1980, in the United States District Court, Fargo, North Dakota.

KERR, Michael James, 2865 Southeast Camwell Drive, Hillsboro, Oregon, convicted on August 8, 1983, in the Superior Court, Kitsap County, Washington.

KESSLER, Dane William, 6616 Lazy Street, Southwest, Olympia, Washington, convicted on August 5, 1981, in the Superior Court, Thurston County, Washington.

KETTINGER, Fred Lawrence, 1415 South Boston No. 5, Tulsa, Oklahoma, convicted on August 30, 1978, in the 124th Judicial District Court, Greg County, Texas.

KING, Robert Lee, Rural Delivery 2, Sager Road, Sinclairville, New York, convicted on March 13, 1964, in Chautaugua County, New York.

KLINGLESMITH, Floyd Eugene, Route 2, Box 326, Elizabethtown, Kentucky, convicted on April 4, 1959, in the Circuit Court, Hardin County, Elizabethtown, Kentucky.

KNOWLES, William David, 815 East 8th Street, Colby, Kansas, convicted on November 26, 1973, in the 4th Judicial District Court, El Paso County, Colorado; and on February 2, 1977, in the District Court, Thomas County, Kansas.

KNOX, William Warren, 725 Georgia Avenue, Norfolk, Virginia, convicted on November 29, 1979, in the Circuit Court, Norfolk, Virginia.

KOLB, Robert Lynn, 2318 Filer Avenue East, Twin Falls, Idaho, convicted on September 17, 1980, in the District Court, Twin Falls, Idaho.

KRITZMAN, Mark Charles, 60 Cook Drive, Apartment A4, Bad Axe, Michigan, convicted on October 27, 1978, in the Circuit Court, Huron County, Michigan.

KRUGER, Charles Edwin, 2202 Frontier, Security, Colorado, convicted on September 20, 1982, in the 4th Judicial District Court, El Paso, Colorado.

LALE, Horace Edwin, 7533 Melba Avenue, Canoga Park, California, convicted on November 14, 1957, in the Circuit Court, Jackson County, Kansas City, Missouri.

LAMELA, Felice, North Young Avenue, Marlboro, New York, convicted on July 26, 1973, in the Federal Court, Southern District, Foley Square, New York City, New York.

LAWE, Colin George, Box 349, Keshena, Wisconsin, convicted on December 18, 1962, in the Circuit Court, Menominee County, Shawano, Wisconsin; and on March 14, 1962, in the Circuit Court, Menominee County, Shawano, Wisconsin.

LEITE, Kenneth Ervin, 1015 30 Avenue North, St. Cloud, Minnesota, convicted on March 10, 1981, in the United States District Court, St. Paul, Minnesota.

LIA, Ralph, 261 Beach, 141st Street, Queens, New York, convicted on August 9, 1971, in the Criminal Court, Wayne County, Pennsylvania; and in Luzanne County Criminal Court, Pennsylvania.

LOVE, Ted Duane, 5326 Fulwell Drive, Corpus Christi, Texas, convicted on July 28, 1981, in the United States District Court, Corpus Christi, Texas.

LYLES, Gene Edwin, Route 2, Box 135, Keysville, Virginia, convicted on April 24, 1961, in the Circuit Court, Prince Edward County, Virginia; on June 6, 1961, in the Circuit Court, Charlotte County, Virginia; on June 6, 1961, in the Circuit Court, Charlotte County, Virginia; and on June 6, 1961, in the Circuit Court, Charlotte County, Virginia.

LYNN, Robert William, 6255 Windson Drive, Indianapolis, Indiana, convicted on June 9, 1961, in the Criminal Court, Division I, Marion County, Indiana.

MADDUX, Floyd Collier, Route 3, Box 460, Huntington, Texas, convicted on September 16, 1981, in the District Court, Angelina County, Texas.

MARTINEZ, Angel L., 306 Avenue P., Brooklyn, New York, convicted on May 25, 1962, in Nassau County Court, Mineola, New York.

MATEJOWSKI, Emmett Fredric, 1402 Emerson, Drawer N, McCamey, Texas, convicted on May 5, 1978, in the 206th Judicial District Court, Hidalgo County, Texas.

McCLAIN, WALTER Lee, 525 North San Jose, Abilene, Texas, convicted on December 29, 1980, in the 104th District Court, Taylor County, Texas.

McDONALD, Gerald Louis, 18580 Dodd Boulevard, Lakeville, Minnesota, convicted on June 5, 1974, in the District Court, Dakota County, Hasting, Minnesota.

McGUINN, James Emmet, Jr., Route 17, Box 169, Marshall, Virginia, convicted on November 29, 1976, in the Rappahannock County Court, Virginia.

McKIBBEN, Dana Clifton, Route 3, Oxford, Mississippi, convicted on July 7, 1978, in the United States District Court, Oxford, Mississippi; and on February 8, 1979, in the United States District Court, Oxford, Mississippi.

MERRIT, Raymond Cecil, 3026 Highway 97, Cantonment, Florida, convicted on May 24, 1977, in the Superior Court, Dodge County, Georgia.

MILLER, Gregory Conan, 670 North 1400 West, Salt Lake City, Utah, convicted on January 28, 1972, in the 3rd Judicial District Court, Salt Lake City, Utah.

MILLER, Troy L., Route 2, Box 109, Elk, Washington, convicted on January 30, 1980, in the Superior Court, Spokane County, Washington.

MORRIS, Benjamin Edgar, Route 3, Box 89, Rocky Mount, Virginia, convicted on October 19, 1981, in the Circuit Court, Franklin County, Virginia; and on November 9, 1981, in the Circuit Court, Franklin County, Virginia.

MORRIS, Eddie J., 6005 Avenue of Redwoods, College Park, Georgia, convicted on October 29, 1951, in the Superior Court, Fulton City, Georgia.

NEEMEYER, Frederick W, 3377 Fairlane Avenue, Columbus, Nebraska, convicted on March, 5, 1981, in the United States District Court, Judicial District, Nebraska.

NEWBERRY, Leslie Harman, 5823 South Shasta Circle, Littleton, Colorado, convicted on March 7, 1955, in the Arapahoe County Court, Littleton, Colorado.

NEWTON, Strother Lee, 900 Northside Drive, Fredericksburg, Virginia, convicted on December 10, 1976, in the Circuit Court, Stafford City, Virginia.

NUTTER, Michael Lee, 7311 South 99th East Avenue, #1302, Tulsa, Oklahoma, convicted on September 18, 1978, in the District Court, Harris County, Texas.

O'CONNELL, Donald Lee, 1651 Story Avenue, Apartment B, Louisville, Kentucky, convicted on April 26, 1974, in the Curcuit Court, Louisville, Kentucky.

OTLEY, Ronald Homer, Star Route 2, 13872, Burns, Oregon, convicted on June 9, 1980, in the United States District Court, Idaho.

PADGETT, John Robert, 400 Hickory Street, #46, Fort Collins, Colorado, convicted on July 17, 1979, by the Larimer County Grand Jury, Fort Collins, Colorado.

PARKER, Henry Clay, Route 4, Box 664, Wilkesboro, North Carolina, convicted on June 26, 1959, in the United States District Court, Wilkesboro, North Carolina.

PARKER, Richard Charles, Post Office Box 79, High Springs, Florida, convicted on September 13, 1976, in the 3rd Judicial Circuit Court, Lake City, Florida; on September 26, 1977, in the 8th Judicial Circuit Court, Trenton, Florida; and on January 23, 1978, in the 3rd Judical Circuit Court, Lake City, Florida.

PASQUALE, DeFeo Jr., 51 Havre Street, East Boston, Massachusetts, convicted on January 26, 1978, in the Superior Court, Boston, Massachusetts.

PATRICK, Michael Ray, 5124 West State, #27, Boise, Idaho, convicted on January 13, 1979, in the Superior Court, Spokane County, Washington.

PAXSON, Robert Lynn, Post Office Box 402, Waterview Shores, Lot E6, Seahawk Court, Grandy, North Carolina, convicted on June 21, 1982, in the Superior Court, Martin County, Williamston, North Carolina.

PEARCE, Robert Marline, 1450 Lehman Avenue, Bowling Green, Kentucky, convicted on December 22, 1978, in the United States District Court, Kentucky.

PEDERSON, James Peter, Route 2, Box 209, Fertile, Minnesota, convicted on March 2, 1981, in the 9th Judicial District Court, Crookston, Minnesota.

PEDIGO, Teresa S., 133 A First Street, Cave City, Kentucky, convicted on August 10, 1979, in the Circuit Court, Glasgow, Kentucky.

PETERS, Floyd F., Route 1, Box 147, Zavalla, Texas, convicted on April 15, 1981, in the Criminal District Court #1, San Augustine County, Texas.

PIEKNIK, John J., 5422 Statler Drive, Burton, Michigan, convicted on June 17, 1949, in the Circuit Court, Genesee County, Flint, Michigan.

POWELL, Floyd Lee, 2715 C Briarberry Circle, Birmingham, Alabama, convicted on May 14, 1979, in the United States District Court, Birmingham, Alabama.

PURCELL, Glenn N., 101 Glendale Avenue, Bayley, Georgia, convicted on April 15, 1982, in the United States District Court, Southern District, Brunswick Division, Georgia.

RAE, James Dilmus, Route 3, Phil Campbell, Alabama, convicted on November 22, 1968, in the United States District Court, Birmingham, Alabama.

REED, Charles W., 21270 Pitko, Mount Clemens, Michigan, convicted on July 8, 1947, in the Circuit Court, Macomb County, Michigan.

REKER, James Milo, 418 Carney Avenue, Mankato, Minnesota, convicted on April 16, 1979, in the 5th Judical District Court, Nobles County, Worthington, Minnesota.

RICHBURG, Ronald Lee, 80 Foal Drive, Fulton County, Roswell, Georgia, convicted on May 17, 1979, in the Middle District of Tennessee, Nashville Division.

ROBINSON, Charles Huston, Route 1, Box 495, Castlewood, Virginia, convicted on September 19, 1936, in the Circuit Court, Russell County, Virginia.

ROBINSON, Rodney Jay, 66 River Road, Tonasket, Washington, convicted on October 22, 1979, in the Superior Court, Okanogan County, Washington.

ROGERS, Billy Wayne, Route 4, Box 43, Paggot Road, Hopkins, South Carolina, convicted on April 29, 1977, in the Circuit Court, Christian County, Hopkinsville, Kentucky.

RUTTER, Lyle Wayne, Box 38, Limestone, Michigan, convicted on June 12, 1978, in the Circuit Court, St. Joseph County, St. Joseph, Michigan.

SCHIER, Robert Morton 888 East Clinton, Apartment 1088, Phoenix, Arizona, convicted on September 24, 1976, in the Superior Court, Maricopa County, Arizona.

SCHMIDT, Jerrell Jay, 124 West Missouri, Pierre, South Dakota, convicted on September 9, 1982, in the 6th Circuit Court, Pierre, South Dakota.

SCILLION, Bennie Dale, Route 1, Box 123 B, Boaz, Kentucky, convicted on June 3, 1980, in the Circuit Court, McCracken County, Paducah, Kentucky.

SCOTT, Kenneth Wayne, Route 3, Box 69, Kingsport, Tennessee, convicted on March 2, 1981, in the United States District Court, Greeneville, Tennessee.

SELLERS, Arthur Lee Jr., 301½ Clover Avenue, East Peoria Illinois, convicted on March 13, 1979, in the Circuit Court, Tazewell County, East Peoria, Illinois.

SERAFINO, Donald A., 17 Hanson Drive, Springfield, Massachusetts, convicted on May 11, 1961, in the Superior Court, Hampton County, Springfield, Massachusetts.

SHERMAN, James Ray, Route 1, Box 558 A, Springtown, Texas, convicted on July 30, 1962, in the Municipal Court, San Joaquin County, California.

SIMPSON, Dana Bruce, 109 Madison, Sedgewick, Kansas, convicted on October 20, 1970, in the United States District Court, Kansas.

SMITH Alonzo Dudley, 4001 Yellowstone, Apartment 2, Chubbuck, Idaho, convicted on August 11, 1978, in the Circuit Court, Umatilla County, Oregon.

STAMATOPULOS, Steven G., 27 Blaine Street, Allston, Massachusetts, convicted on January 24, 1978, in the District Court, Salem, Massachusetts.

STANDRING, Stephen Culpepper, 526 Pitkin Street, Fort Collins, Colorado, convicted on April 27, 1971, in the District Court, Larimer County, Fort Collins, Colorado.

STEED, Deven, Box 109, Knifley, Kentucky, convicted on November 19, 1979, in the Circuit Court, Taylor County, Campbellsville, Kentucky.

STEPHENS, Phillip Randolph, Route 3, Box 4, Clinton, Kentucky, convicted on September 20, 1979, in the Circuit Court, Calloway County, Murray, Kentucky.

STOKES, Douglas Wayne, Post Office Box 991, Colstrip, Montana, convicted on December 29, 1975, in the Superior Court, Silverbow County, Montana.

STOTTSBERRY, Paul H., Route 2, Box 32–B, Poteau, Oklahoma, convicted on July 25, 1978, in the United States District Court, Eastern Judicial District, Oklahoma.

STROZIER, Paul Lawrence, 2824 Northwood Avenue, Toledo, Ohio, convicted on January 14, 1972, in the Common Pleas Court, Lucas County, Ohio.

TATE, Terry Lee, Route 9, Box 283–E, Mount Airy, North Carolina, convicted on March 2, 1979, in the Superior Court, Surry County, North Carolina.

TAYLOR, Richard Wayne, 7105 Newcastle Place, Fort Worth, Texas, convicted on February 25, 1971, in the 185th District Court, Houston, Texas.

TERRY, Richard Clyde, Route 2, New Franklin Road, Post Office Box 2573, LaGrange, Georgia, convicted on August 11, 1971, in the Superior Court, Troup County, Georgia.

THEMAR, Rex Seldon, 105 Country Lane, Lake Dallas, Texas, convicted on April 16, 1982, in the United States District Court, Northern District, Texas.

TROLAND, John Thomas, Route 2, Box 601 A, Abilene, Texas, convicted on April 2, 1981, in the United States District Court, Northern District, Oklahoma.

TURNER, Willis Alexander, 300 South Princeton Avenue, Apartment 5, Lynchburg, Virginia, convicted on March 6, 1972, in the Lynchburg Corporation Court, Lynchburg, Virginia.

TYREE, Donnie R., Route 1, Box 102AAA, Gladstone, Virginia convicted on March 27, 1973, in the Circuit Court, Amherst County, Virginia.

VAN DE CASTLE, Edward Joseph, Jr., 1639 Wadsworth Way, Baltimore, Maryland, convicted on May 10, 1971, in the Municipal Court, Baltimore, Maryland.

VANEPS, Michael A., Box 387, Marble, Minnesota, convicted on August 18, 1978, in the District Court, Itasca County, Minnesota.

VIAL, Daniel Melvin, Post Office Box 750, Libby, Montana, convicted on June 26, 1981, in the Superior Court, Dallas, Texas.

VIAR, Danny Eric, Post Office Box 182, Ivanhoe, Virginia, convicted on May 9, 1975, in the Circuit Court, Wythe County, Virginia.

VIECELI, David J., 3006 South 49th Avenue, Omaha, Nebraska, convicted on November 2, 1982, in the District Court, Douglas County, Omaha, Nebraska.

VINING, Kelly Lavell, Jr., 60 #C, Colonial Drive, Monroe, Louisiana, convicted on March 5, 1979, in the Western District of Louisiana, Monroe, Louisiana.

WAGONER, Jesse Carlton, Post Office Box 412, Meadowbrook Lane, Martinsville, Virginia, convicted on January 2, 1957, in the Circuit Court, Franklin County, New York; and on September 20, 1973, in the United States Court, Western Judicial District, Roanoke Division, Virginia.

WALKER, Kenneth Wessley, 4801 Southeast 139th Street, Oklahoma City, Oklahoma, convicted on June 15, 1978, in the United States District Court, Oklahoma City, Oklahoma.

WALL, Hulon Avon, 1107 Xenia Street, Plainveiw, Texas, convicted on February 17, 1983, in the United States District Court, Austin, Texas.

WALLETTE, Walter James, North 3217 Nelson, Spokane, Washington, convicted on August 13, 1980, in the Superior Court, Spokane County, Washington.

WATTS, Larry Robert, Post Office Box 792, Boulder, Montana, convicted on December 16, 1976, in the Superior Court, Bannock County, Idaho.

WERNER, Alfred B., 5748 North Fairhill Street, Philadelphia, Pennsylvania, convicted on May 10, 1970, in the Municipal Court, Philadelphia, Pennsylvania.

WEST, Malcolm, Route 8, Box 11, Darks Mill Road, Columbia, Tennessee, convicted on May 23, 1980, in the United States District Court, Nashville, Tennessee; and on June 24, 1980, in the United States District Court, Nashville, Tennessee.

WEST, Virgil Edwin, Route 3, Box 296, Pryor, Oklahoma, convicted on June 28, 1982, in the United States District Court, Tulsa, Oklahoma.

WHITE, James Alfred, 2056 South Petersburg, Valley Springs, California, convicted on December 22, 1980, in the Superior Court, Calaveras County, California.

WHITE, Worth Dewayne, 4567 Hill Street Southeast, Smyrna, Georgia, convicted on April 5, 1976, in the Shelby County Court, Shelby County, Tennessee.

WILLIAMS, Wayne R., Route 1, Box 253, Madill, Oklahoma, convicted on July 1981, Eastern Judicial District, Oklahoma.

WILSON, William Arthur, Route 2, Box 5336, Wheatland, Wyoming, convicted on January 18, 1977, in the Second Judicial District Court, Wyoming.

WISE, Peter N., Sr., Post Office Box 164, Broad Run Road, Landenberg, Pennsylvania, convicted on August 18, 1961, in the Lancaster County Court, Lancaster, Oregon.

WORSLEY, Richard Edward, 3111 Arlington Place, Portsmouth, Virginia, convicted on July 9, 1973, in the Circuit Court, Portsmouth, Virginia.

WYLIE, Jay Michael, 202 Radio Road, Pearl River, Louisiana, convicted on July 16, 1981, in the Jefferson Parish, Louisiana.

WYLIE, Samuel M. III, Route 1, Box 49–C, Wadley, Alabama convicted on November 24, 1980, in the United States District Court, Montgomery, Alabama.

YALE, Stewart Irvin, 2433 Jenner Avenue, Bremerton, Washington, convicted on September 26, 1977, in the Superior Court, Kitsap County, Washington.

YANT, Brian James, 1320 Peach Street, Lincoln, Nebraska, convicted on November 1, 1977, in the District Court, Washington, County, Breham, Texas.

YOUSIF, Zouhair, 28841 Bella Vista, Farmington Hills, Michigan, convicted on November 12, 1982, in the United States District Court, Detroit, Michigan.

Compliance With Executive Order 12291

It has been determined that this notice is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Signed: May 28, 1985.

W.T. Drake,

Acting Director.

[FR Doc. 85-13217 Filed 5-31-85; 8:45 am]

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Sunshine Act Meetings

Federal Register
Vol. 50, No. 106
Monday, June 3, 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

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Tuesday, June 4, 1985, Following Public Hearing on Fiscal Year 1987 Priorities.

LOCATION: Third Floor Hearing Room, 1111—18th Street, NW., Washington, DC.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: Fiscal year 1986 Operating Plan.

The Commission will consider the 1986 Operating Plan.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301—492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, (301) 492–6800.

Sheldon D. Butts,

Deputy Secretary.

May 29, 1985.

[FR Doc. 85–13237, Filed 5–29–85; 5:06 pm]

BILLING CODE 6355–01–M

2

FEDERAL COMMUNICATIONS COMMISSION

May 31, 1985.

The Federal Communications Commission [1] will hold an Open Meeting on the subjects listed below on Friday, June 7, 1985, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Agenda, Item No. and Subject

Common Carrier—1—Title: By Direction Letter, requesting recommendations from the Alaska Public Utilities Commission, Summary: A request for recommendations from the Alaska Public Utilities Commission regarding an appropriate policy governing the ownership and operation of toll interconnect facilities in Alaska's Bush communities.

Common Carrier—2—Title: Petition for Declaratory Ruling filed by Ameritech Mobile Communications, Inc. Summary: The Commission will consider a Petition for Declaratory Ruling requesting the elimination of the cellular Headstart Doctrine.

Mass Media—1—Title: Amendment of Parts 73 and 97 of the Commission's Rules Concerning Rebroadcasts of Transmissions of Nonbroadcast Radio Stations. Summary: The Commission will consider a *Report and Order* concerning revisions to its rules for rebroadcasts of transmissions of non-broadcast radio stations (BC Docket 79–47).

Mass Media—2—Title: Reexamination of "Single Majority Stockholder" and the "Minority Incentive" Provisions of Section 73.3555 of the Commission's Rules and Regulations. Summary: The Commission will consider issuing a Notice of Proposed Rule Making to review the interrelationship between the "Single Majority Stockholder" and the "Minority Incentive" provisions of the media multiple ownership rules.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Judith Kurtich, FCC Office of Congressional and Public Affairs, telephone number (202) 254–7674.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 13390 Filed 5–30–85; 3:33 pm]

BILLING CODE 6712–01–M

[1] The summaries listed in this notice are intended for the use of the public attending open Commission meetings. Information not summarized may also be considered at such meetings. Consequently these summaries should not be interpreted to limit the Commission's authority to consider any relevant information.

3

FEDERAL ENERGY REGULATORY COMMISSION

May 23, 1985.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–4109), 5 U.S.C 552b:

TIME AND DATE: Approximately 1:00 (following open meeting) May 30, 1985.

PLACE: 825 North capitol Street NE., Washington, D.C. 20426, Room 9306.

STATUS: Closed.

MATTER TO BE CONSIDERED:

(1) Oroville-Wyandotte Irrigation District.
(2) Deep River Hydro, Inc.
(3) Clifton Power Corporation, Docket Nos. IN84–1–000 and EL84–3–000.
(4) Applied Energy Services, Inc., v. Oklahoma Corporation Commission, Docket No. EL85–25–000.
(5) F.G. Holl.
(6) Mid-Louisiana Gas Company.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357–8400.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–13258 Filed 5–30–85; 10:57 pm]

BILLING CODE 6717–01–M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

May 29, 1985.

TIME AND DATE: 10:00 a.m., Thursday, June 6, 1985.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. The Secretary of Labor, MSHA on behalf of Robert A. Ribel v. Eastern Associated Coal Corp., Docket No. WEVA 84–33–D. (Issues include whether the administrative law judge properly concluded that the operator discharged the miner in violation of the Mine Act and whether the judge properly denied attorney fees to the miner's privately retained counsel.)

TIME AND PLACE: Immediately following oral argument.

STATUS: Closed (Pursuant to 5 U.S.C. 552b(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the above listed item.

Any person intending to attend this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Thus, the Commission may, subject to the limitations of 29 CFR 2706.150(a)(3) and 2706.160(e), ensure access for any

handicapped person who gives reasonable advance notice.

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653–5632.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 85–13353 filed 5–30–85; 12:23 pm]

BILLING CODE 6735–01–M

5

BOARD FOR INTERNATIONAL BROADCASTING

TIME AND DATE: 11:00 a.m., June 6, 1985.

PLACE: 1201 Connecticut Avenue, NW., Washington, D.C. 20036.

STATUS: Closed, pursuant to 5 U.S.C. 552b(c)(1) 22 CFR 1302.4 (c) and (h) of the Board's rules (42 FR 15405, Mar. 12, 1977).

MATTERS TO BE CONSIDERED: Matters concerning the broad foreign policy objectives of the United States Government.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Walter R. Roberts Executive Director, Board for International Broadcasting, Suite 400, 1201 Connecticut Avenue, NW., Washington, D.C. 20036, 202–254–8040.

Walter R. Roberts,

Executive Director.

[FR Doc. 85–13329 Filed 5–30–85; 12:01 pm]

BILLING CODE 6155–01–M

6

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

ENTITY: Synthetic Fuels Corporation.

ACTION: Notice of Meeting.

SUMMARY: Interested members of the public are advised that a meeting of the Board of Directors of the United States Synthetic Fuels Corporation will be held at the time, date and place specified below. This public announcement is made pursuant to the open meeting requirements of section 116(f)(1) of the Energy Security Act (94 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1)) and Section 4 of the Corporation's Statement of Policy on Public Access to Board meetings. During the meeting, the Board of Directors will consider a resolution to close the meeting pursuant to Article II, Section 4 of the Corporation's By-laws, section 116(f) of the said Act and Sections 4 and 5 of the said policy.

Matters to be considered:

Open Session

I. Call to Order
II. Resolution to Close Meeting

Closed Session

III. Great Plains—Negotiation Strategy

TIME AND DATE: 11:30 a.m., June 3, 1985.

PLACE: 2121 K Street, NW., Room 503 Washington, D.C. 20586.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Mr. March Coleman, Assistant General Counsel-Corporate & Litigation, at (202) 822–6571.

U.S. Synthetic Fuels Corporation.

March Coleman,

Assistant General Counsel—Corporate & Litigation.

May 31, 1985.

[FR Doc. 85–13483 Filed 6–31–85; 11:24 am]

BILLING CODE 0000–00–M

federal register

Monday
June 3, 1985

Part II

Environmental Protection Agency

40 CFR Part 133

Secondary Treatment Regulation, Final Rulemaking

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 133

[WH-FRL-2799-8]

Secondary Treatment Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On September 20, 1984, the EPA published in the **Federal Register** (49 FR 36986—37009) amendments to the secondary treatment regulation (40 CFR Part 133) and related revisions of the National Pollutant Discharge Elimination System (NPDES) Permit requirements (40 CFR Part 122). In addition, EPA issued on the same date (September 20, 1984) a notice soliciting additional public comment on the issue of modifying the percent removal requirement of the secondary treatment regulation (49 FR 37010—37014). The Agency has reviewed all comments and is today promulgating final amendments to the percent removal requirements.

EFFECTIVE DATE: In accordance with 40 CFR 100.01 (45 FR 26048–4/17/80), this regulation will be considered issued for purposes of judicial review at 1:00 pm Eastern time June 17, 1985. The final regulation shall become effective July 17, 1985. In order to assist EPA with correcting any typographical errors, incorrect cross references, and similar technical errors, comments of a technical or nonsubstantive nature on the final regulation may be submitted on or before August 5, 1985. The effective date of this regulation will not be delayed by consideration of such comments.

Under section 509(b)(1) of the Clean Water Act (the Act), any petition for judicial review of this regulation must be filed in the United States Court of Appeals within 90 days after the regulation is considered issued for purposes of judicial review. Under section 509(b)(2) of the Act, the regulation may not be challenged later in civil or criminal proceedings brought by EPA to enforce its requirements.

ADDRESSES: The record for this rulemaking will be available for public review in the EPA's Public Information Reference Unit, Room 2004, 401 M St., Washington, D.C., 20460. Copies of the "Technical Support Document for Regulations under Section 304(d)(4)," may be obtained from the National Technical Information Service, Springfield, Virginia 22161, (703) 487–6000.

FOR FURTHER INFORMATION CONTACT: James Wheeler, Municipal Facilities Division (WH–595), Environmental Protection Agency, Washington, D.C., 20460, (202) 382–7369.

SUPPLEMENTARY INFORMATION: The **SUPPLEMENTARY INFORMATION** section of this preamble describes the legal authority and background for these amendments, summarizes the final amendments, responds to public comments received on the proposed rulemaking, and gives highlights on implementation of the regulation as amended. The abbreviations, acronyms and other terms used in the **SUPPLEMENTARY INFORMATION** section are defined in Appendix A of this notice.

A more detailed discussion of the data collection and analysis which supports all of the amendments to the secondary treatment regulations may be found in the **Federal Register** notices for the proposed and final amendments (48 FR 52258–11/16/83, 48 FR 52272–11/16/83 and 49 FR 36986–9/20/84). This information is still pertinent, but is not reprinted to avoid duplication. These notices should be consulted for further information on these topics.

Information in this preamble is presented in the following order:

I. Introduction

A. Statutory Authority

Section 301(b)(1)(B) of the Clean Water Act (CWA or the Act), 33 U.S.C. 1311(b)(1)(B), requires that publicly owned treatment works (POTWs) achieve effluent limitations based upon secondary treatment as defined by the Administrator of EPA pursuant to section 304(d)(1) of the Act. Section 304(d)(1), 33 U.S.C. 1314(d)(1), requires that the Administrator publish information on the degree of effluent reduction attainable through the application of secondary treatment within 60 days of enactment and from time to time thereafter.

B. Previous Regulation

Final amendments to the secondary treatment regulation were promulgated on September 20, 1984 (49 FR 37006). That regulation includes: (1) A definition of secondary treatment; (2) a definition of "significant biological treatment;" (3) a definition of "facilities eligible for treatment equivalent to secondary treatment;" and (4) provisions which define the effluent quality attainable by facilities eligible for treatment equivalent to secondary treatment.

The final rulemaking also provided permitting authorities the option to substitute $CBOD_5$ for BOD_5 by: (1) Defining the level of effluent quality achievable by application of secondary treatment in terms of $CBOD_5$, and (2) allowing the $CBOD_5$ parameter to be used for setting effluent limitations for treatment equivalent to secondary treatment.

C. Request for Comments on Proposed Options to Amend the Percent Removal Requirements (November 16, 1983)

In the Preamble of the November 16, 1983 Notice of Proposed Rulemaking (48 FR 52258), the Agency requested information on any problems caused by the existing 85 percent removal requirement which is part of the definition of secondary treatment (40 CFR Part 133). In addition, the Agency solicited comments on five options for modifying the percent removal requirement.

The percent removal requirements were originally established to achieve two basic objectives: (1) To encourage municipalities to correct excessive infiltration/inflow (I/I) problems in their sanitary sewer systems, and (2) to help prevent intentional dilution of influent wastewater as a means of meeting permit limits. The Agency retains these objectives, but recognized the need for adjustment of the percent removal requirements in some cases. This need was reflected in the findings of the Agency's 1978 study of the I/I programs which concluded that: (1) The I/I program had not been as successful in reducing excessive I/I as expected; (2) many treatment systems without excessive I/I have influent strengths of less than 200 mg/l for BOD and SS; (3) certain treatment technologies cannot achieve 85 percent removal under all conditions; and (4) retention of the

current percent removal requirement could cause overly stringent levels of treatment and use of expensive advanced treatment processes in some cases.

Based on these conclusions, the Agency developed and proposed the following five options, expressing a preference of either Option 1 or 4.

(1) Eliminate the mandatory requirement, but provide substitute language allowing and NPDES permitting authority to establish percent removal requirements for BOD_5 and SS;

(2) Modify the requirement so that it applies on an annual average basis instead of applying on a 30-day average basis;

(3) Modify the requirement to provide for a percent removal of BOD_5 and SS on a 30-day average that is less than 85 percent;

(4) Retain the 85 percent removal requirement, but allow the substitution of either a flow limit or a mass loading limit for BOD_5 and SS; and

(5) Determine percentage removal requirements on a case-by-case basis using the design removal efficiency for BOD_5 and SS.

The Agency supported Option 1 because it provided the permitting authority the greatest flexibility in adjusting the percent removal requirement for facilities that are meeting 30 mg/L BOD_5 and SS, but that cannot meet the percent removal requirement. The Agency supported Option 4 because retaining the 85 percent removal requirement, except for case-by-case substitution of flow or mass loading limits, would provide flexibility and, at the same time, encourage cost effective I/I reduction. Under both Options 1 and 4, the percent removal requirement would remain unchanged for those facilities that do not need relief.

D. Additional Request for Comments on the Selected Option to Amend the Percent Removal Requirements (September 20, 1984)

The overwhelming consensus of commenters on the November 1983 notice favored providing relief from the percent removal requirement, either by eliminating its mandatory application (Option 1) or by allowing substitution on a case-by-case basis of a flow limit or mass loading limit (Option 4). This consensus recognized that the original objective of the percent removal requirement, to encourage correction of excessive I/I, could be achieved more effectively through one of the above options.

Some commenters stated that all of the options for modifying the percent removal requirement (with the possible exception of Option 4) would cause an increase in the permissible discharge of BOD_5 and SS. They believed that the discharger, not the permitting authority, should show that the increase in BOD_5 and SS resulting from adjustment of percent removal requirements would not cause water quality problems. Some commenters noted that EPA must propose a specific percent removal amendment in the **Federal Register** before promulgating a final rule.

Based on the comments received on the proposed options and further Agency study of the issue, the Agency proposed selection of Option 4, modified to delete flow limits, as an amendment of the percent removal requirements in 40 CFR Part 133. On September 20, 1984, the Agency published a notice discussing the proposed option and soliciting additional public comments thereon (49 FR 37010–37014).

II. Summary of Final Regulation

Today's final rulemaking includes the following provisions:

—Requires a thirty (30) day average of not less than 85 percent removal for BOD_5, $CBOD_5$ and SS for conventional secondary treatment processes (e.g., conventional activated sludge treatment).

—Requires a thirty (30) day average of not less than 65 percent removal for BOD_5, $CBOD_5$ and SS (except SS limits for waste stabilization ponds) for treatment processes equivalent to secondary treatment (e.g., trickling filters).

—Provides special consideration for lowering the percent removal requirements or for substituting a mass limit for percent removal for certain POTW's that cannot meet the minimum percent removal due to less concentrated influent conditions.

—Treatment plants can apply for a permit adjustment in percent removal under this special consideration only if: (1) The treatment plant is consistently meeting or will consistently meet (for new plant) its other permit effluent concentration limitations, but its percent removal requirements cannot be met due to less concentrated influent; (2) to meet the percent removal requirement would require significantly more stringent effluent limitations than would otherwise be required by the concentration based standard; and (3) the less concentrated influent is not the result of "excessive" I/I.

Today's rulemaking also promulgates the percent removal requirements for treatment equivalent to secondary as final amendments. Those amendments (§ 133.105(a)(3), (b)(3), and (c)(1) (iii)) were published in interim final amendments in the September 20, 1984 rulemaking because the Agency was soliciting additional public comments on the percent removal requirement (49 FR 36986–9/20/84, 37007–9/20/84). The 65 percent removal requirements published as interim final amendments are being promulgated as final amendments in today's rulemaking.

III. Response to Additional Comments on the proposed September 20, 1984 Amendment to the Percentage Removal Requirements

The Agency has responded to all comments, which are available for inspection at EPA's Central Docket. Comments received on the original Notice of Proposed Rulemaking (48 FR 52258–11/16/83) were addressed in the Preamble of the September 20, 1984, request for additional comments (49 FR 3701–9/20/84), but were also considered in this final rulemaking. This section of the preamble will set out and address only the additional comments received on the September 20, 1984 notice.

(1) One commenter suggested that the 85 percent removal criterion be eliminated. This was based on the demonstrated ability of conventional secondary treatment processes to reliably achieve 30/30 mg/1 effluent BOD_5 and SS levels with normal domestic influent loading of 125 to 250 mg/1, and on the lack of direct correlation between influent strength and effluent quality.

The Agency does not concur. The Agency believes that most properly designed and operated secondary treatment plants can and should achieve 85 percent removal, or (a minimum) 65 percent removal in the case of treatment equivalent to secondary, over a wide range of influent conditions. Unnecessarily eliminating these requirements on a blanket basis could lead to less treatment in some cases and increased discharge of pollutants. These amendments, however, provide the flexibility to lower the percent removal requirement or substitute a mass limit in appropriate cases where the otherwise applicable percent removal cannot be achieved without advanced treatment due to less concentrated influent conditions.

(2) One commenter suggested dropping the use of the definition of excessive I/I found in 40 CFR 35.2005(b)(16) of the Construction Grant

Regulations and the additional criterion for non-excessive inflow of less than 275 gallons per capita per day (gpcpd) from the proposed secondary regulation. The commenter believes this amendment would lead to required I/I evaluations for many small communities where the I/I problems are well known but where I/I studies may not have been formally completed.

The Agency understands the commenter's concern but unnecessary I/I evaluations can be avoided without changing the definition. Sewer system evaluations of I/I are required to satisfy the construction grant requirements for funding. This amendment does not require new sewer system evaluations for every plant. All treatment facilities that have received, or will apply for construction grant assistance, must meet the requirements of the applicable construction grant regulations for demonstrating non-excessive I/I. The construction grant regulations apply to many treatment facilities that may be eligible for a change in the percent removal limit under this amendment. These regulations require demonstration by the grantee that the sewer system is not or will not be subject to "excessive" I/I in accordance with 40 CFR 35.2005(b)(c). These provisions set limits, including 120 gpcpd for base flow plus infiltration and 275 gpcpd for base flow plus infiltration plus inflow to be used as initial screening levels to check the separate sewer system for excessive I/I and to determine if additional evaluation is needed before a grant is awarded. If non-excessive flows were determined correctly, provided no major changes have occurred in the sewer system, then the previous grant determination will satisfy the non-excessive I/I requirements of (§ 133.103(d)(3)).

Non-grant funded treatment facilities and facilities funded before I/I requirements were imposed must either meet the 120 gpcpd and 275 gpcpd criteria for non-excessive I/I or demonstrate to the satisfaction of the permitting authority that the higher flows with less concentrated influent are not the result of excessive I/I. For example, plants with base flows and infiltration rates of less than 120 gpcpd and peak storm flows of less than 275 gpcpd would normally satisfy the requirements of § 133.103(d)(3). These flows can generally be obtained by simple flow monitoring and population calculations. Plants with less concentrated effluents and flows significantly higher than the 120 gpcpd and 275 gpcpd criteria must demonstrate to the permitting authority that the less concentrated influent are not the result of excessive I/I and do not cause chronic operating problems. This demonstration should include information on the condition of the sewer system, flow monitoring data, and reasons for the high flows. In most of these cases, a full sewer system evaluation survey and rehabilitation/correction plan would not be necessary.

(3) Another commenter recommended elimination of the percent removal requirement at the discretion of the permitting authority. This was based on a concern that the permitting authority needed more flexibility in dealing with complex problems, and the additional requirements that might be placed on municipalities to submit documents on I/I as defined in 40 CFR 35.2005(b)(16).

The Agency does not concur with this comment for the reasons discussed above. Also, to ensure the equity of the permit system, criteria must be established as a basis for adjusting the permit and applied to all cases. The Agency believes that the 120 gpcpd and 275 gpcpd flow criteria discussed above are reasonable and fair means of determining excessive I/I.

We note that by definition it is always cost-effective to remove excessive I/I. Therefore, locating and eliminating excessive I/I would benefit the community through cost savings realized over the long run. The final regulation encourages communities to eliminate excessive flows, and at the same time, gives the permitting authorities the flexibility necessary to deal with unusual situations.

(4) One commenter asked how the excessive infiltration requirements defined in 40 CFR 35.2120(c)(2)(i), would be applied to a treatment plant currently under construction and whether such plants would be required to eliminate excessive infiltration even though the plant had been designed to treat the flows and infiltration reduction had been found non-cost-effective.

A treatment plant currently under construction may be eligible for percent removal adjustment under this amendment if it meets all of the necessary conditions. For plants that have not yet completed construction, the permittee must satisfactorily demonstrate that the facility will consistently meet its other permit effluent concentration limits, but that its percent removal requirements cannot be met due to less concentrated influent. The permittee must also demonstrate that to meet the percent removal requirements the treatment works would have to provide significantly lower effluent concentrations (a difference of more than 5 mg/1 BOD_5) than would otherwise be required by the concentration based standard or would require significant construction or other significant capital expenditures. In addition, the permittee must demonstrate that the less concentrated influent is not due to "excessive" I/I.

If the plant was grant funded, the permittee should have already demonstrated that the less concentrated influent was not due to "excessive" I/I, and no additional information should be required to meet the flow conditions for permit adjustment under this amendment. If the plant were not grant funded, then the permittee must provide information as required by the permitting authority to show that the I/I is non-excessive before the percent removal requirements can be adjusted under this amendment.

(5) One commenter recommended that the proposed regulation allowing an optional mass limit be deleted. This was based on the contention that the proposed substitution conflicts with current NPDES permit regulations (40 CFR 122.45(b)(1) and (f)) which require permits to include mass loading limits based on design flow.

The Agency agrees that mass flow limits are based on design flow. The special condition, however, does not conflict with the Part 122 regulations. If mass limits as well as the required concentration limits are included in the POTW's permit, they must be based on the design flow (40 CFR 122.45(b)(1)). If the permitting authority decides to adjust the percent removal requirement, in accordance with these amendments, an adjusted percent removal limit based upon actual plant performance, or expected performance (for new plants) must be calculated. This percent removal can then be converted into a mass limit using the influent concentration values the design flow or existing mass loading. The permitting authority can insert the adjusted mass limit in the permit, in lieu of the percent removal requirement, if it so desires. The permit modification procedures under 40 CFR 122.62(a)(3) must be followed unless the permit has expired or a new discharge permit is being issued. Where concentration limits are also expressed as a mass limit in the current permit, the adjusted percent removal can be implemented by adjusting the mass limit.

(6) Another commenter expressed concern about the change in wording from the original preferred option (November 16, 1983, FR 52770) which allowed "substituting the percent removal requirements with either a flow

or mass loading limit." The commenter noted that the proposed regulation allows "substituting the percent removal with either a lower percent removal or a mass loading limit." The commenter was concerned that, without a flow limit, some communities with high I/I flows would be able to meet the permit limits for concentration and mass loading limits because of the dilution effect of the I/I.

The Agency dropped the substitution of a flow limit in place of the percent removal because it is not an appropriate substitution for the effluent quality based secondary treatment standards. Both percent removal and mass limits address the quality of the effluent (i.e., percent of the pollutant removed or pounds of pollutant discharged). A flow limit, on the other hand deals only with quantity (i.e., amount of water discharged).

Treatment plants that experience a dilution effect of I/I, and cannot meet the effluent concentration requirements or plants that have low influent concentrations due to excessive I/I are not eligible for permit adjustment under these amendments. These amendments only allow the permitting authority to adjust percent removal or substitute a mass loading limit for percent removal.

Although flow limits are not a requirement of these amendments, neither this amendment nor the NPDES regulation prohibits inclusion of an influent or effluent flow limit as a condition of the permit.

(7) One commenter noted that neither the response to comments nor the secondary treatment regulation addresses treatment works which handle large increases in wet weather flows from separate sewers with prohibitive costs for either sewer rehabilitation or treatment. In this case, sewer overflows do not meet the concentration limits for secondary treatment.

The Agency agrees that this final regulation does not apply to the commenter's case because it allows adjustment only of the percentage removal requirement and not the concentration limits of BOD_5 and SS. Under the final secondary treatment and construction grant regulations, these concentration limits must be met either through rehabilitating the sewer system to prevent overflows and bypasses or conveying and treating these flows.

(8) Another commenter requested clarification of the proposed special condition (40 CFR 133.103(d)) to confirm that it applies only to separate sanitary sewer systems and not combined sewers.

The Agency concurs and has added the words "in Separate Sewers" to the title of the special condition.

(9) Another commenter recommended that the percent removal requirement for secondary treatment include an absolute minimum percent limit. This suggestion recognizes that the typical treatment level for high rates of inflow is primary settling and that, on this basis, the minimum removal should be 50–60 percent.

The Agency agrees that primary settling processes can achieve 50–60 percent BOD removal under normal flow conditions. However, such removal may not always be attained during high flow periods. Further, it would not be appropriate to set a minimum value for secondary treatment based on the performance of a primary treatment process. We thus believe that the permitting authority should have sufficient flexibility to adjust the 85 or 65 percent removal requirements on a case-by-case basis without the constraint of an arbitrary percentage floor.

IV. Process for Revising NPDES Permits

A. General Discussion

Under this final rule, NPDES permitting authorities would be allowed to modify the percent removal requirement in existing secondary treatment permits on a case-by-case basis, based on the removal capability of the treatment plant, influent wastewater concentration and the I/I situation. The concentration limits in the permit would remain unchanged.

Due to the number of municipal permits that could potentially be impacted by this regulation, the preferred method of implementation would be to revise the percent removal limitation during the normal period for permit reissuance. Permittees who wish to request permit modification prior to reissuance may do so, but must submit their requests for modification within 90 days of the effective date of this regulation (40 CFR 122.62).

In no case shall a permit be adjusted where the permitting authority determines that adverse water quality impacts will result from a change in permit limits. The Agency's NPDES permit regulations already require that any permit effluent limitations result in compliance with applicable water quality standards, state effluent requirements, and other provisions of the Act (40 CFR 122.44 and 40 CFR 124.53).

B. Impact of the Percent Removal Requirements

In addition to providing requirements for percent removal for secondary treatment and for treatment equivalent to secondary treatment, these amendments also provide special consideration for the adjustment in the percent removal for facilities with less concentrated influent. In order to be eligible for a permit adjustment for percent removal these facilities must meet all of the requirements in section 133.103(d) which requires the permittee to demonstrate that: (1) It is meeting, or will meet, its permit effluent concentration limits but its percent removal requirements cannot be met due to less concentrated wastewater influent; (2) to meet the percent removal requirements, it would have to achieve significantly more stringent limitations than would otherwise be required by the concentration-based standards and (3) the less concentrated influent is not due to excessive I/I.

The term "significantly more stringent limitations" is defined in the new paragraph § 133.101(m) to mean: (1) BOD_5 and SS limitations necessary to meet the percent removal requirement would have to be at least 5 mg/1 more stringent than the otherwise applicable concentration-based limitations (e.g., less than 25 mg/1 in the case of the secondary treatment limits for BOD_5 and SS), or (2) the percent removal limitations in §§ 133.102 and 133.105, if such limits would, by themselves, force significant construction or other significant capital expenditure. Costs for operation, maintenance or replacement (as defined in 40 CFR 35.2005(b)(30)&(36)) necessary to meet the applicable percent removal requirements would not be grounds for consideration of an adjustment.

Although these provisions would allow the percent removal requirement for equivalent technologies to be adjusted below 65 percent in certain extreme cases where very dilute influents occur during wet seasons, the 65 percent removal criterion would still be used in determining whether a facility is providing "significant biological treatment" (40 CFR 133.101(k)).

If a treatment facility would not have to "achieve significantly more stringent limitations" (as defined above) in order to meet its percent removal requirements, the treatment works would have to meet the applicable percent removal requirement (i.e., 85 percent or 65 percent, respectively). Agency experience has shown that well

designed, operated and maintained secondary and equivalent facilities which are otherwise meeting their BOD_5 and SS concentration limits generally will be able to achieve somewhat more stringent limitations without using advanced treatment processes. For example, activated sludge processes, operated at or under their design loadings, are generally capable of achieving effluents of at least 25 mg/1 for BOD and SS, particularly when the influent concentrations for these parameters are less than 200 mg/1.

To show that the less concentrated influent wastewater is not the result of excessive I/I, the POTW authority would be required to submit information to the permitting authority that documents the flow to the facility (based on representative facility flow records and discharge monitoring reports) and the population of the service area. A minimum of one year of plant data which covers all seasons should be submitted to the permitting authority to verify the influent wastewater concentration and I/I situation. This information must demonstrate that the influent flows do not exceed the 120 and 275 gpcpd criteria applied to non-excessive infiltration and non-excessive inflow. Should the flows exceed either of these criteria, the demonstration of non-excessive I/I must include information satisfactory to the permitting authority on the condition of the sewer system and reasons infiltration or inflow cannot be reduced cost effectively. Information submitted for either of the above cases must verify that the facility does not have chronic operational problems due to hydraulic overloading.

Treatment facilities that have received or will receive construction grant assistance must comply with all of the applicable grant conditions including demonstration that the facility is not or will not be subject to "excessive" I/I (40 CFR 35.2005(b)(15). If the non-excessive flow were determined correctly, provided no major changes have occurred in the sewer system, then the previous grant determination should satisfy the non-excessive I/I requirements of this amendment.

Non-grant funded treatment facilities and facilities funded before I/I requirements were imposed must, nevertheless, either meet the 120 gpcpd and 275 gpcpd criteria for non-excessive I/I or demonstrate to the satisfaction of the permitting authority that the higher flows with less concentrated influent are not the result of "excessive" I/I. This does not mean that full sewer system analysis would be required.

The following guidance on conducting a sewer evaluation survey and cost-effectiveness analysis has been published by EPA: The 1975 "Handbook for Sewer System Evaluation and Rehabilitation" (EPA 430/9–75–021), "Construction Grants 1985 (CG–85)" (EPA 430–9–84–004) and "Handbook of Procedures" (EPA 430/9–84–003). This guidance is available from: U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.

When adjusting the percent removal requirement for a particular facility, the permitting authority would base the revised percent removal requirement or mass loading on the values achievable through proper operation and maintenance of the facility. In cases where less concentrated influents are a result of seasonal increases in flow, the permitting authority should consider seasonal permit limits with an adjusted percent removal requirement only during those periods when increased flows or lower influent concentrations are occurring (e.g., lower percent removal or mass limits would apply only during certain months). An example of such a condition is the seasonal increase in flow from the elevated groundwater levels during wet seasons.

This final rule recognizes that the percent removal requirement is a valuable regulatory tool but will allow for substitution of a lower percent removal or a mass loading limit since either can represent a given effluent quality. This flexibility provides relief to facilities that are experiencing various degrees of less concentrated influent and cannot meet the present percent removal requirement without significant additional construction.

The Agency believes that this amendment will better reflect the influent strengths actually occurring and recognizes the limited effectiveness of I/I correction. There will be greater flexibility given to the permitting authority by allowing use of case-by-case analysis to adjust the percent removal requirements where the 85 percent requirement cannot be met. This case-by-case analysis has been successful in allowing special consideration for adjusting percent removal requirements for combined sewer systems (§ 133.103(a)).

Under these amendments the adjustments of the percent removal requirements in NPDES permits would be made on a case-by-case basis, based on the removal capability of the POTW, influent wastewater concentration and the I/I situation. The concentration limits in the permit would remain the same.

Where concentration limits are also expressed as a mass limit in the current permit, the adjusted percent removal limit can be implemented by adjusting the mass limit.

V. Regulatory Reviews

A. Executive Order 12291

Under Executive Order (E.O.) 12291, EPA is required to judge whether a regulation is "major" and therefore subject to the regulation impact analysis requirements of the Order or whether it may follow other development procedures. The Agency has determined that this regulation is not a major rule within the scope of E.O. 12291. This final rulemaking was submitted to the Office of Management and Budget (OMB) for review as required under E.O. 12291.

B. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, EPA must submit a copy of any proposed rule which contains a collection of information requirement to the Director of OMB for review and approval. The Agency determined that this regulation does not significantly increase the data collection of information requirements (OMB Control Number 2040–0051).

C. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires EPA to assess the impact of its regulatory proposals on "small entities." No regulatory flexibility analysis is required, however, where the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

The secondary treatment amendments promulgated today will allow permitting authorities to modify percent removal requirements for some small communities. Where requirements are modified, the operation and maintenance costs of existing facilities may be reduced. The estimates of the ultimate benefits that will accrue to small communities as a result of these amendments are uncertain because of the flexibility provided and inherent resulting difficulties in estimating cost impacts. Although precise quantification of costs and benefits is not possible, the Agency believes that this rulemaking will result in cost savings.

The Agency believes that today's regulation will not result in any significant economic impact on small communities. Accordingly, I hereby certify, pursuant to 5 U.S.C. 605(b), that

this amendment will not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 133

Publicly owned treatment works, Waste treatment and disposal, Water pollution control.

Dated: May 13, 1985.

Lee M. Thomas,

Administrator.

Appendix A—Abbreviations, Acronyms and Terms Used in This Notice

Act—The Clean Water Act.
Agency—The United States Environmental Protection Agency.
BOD—A pollutant parameter for the biochemical oxygen demand of wastewater, which typically includes both a carbonaceous and a nitrogenous portion.
BOD_5—The BOD exerted in a 5-day period.
CBOD—The carbonaceous portion of the BOD of wastewater.
$CBOD_5$—The CBOD exerted in a 5-day period.
CG–85—EPA guidance document entitled "Construction Grants—1985, July 1984."
CWA—The Clean Water Act.
Clean Water Act—The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 *et seq.*), as amended by the Clean Water Act of 1977 (Pub. L. 95–217) and the Municipal Wastewater Treatment Construction Grant Amendments of 1981 (Pub. L. 97–117).
EPA—The United States Environmental Protection Agency.
gpcpd—Gallons per capita per day.
I/I—Infiltration and inflow.
mgd—Millions gallons per day.
mg/l—Milligrams per liter.
NOD—The nitrogenous portion of the BOD of wastewater.
NPDES permit—A National Pollutant Discharge Elimination System permit issued under section 402 of the Act.
OMB—Office of Management and Budget.
POTW—Publicly owned treatment works.
SS—Suspended solids.
TF—Trickling filter.
Technical Support Document—"Technical Support Document for Regulations under section 304(d)(4)."
WSP—Waste stabilization pond.
1981 Amendments—The Municipal Wastewater Treatment Construction Grant Amendments of 1981 (Pub. L. 97–117).

For the reasons set forth in the preamble, EPA is amending 40 CFR, Part 133 as follows:

PART 133—SECONDARY TREATMENT REGULATION

1. The authority section in Part 133 reads as follows:

Authority: Secs. 301(b)(1)(B), 304(d)(1), 304(d)(4), 308, and 501 of the Federal Water Pollution Control Act as amended by the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, and the Municipal Wastewater Treatment Construction Grant Amendments of 1981; 33 U.S.C. 1311(b)(1)(B), 1314(d) (1) and (4), 1318, and 1361; 86 Stat. 816, Pub. L. 92–500; 91 Stat. 1567, Pub. L. 95–217; 95 Stat. 1623, Pub. L. 97–117.

2. Section 133.101 is amended by adding the new paragraphs (m) and (n) as follows:

§ 133.101 Definitions.

* * * * *

(m) "Significantly more stringent limitation" means BOD_5 and SS limitations necessary to meet the percent removal requirements of at least 5 mg/l more stringent than the otherwise applicable concentration-based limitations (e.g., less than 25 mg/l in the case of the secondary treatment limits for BOD_5 and SS), or the percent removal limitations in §§ 133.102 and 133.105, if such limits would, by themselves, force significant construction or other significant capital expenditure.

(n) "State Director" means the chief administrative officer of any State or interstate agency operating an "approved program," or the delegated representative of the State Director.

3. Section 133.102 is not amended by this action, but the percent removal requirements for secondary treatment are restated here for completeness:

§ 133.102 Secondary Treatment.

* * * * *

(a) * * *

(3) The 30-day average percent removal shall not be less than 85%.

(4) * * * (iii) The 30-day average percent removal shall not be less than 85%.

(b) * * *

(3) The 30-day average percent removal shall not be less than 85%.

4. Section 133.103 is amended by adding a new paragraph (d) as follows:

§ 133.103 Special Considerations.

* * * * *

(d) *Less Concentrated Influent Wastewater For Separate Sewers.* The Regional Administrator or, if appropriate, State Director is authorized to substitute either a lower percent removal requirement or a mass loading limit for the percent removal requirements set forth in §§ 133.102(a)(3), 133.102(a)(4)(iii), 133.102(b)(3), 102.105(a)(3), 133.105(b)(3) and 133.105(e)(4)(iii) provided that the permittee satisfactorily demonstrates that: (1) The treatment works is consistently meeting, or will consistently meet, its permit effluent concentration limits but its percent removal requirements cannot be met due to less concentrated influent wastewater, (2) to meet the percent removal requirements, the treatment works would have to achieve significantly more stringent limitations than would otherwise be required by the concentration-based standards, and (3) the less concentrated influent wastewater is not the result of excessive I/I. The determination of whether the less concentrated wastewater is the result of excessive I/I will use the definition of excessive I/I in 40 CFR 35.2005(b)(16) plus the additional criterion that inflow is nonexcessive if the total flow to the POTW (i.e., wastewater plus inflow plus infiltration) is less than 275 gallons per capita per day.

[FR Doc. 85–12970 Filed 5–31–85; 8:45 am]

BILLING CODE 6560–50–M

federal register

Monday
June 3, 1985

Part III

Department of Education

34 CFR Part 650

National Graduate Fellows Program; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 650

National Graduate Fellows Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes regulations to govern the National Graduate Fellows Program. The regulations are needed to implement Title IX, Part C of the Higher Education Act of 1965, as amended by the Education Amendments of 1980, 20 U.S.C. 1134h–1134k. These regulations specify how an individual applies for a fellowship, what conditions must be met by a fellow for continued eligibility, and how the amount of a fellowship will be determined. In addition, these regulations describe the responsibilities of the National Graduate Fellows Program Fellowship Board (the Fellowship Board).

DATES: Comments must be received on or before July 3, 1985.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Joel D. West, Chairman, National Graduate Fellows Program Task Force, Office of Higher Education Programs, Office of Postsecondary Education, U.S. Department of Education, (Room 3022, ROB–3), 400 Maryland Avenue SW., Washington, D.C. 20202.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Charles Griffith, Director, Division of Higher Education Incentive Programs, Office of Higher Education Programs, Office of Postsecondary Education, U.S. Department of Education, (Room 3022, ROB–3) 400 Maryland Avenue SW., Washington, D.C. 20202, telephone (202) 245–3253.

SUPPLEMENTARY INFORMATION: The National Graduate Fellows Program is authorized under Title IX, Part C, of the Higher Education Act of 1965, as amended. The statute provides for fellowships to be awarded to students to study at the doctoral level in selected fields of the humanities, arts and social sciences. Many of the responsibilities under this program regarding procedures and criteria for selection of fellows and general policies for the program are vested in the Fellowship Board. The Fellowship Board is composed of individual representatives of both public and private institutions of higher education appointed by the President. The proposed regulations do not establish rules on matters for which the Fellowship Board has responsibility.

Executive Order 12291

The proposed regulations have been reviewed in accordance with Executive Order 12291.

They are classified as non-major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. This program awards fellowships to students for study at the doctoral level in selected fields. Individuals are not considered to be small entities under the Regulatory Flexibility Act.

Paperwork Reduction Act

Section 650.44(b) contains information collection requirements. As required by section 350(h) of the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these proposed regulations to the Office of Management and Budget (OMB) for its review. Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, D.C. 20503; Attention: Joseph F. Lackey, Jr.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3022, ROB–3, 7th and D Streets SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 650

Colleges and Universities, Education.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parenthesis on the line following each substantive provision of these proposed regulations.

(Catalog of Federal Domestic Assistance Number 84.173; National Graduate Fellows Program)

Dated: May 30, 1985.

William J. Bennett,

Secretary of Education.

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by adding a new Part 650 to read as follows:

PART 650—NATIONAL GRADUATE FELLOWS PROGRAM

Subpart A—General

Sec.

Subpart B—How Does an Individual Apply for a Fellowship?

Subpart C—How Are Fellows Selected?

Subpart D—What Conditions Must Be Met by Fellows?

Subpart E—What Are the Administrative Responsibilities of the Institution?

Sec.

Authority: Part C of Title IX of the Higher Education Act, as amended by Pub. L. 98–374, 94 Stat. 1367 (20 U.S.C. 1134h–1134k), unless otherwise noted.

Subpart A—General

§ 650.1 What is the National Graduate Fellows Program?

Under the National Graduate Fellows Program the Secretary awards fellowships to students for study at the doctoral level in selected fields of the arts, humanities, and social sciences.

(20 U.S.C. 1134h)

§ 650.2 Who is eligible to apply for a fellowship under this program?

An individual is eligible to apply for a fellowship under the National Graduate Fellows Program if the individual—

(a) At the time of application, is eligible to begin or has begun graduate study at the doctoral level at an accredited institution of higher education;

(b)(1) Is a citizen or national of the United States;

(2) Is a permanent resident of the United States;

(3) Provides evidence from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident; or

(4) Is a permanent resident of the Trust Territory of the Pacific Islands, or the Northern Mariana Islands; and

(c) Meets any additional eligibility requirements established by the Fellowship Board.

(20 U.S.C. 1134h–1134k)

§ 650.3 What regulations apply to the National Graduate Fellows Program?

The following regulations apply to this program:

(a) The regulations in this Part 650.

(b) The regulations in EDGAR 34 CFR and Parts 74 and 75, except for the following provisions in EDGAR 34 CFR Part 75, which do not apply:

(1) Subpart C—How to apply for a grant.

(2) Subpart D—How grants are made.

(3) Sections 75.580–75.592 of Subpart E.

(c) For the purposes of the regulations in this part, the terms "grantee" and "recipient", as used in EDGAR, mean an institution of higher education that administers a fellowship award under this part.

(20 U.S.C. 1134h)

§ 650.4 What definitions apply to the National Graduate Fellows Program?

The following definitions apply to terms used in this part:

"Act" means the Higher Education Act of 1965, as amended.

"Fellow" means a fellowship recipient under this part.

"Fellowship" means an award made to a person for graduate study under this part.

"Fellowship Board" means the National Graduate Fellows Program Fellowship Board, composed of individual representatives of both public and private institutions of higher education who are appointed by the President to establish general policies for the program and oversee its operation.

"Institution of higher education" means an institution of higher education as defined in section 1201(a) of the Act.

"Satisfactory progress" means a fellow's progress, in the program for which the fellowship is awarded, that meets or exceeds the institution's norms or standards for doctoral student advancement, as verified by a certified report from the institution to the Secretary.

"Secretary" means Secretary of the Department of Education or an official or employee of the Department acting for the Secretary under a delegation of authority.

"Stipend" means the amount paid to an individual awarded a fellowship, including an allowance for subsistence and other expenses for the individual and his or her dependents.

(20 U.S.C. 1134h–1134k)

§ 650.5 What does a fellowship award include?

The Secretary awards fellowships consisting of the following:

(a) A stipend paid to the fellow, based upon an annual determination of the fellow's financial need, as set forth in § 650.42.

(b) An annual allowance paid to the institution in which the fellow is enrolled, of (1) $6,000.00, or (2) tuition and other expenses otherwise required by the institution as part of its instructional program, whichever is less.

(20 U.S.C. 1134j)

Subpart B—How Does an Individual Apply for a Fellowship?

§ 650.10 How does an individual apply for a fellowship?

An individual shall apply to the Secretary for a fellowship award in response to an application notice published by the Secretary in the Federal Register.

(20 U.S.C. 1134h)

Subpart C—How Are Fellows Selected?

§ 650.20 What are the selection procedures?

(a) The Fellowship Board establishes criteria for the selection of fellows.

(b) Each year the Fellowship Board selects specific fields of study, and the number of fellows in each field (within the humanities, arts and social sciences), for which fellowships will be awarded.

(c) The Fellowship Board appoints panels of distinguished members in each field to evaluate applications.

(d) The Fellowship Board may make awards of the fellowships each year in two or more stages, taking into account at each stage the amount of funds remaining after the level of funding for awards previously made has been established or adjusted.

(20 U.S.C. 1134i)

Subpart D—What Conditions Must Be Met by Fellows?

§ 650.30 Where may fellows study?

A fellow may use the fellowship only for enrollment in a doctoral program at an institution of higher education which is accredited by an accrediting agency or association recognized by the Secretary, which accepts the fellow for graduate study, and which has agreed to comply with the provisions of this part applicable to institutions.

(20 U.S.C. 1134h–1134k)

§ 650.31 What is the duration of a fellowship?

(a) An individual may receive a fellowship under this program for up to 48 months or until receiving the doctoral degree being sought, whichever occurs first.

(b) A fellow who maintains satisfactory progress in his or her course of study may have the fellowship renewed annually, subject to the availability of funds.

(20 U.S.C. 1134h)

§ 650.32 What conditions must be met by fellows?

In order to continue to receive payments under a fellowship, a fellow shall—

(a) Maintain satisfactory progress in the program for which the fellowship was awarded as determined by the institution of higher education;

(b) Devote essentially full time to study or research in the field in which the fellowship was awarded, as determined by the institution of higher education;

(c) Not engage in gainful employment during the period of the fellowship except on a part-time basis, for the institution of higher education at which the fellowship was awarded, in teaching, research, or similar activities approved by the Secretary; and

(d) Begin study under the fellowship in the academic year specified in the fellowship award.

(20 U.S.C. 1134h–1134k)

§ 650.33 May fellowship tenure be interrupted?

(a) A fellow may interrupt periods of study under the fellowship for a period of up to 12 months for the purpose of work, travel or independent study (not part of the fellow's program at the institution of higher education) away from the institution of higher education at which the fellow is enrolled only if—

(1) The work, travel, or independent study is a supportive of the fellow's academic program;

(2) The leave of absence is approved by the institution at which the fellow is enrolled; and

(3) The leave of absence is approved by the Secretary.

(b) The Secretary makes no awards to the fellow or the institution during the leave of absence.

(20 U.S.C. 1134h)

§ 650.34 May fellows make changes in institution or field of study?

After an award is made, a fellow may not make any change in the field of study or institution attended without the prior approval of the Secretary.

(20 U.S.C. 1134k)

§ 650.35 What records and reports are required from fellows?

Each individual who is awarded a fellowship shall keep such records and submit such reports as are required by the Secretary.

(20 U.S.C. 1134k)

Subpart E—What Are the Administrative Responsibilities of the Institution?

§ 650.40 What institutional agreements are needed?

Students enrolled in an otherwise eligible institution of higher education may receive fellowships only if the institution enters into an agreement with the Secretary to comply with the provisions of this part.

(20 U.S.C. 1134h–1134k)

§ 650.41 How are institutional allowances to be administered?

(a) An institution shall treat the institutional allowance paid by the Secretary to the institution on behalf of a fellow as full payment by the fellow, for the period covered by the allowance, for tuition and other expenses otherwise required by the institution as part of its instructional program.

(b) If the fellow is enrolled for less than a full academic year, the Secretary pays the institution a pro rata share of the allowance.

(20 U.S.C. 1134j)

§ 650.42 How are stipends to be administered?

(a) An institution shall calculate the amount of a fellow's financial need annually in the same manner as that in which the institution calculates its students' financial need under the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant programs (34 CFR Parts 674, 675, and 676), except that for this purpose any instructional costs covered by the institutional allowance under § 650.41 may not be treated as costs of attendance.

(b) The institution shall pay the fellow the stipend, in the amount of his financial need or $10,000, whichever is less, from funds advanced to the institution for this purpose by the Secretary. However, the institution shall not pay a stipend to a fellow whose adjusted family income, as calculated under paragraph (a), exceeds $32,500. The institution shall return to the Secretary any unused funds advanced for a stipend at the time and in the manner as may be specified by the Secretary.

(c) If a fellow is enrolled for less than a full academic year, the institution shall pay the student a pro rata share of the stipend.

(20 U.S.C. 1134j)

§ 650.43 How are disbursement and return of funds made?

(a) An institution shall disburse a stipend to a fellow in installments. No fewer than two installments per academic year may be made. If the fellowship is vacated or discontinued, the institution shall return any unexpended funds to the Secretary at the time and in such manner required by the Secretary.

(b) A fellow who withdraws from an institution before completion of an academic period for which a stipend installment has been paid to him shall return to the institution a prorated portion of the stipend installment, as determined by the Secretary. The institution shall return the funds to the Secretary at the time and in the manner required by the Secretary.

(c) If a fellow withdraws from an institution before completion of an academic period, the institution shall refund to the Secretary a prorated portion of the institutional allowance it received with respect to that student at the time and in the manner required by the Secretary.

(20 U.S.C. 1134j)

§ 650.44 What records and reports are required from institutions?

(a) An institution shall provide to the Secretary, prior to receipt by such institution of funds for disbursement to a fellow, a certification from an appropriate official at the institution stating whether that fellow is making satisfactory progress in, and is devoting essentially full time to the program for which the fellowship was awarded.

(b) An institution shall keep such records as are necessary to establish the timing and amount of all disbursements of stipends.

(20 U.S.C. 1134k)

[FR Doc. 85–13371 filed 5–31–85; 8:45 am]
BILLING CODE 4000-01-M

Reader Aids

Federal Register

Vol. 50, No. 106

Monday, June 3, 1985

INFORMATION AND ASSISTANCE

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Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual	523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JUNE

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List May 30, 1985

TABLE OF EFFECTIVE DATES AND TIME PERIODS—JUNE 1985

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or a holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
June 3	June 18	July 3	July 18	August 2	September 3
June 4	June 19	July 5	July 19	August 5	September 3
June 5	June 20	July 5	July 22	August 5	September 3
June 6	June 21	July 8	July 22	August 5	September 4
June 7	June 24	July 8	July 22	August 6	September 5
June 10	June 25	July 10	July 25	August 9	September 9
June 11	June 26	July 11	July 26	August 12	September 9
June 12	June 27	July 12	July 29	August 12	September 10
June 13	June 28	July 15	July 29	August 12	September 11
June 14	July 1	July 15	July 29	August 13	September 12
June 17	July 2	July 17	August 1	August 16	September 16
June 18	July 3	July 18	August 2	August 19	September 16
June 19	July 5	July 19	August 5	August 19	September 17
June 20	July 5	July 22	August 5	August 19	September 18
June 21	July 8	July 22	August 5	August 20	September 19
June 24	July 9	July 24	August 8	August 23	September 23
June 25	July 10	July 25	August 9	August 26	September 23
June 26	July 11	July 26	August 12	August 26	September 24
June 27	July 12	July 29	August 12	August 26	September 25
June 28	July 15	July 29	August 12	August 27	September 26

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $550 domestic, $137.50 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Charge orders (VISA, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at **(202) 783-3238** from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	$5.50	Apr. 1, 1985
3 (1984 Compilation and Parts 100 and 101)	7.50	Jan. 1, 1985
4	12.00	Jan. 1, 1985
5 Parts:		
1–1199	13.00	Jan. 1, 1984
1–1199 (Special Supplement)	None	Jan. 1, 1984
1200–End, 6 (6 Reserved)	7.50	Jan. 1, 1985
7 Parts:		
0–45	14.00	Jan. 1, 1985
46–51	13.00	Jan. 1, 1985
52	14.00	Jan. 1, 1985
53–209	14.00	Jan. 1, 1985
210–299	13.00	Jan. 1, 1985
300–399	8.00	Jan. 1, 1985
400–699	12.00	Jan. 1, 1985
700–899	14.00	Jan. 1, 1985
900–999	14.00	Jan. 1, 1985
1000–1059	12.00	Jan. 1, 1985
1060–1119	9.50	Jan. 1, 1985
1120–1199	8.00	Jan. 1, 1985
1200–1499	13.00	Jan. 1, 1985
1500–1899	7.50	Jan. 1, 1985
1900–1944	12.00	Jan. 1, 1985
1945–End	13.00	Jan. 1, 1985
8	7.50	Jan. 1, 1985
9 Parts:		
1–199	13.00	Jan. 1, 1985
200–End	9.50	Jan. 1, 1985
10 Parts:		
0–199	17.00	Jan. 1, 1985
200–399	9.50	Jan. 1, 1985
400–499	12.00	Jan. 1, 1985
500–End	14.00	Jan. 1, 1985
11	7.50	Jan. 1, 1985
12 Parts:		
1–199	8.00	Jan. 1, 1985
200–299	14.00	Jan. 1, 1985
300–499	9.50	Jan. 1, 1985
500–End	14.00	Jan. 1, 1985
13	13.00	Jan. 1, 1985
14 Parts:		
1–59	16.00	Jan. 1, 1985
60–139	13.00	Jan. 1, 1985
140–199	7.50	Jan. 1, 1985
200–1199	15.00	Jan. 1, 1985
1200–End	8.00	Jan. 1, 1985
15 Parts:		
0–299	6.50	Jan. 1, 1985
300–399	13.00	Jan. 1, 1985
400–End	12.00	Jan. 1, 1985
16 Parts:		
0–149	9.00	Jan. 1, 1985
150–999	10.00	Jan. 1, 1985
1000–End	13.00	Jan. 1, 1985
17 Parts:		
1–239	14.00	Apr. 1, 1984
240–End	13.00	Apr. 1, 1984
18 Parts:		
1–149	12.00	Apr. 1, 1984
150–399	15.00	Apr. 1, 1984
400–End	7.00	Apr. 1, 1985
19	17.00	Apr. 1, 1984
20 Parts:		
1–399	8.00	Apr. 1, 1985
400–499	13.00	Apr. 1, 1984
500–End	14.00	Apr. 1, 1984
21 Parts:		
1–99	9.00	Apr. 1, 1985
100–169	12.00	Apr. 1, 1984
170–199	12.00	Apr. 1, 1984
200–299	4.25	Apr. 1, 1985
300–499	14.00	Apr. 1, 1984
500–599	16.00	Apr. 1, 1985
600–799	6.00	Apr. 1, 1984
800–1299	9.50	Apr. 1, 1984
1300–End	5.50	Apr. 1, 1985
22	17.00	Apr. 1, 1984
***23**	14.00	Apr. 1, 1985
24 Parts:		
0–199	8.00	Apr. 1, 1984
200–499	14.00	Apr. 1, 1984
500–699	6.00	Apr. 1, 1984
700–1699	12.00	Apr. 1, 1984
1700–End	9.50	Apr. 1, 1984
25	14.00	Apr. 1, 1984
26 Parts:		
§§ 1.0–1.169	14.50	Apr. 1, 1984
§§ 1.170–1.300	12.00	Apr. 1, 1985
§§ 1.301–1.400	7.50	Apr. 1, 1984
§§ 1.401–1.500	13.00	Apr. 1, 1984
§§ 1.501–1.640	12.00	Apr. 1, 1984
§§ 1.641–1.850	12.00	Apr. 1, 1984
§§ 1.851–1.1200	14.00	Apr. 1, 1984
§§ 1.1201–End	17.00	Apr. 1, 1984
2–29	13.00	Apr. 1, 1984
30–39	9.00	Apr. 1, 1984
40–299	14.00	Apr. 1, 1984
300–499	9.50	Apr. 1, 1984
500–599	8.00	[1] Apr. 1, 1980
600–End	5.50	Apr. 1, 1984
27 Parts:		
1–199	13.00	Apr. 1, 1984
200–End	12.00	Apr. 1, 1984
28	13.00	July 1, 1984
29 Parts:		
0–99	14.00	July 1, 1984
100–499	6.50	July 1, 1984
500–899	14.00	July 1, 1984
900–1899	7.50	July 1, 1984
1900–1910	15.00	July 1, 1984
1911–1919	5.50	July 1, 1984
1920–End	14.00	July 1, 1984
30 Parts:		
0–199	13.00	July 1, 1984
200–699	5.50	July 1, 1984
700–End	13.00	July 1, 1984
31 Parts:		
0–199	8.00	July 1, 1984
200–End	9.50	July 1, 1984

Title	Price	Revision Date
32 Parts:		
1–39, Vol. I	15.00	July 1, 1984
1–39, Vol. II	19.00	July 1, 1984
1–39, Vol. III	18.00	July 1, 1984
40–189	13.00	July 1, 1984
190–399	13.00	July 1, 1984
400–629	13.00	July 1, 1984
630–699	12.00	July 1, 1984
700–799	13.00	July 1, 1984
800–999	9.50	July 1, 1984
1000–End	6.00	July 1, 1984
33 Parts:		
1–199	14.00	July 1, 1984
200–End	13.00	July 1, 1984
34 Parts:		
1–299	14.00	July 1, 1984
300–399	8.50	July 1, 1984
400–End	14.00	July 1, 1984
35	7.50	July 1, 1984
36 Parts:		
1–199	9.00	July 1, 1984
200–End	12.00	July 1, 1984
37	8.00	July 1, 1984
38 Parts:		
0–17	14.00	July 1, 1984
18–End	9.50	July 1, 1984
39	8.00	July 1, 1984
40 Parts:		
1–51	13.00	July 1, 1984
52	14.00	July 1, 1984
53–80	18.00	July 1, 1984
81–99	14.00	July 1, 1984
100–149	9.50	July 1, 1984
150–189	13.00	July 1, 1984
190–399	13.00	July 1, 1984
400–424	13.00	July 1, 1984
425–End	14.00	July 1, 1984
41 Chapters:		
1, 1–1 to 1–10	13.00	July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	July 1, 1984
3–6	14.00	July 1, 1984
7	6.00	July 1, 1984
8	4.50	July 1, 1984
9	13.00	July 1, 1984
10–17	9.50	July 1, 1984
18, Vol. I, Parts 1–5	13.00	July 1, 1984
18, Vol. II, Parts 6–19	13.00	July 1, 1984
18, Vol. III, Parts 20–52	13.00	July 1, 1984
19–100	13.00	July 1, 1984
101	15.00	July 1, 1984
102–End	9.50	July 1, 1984
42 Parts:		
1–60	12.00	Oct. 1, 1984
61–399	8.00	Oct. 1, 1984
400–End	18.00	Oct. 1, 1984

Title	Price	Revision Date
43 Parts:		
1–999	9.50	Oct. 1, 1984
1000–3999	14.00	Oct. 1, 1984
4000–End	8.00	Oct. 1, 1984
44	13.00	Oct. 1, 1984
45 Parts:		
1–199	9.50	Oct. 1, 1984
200–499	6.50	Oct. 1, 1984
500–1199	13.00	Oct. 1, 1984
1200–End	9.50	Oct. 1, 1984
46 Parts:		
1–40	9.50	Oct. 1, 1984
41–69	9.50	Oct. 1, 1984
70–89	6.00	Oct. 1, 1984
90–139	9.00	Oct. 1, 1984
140–155	9.50	Oct. 1, 1984
156–165	10.00	Oct. 1, 1984
166–199	9.00	Oct. 1, 1984
200–499	13.00	Oct. 1, 1984
500–End	7.50	Dec. 31, 1984
47 Parts:		
0–19	13.00	Oct. 1, 1984
20–69	14.00	Oct. 1, 1984
70–79	13.00	Oct. 1, 1984
80–End	14.00	Oct. 1, 1984
48 Chapters:		
1 (Parts 1–51)	13.00	Oct. 1, 1984
1 (Parts 52–99)	13.00	Oct. 1, 1984
2	13.00	Oct. 1, 1984
3–6	12.00	Oct. 1, 1984
7–14	14.00	Oct. 1, 1984
15–End	12.00	Oct. 1, 1984
49 Parts:		
1–99	7.50	Oct. 1, 1984
100–177	14.00	Nov. 1, 1984
178–199	13.00	Nov. 1, 1984
200–399	13.00	Oct. 1, 1984
400–999	13.00	Oct. 1, 1984
1000–1199	13.00	Oct. 1, 1984
1200–1299	13.00	Oct. 1, 1984
1300–End	3.75	Oct. 1, 1984
50 Parts:		
1–199	9.50	Oct. 1, 1984
200–End	14.00	Oct. 1, 1984
CFR Index and Findings Aids	18.00	Jan. 1, 1985
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[1] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1985. The CFR volume issued as of Apr. 1, 1980, should be retained.